



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
9 FEBRUARY 2012

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	A portion of the following 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.	
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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

9 FEBRUARY 2012

Mayor and Councillors

GENERAL MANAGER'S REPORTS

GM12/1 DESTINATION 2036 - DRAFT ACTION PLAN

Purpose:

To summarise the draft Destination 2036 Action Plan and suggest Council make a submission to the NSW Division of Local Government.

Description of Item:

By Circular 11-40 dated 3 December 2011, the Chief Executive of the NSW Division of Local Government (DLG) advised that the draft Destination 2036 Action Plan had been released by the Implementation Steering Committee (ISC) for stakeholder consultation.

In accordance with the requests of the Chief Executive of the NSW Division of Local Government, a copy of the draft Action Plan was made available to each Councillor in early December 2011. Additionally, memorandum advice was provided to all staff of Coffs Harbour City Council providing a web link for the draft Action Plan and hard copies of the draft Action Plan in a variety of locations for staff access.

Feedback on the draft Destination 2036 Action Plan is sought by 15 February 2012. Whilst individual Councillors and staff members are free to make submissions, it is considered appropriate that a formal submission be prepared by Coffs Harbour City Council.

Sustainability Assessment:

- **Environment / Social / Economic**

The greater majority of the "actions" identified within the draft Destination 2036 Action Plan allude to further analysis or examination of a variety of issues, thus enabling a more informed position to be developed. Without knowledge of the outcomes of this analysis/ examination, it is difficult to draw conclusions in respect of environmental, social or economic outcomes on the suggested actions at this time.

Cont'd

Nevertheless, Coffs Harbour City Council in its submission should make it clear that a Sustainability Assessment will need to be undertaken once the outcomes of the analysis/examination are available.

- **Civic Leadership**

By contributing and providing feedback to the NSW Division of Local Government with regard to the draft Destination 2036 Action Plan, Council will be participating in a process designed to ensure the sustainability of Local Government in NSW.

Consultation:

The NSW Division of Local Government is currently seeking feedback from all stakeholders to assist in the further refinement of the draft Destination 2036 Action Plan as necessary.

To assist in this regard, copies of the draft Action Plan have been made available to Councillors and all Council staff.

Related Policy and / or Precedents:

Not applicable.

Statutory Requirements:

Whilst it is acknowledged that there are no statutory requirements for Council to participate in the feedback process, it should be noted that an outcome of the draft Destination 2036 Action Plan will be a complete review of the Local Government Act 1993.

Issues:

Having attended the Destination 2036 Workshop in Dubbo in August 2011, it is suggested that the draft Destination 2036 Action Plan encapsulates the issues raised at the Workshop, in a concise and strategic manner.

A draft submission is attached to this report as an attachment. The draft submission is self explanatory and suggests a couple of minor amendments to the draft Action Plan for the consideration of the ISC.

Implementation Date / Priority:

Submissions to the ISC close on 15 February 2012 and if as a result of those submissions, substantial changes to the Action Plan are proposed, further consultation with the stakeholders will occur.

The draft Action Plan identifies the timing relevant for the various Key Actions identified in the Plan.

Recommendation:

That Council indicates its support in general for the draft Destination 2036 Action Plan and authorise the submission contained in the Attachment to this report.

Attachments:

Project Manager – Destination 2036
Division of Local Government
Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

Dear Sir

Destination 2036 Action Plan - Submission

I refer you to Circular 11-40 dated 3 December 2011 from the Chief Executive of the Division of Local Government and now take pleasure in making a submission on behalf of Coffs Harbour City Council.

In accordance with the suggested submission framework, the following feedback is provided:

1. What do you like about the draft Action Plan?

The draft Action Plan obviously identifies many actions arising from the Dubbo workshop and these actions are grouped into initiatives and strategic directions.

Perhaps the issue that is most liked about the draft Action Plan is the subtle acknowledgement within the draft Plan that whilst there are a range of activities that have the potential to lead toward a stronger and more robust local government sector, these activities in many cases require further examination/review/development/ research etc. In many cases this is required to ensure that the ultimate direction/action taken is appropriate to improve the local government sector and does not add further complication to what is already arguably a complex level of government.

2. In what ways could the Action Plan be improved?

Many of the Key Activities identified within the draft Action Plan are quite broad or general in nature. In some cases the Key Activities could benefit from the identification of more specific or detailed "actions" that are proposed to enable the Key Activity to be achieved. This could also be achieved through the development of a detailed "Work Plan" developed to support the Action Plan, the aim being to identify more specifically the various tasks/actions required to enable a satisfactory outcome to be achieved.

A further improvement for the Action Plan could be the inclusion of a Quadruple Bottom Line (QBL) analysis of each of the Key Activities identified. At the very least, the draft Action Plan should identify the need to undertake a QBL analysis of the results of the various examinations/reviews/development/research etc proposed within the draft Action Plan.

3. Are there other key activities you believe should be included under any of the initiatives?

Initiative 2 - Establish Local Government as an employer of choice

Key Action: Develop and implement a local government image campaign for utilisation in media across NSW.

Requires \$\$ Resources
Immediately and ongoing

One of the fundamental barriers to local government being seen as an employer of choice is the mixed public perception of local government. The public perception is in many cases developed by a lack of awareness of the range of services and complexity of what we do and in many other cases by the minority negative campaigns undertaken by some individuals etc. To turn this around, a positive image media campaign, similar to those undertaken in Western Australia, South Australia and Queensland, is necessary to enable a better appreciation of local government in NSW and achievement of the outcomes desired in Initiative 2.

4. Do you have any suggestions regarding the proposed process for advancing the Action Plan?

The process for progressing the Action Plan as identified in Section 4 of the draft Action Plan appears to be sound.

5. Are you aware of any activities (e.g. research) currently undertaken that could directly contribute to the achievement of any of the initiatives or key activities?

Not aware.

In general, it is acknowledged that the various initiatives and the key actions identified are designed to move local government in NSW toward being a stronger and more robust local government sector. To achieve this outcome, the commitment of the State Government and each Council in NSW is required.

Yours faithfully

Steve McGrath
General Manager

Purpose:

For Council to make a determination on the continuation of the Coffs Harbour Race Day half day local public holiday every August for the City of Coffs Harbour.

Description of Item:

Under the *Public Holidays Act 2010* all local public holidays and local event days (including half days) must be declared by Order of the Minister and published on the legislation website.

Legislative changes over the last several years have seen the introduction of a Local Event Day if considered appropriate within the community. This is as an alternative to a Local Public Holiday.

Council resolved at its meeting on 27 October 2011 to write to stakeholders requesting feedback on the impact of a half day public holiday for race day and a further report to come back to Council. This report is the outcome of that resolution.

Declaration of a Local Public Holiday

Where a local public holiday is declared by the Minister a bank located in the designated holiday area will be required to close unless it holds an approval to open on the day under Part 3A of the *Retail Trading Act 2008*. Shops located within the designated holiday area are free to open without restriction.

The public holiday provisions contained in the National Employment Standards of the *Fair Work Act 2009* (Cth) apply to local public holidays declared under the *Public Holidays Act 2010*. This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work on the day or half day that is the local public holiday or half holiday. In addition, employees who work on the day or part day may then have an entitlement to penalty rates under a relevant award where previously that entitlement may not have existed.

Declaration of a Local Event Day

The capacity for the Minister to declare a local event day or half day at the request of a local council is also available under the Public Holidays Act. The Minister must be satisfied that the day or part day is, and will be observed as, a day of special significance to the community in the area concerned.

The declaration of a local event day or half day does not preclude banks or shops located within the designated holiday area from opening or trading on the day.

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlement to paid time off work or penalty rates on a local event day will only arise where they have been agreed at the workplace level, usually in the form of an enterprise agreement or a contract. This goes some way to restoring industrial arrangements for the occasion to those that existed prior to changes to Commonwealth workplace laws.

Cont'd

Sustainability Assessment:

- **Environment**

There are no environmental impacts as a result of this report.

- **Social**

There is evidence of community spirit during the week proceeding the race day, with shops and businesses dressing up their windows.

- **Civic Leadership**

The nomination of this type of event in consultation with the community is consistent with the 2030 plan strategy - LC 2.2 Facilitate working together more effectively to secure better outcomes and also LC 3.3.1 Develop inclusive community, sporting and recreational activities.

- **Economic**

Broader Economic Implications

There are no broader economic implications as a result of this report to Council. There may be economic implications for the community depending on the decision of Council.

Delivery Program/Operational Plan Implications

There are no Delivery Program/ Operational Plan implications.

Consultation:

Correspondence was forwarded to:

- Sawtell, Woolgoolga and Coffs Harbour Chambers of Commerce
- Tourism Association
- Coffs Harbour Racing Club

An advertisement was placed in the local newspaper and notice placed on the Coffs Harbour City Council Website requesting public submissions.

Submissions were received from Sawtell Chamber of Commerce, Woolgoolga Chamber of Commerce and the Coffs Harbour Racing Club.

Sawtell Chamber of Commerce advised:

'The Sawtell Chamber of Commerce distributed a survey and copy of your letter to 33 businesses within Sawtell that would be impacted by this declaration.

17 of those businesses returned the forms. All 17 preferred a local events day.

Cont'd

GM12/2 Coffs Harbour Half Day Race Day Public Holiday ...(Cont'd)

Given the apathy in business to fill in survey forms, the returns were well beyond expectation and all chose the same outcome.'

Woolgoolga Chamber of Commerce advised:

'The overwhelming feedback from our members this morning was for the Council to apply for a half day event day rather than a public holiday. It is believed this offers more flexibility for individual businesses to decide on their operation on Coffs Cup day, as well as allowing employers less rigidity in negotiating their activities on that day.'

The Coffs Harbour Racing Club advised:

'The Coffs Harbour City Council has had a long history of supporting the Half Day Public Holiday for the Coffs Harbour Racing Clubs Gold Cup since the 1970's with the day becoming one of the Cities annual hallmark events attracting a crowd of over 8000 people. It is also an event that stands on its own and it is not supported financially by Council.'

The Coffs Harbour Racing Club is a membership based Club that operates a unique business model where as it provides a facility for its members to attend their chosen recreational pastime by watching horse racing, while at the same time providing a service to the racing industry by maintaining a facility for racing and training. It is the training facilities and the direct services the Club provides to more than 20 private training businesses at the facility that creates the multi-million dollar equine hub in Coffs Harbour that directly and indirectly employs over 400 full time and casual employees across the year.

Like many country racecourses throughout Australia, the Club's whole financial well being is governed by the revenue generated at their Cup meetings which is dictated by the numbers of patrons that attend. The Club is greatly concerned that without the support of the dedicated half day Public Holiday which allows more than 8,000 patrons to attend the day, that crowd numbers would drop to levels that would place the economic viability of the Club in jeopardy and see a snowball effect through the local economy. Due to the nature of the racing industry the Club is allocated a fixed number of race dates each year and does not have the flexibility of other businesses to increase or decrease, or even change race dates if required. This places enormous pressure of growing revenue and places even more importance of the Club's Cup meeting.

The significance of a Public Holiday to a Country Cup day was emphasised with the recent allocation of a Half Day Holiday for the Albury Cup, which then saw an immediate increase in patrons to the event by more than 40%. Clubs that have not had the support of a Half Day Holiday with a similar sized population such as Port Macquarie, have only ever attracted half the patronage to their day compared to here at Coffs Harbour.

Importantly though it is the whole local economy that benefits from the Coffs Harbour Cup Public Holiday. The day has become a catalyst for corporate activity with over 50 corporate sites entertaining and networking with over 2500 clients and staff on the day.

One of the main beneficiaries of the Cup are the retailers of the region who see an estimated \$2 million dollars pass over the counter in the lead up to the day, from clothing and millinery, hair and makeup, shoes and accessories, food and beverage etc. This is at a time of year when the retail sector is generally sluggish and this spend is spread across the entire local government area. Add to this the economic impact from the influx of visitors to the region specifically for the Cup and the overall benefits of the day are in the multi millions.

Cont'd

As it is the revenue generated on Cup Day that provides the basis of the Clubs activities, if this was to be reduced by a loss of an estimated 40% of patrons with the removal of Half Day Holiday, the Club could no longer operate the multi- million dollar training and racing facilities at Coffs Harbour, with the economic ramifications being enormous as the trainers, jockeys, stable hands etc would need to relocate to other communities with the loss over 40 permanent and 360 casual jobs to the community.

Racing has always been a major economic and social driver in the community and the support provided by the dedicated public holiday going forward will ensure these elements remain strong.'

There was no response from the Tourism Association or the Coffs Harbour Chamber of Commerce. Confirmation was received from the Coffs Harbour Chamber of Commerce that the correspondence was received. The Chamber advised verbally that they would neither support nor oppose the proposal.

Statutory Requirements:

It is a statutory requirement for Councils to apply to the Minister for Finance and Services for the declaration of local public holidays and local event days under the *Public Holidays Act 2010 (NSW)*.

Issues:

Coffs Harbour has observed the Half Day Race Day Public Holiday consecutively since 1971, some 40 years. As per the statutory obligations, all banks in the area are closed on this day.

While it is acknowledged that there are additional costs to businesses for wages across the Coffs Harbour area with the declaration of a half day public holiday for the Coffs Harbour Gold cup, this has to be weighed up against the economic gain to the city with purchases in preparation for the day including such things as clothing, shoes, beverages and increased patronage at local restaurants, clubs and hotels at the conclusion of the race event and the continued economic viability of the Coffs Harbour Racing Club and associated training facilities.

Implementation Date / Priority:

Immediate.

Recommendation:

- 1. That under the *Public Holidays Act 2010* Council makes application to the Minister for the first Thursday in August 2012 to be declared a half day public holiday for the Coffs Harbour area.**
- 2. That as a matter of policy, Council makes application to the Minister in subsequent years for the first Thursday in August to be declared a half day public holiday.**

**Steve McGrath
General Manager**

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L12/1 ALTERNATIVE LANDFILL COVER TRIAL

Purpose:

To report on and obtain a resolution of Council to not call tenders for the supply of an alternative to daily soil cover at the Englands Road Resource Recovery Park landfill.

Description of Item:

In accordance with Section 55(3) of the Local Government Act 1993, a specific resolution of Council is required by Council to not call tenders for any purchase in excess of \$150,000 where there is an unavailability of competitive tenderers. The estimate for the purchase of the ten (10) Landfill Lids is \$400,000.

The Environment Protection Authority has authorized a specific commercial product to be trialed at Council Englands Road landfill as an alternative to daily soil cover. Accordingly, the documentation preparation and tender process is unnecessary given that only this product can be trialed.

Sustainability Assessment:

- **Environment**

The use of an alternative to soil as a daily cover will result in a substantial amount of clean soil not having to be used, allowing for a reasonable amount of airspace to be saved over the life of the landfill.

There are no negative environmental impacts from the use of landfill lids as an alternative to daily soil cover. The lids may in fact further improve the odour control from the open active face of the landfill, as both automated odour suppression and a continuous extracted air filter systems will be incorporated on each lid.

- **Social**

The Landfill Lids will outlive the current expected life of the Englands Road landfill, after which they could be used elsewhere or be sold. The lids are not seen to have any OH&S issues and may be an improvement on the existing operational method.

- **Civic Leadership**

The use of the lids aligns with Council 2030 Plan objectives to provide an effective waste management system.

- **Economic**

Broader Economic Implications

The lids should provide a substantial economic scale of economy over their expected ten (10) year operational life in two terms, firstly the saving of valuable airspace for use to dispose of waste, and secondly by avoiding the cost of purchasing soil cover, including paying of the State Government Landfill levy on the soil used. They will also curtail the need to continue the lease of the existing 'Trapomatic' system.

Cont'd

Delivery Program/Operational Plan Implications

Provision has been made in the 2011/2012 Operational Plan for the capital expenditure to purchase the proposed ten (10) Landfill Lids.

Consultation:

The use of Landfill Lids is a statutory requirement of Councils Environment Protection Licence (EPL), no external consultation has taken place. Internally staff involved in the use of the lids have been consulted and experienced the use of the lids in use at a nearby landfill.

Related Policy and / or Precedents:

This proposal is permissible under the Local Government Act and therefore aligns with Council's Procurement Policy.

Statutory Requirements:

Section 55(3) of the Local Government Act provides that the requirement to call tenders does not apply to the following contracts:

- (i) "a contract where, because of the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders"

The requirements of the EPL under the Protection of the Environment Operations Act, removes any opportunity to seek competitive tenders, and therefore Council is not required to seek tenders, and in any event compliance with the Licence requirements would mean only one product could be considered.

Issues:

Council has for many years utilised a tarpaulin type alternative to cover the putrescible type waste at the landfill. Up until last year, Council was not required to cover construction, demolition and some commercial and industrial waste as it was not of a putrescible nature.

The Environmental Protection Authority (EPA) amended the landfill's Environmental Protection Licence (EPL) requiring Council to reduce the area of the active tipping faces and to cover all types of waste. This had the effect of requiring a single tipping area operation being established which in turn has made the existing tarpaulin cover unsuitable given the mixed nature of the total waste stream now required to be covered.

The amended EPL is very specific in approving the 'Landfill Lid' for a trial as an alternative daily cover. In any event, there are no systems of a similar nature known to be on the Australian market at this time.

The use of Landfill Lids is the preferred method of providing an alternative daily cover. The continued use of the 'tarps' is seen as being very problematic now that Construction & Demolition and Commercial & Industrial waste streams need to be covered and the significantly higher risk of the tarps being torn on sharp edges and items in these wastes. As stated previously the lids also have a number of useful additional features, including an automated odour suppression system, a continuous extracted air filter system and fire suppression system on each lid.

Cont'd

Implementation Date / Priority:

An order will be placed for the supply and commissioning of the Landfill Lids immediately following an appropriate resolution of Council.

Recommendation:

That in accordance with Section 55(3) of the Local Government Act 1993, Council resolve not to call tenders for the supply of 'Landfill Lids' due to the unavailability of competitive tenderers resulting from the landfill's Environmental Protection Licence requiring the use of a specific product.

Description of Item:

• **Current Application:**

The subject lot is located to the immediate north of the Nana Glen Village. The site is surrounded by grazing land to the north and west, Bucca Bucca Creek and the Nana Glen Recreation & Equestrian Centre to the east and the Nana Glen Village to the south. The site currently contains cattle yards and a small machinery shed and is primarily used for grazing activities. The land is zoned 1B Rural Living and 7A Environmental Protection under the Coffs Harbour Local Environmental Plan 2000.

The proposal involves the subdivision of Lot 13 (currently 10.46 hectares in size) to create five Torrens Title lots. The proposal will result in Lots 1, 2, 3, 4 and 5, which will be 8,600m², 8,200m², 8,400m², 6.5 hectares and 1 hectare in size respectively.

Access to the proposed lots will be gained via a new public road off an extended Orara Street. Orara Street is currently constructed to its intersection with Weir Street. The proposed development will involve construction of the remaining unconstructed section for a distance of approximately 60 metres.

A copy of the proposed plan is included in this report as Appendix B.

Sustainability Assessment:

• **Environment**

The site is largely devoid of native vegetation and is currently used for cattle grazing. The eastern boundary and part of the western boundary adjoin Bucca Bucca Creek, with the riparian vegetation consisting of a mixture of native species and weed infestation (predominately Camphor Laurel). A wildlife corridor extends 50 metres either side of the creek centre, which is currently mapped as secondary and tertiary koala habitat and zoned 7A Environmental Protection. The proposal does not involve the removal of any vegetation.

The proposal will consolidate the majority of land zoned 7A Environmental Protection, including the riparian areas, into proposed Lots 4 and 5. The developer will be required to prepare and implement a Vegetation Management Plan that will, amongst other things, detail measures to protect and enhance the riparian area along Bucca Bucca Creek.

The proposal is not likely to result in any significant adverse environmental impacts.

• **Social**

The proposed development is not expected to result in any significant adverse social or economic impacts in the locality.

• **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. The proposed subdivision is consistent with the aims and objectives of the Coffs Harbour 2030 Community Strategic Plan.

Cont'd

- **Economic**

Broader Economic Implications

There are no broader economic implications resulting from the proposal.

Delivery Program/Operational Plan Implications

There are no implications for Council's Delivery Program/adopted Operational Plan.

Consultation:

- **Community**

The application was notified to adjoining landowners between the 3 November and 24 November 2011 and one submission was received. The submission primarily raised issues regarding stormwater and drainage/flooding.

The issue raised in this submission is discussed in the 'Issues' section below and in the Section 79C evaluation appended to this report.

- **Technical**

The application has been reviewed by Council's City Services (Engineering), Health (onsite effluent disposal) and Biodiversity sections and several conditions have been recommended for inclusion in the development consent. The application was also reviewed by the NSW Rural Fire Service (RFS), the NSW Office of Water and the NSW Department of Planning and Infrastructure (DoPI). Both the RFS and NSW Office of Water have issued General Terms of Approval. DoPI has issued concurrence to the submitted SEPP No.1 Objection.

Related Policy and / or Precedents:

The application is reported to Council for determination as required by the Department of Planning Circular PS08-014 of 14 November 2008 "Reporting Variations to Development Standards".

Statutory Requirements:

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

In November 2008, the then Department of Planning 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). This circular requires that all applications where there has been a variation greater than 10% in standards under State Environmental Planning Policy No.1 – Development Standards be determined by full Council rather than under delegated authority.

Clause 18 (4) (b) (iii) (b) of the Coffs Harbour City Council Local Environmental Plan 2000 provides that Council may grant consent to the subdivision of land zoned 1B Rural Living and 7A Environmental Protection where each composite parcel created is at least 1 hectare in size.

Cont'd

**L12/2 Development Application 0206/12 – Subdivision (Five Lots, Including New Road)
– Lot 13 DP 855740, Orara Street, Nana Glen ...(Cont'd)**

As the proposal seeks to create three lots that are below this standard the applicant has submitted an objection pursuant to SEPP No.1 in support of the proposal. The SEPP No.1 objection is considered in detail in the Section 79C assessment appended to this report.

As Council is unable to assume concurrence for the proposed variation, being more than one lot below the standard, the application and accompanying SEPP No.1 Objection was referred to the NSW Department of Planning and Infrastructure (DoPI) for consideration and concurrence. DoPI has issued concurrence, in this instance, for the following reasons: the proposal provides adequate area for dwellings located in the 1B Rural Living zone and is likely to achieve positive long-term outcomes for the management of the land zoned 7A Environmental Protection; the proposed lots adjoin smaller residential lots in the Nana Glen Village; and the majority of the land zoned 7A Environmental Protection will be contained within the one holding, where a Vegetation Management Plan will be developed to assist with the protection and restoration of riparian vegetation.

Given that the proposal involves a variation of greater than 10% to the required standard the application is referred to Council for determination, as per the requirements of the Circular.

The Development Application file, including the application (and all supporting documents) and plans will be available in the Councillor's room for perusal prior to consideration by Council and also at the Council meeting.

- **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. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

The Section 79C evaluation is appended to this report and provides a detailed assessment of the application.

- **Relevant Statutory Instruments:**

- North Coast Regional Environmental Plan (deemed State Environmental Planning Policy);
- State Environmental Planning Policy No. 1 – Development Standards;
- State Environmental Planning Policy (Rural Lands) 2008;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Coffs Harbour City Local Environmental Plan 2000;
- Nana Glen-Bucca Development Control Plan; and
- Subdivision Development Control Plan.

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

Cont'd

Issues:

- **Stormwater drainage/Flooding**

Concerns have been expressed in relation to the potential for the proposed development to exacerbate existing stormwater drainage issues in the Orara/Weir Street locality.

Comment

At present stormwater travels north-east down Orara Street into Weir Street and through some of the existing properties located on the low side of Weir Street, eventually making its way through the subject site.

Whilst Council acknowledges that there are existing stormwater drainage issues occurring in the Orara and Weir Street locality, the proposed subdivision will not exacerbate these issues.

As part of the works required to construct the subdivision, the developer will be required to provide interallotment drainage, within the 1.8 metre wide drainage easement located on the southern boundary of the subject site, incorporating appropriate scour protection. Road drainage works associated with the Orara Street extension will also be undertaken. These works are expected to alleviate some of the existing drainage issues in the locality.

- **Ongoing management of the existing drainage easement**

Concern has been raised in relation to who will be responsible for the ongoing maintenance of the existing drainage easement located on the southern boundary of the subject site.

Comment

Whilst the developer will be responsible for undertaking some initial works to the existing drainage easement, as outlined above, the ongoing maintenance of the easement is a private matter to be resolved between landowners.

Implementation Date / Priority:

A Development Consent is valid for five years from the date of issue. The consent may or may not be acted upon. The consent may be acted upon immediately following issue date or delayed until closer to the expiry date of the consent. When the consent is acted upon is a matter of the discretion of the property owner/developer.

Recommendation:

1. **That the objections under SEPP No. 1 - Development Standards for the variation to the minimum allotment size under Clause 18(4) of Coffs Harbour Local Environmental Plan 2000 be supported in this particular case.**
2. **That Development Application 0206/12 for Subdivision (five lots, including new road) of Lot 13, DP 855740, Orara Street, Nana Glen be approved subject to conditions appended to this report (Appendix C).**
3. **That parties who made a submission to this application are informed of Council's decision.**

Attachments:

APPENDIX A

**Section 79C Assessment
Development Application 206/12**

a. the provisions of,

i. any environmental planning instrument, and

• *State Environmental Planning Policy - North Coast Regional Environmental Plan*

The North Coast Regional Environmental Plan is a deemed State Environmental Planning Policy (SEPP). The proposal is considered to be consistent with the aims and objectives of the Plan. There are no clauses that are of particular relevance to the proposal.

• *State Environmental Planning Policy No.1 – Development Standards*

SEPP No.1 aims to provide for flexibility in the application of planning controls and provides a mechanism by which a development standard may be varied where it can be shown that: strict compliance with the standard is unreasonable or unnecessary; the proposed development satisfies state, regional or local planning objectives; and the proposed development is consistent with the underlying objective of the standard. Where Council is satisfied that the objection is well founded, having regard to the above considerations, consent may be granted to a development that does not meet the relevant development standard.

Clause 18 (4) (b) (iii) (b) of the Coffs Harbour City Council Local Environmental Plan 2000 provides that Council may grant consent to the subdivision of land zoned 1B Rural Living and 7A Environmental Protection where each composite parcel created is at least 1 hectare in size.

As the proposal seeks to create three lots that are below this standard the applicant has submitted an objection to Clause 18 (4) (b) (iii) (b) of the Coffs Harbour Local Environmental Plan 2000, pursuant to State Environmental Planning Policy No.1.

In support of the proposal the applicant contends that: the proposal achieves an overall density of more than 2 hectares per lot; the proposed lots are immediately adjacent to the existing Nana Glen village and provides a sustainable transition between the village and the surrounding rural areas; the proposal provides for the long-term management and protection of land zoned 7A, including the environmentally sensitive riparian zone, by locating the land primarily within proposed Lot 4; and the proposal is consistent with the relevant objectives and underlying intention of the development standard.

It is considered that the proposal and accompanying objection submitted satisfy the requirements of SEPP No.1.

As Council is unable to assume concurrence for the proposed variation, being more than one lot below the standard, the application and accompanying SEPP No.1 Objection was referred to the NSW Department of Planning and Infrastructure (DoPI) for consideration.

DoPI has issued concurrence, in this instance, for the following reasons: the proposal provides adequate area for dwellings located in the 1B Rural Living zone and is likely to achieve positive long-term outcomes for the management of the land zoned 7A Environmental Protection; the proposed lots adjoin smaller residential lots in the Nana Glen Village; and the majority of the land zoned 7A Environmental Protection will be contained within the one holding, where a Vegetation Management Plan will be developed to assist with the protection and restoration of riparian vegetation.

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

In November 2008, the then Department of Planning 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). This circular requires that all applications where there has been a variation greater than 10% in standards under State Environmental Planning Policy No.1 – Development Standards to be determined by full Council rather than under delegated authority.

As the proposal will result in lots that do not meet the standard the applicant has submitted an objection pursuant to SEPP No.1 in support of the proposal (see discussion above).

Given that the proposal involves a variation of greater than 10% to the required standard the application is referred to Council for determination, as per the requirements of the Circular.

- ***State Environmental Planning Policy No. – Rural Lands***

The proposal is considered to be consistent with the aims and planning principles outlined in this Policy. The proposal involves a subdivision for rural residential purposes. The proposal will have not impact on agricultural practices.

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

The subject site is not mapped as potentially contaminated under Council's Agricultural Chemical Residues Policy. The site has been used for grazing activities for many years. Site investigations for agricultural chemical residues or other forms of contamination are not considered necessary.

- ***Mid North Coast Regional Strategy***

The Mid North Coast Regional Strategy is primarily an overarching planning document which guides Councils in setting regional parameters for future strategic planning. The proposed subdivision is consistent with the objectives outlined in the Strategy.

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

Zoning

The site is zoned 1B Rural Living and 7A Environmental Protection. The proposed development is defined as 'subdivision of land', which is identified as permissible with consent in both zones.

Clause 14 – Services

Reticulated water and sewer are not available to the site. The proposed lots will be required to accommodate water tanks and onsite effluent disposal systems to service future dwellings. The Onsite Effluent Disposal Report submitted with the application concluded that the proposed lots are suitable for onsite effluent disposal.

Clause 18 (4) (b) (iii) (b) – Subdivision

Clause 18 (4) (b) (iii) (b) specifies that Council may grant consent to the subdivision of land zoned 1B Rural Living and 7A Environmental Protection where each composite parcel created is at least 1 hectare in size.

As the proposal seeks to create three lots that are below this standard the applicant has submitted an objection pursuant to SEPP No.1 in support of the proposal.

ii. The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments applicable to this application.

iii. any Development Control Plan (DCP)

• Nana Glen-Bucca DCP

The proposal is considered to be consistent with the provisions of the Plan.

As outlined above, the proposal seeks to create lots that are below the 1 hectare development standard. The applicant has submitted an objection to this standard, which is discussed in more detail above.

Reticulated water and sewer are not available to the site. The proposed lots will be required to accommodate water tanks and onsite effluent disposal systems to service future dwellings.

The developer will be required to prepare a Vegetation Management Plan (VMP) that details the long-term management of the land zoned 7A, including the riparian area to Bucca Creek. Part of the VMP will detail measures to eradicate Camphor Laurel.

• Subdivision DCP

The proposal is considered to be consistent with the provisions of the Plan.

Access to the proposed lots will be gained via a new public road off Orara Street. Orara Street at present is constructed up to its intersection with Weir Street, after which it is unconstructed. To ensure an appropriate level of access is provided the developer will be required to construct both the new road and the remaining unconstructed section of Orara Street (for a distance of approximately 60 metres). Construction of Orara Street will also include stormwater drainage works.

• Rural Lands DCP

The proposal is considered to be consistent with the provisions of the Plan. The proposal will not have any adverse impact on potentially productive agricultural land in the locality.

- **Notification DCP**

The development application was notified to adjoining landowners in accordance with the provisions of the Plan and one submission was received. The issues raised in these submissions are discussed below in Section 79C (d).

- 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 Regulations 2000 requires that the NSW Coastal Policy 1997, be considered in the determination of development applications. As the subject site is not located within the coastal zone, the provisions of the Policy do not apply.

- 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**

The site is largely devoid of native vegetation and is currently used for cattle grazing. The eastern boundary and part of the western boundary adjoin Bucca Bucca Creek, with the riparian vegetation consisting of a mixture of native species and weed infestation (predominately Camphor Laurel). A wildlife corridor extends 50 metres either side of the creek centre, which is currently mapped as secondary and tertiary koala habitat and zoned 7A Environmental Protection. The proposal does not involve the removal of any vegetation.

The proposal will consolidate the majority of land zoned 7A Environmental Protection, including the riparian areas, into proposed Lots 4 and 5. The developer will be required to prepare and implement a Vegetation Management Plan that will, amongst other things, detail measures to protect and enhance the riparian area along Bucca Bucca Creek.

The proposal is not likely to result in any significant adverse environmental impacts.

- 2. Social and Economic Impacts**

The proposed development is not expected to result in any significant adverse social or economic impacts in the locality.

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

It is considered that the attributes of the site are conducive to the proposed development. The proposed subdivision will provide additional rural residential opportunities adjoining the Nana Glen Village in a sustainable manner. The proposal meets the provisions of all relevant SEPPs and Council's DCPs/Policies.

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

The application has been reviewed by Council's City Services (Engineering); Health (onsite effluent disposal); and Biodiversity sections and the recommended conditions/actions have been incorporated into the evaluation process and consent conditions.

The application was also reviewed by the NSW Rural Fire Service (RFS), the NSW Office of Water and the NSW Department of Planning and Infrastructure (DoPI). Both the RFS and NSW Office of Water have issued General Terms of Approval. DoPI has issued concurrence to the submitted SEPP No.1 Objection.

As outlined above, the application was notified to adjoining landowners and one submission was received. The submission primarily raised issues regarding:

Stormwater drainage/Flooding

Concerns have been expressed in relation to the potential for the proposed development to exacerbate existing stormwater drainage issues in the Orara/Weir Street locality.

Comment

At present stormwater travels north-east down Orara Street into Weir Street and through some of the existing properties located on the low side of Weir Street, eventually making its way through the subject site.

Whilst Council acknowledges that there are existing stormwater drainage issues occurring in the Orara and Weir Street locality, the proposed subdivision will not exacerbate these issues.

As part of the development the developer will be required to provide interallotment drainage, within the existing 1.8 metre wide drainage easement located on the southern boundary of the subject site, incorporating appropriate scour protection. Road drainage works associated with the Orara Street extension will also be undertaken. These works are expected to alleviate some of the existing drainage issues in the locality.

Ongoing management of the existing drainage easement

Concern has been raised in relation to who will be responsible for the ongoing maintenance of the existing drainage easement located on the southern boundary of the subject site.

Comment

Whilst the developer will be responsible for undertaking some initial works to the existing drainage easement, as outlined above, the ongoing maintenance of the easement is a private matter to be resolved between landowners.

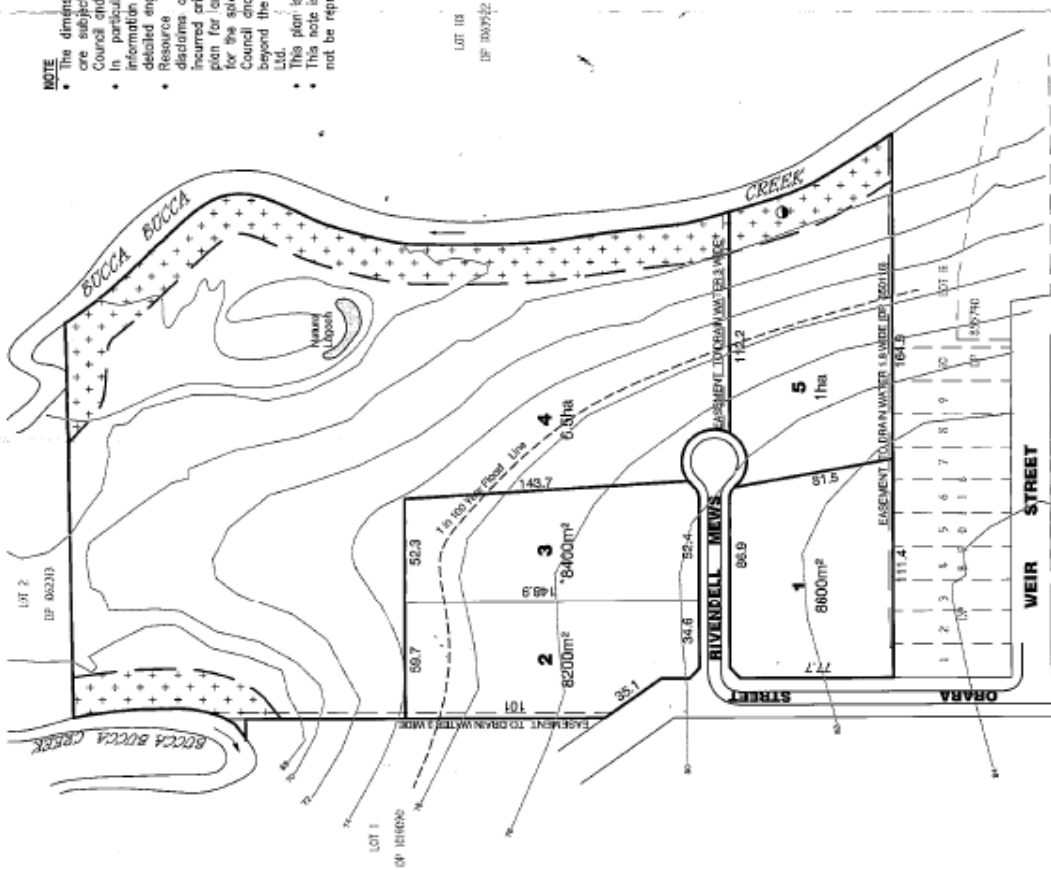
e. the public interest:

The proposed development does not present any issues that are contrary to the public interest.

Proposed Plan

NOTE

- The dimensions, areas and numbers of lots shown hereon are subject to field survey and to the requirements of Council and any other authority under any legislation.
- In particular, no reliance should be placed on the information on this plan for any financial dealings or detailed engineering design involving the land.
- Resource Design and Management Pty Ltd therefore disclaims any liability for any loss or damage whatsoever incurred arising from any party who uses or relies upon this plan for any purpose other than as a document prepared for the site purpose of making a Development Application to Council and which may be subject to alteration for reasons beyond the control of Resource Design and Management Pty Ltd.
- This plan is not a plan of an approved subdivision.
- This note is an integral part of this plan and the plan must not be reproduced without this note.



- 30m REPAIR CORRIDOR**
- Restriction on Use
 - Prevent uncontrolled access by stock to Bucca Bucca Creek
 - Positive Covenant
 - Implementation of Vegetation Management Plan
 - Pending
- RESTRICTION ON USE**
- Prevent Lot 5 from draining water from Bucca Bucca Creek

PROPOSED SUBDIVISION

DATE: 15th August 2011
 DWG. NO. 1000478

SCALE: 1:2000 (H.A.S.)

R D M
 RESOURCE DESIGN & MANAGEMENT PTY LTD

PROJECT: Development Application

ADJACENT **D**

Proposed Conditions of Development Consent

Development Application No. 206/12

Schedule of Conditions

ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - **Subdivision (5 lots, including new road)**

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 (Development Consent No. 206/12).

Plan No. / Supporting Document(s)	Prepared by	Dated
Proposed subdivision, Drawing 1004/8 D	RDM	15 August 2011

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.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE FOR CIVIL WORKS

Construction Certificate:

4. No civil works work are 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.

Vegetation Management Plan:

5. **Prior to issue of the Construction Certificate**, and prior to commencement of any works on the site, a detailed Vegetation Management Plan (VMP) in accordance with Council's Biodiversity Guidelines No 1A '*Preparing Vegetation Management Plans*' being submitted and approved by Council.

The VMP shall be prepared by persons with professional qualifications and/or knowledge and experience in bush regeneration/stream rehabilitation practices and who are members of the Australian Association of Bush Regenerators (AABR).

Development Application No. 206/12

Schedule of Conditions

In addition to the requirements of Council's Biodiversity Guidelines No 1A '*Preparing Vegetation Management Plans*', the VMP must address the following matters:

- (i) The provisions of the Orara River Rehabilitation Strategic Plan;
- (ii) Fencing to protect the Bucca Creek riparian area;
- (iii) Rehabilitation and restoration of the Bucca Creek riparian area;
- (iv) A 5 year staged eradication and replacement of Camphor Laurel and Privet along Bucca Creek; and
- (v) Identification of any threatened species, populations or endangered communities on site that require consideration.

Road Design and Services:

6. The following works:

- The public road extension of Orara Street and construction of proposed Rivendell Mews;
- Road drainage works to Orara Street, to include the redirection of surface drainage away from Weir Street;
- Road drainage works to Rivendell Mews, to include the creation of a 3.0m wide drainage easement in favour of Council over Lot 4 to drain road water to Bucca Bucca Creek. The drainage system is to incorporate appropriate energy dissipation measures at the downstream end, and
- Provision of an interallotment drainage system within the easement 1.8 metre wide created by DP 850116. This system is to incorporate appropriate scour protection measures where required.

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 **prior to the issue of a Construction Certificate for the civil works**. 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.

Development Application No. 206/12

Schedule of Conditions

Street Names:

7. A street name application being submitted to Council prior to issue of the **Construction Certificate**.

Erosion and Sedimentation Control:

8. 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 Management Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details being submitted and approved by the Certifying Authority prior to issue of a **Construction Certificate**.

PRIOR TO COMMENCEMENT OF WORKS

Notification:

- Adjoining property owners being provided with 48 hours notice prior to the commencement of any site works.

Erosion and Sediment Control:

10. Prior to commencement of work on the site, 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.

DURING CONSTRUCTION

Approved Plans to be On-Site:

11. 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.

Erosion and Sediment Control:

12. 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.

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Development Application No. 206/12

Schedule of Conditions

Dust Control Measures:

13. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All materials shall be stored or stockpiled at the best locations;
- (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
- (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
- (4) Cleaning of footpaths and roadways shall be carried out regularly;
- (5) Rumble grids being installed at access points to the site.

Hours of Work:

14. Construction works are to be limited to the following hours:

Monday to Friday	7.00 a.m. - 6.00 p.m.
Saturday	7.00 a.m. - 1.00 p.m. if inaudible from adjoining residential properties, otherwise 8.00 a.m. - 1.00 p.m.

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

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Section 94 Monetary Contributions:

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

Note 1 - The contributions are to be paid prior to release of any Subdivision Certificate unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised at least annually.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

	\$ Per Lot
- Coordination and Administration	363.84
- Coffs Harbour Road Network	876.92
- Surf Rescue Equipment	102.01

The Section 94 contribution is currently \$5,371.08 for the 4 additional lots proposed in the subdivision.

Development Application No. 206/12

Schedule of Conditions

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2008.
- Coffs Harbour Road Network 2008.
- Surf Rescue Equipment 2008.

The Contribution Plans may be inspected at the Council Administration Offices, 2 Castle Street, Coffs Harbour or on Council's web site, www.coffsharbour.nsw.gov.au.

Vegetation Management Plan:

16. The works (other than maintenance works) prescribed in the approved Vegetation Management Plan (VMP) being completed **prior to issue of the Subdivision Certificate**. A report from the consultant who prepared the VMP or other suitably qualified consultant beign submitted to the Principal Certifying Authority with the Subdivision Certificate application to the effect that the intital works have been completed in accordance with the approved VMP.

Vegetation Management – Positive Covenant Title:

17. The registered proprietor of the land must enter into positive covenants with Council to maintain the works as effected on each proposed lot in accordance with the Vegetation Management Plan as it affects that lot. The positive covenants shall be in, or to the effect of covenants approved by Council from time to time and be created pursuant to Section 88E of the Conveyancing Act 1919, generally in accordance with the attached draft covenant "A" and must be registered on the title to each lot. Registration must be effected in conjunction with the registration of the plan of subdivision.

Services:

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

Street lighting being provided to the requirements of the relevant electricity energy provider with all work being completed **prior to release of the Subdivision Certificate**.

Access and Services:

19. The following works:

- The public road extension of Orara Street and construction of proposed Rivendell Mews;
- Road drainage works to Orara Street, to include the redirection of surface drainage away from Weir Street;

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Development Application No. 206/12

Schedule of Conditions

- Road drainage works to Rivendell Mews, to include the creation of a 3.0m wide drainage easement in favour of Council over Lot 4 to drain road water to Bucca Bucca Creek. The drainage system is to incorporate appropriate energy dissipation measures at the downstream end, and
- Provision of an interallotment drainage system within the easement 1.8 metre wide created by DP 850116. This system is to incorporate appropriate scour protection measures where required.

being constructed in accordance with the approved plans and specifications and completed prior to issue of the **Subdivision Certificate**.

INTEGRATED TERMS OF APPROVAL CONDITIONS

Bushfire Safety Authority – NSW Rural Fire Service:

20. Public road access shall comply with Section 4.1.3(1) of "*Planning for Bush Fire Protection 2006*", with certification of compliance being provided to Council prior to issue of the **Subdivision Certificate**.

Controlled Activity Approval – NSW Office of Water:

21. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 206/12 and provided by Council:

- i) site plan, map and/or surveys.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

22. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

23. The consent holder must prepare or commission the preparation of:

- i) Vegetation Management Plan; and
- ii) Works Schedule.

Development Application No. 206/12

Schedule of Conditions

24. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
- i) Vegetation Management Plans;
 - ii) Riparian Corridors; and
 - iii) Outlet structures.
25. The consent holder must (i) carry out any controlled activity in accordance with approved plans, and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional, and (iii) when required, provide a certificate of completion to the NSW Office of Water.
26. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
27. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
28. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
29. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
30. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water..

L12/3 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN (LEP) 2000 AMENDMENT NO. 34 (PP_2010_COFFS_001_00); NORTH COFFS DEVELOPMENT CONTROL PLAN; AND DRAFT NORTH COFFS DEVELOPER CONTRIBUTIONS PLAN

Purpose:

The purpose of this report is to:

- inform Council of the outcome of the exhibition of draft Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 34);
- present to Council the North Coffs Development Control Plan (DCP); and
- present to Council the draft North Coffs Developer Contributions Plan.

This report recommends:

- that Council adopt the LEP Amendment, as amended, as discussed in this report;
- that Council adopt the North Coffs DCP; and
- that Council place the draft North Coffs Developer Contributions Plan on public exhibition.

The report also recommends the deferral of rezoning of parts of the North Coffs area, subject to further planning investigation.

The LEP Amendment is attached to this report, the DCP and draft Contributions Plan are separately attached.

Description of Item:

At its meeting of 2 November 2006, Council endorsed the progression of three rezonings within the North Coffs Urban Release Area, as set out below:

1. *Council endorse the three Local Environmental Plan amendment components of the North Coffs Release Area as follows:*
 - *Local Environmental Plan draft Amendment No. 34 – North Coffs;*
 - *Local Environmental Plan draft Amendment No. 37 – Big Banana Lands in North Coffs; and*
 - *Local Environmental Plan draft Amendment No. 38 – Thakral Lands in North Coffs.*

Draft LEP Amendment No. 38 is the subject of a separate Council report. Amendment No. 37 has been finalized and gazetted.

The North Coffs DCP and Contributions Plan will integrate the subject lands of LEP Amendments No. 34 and No. 38.

On 8 June 2006, the Department of Planning determined that a Local Environmental Study (LES) was required for draft Amendment No. 34 to proceed. This project was advertised for tender, consultants were engaged in April 2008 to carry out the project.

A draft LEP Amendment and draft DCP were prepared based on the recommendations of the LES.

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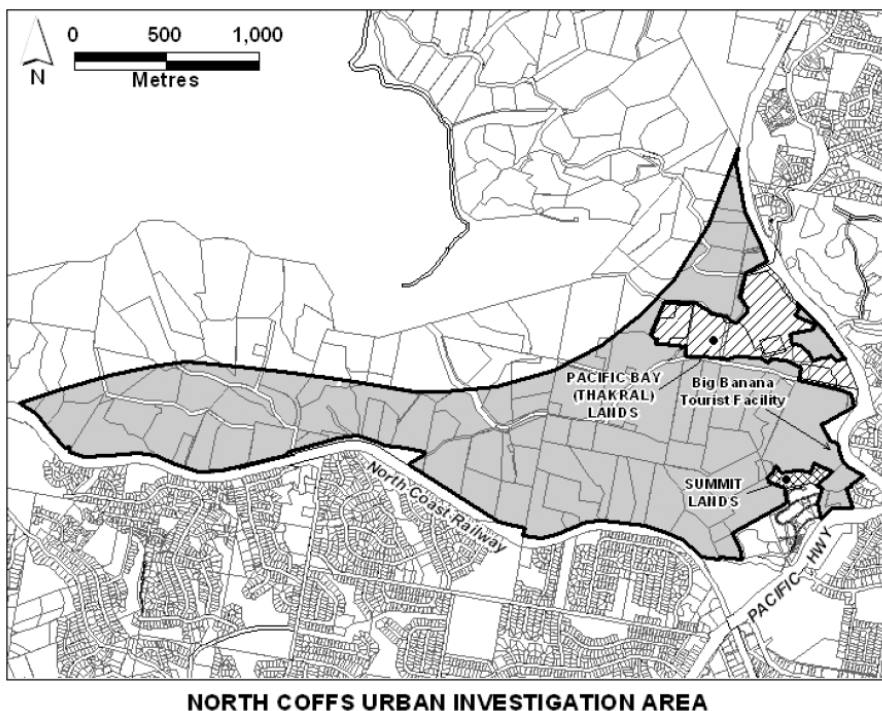
L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Subsequent to the previous resolution, Council, at its meeting of 23 June 2011, resolved the following:

1. Council adopt draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) for exhibition purposes.
2. Council adopt draft North Coffs Development Control Plan for exhibition purposes.
3. Council request the Department of Planning and Infrastructure under Section 57(1) of the Environmental Planning and Assessment Act 1979 to allow draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) to be publicly exhibited.
4. Draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34), draft North Coffs Development Control Plan and supporting documentation be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations.
5. Council is to be provided with a future report providing the outcome of the public exhibition and community consultation.

Council requested that the Department of Planning (now NSW Planning and Infrastructure (P&I)) endorse Council's public consultation and exhibition procedure, to enable the exhibition to occur. This endorsement was issued on 14 July 2011 and the documents were exhibited from 5 August 2011 to 5 September 2011.

The North Coffs Urban Investigation Area is shown on the following map:



Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

The North Coffs DCP and draft North Coffs Developer Contributions Plan, which apply to the land, are separately attached.

Sustainability Assessment:

• **Environment**

Environmental sustainability is primarily addressed by:

- the Local Environmental Study; and
- actions generated by advice received from Government Agencies and the community in the course of the public exhibition.

Environmental issues which have been addressed by the LEP Amendment include:

- Flora and Fauna;
- Bushfire Risk Assessment;
- Stormwater Management and Water Quality;
- Slope, Soils and Topography;
- Hydrology, Flooding and Drainage;
- Water Sensitive Urban Design (WSUD);
- Climate Change; and
- Ecologically Sustainable Development.

The land proposed to be rezoned is not significantly impacted by environmental constraints. Some other lands which are more environmentally constrained are proposed to be rezoned to an Environmental Protection Zone.

• **Social**

The LES addresses social sustainability issues, including:

- Traffic and Access;
- Archaeology and Heritage;
- Visual Analysis;
- Noise Assessment; and
- Establishment of new areas of Public Open Space.

The LEP Amendment provides positive social outcomes such as close proximity of the proposed residential areas to existing services, increased open space areas, and conservation of Coffs Harbour's natural amenity. The North Coffs DCP includes requirements to achieve these outcomes.

• **Civic Leadership**

The LEP has been prepared in accordance with the EP&A Act and relevant Council Strategies and Policies, primarily Coffs Harbour City LEP 2000, the Mid North Coast Regional Strategy and Our Living City (OLC) Settlement Strategy 2008.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

The LEP Amendment and North Coffs DCP provides for opportunities to address objectives and strategies identified by the Coffs Harbour 2030 Plan, for example:

Objective: We use best practice urban design and infrastructure development to promote sustainable living.

Strategies: Focus development on central medium density urban centres;
Create balanced pedestrian friendly communities with a mix of residential, business and services.

• **Economic**

Economic sustainability issues addressed by the LES/LEP and DCP include:

- an approximate dwelling yield of 577 dwellings;
- infrastructure (water and sewer provision); and
- proposed medium density and residential lands in the appropriate precincts which will encourage economic growth.

Rezoning will provide a broader range of housing choice for the market within close proximity to existing services, facilities and infrastructure of Coffs Harbour.

The provision of public infrastructure will be funded by the draft North Coffs Developer Contributions Plan.

Broader Economic Implications

The draft rezoning will promote economic growth by facilitating residential and tourist land uses which are made permissible by the draft LEP Amendment. The draft rezoning is also consistent with the economic objectives of the OLC Settlement Strategy, 2030 Plan and Mid North Coast Regional Strategy.

Delivery Program/Operational Plan Implications

Council has funded the preparation of the LES and draft LEP Amendment. There are no implications to Council's current Operational Plan.

Consultation:

The draft LEP Amendment and draft DCP were exhibited between 5 August 2011 and 5 September 2011. The documents were exhibited according to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and Regulations. The draft Plans were also referred to relevant government agencies and to other Council departments.

A public information/shopfront was held at Council's Administrative Centre during the exhibition period on 24 August 2011.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Summary of Submissions:

Council received a total of 15 submissions during the exhibition period, being:

- Government Agencies (six):
 - Roads and Maritime Services (RMS);
 - NSW Trade and Investment (T&I);
 - Office of Environment and Heritage (OEH);
 - OEH (Water);
 - Rural Fire Service; and
 - Coffs Harbour and District Local Aboriginal Land Council (LALC).

- Community Submissions (nine):

Issues raised by the community include:

 - infrastructure requirements;
 - viability of land zoned for medium density housing;
 - acoustics;
 - precinct selection of residential areas;
 - future planning (long-term);
 - servicing limitations (e.g. the 55m Australian Height Datum (AHD) contour);
 - zoning of particular lots;
 - possible rate increases; and
 - dwelling entitlements for future subdivisions.

The submissions will be discussed in the "Issues" section of this report. A copy of all submissions received have been circulated to Councillors with a copy also made available in the Councillors Room.

Related Policy and / or Precedents:

The following policies and statutory documents are relevant to this proposal:

- Coffs Harbour City LEP 2000;
- OLC Settlement Strategy 2008;
- Mid North Coast Regional Strategy and Growth Area Maps;
- EP&A Act 1979 and Regulations;
- Coffs Harbour 2030 Plan;
- Coffs Harbour City Koala Plan of Management 1999; and
- P&I Section 117 Directions.

Statutory Requirements:

In accordance with the new provisions of the EP&A Act, P&I requested Council convert the project to a Planning Proposal. The project has been treated as a Planning Proposal following acceptance of that request.

Cont'd

Issues:

- **Issues raised by submissions received from Government Agencies**

- **Roads and Maritime Services (RMS):**

The RMS raised the following points in its submission:

- overall support for the LEP Amendment;
- required inclusion of a signalised intersection at the junction of the Pacific Highway and West Korora Road; and
- requested possible future link road between West Korora Road and Bruxner Park Road.

Comment:

- *The draft North Coffs DCP includes the signalized intersection at the Pacific Highway/West Korora Road junction. This DCP is a separate attachment.*
- *Although the West Korora Road/Bruxner Park Road link is outside the scope of this LEP Amendment, it is addressed by the North Coffs DCP which also applies to the land relevant to Thakral lands in North Coffs (Amendment No. 38).*
- *Funding of these intersection upgrades is addressed by the Draft North Coffs Developer Contributions Plan.*

Action:

The draft LEP will not require any changes as a result of issues raised by the RMS.

- **NSW Trade and Investment (T&I):**

T&I stated in its submission that the North Coffs LES (which informed the draft LEP Amendment) adequately addressed potential impacts and suggested mitigation methods for areas which will remain as agricultural lands.

Comment:

T&I provides advice regarding management of potential land use conflicts through its document "Living and Working in Rural Areas". This document, described in S2.13 of the North Coffs LES, outlines a process for Land Use Conflict Risk Assessment (LUCRA), and recommended buffers to agricultural lands.

Action:

The procedure for undertaking a LUCRA has been added to the North Coffs DCP, this however, is not required in the LEP Amendment. A LUCRA can be undertaken at the development application (DA) stage.

Cont'd

- **Office of Environment and Heritage (OEH):**

The OEH raised the following points in its submission:

- ▶ revegetation of wildlife movement corridors;
- ▶ acoustics;
- ▶ contaminated lands;
- ▶ Aboriginal Cultural Heritage.

Wildlife Movement Corridors:

The OEH identified two potential wildlife linkages, one being the riparian areas of Jordans Creek, and another connecting existing vegetation stands which are currently zoned Environmental Protection 7A Habitat and Catchment.

Comment:

The Jordans Creek corridor does not apply to lands affected by this LEP Amendment, however it is part of the Draft LEP Amendment No. 38 (Thakral lands). The remnant vegetation stands run in approximately an east-west direction in the North Coffs investigation area. These lands will retain their current zoning of Environmental Protection 7A (Habitat and Catchment).

Acoustics

Due to the proximity of the investigation area to the Pacific Highway and/or the North Coast Railway, the North Coffs LES included a comprehensive Acoustic Assessment. The 2009 Acoustic Assessment was based on criteria contained in the Environmental Protection Authority's "Environmental Criteria for Road Traffic Noise" (ECTRAN) 1999.

The ECTRAN has since been superseded by the NSW Road Noise Policy (March 2011). The OEH recommended that Council review the rezoning of land, given that the Acoustic Assessment included findings that external traffic noise is likely to be exceeded at some locations within 400 metres of the Pacific Highway.

Comment:

The Acoustic Assessment recommended the following to achieve acceptable noise levels:

Where external noise goals are not achieved, special attention needs to be paid to ensure that internal noise goals can be achieved.

It is anticipated that with careful planning and consideration of potential noise issues at the detailed design stage that the relevant internal noise goals will be achievable across the majority of the site. General recommendations to reduce internal noise levels are provided below.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Generally, to reduce road and rail traffic noise intrusion for future residential dwellings, design and construction suggestions include, but are not limited to, the following:

- ▶ *Locate dwellings on each allotment as far as possible from the noise source.*
- ▶ *Minimise the size and number of windows facing the noise source.*
- ▶ *Locate noise insensitive areas such as the kitchen, storage areas and laundry toward the noise source.*
- ▶ *Use construction techniques that focus on sealing gaps around windows, doors and ceiling spaces, etc.*
- ▶ *Use thick or laminated glass on windows directed toward the noise source.*
- ▶ *Use solid core doors and appropriate door seals.*
- ▶ *Replace traditional roof design with eaves by a flat roof with parapets. (This recommendation may only be appropriate for apartment buildings rather than individual single-storey residential dwellings.)*

Australian Standard AS 3671-1989 "Acoustics - Road traffic noise intrusion - Building siting and construction" requires development proposals to ensure the reduction of road traffic noise intrusion in buildings in areas near major roads. This standard provides guidelines for determining the type of building construction necessary to achieve acceptable internal noise levels.

These requirements are outlined in the separately attached North Coffs DCP.

Contaminated Lands:

The OEH did not support the deferral of contaminated land assessment to the DA stage, as recommended by the North Coffs LES.

Comment:

A comprehensive Contaminated Land Assessment was undertaken as part of the North Coffs LES. The LES identified the sites most likely to be affected by contamination, in areas most likely to be developed (below 55m AHD). Twenty two (22) locations were sampled, which included areas around banana packing sheds, former packing sheds and in areas which are, or have been subject to banana cultivation. These sites were sampled for specific contaminants and their contamination potential assessed. The LES recommended that more detailed, site specific testing be carried out the at DA stage as it is likely that contamination 'hot spots' of dieldrin and arsenic, and widespread contamination may occur due to the site history as a banana growing area and sampling results .

Action:

The North Coffs DCP contains controls that address the identification and remediation of contaminated land.

Aboriginal Cultural Heritage:

The OEH expressed concern that the Coffs Harbour and District Local Aboriginal Land Council (LALC) did not provide supporting documentation to the Cultural Heritage section of the North Coffs LES.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Comment:

The draft LES was referred to the LALC under separate cover. The LALC provided input in to the draft LEP, which will be discussed in more detail later in this report.

Action:

After consideration of these issues, the draft LEP does not require amendment resulting from input provided by the OEH.

- **Coffs Harbour and District Local Aboriginal Land Council (LALC)**

The Coffs Harbour LALC requested information regarding traffic movement throughout the proposed residential precincts, in particular any potential impact on pedestrian safety in the vicinity of Wongala Estate.

Comment:

The LALC was supplied with the North Coffs LES (Traffic and Access Study) which includes information regarding projected traffic volumes. The conclusions of the Traffic and Access Study stated that the existing roundabout at the Pacific Highway and Mastracolas Road has sufficient capacity to accommodate additional traffic from the proposed residential precincts on Mastracolas Road.

The LALC supports the LEP Amendment in principle.

Action:

The draft LEP Amendment does not require any changes due to issues raised by the Coffs Harbour LALC,

- **Office of Environment and Heritage (Water)**

OEH (Water) stated in their submission that the impact on the Jordans Creek floodway (near West Korora Road) required clarification.

Comment:

The land proposed to be rezoned Residential 2B Medium Density is relevant to the Coffs Creek Catchment. The land to be rezoned Residential 2E Tourist is part of the Jordans Creek Catchment. None of the land, in the Coffs Creek Catchment to be rezoned, is subject to the 1 in 100 year flood level. Parts of West Korora Road are subject to inundation in a 1 in 100 year flood event, however the upgrading of West Korora Road (recommended in planning studies for the Pacific Bay (Thakral) lands (draft LEP Amendment No. 38) should be constructed to locate the road surface above the 1 in 100 year flood level.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Action:

This flood level has been identified in the North Coffs DCP and appropriate strategies to mitigate inundation by flooding are included in this DCP. The LEP Amendment, however, does not require revision with respect to the flooding issues raised.

- **Rural Fire Service**

The Rural Fire Service (RFS) raised the following points:

- ▶ Council should ensure that the Performance Criteria of Planning for Bushfire Protection – Residential Subdivisions be complied with for all subdivision applications;
- ▶ Asset Protection Zone provisions are required on or near land of slope greater than 15 degrees (18%);
- ▶ Ensure compliance with all provisions relating to all developments in bushfire prone areas;
- ▶ Provide a satisfactory level of service for protection and evacuation of occupants in the event of an emergency, applying to all Masterplans or rezoning.

Comment:

These points have been addressed by the North Coffs DCP. DAs for subdivision are required to comply with “Planning for Bushfire Protection 2006” and other requirements of the RFS as part of the development assessment process.

Action:

The LEP Amendment does not require revision in respect of issues raised by the RFS.

• **Issues raised by submissions received from the Community**

- **Extent of Proposed Zones**

Three submissions were received concerning this issue.

Parts of the investigation area is subject to certain environmental and servicing constraints which impact on potential urban capability of that land:

Comment:

(a) Public Infrastructure Supply Constraints

Council’s Water Supply Strategy allows for the provision of reticulated water to a height of 55 metres AHD (Australian Height Datum) above sea level. The study area is serviced by the Red Hill and Macauleys Headland reservoirs. The land proposed to be rezoned will be serviced by the Macauleys Headland facility. Depending on reservoir levels, inconsistent water pressure has been experienced by some properties in the area which are above 55 metres AHD. Allowing for new development above this elevation may not guarantee water supply to those properties, urban development is therefore constrained to land which is below this elevation.

Cont'd

Much of the study area is above the 55 metres AHD contour, which impacts upon 173 hectares (56%) of the study area. This land is unable to be serviced by Council's water supply system. As a result, these lands are considered to be unsuitable for residential development and have not been rezoned accordingly.

Although the servicing constraints as set out above limits development to land below 55 metres AHD, the proposed medium density precincts do not include land which are subject to steep slopes. This is to minimise the risk of slope instability and soil erosion, as well as contributing to bushfire protection. Steeply sloping land is also a limiting criteria of where development can occur in relation to the provision of Asset Protection Zones (see below).

(b) Visual Context and Amenity

Factors which influence the visual amenity of the land include:

- the North Coast Railway;*
- the Pacific Highway;*
- the proposed Pacific Highway Bypass;*
- vegetation pockets;*
- significant ridgelines;*
- the rural landscape; and*
- the potential of the existing landscape to absorb change.*

The key finding of the Visual Assessment was that:

"Ridgelines and middle and upper slopes generally above the 60 metre AHD contour are unsuitable for any form of urban development due to the very high visibility, steep gradients and low visual absorption ability".

Excluding this land from development also accords with the 2030 Plans objective.

(c) Bushfire Protection

The LEP was prepared taking into account a Bushfire Risk Assessment in the North Coffs LES. The primary influence on bushfire risk is the steeply sloping topography which is widespread throughout the study area. In excess of half of the study area contains slopes of over 18 degrees, which is a limiting criteria of where development can occur in relation to the provision of Asset Protection Zones. Some areas lower than 55m AHD are subject to these steep slopes.

(d) Slope, Soils and Topography

As described in the previous paragraph, sloping terrain is a significant feature of the study area. This slope ranges from moderate to very steep, with gradients between 10% and 50%.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Any proposed development in steep lands must take into account the risk of slope stability and erosion particularly during construction of infrastructure such as roads. Although some parts of the study area are considered unsuitable for residential development due to very steep slopes, there is potential to develop in the nominated sites providing that appropriate slope stability management strategies are undertaken.

Action:

The extent of the proposed zones is consistent with the application of environmental constraints described by the North Coffs LES. The draft LEP does not warrant amendment in this regard. Information for applicants concerning soil erosion and topography is included in the North Coffs DCP.

Rationale of the Proposed Zones

Two submissions were received requesting explanation of how the proposed zones were identified, particularly the rationale of selecting the Residential 2B Medium Density zone rather than the Residential 2E Tourist zone in some precincts.

Comment:

The North Coffs Urban Investigation Area is recognised by Council's OLC Settlement Strategy as a growth area.

The North Coffs Urban Investigation Area also accords with the Growth Area maps in the Mid North Coast Regional Strategy.

The rationale for the zones selected are explained in the North Coffs LES, however the selection of suitable urban release land involved analysis of environmental constraints and existing planning strategies, which include:

- ▶ *ability to provide and maintain infrastructure (discussed further in this report);*
- ▶ *traffic and access management;*
- ▶ *agricultural impacts;*
- ▶ *amenity;*
- ▶ *flora and fauna;*
- ▶ *bushfire risk;*
- ▶ *hydrology, flooding and drainage;*
- ▶ *slope and topography;*
- ▶ *Pacific Highway Bypass Strategy;*
- ▶ *scope for provision of public transport; and*
- ▶ *community facilities.*

The recommendations of the North Coffs LES support the 2B Residential (Medium Density) zone. The Draft LEP Amendment was exhibited as per those recommendations. Subsequent to the exhibition, issues have arisen regarding:

- ▶ *provision and function of public open space;*
- ▶ *design and location of an appropriate internal road network within the precincts; and*
- ▶ *potential land use conflict between medium density residential and rural lands.*

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

It is recommended that Council defer the rezoning of the proposed 2B Residential (Medium Density) precincts pending resolution of those issues. This deferment is further discussed later in this report.

- Proposed Zones in the Big Banana Tourist Facility

The LES recommends rezoning of a significant portion of the Big Banana site for residential/tourist purposes.

Comment:

The draft LEP Amendment proposes rezoning of this portion of the Big Banana land currently zoned Rural 1A Agriculture to Residential 2E Tourist. Land which is subject to environmental, servicing or other constraints will retain its current 1A zone. The draft LEP Amendment reflects the expanded tourist-related land uses of the Big Banana site, and will accommodate possible future tourist-residential land uses on the site.

Action:

The land use zones as described by the LEP Amendment are consistent with current Growth Management Strategies and Planning Instruments, and appropriate to adjoining land uses.

- Implications of Zone Changes

One submission was received expressing concern for the implications of the proposed rezoning on:

- *rates and charges applicable to the affected properties; and*
- *preservation of building entitlements.*

Comment:

1. Rates

Should the proposed rezoning proceed, the land will be subject to revaluation by the NSW Valuer General (Land and Property Information). The Valuer General will then notify Council of the updated valuation of the land. The amount of change to rate charges depends on the revised unimproved rateable value of the land following rezoning.

2. Dwelling Entitlements

Should the land gain consent as a Council-approved subdivision, all resultant lots within the proposed subdivision will hold dwelling entitlements. This includes any residual land zoned Rural 1A Agriculture.

Action:

The LEP Amendment does not require revision regarding these issues.

Cont'd

- **Proposed Zones of Specific Properties**

➤ **Lot 3, DP270533**

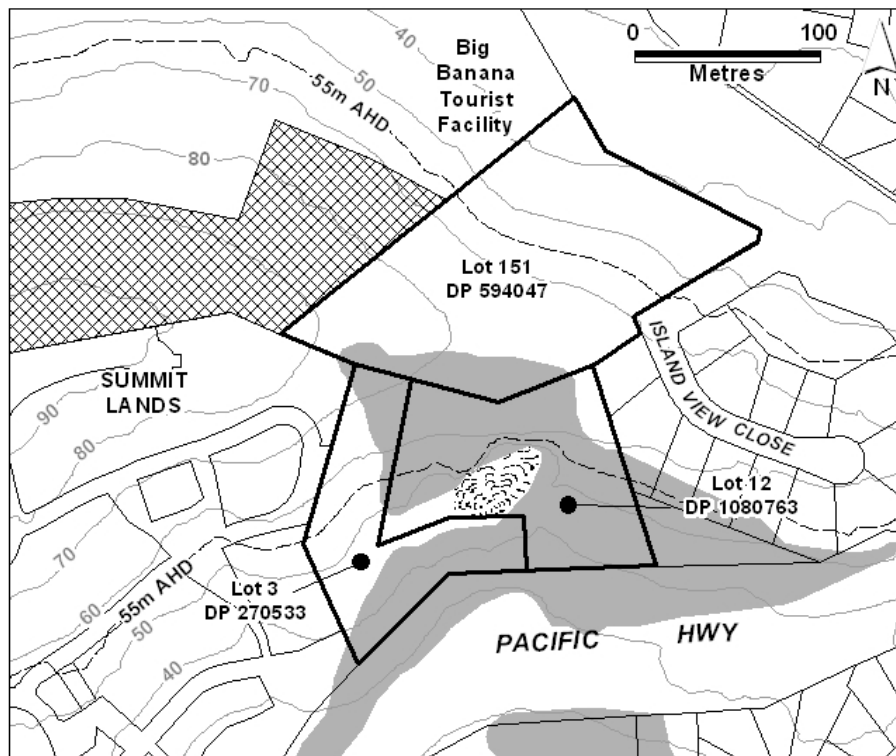
This land is currently zoned Rural 1A Agriculture and Environmental Protection 7B Scenic Buffer.

The draft LEP Amendment nominates this allotment as being zoned Environmental Protection 7A Habitat and Catchment. A submission was received requesting that:

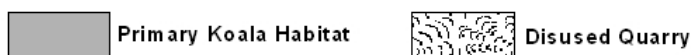
- the proposed 7A zone be revised to coincide with the vegetation on the lot; and
- nominate a residential zone on the cleared portion of the lot.

Comment:

This land is one of three allotments in the North Coffs Area which are identified as being of environmental significance, shown on the map below:



ENVIRONMENTAL CONSTRAINTS



Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Lot 3, DP270533 is subject to the following environmental constraints:

- 55 metres AHD servicing limitation;
- Primary Koala Habitat/Native Vegetation;
- Bush Fire prone;
- recognised as an Asset Protection Zone (APZ) and noise buffer to the Summit Development, important that this APZ and noise buffer be retained;
- steep slope; and
- contributes to protection of visual amenity.

The Primary Koala Habitat is contained to the vegetated parts of the lot while the land subject to steep slopes is primarily above 55 metres AHD.

It is acknowledged that zoning of the cleared land below 55 metres AHD for residential purposes would offer limited development potential and be consistent with adjoining land to the west. The issue of bushfire management can be satisfactorily addressed at the development stage.

Action:

It is recommended that the zoning of the land west of the mapped Primary Koala Habitat and below 55 metres AHD be zoned 2E Residential (Tourist), while the remainder of the land (including the former quarry site) retain its exhibited zoning of 7A Environment Protection (Habitat and Catchment).

▶ **Building Height in the Big Banana Land (Draft North Coffs DCP)**

One submission was received requesting that the proposed maximum building heights in the Big Banana precinct be amended.

The heights, as exhibited, were:

- 10 metres maximum height limit for residential developments; and
- 11 metres maximum height limited for residential tourist accommodation.

It was requested that the height limits be changed to 15.5 metres and 19 metres respectively.

Comment:

The Big Banana is considered a 'gateway' to the city of Coffs Harbour, this status will be enhanced upon completion of the proposed Pacific Highway bypass. It is important that an appropriate maximum building height limit be applied to this site so that any potential development does not overly adversely impact on visual amenity, be located below the 55m AHD contour and does not adversely impact the visual amenity of the area. It is considered that a maximum height limit of 15.5 metres is appropriate for this gateway site and significant tourist facility as well as being consistent with other areas in Coffs Harbour.

Cont'd

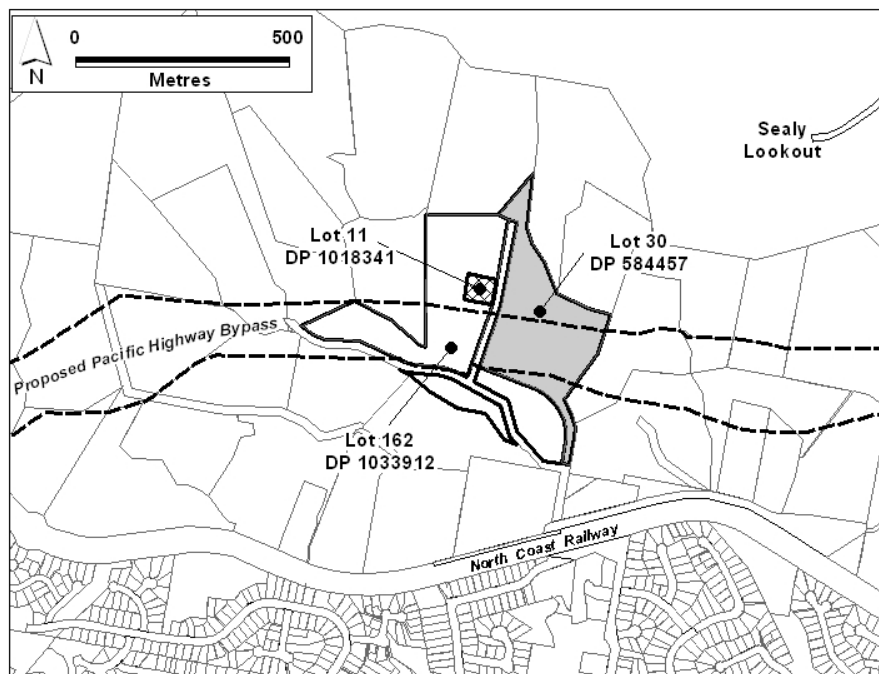
L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

Action:

The maximum building height limit to parts of the Big Banana land in the North Coffs DCP will be amended to 15.5 metres, and the location of height limits in the Big Banana are indicated in the DCP.

- ▶ **Lot 11, DP1018341; Lot 162, DP1033912; Lot 30, DP584457 - Mackays Road, Coffs Harbour**

These allotments, which are in one ownership, are shown on the map below:



A submission was received requesting that:

- Council consider zoning the land for residential purposes, with a view to a joint funding arrangement (with RailCorp) for a grade separated rail crossing at the existing Mackays Road level crossing.
- If Council cannot support such a rezoning, Council make a resolution to include these lands in the Rural Residential Strategy.

Comment:

This land is located in the western extent of the investigation area. It is severed by the proposed Pacific Highway bypass, which severely limits the development potential of the land. The land is also constrained by the following factors:

Cont'd

(a) Infrastructure Limitations

For lands in the western part of the study area to be rezoned, existing access roads will be subject to significant upgrades. The primary access roads are Mackays Road (which will involve a major upgrade of the Mackays Road level railway crossing), and an extension of Mastracolas Road currently unconstructed. The cost of construction of the Mastracolas Road extension is estimated to be in excess of \$4 million.

(b) Lack of Suitable Transport / Access Infrastructure

The Mackays Road level crossing is currently the only access point to the western precincts. Although the current crossing is sufficient to provide for access to existing properties, should residential development occur, the current level crossing requires substantial upgrade to a grade-separated situation (overpass/underpass). This cost is estimated to be at least \$5 million.

Given the limited amount of unconstrained land, the total cost of at least \$9 million to provide this infrastructure is cost prohibitive, making development of the western precincts economically unfeasible.

(c) Proximity to Existing Services

The western precinct is isolated from community service facilities such as shopping centres, public transport and sporting facilities. This situation has arisen due to insufficient road access (see above); and the location of existing services and facilities which provide for more densely populated areas.

The eastern precincts are more favourably located, being in close proximity to:

- major shopping centres (Park Beach Plaza and Homebase);*
- public transport routes; and*
- community facilities.*

(d) Inclusion of the land in Council's Rural Residential Strategy

Council adopted the Rural Residential Strategy in 2009 and it has been endorsed by NSW Planning and Infrastructure. Regarding future consideration of the land in Council's Rural Residential Strategy, Council resolved at its meeting of 26 November 2009 that:

- 1. The Rural Residential Strategy 2009 be reviewed either:*
 - upon completion of the Sapphire to Arrawarra Pacific Highway Upgrade; or*
 - when the Census data from 2011 is made available by the ABS; or*
 - in five years time when the sunset clause becomes effective**whichever occurs first.*

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

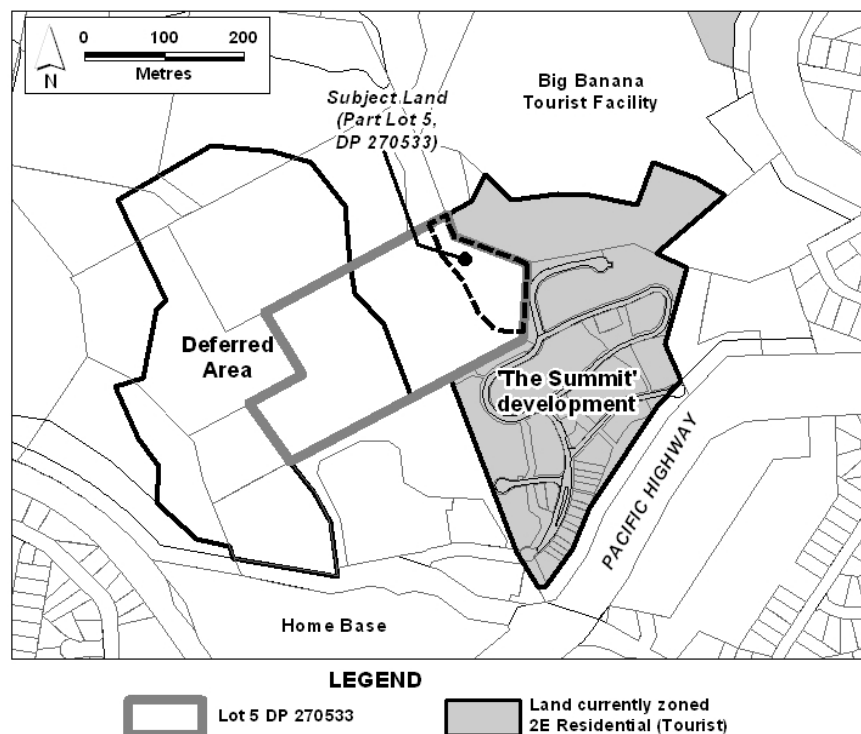
The review will therefore be undertaken in accordance with the above Council resolution.

Action:

This land will retain its existing zoning.

▶ **Lot 5, DP270533 – 30G Mastracolas Road, Coffs Harbour**

Prior to the recommended deferment of zoning this precinct, part of this lot was proposed to be rezoned to Residential 2B Medium Density. This land was recognised as not being limited by environmental constraints and zoned accordingly. A submission was received concerning another part of the lot, which is located above the 55m AHD servicing limitation. The submission requested that this land be rezoned for residential purposes as an extension to the existing community title development known as “The Summit”. The Summit provides a private on-site water supply which is not subject to the 55m AHD servicing limitation. This land is shown in the following map:



Comment:

Rezoning of land above the 55m AHD contour as part of its resolution of LEP Amendment No. 34 is not supported.

Action:

This land will retain its existing zoning.

Cont'd

▸ **Other Urban Release Projects in the Locality**

(a) Pacific Bay (Thakral) – Western Lands

A proposed rezoning is currently being considered on lands owned by Pacific Bay (Thakral). The project is known as draft Amendment No. 38 Pacific Bay (Thakral Lands in North Coffs).

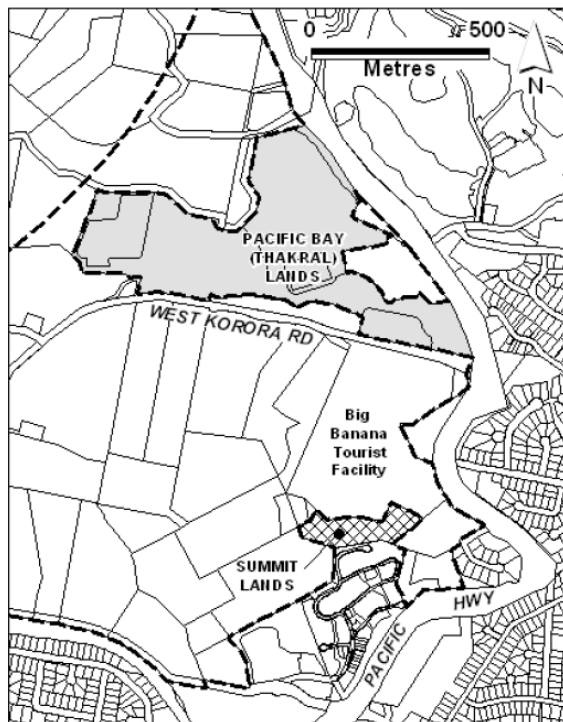
The draft Amendment for North Coffs has been prepared taking into account the contents and nature of the Pacific Bay (Thakral) rezoning to ensure consistency and compatibility of proposed zonings and permissible land uses.

The Pacific Bay (Thakral) land is also subject to a Part 3A DA (Major Project MP06_0188, Council DA 349/10). The DA and draft LEP Amendment have been publicly exhibited, however the application has not yet been determined as further work is still required before a determination can be made.

LEP Amendment No. 38 is the subject of a separate report.

(b) Big Banana – Summit Lands

Council has previously adopted Coffs Harbour LEP 2000 Amendment No. 37 and the Summit Lands DCP, which enables extension of the existing Summit Lands Development (a Community Title Estate). This LEP has been gazetted by the Minister. The location of the Pacific Bay (Thakral) and Summit lands, in relation to the eastern part of the North Coffs Investigation Area is shown on the following map:

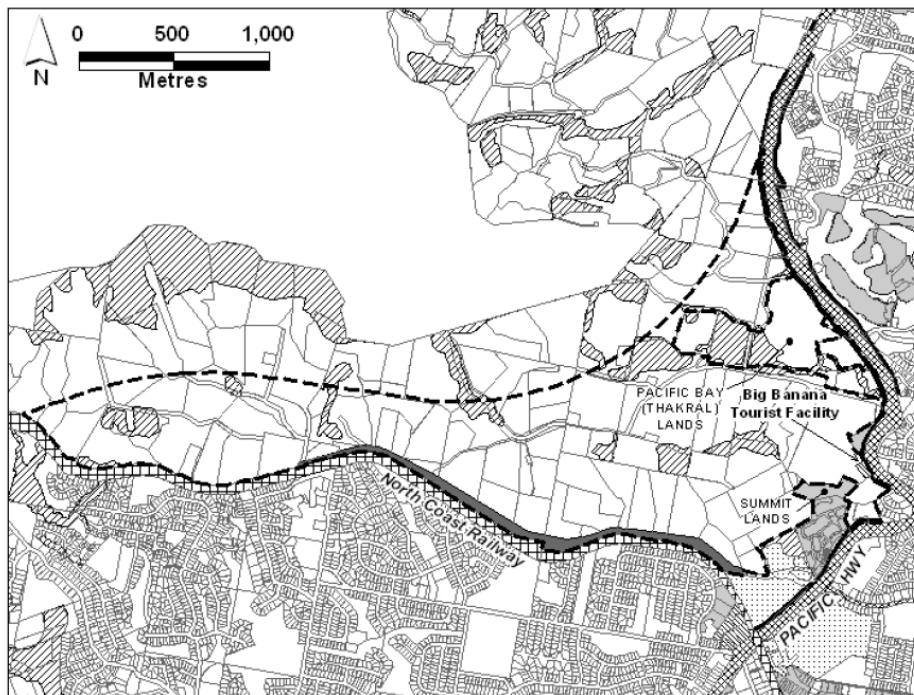


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








The Subject Draft LEP Amendment

- **Existing Zones**

The current zoning of the land, under Coffs Harbour City LEP 2000, is shown on the map below:



EXISTING ZONES

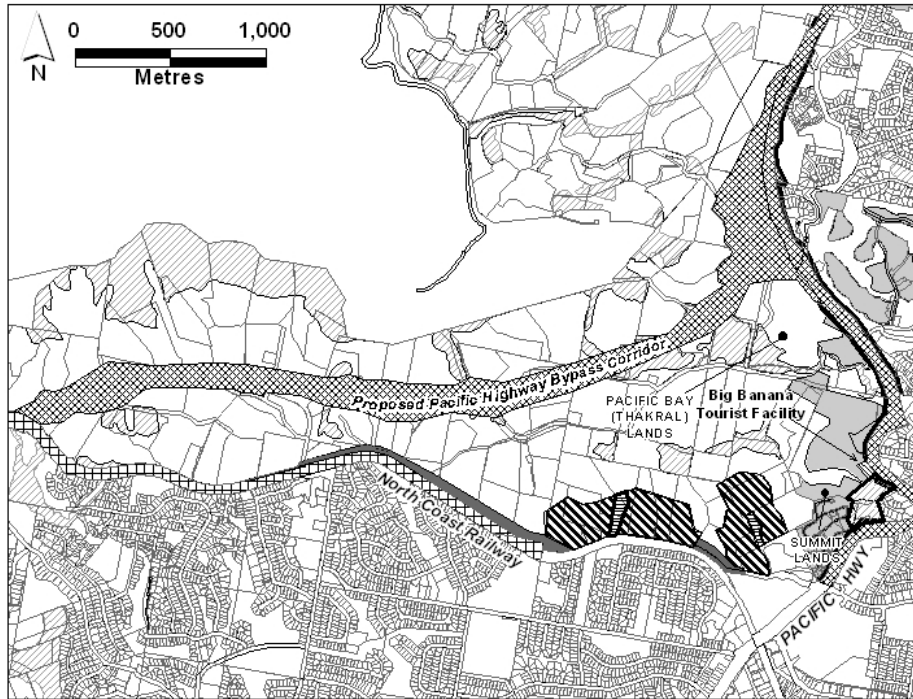
 1A Rural (Agriculture)	 5A Special Uses (Classified Road)
 2E Residential (Tourist)	 5A Special Uses (Railway)
 3B Business (City Support)	 7A Environmental Protection (Habitat and Catchment)
 3D Business (Tourist Service Centre)	 7B Environmental Protection (Scenic Buffer)
 5A Special Uses (Council Purposes)	

The subject land is currently zoned:












- Rural 1A (Agriculture);
- Business 3D (Tourist Service Centre);
- Special Uses 5A (Council Purposes); and
- Environmental Protection 7A (Habitat and Catchment).

• Exhibited Zones

The LEP Amendment (as exhibited) is shown below:



EXHIBITED ZONES

 1A Rural (Agriculture)	 5A Special Uses (Classified Road)
 2B Residential (Medium Density)	 5A Special Uses (Railway)
 2E Residential (Tourist)	 6A Open Space (Public Recreation)
 3B Business (City Support)	 7A Environmental Protection (Habitat and Catchment)
 3D Business (Tourist Service Centre)	 7B Environmental Protection (Scenic Buffer)
 5A Special Uses (Council Purposes)	

The draft LEP, as exhibited, recommended that some lands were rezoned to:

- Residential 2B Medium Density;
- Residential 2E Tourist;
- Classified Road 5A;
- Open Space 6A Public; and
- Environmental Protection 7A Habitat and Catchment.

Cont'd

- **Amendments to the Exhibited Zones**

The areas shown (as per the public exhibition) to be rezoned to 2B Residential (Medium Density) and 6A Open Space (Public) are proposed to be deferred from rezoning.

Following the exhibition of the draft LEP Amendment, issues have arisen regarding:

- provision and function of public open space;
- refinement of internal road network designs; and
- potential land use conflict between medium density residential areas and rural lands.

- **Open Space**

It is necessary to resolve the location and requirements for public open space provision, consistent with Council's Open Space Strategy.

- **Internal Roads**

The refinement of proposed internal road networks within these precincts is necessary to allow efficient traffic movements and access to and egress from these precincts, and the relationship between the private and public lands including the road network and open space area.

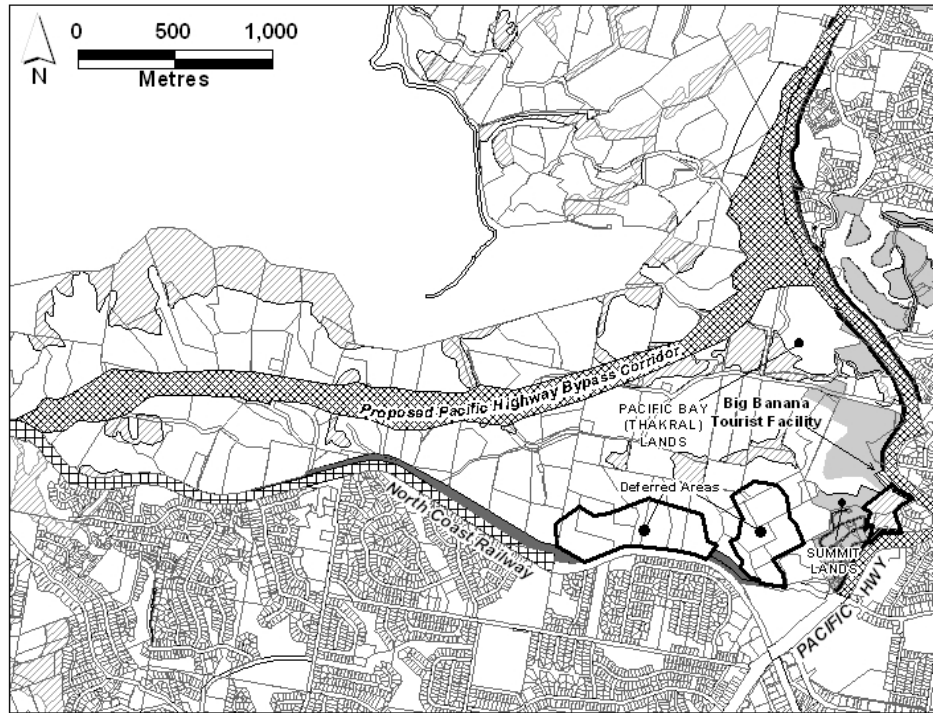
- **Potential Land Use Conflict**

These precincts adjoin land which is zoned 1A Rural (Agriculture). The proposed rezoning of precincts to 2B Residential (Medium Density) will result in significant changes to the character of the area. It is important that land use conflict is addressed by the LEP and DCP, which may involve the inclusion of suitable zoned buffers to residential lands.











It is therefore recommended that Council defer the rezoning of these precincts until these issues are resolved, upon which a further report will be presented to Council.

Cont'd

- Proposed Zones (as recommended)



PROPOSED ZONES (as recommended by this report)

	1A Rural (Agriculture)		5A Special Uses (Railway)
	2E Residential (Tourist)		5A Special Uses (Classified Road)
	3B Business (City Support)		7A Environmental Protection (Habitat and Catchment)
	3D Business (Tourist Service Centre)		7B Environmental Protection (Scenic Buffer)
	5A Special Uses (Council Purposes)		Deferred Area

- Potential Dwelling Yield

The LES indicates that the lands proposed to be rezoned to Residential 2E Tourist have a maximum potential for 789 dwellings, based on constraints such as Council's ability to supply water and sewer infrastructure to the North Coffs area.

The potential dwelling yield from the North Coffs Urban Investigation Area is generally consistent with the dwelling yield forecast by Council's OLC Settlement Strategy.

The OLC Settlement Strategy identified a potential maximum dwelling yield of 986 dwellings. This figure comprises yields from North Coffs, Pacific Bay (Thakral) lands and the Big Banana (Summit) lands inclusive.

Cont'd

L12/3 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 34 (PP_2010_Coffs_001_00); North Coffs Development Control Plan; and Draft North Coffs Developer Contributions Plan ...(Cont'd)

The potential maximum dwelling yields from all these lands within the entire North Coffs Urban Investigation Area is expected to be approximately 789 dwellings after excluding constrained lands.

• **Draft DCP and Draft Contributions Plan**

The draft North Coffs DCP was exhibited concurrently with draft LEP Amendment No. 34. A masterplan for lands subject to draft LEP Amendment No. 38 (Thakral lands in North Coffs) was exhibited between 7 May 2010 and 7 June 2010, as part of the Part 3A Application MP06_0118.

Should Council resolve to adopt the recommendations to this report, the draft North Coffs DCP and development guidelines applying to the Thakral lands will be integrated into a DCP which will apply to the wider North Coffs area.

The draft North Coffs Developer Contributions Plan, separately attached, provides information to applicants associated with funding the provision of infrastructure and community facilities to service the future population of the North Coffs Residential Catchment.

Implementation Date / Priority:

Should Council resolve to adopt the draft LEP Amendment, a report will be prepared and sent to NSW Planning and Infrastructure, requesting the Minister make the LEP Amendment.

The DCP would be enforced upon the "making" of the LEP by notification on the NSW Legislation website.

This action will be undertaken as soon as possible.

Recommendation:

- 1. That Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34).**
- 2. In accordance with Section 58 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) (as attached to this report) be submitted to the Minister (Planning and Infrastructure) to make the plan.**
- 3. That Council be provided with a future report presenting the outcome of addressing planning issues within the deferred areas of the Coffs Harbour City LEP 2000 (Amendment No. 34).**
- 4. That Council adopt the North Coffs Development Control Plan.**
- 5. That parties who made a submission to the Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) and to the North Coffs Development Control Plan be informed of Council's decision.**
- 6. That Council adopt the draft North Coffs Developer Contributions Plan for exhibition purposes.**
- 7. That Council be provided with a future report, presenting the outcome of the exhibition of the draft North Coffs Developer Contributions Plan.**

Attachments:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DRAFT COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000
(AMENDMENT NO. 34)

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder.

Minister for Planning

Sydney, 2012

1. Name of plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No 34)*.

2. Aims of plan

This plan aims to amend *Coffs Harbour City Council Local Environmental Plan 2000* so as:

- (a) to rezone certain lands to which this plan applies to Residential 2E Tourist Lands to allow residential and tourism-related uses of the land.
- (b) to ensure that any subdivision of, or erection of a dwelling on the land to which this plan applies is in accordance with the North Coffs Development Control Plan (as in force on the commencement of this plan).
- (c) to reserve the future Pacific Highway corridor by rezoning the corridor to Special Uses 5A Classified Road.
- (d) to rezone part of the land Environmental Protection 7A Habitat and Catchment to protect significant flora and fauna, and retention of scenic values adjacent to the Pacific Highway.
- (e) to identify land as being deferred subject to further planning investigations.

3. Land to which plan applies

This plan applies to land within the City of Coffs Harbour in the vicinity of Mastracolas Road, West Korora Road and the Big Banana Tourist facility; as shown on the map marked "*Coffs Harbour City Local Environmental Plan 2000 (Amendment No 34)*" deposited in the office of Coffs Harbour City Council.

**SCHEDULE 1 AMENDMENT OF COFFS HARBOUR CITY
LOCAL ENVIRONMENTAL PLAN 2000**

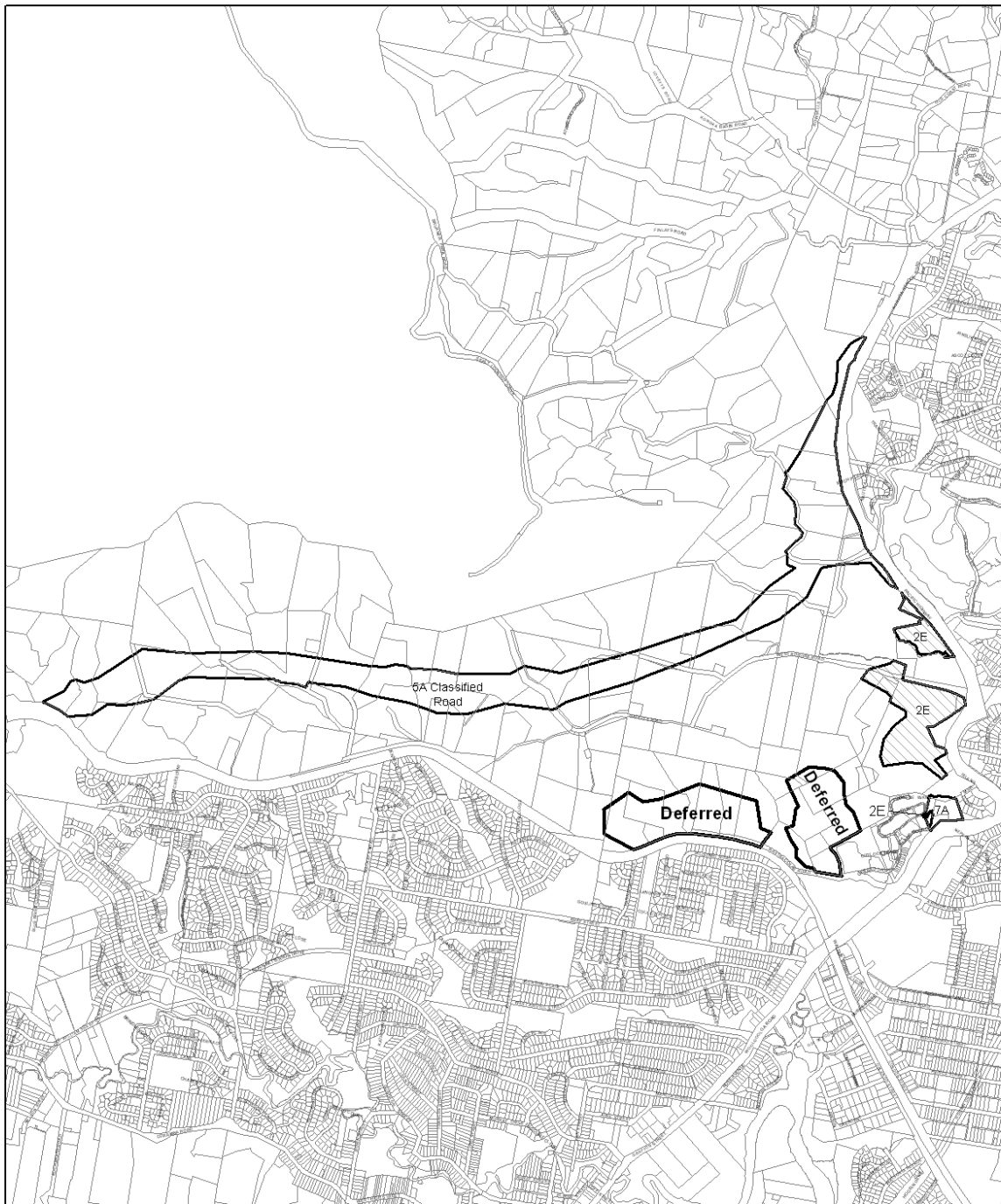
[1] Dictionary

Insert in appropriate order in the definition of *the map*:

[2] Inserting in Part 4, the following contents of Clause 25(12):

At the end of Clause 25(12) in chronological order, insert the following words:

“Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34)”



2E Residential Tourist	Deferred Area
5A Classified Road	Urban Release Areas
7A Environmental Protection Habitat and Catchment	



1:25,000

LOCALITY: Coffs Harbour and Korora

DRAWN BY: TBS DATE: February 01 SCALE: 1:25000	
SHEET NO. 1 OF 1 SHEETS	
COUNCIL FILE NO.	
DEPT. FILE NO.	
CERTIFICATE PLAN NO.	DATE:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
COFFS HARBOUR CITY
LOCAL ENVIRONMENTAL PLAN 2000
Amendment No. 34

CERTIFICATE ISSUED UNDER SEC. 65 EPA ACT 1979. DATE:	
PUBLISHED IN GOVT. GAZ. NO.	OF
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS.	
GENERAL MANAGER	DATE:

L12/4 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN (LEP) 2000 AMENDMENT NO. 38 (PP_2101_COFFS_002_00) THAKRAL LANDS IN NORTH COFFS

Purpose:

The purpose of this report is to inform Council of the outcome of the public exhibition of the draft Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 38). The report recommends that Council adopt a final Coffs Harbour City LEP 2000 (Amendment No. 38). Coffs Harbour City LEP 2000 (Amendment No. 38) is attached to this report.

Description of Item:

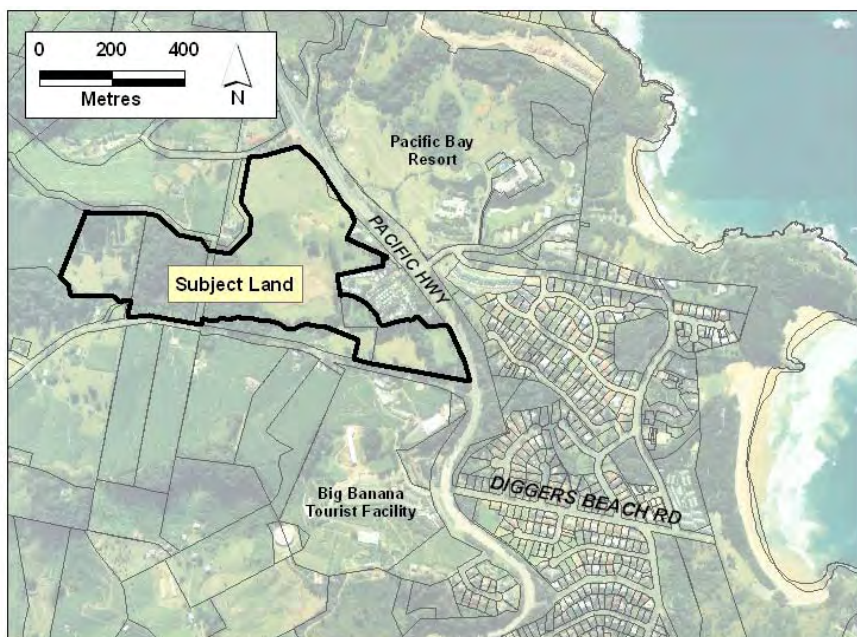
At its meeting of 2 November 2006, Council endorsed the progression of three separate amendments to LEP 2000 within the North Coffs Urban Release Area, as set out below:

1. Council endorse the three Local Environmental Plan amendment components of the North Coffs Release Area as follows:
 - Local Environmental Plan draft Amendment No. 34 – North Coffs;
 - Local Environmental Plan draft Amendment No. 37 – Big Banana Lands in North Coffs; and
 - Local Environmental Plan draft Amendment No. 38 – Thakral Lands in North Coffs.

Draft LEP Amendment No. 34 is the subject of a separate Council report. The report concerning draft Amendment No. 34 also informs Council of the status of the draft North Coffs Development Control Plan (DCP), and draft North Coffs Developer Contributions Plan. These two draft plans provide planning controls and development costs for the wider North Coffs Urban Investigation Area, which includes the land that is the subject of this report.

Amendment No. 37 has been gazetted.

The location of the subject land (LEP Amendment No. 38) is shown on the map below:



Cont'd

L12/4 Coffs Harbour City Local Environmental Plan (LEP) 2000 Amendment No. 38 (PP_2101_Coffs_002_00) Thakral Lands In North Coffs ...(Cont'd)

The land occupies an area of 29.46 hectares and comprises the following:

- Lot 1 DP592173;
- Lot 2 DP 226560 (this lot will be deferred from the rezoning due to the location of the RTA's proposed Highway Bypass);
- Lot 3 DP 820652;
- Lot 4 DP 820652;
- Lot 5 DP 820652; and
- Lot 23 DP 716144.

The owners of the land, Thakral Holdings Pty Limited, approached Council and the Department of Planning (now NSW Planning and Infrastructure (P&I)) seeking a joint rezoning of the land and Major Project Application for subdivision of 112 housing sites. The landholder has funded an Environmental Assessment Report (EAR) and statutory planning required to achieve the rezoning. The Major Project is known as MP06_0188 (Development Application (DA) 349/10).

Council subsequently reviewed the documents relevant to the rezoning proposal, and prepared a draft Amendment to Coffs Harbour LEP 2000.

At its meeting on 13 August 2009, Council subsequently resolved:

2. *That Council seek authority from the Section 54 Planning Review Panel to permit issue, under delegation of a certificate under Section 65 of the Environmental Planning and Assessment Act 1979 to allow the draft Local Environmental Plan 38 for Lot 1, DP592173; Lot 2 DP226560; Lot 3 DP820652; Lot 4 DP820652; Lot 5 DP 820652 and Lot 23 DP716144 to be exhibited.*
3. *The draft Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.*
4. *The draft Development Guidelines be exhibited in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations relating to Development Control Plans.*

The Section 65 Certificate was issued by P&I on 16 February 2010. The draft LEP Amendment was exhibited from 7 May 2010 to 7 June 2010.

Sustainability Assessment:

• **Environment**

Environmental sustainability is primarily addressed by:

- the Environmental Assessment Report (EAR), this essentially covers the issues normally contained in a Local Environmental Study;
- the Major Project application; and
- actions generated by advice received from Government Agencies and the community in the course of the public exhibition.

Cont'd

Environmental issues which have been addressed by the EAR and LEP Amendment include:

- flora and fauna;
- bushfire risk assessment;
- stormwater management and water quality;
- slope, soils and topography;
- hydrology, flooding and drainage;
- water sensitive urban design (WSUD); and
- soil contamination.

The land proposed to be rezoned for residential development, the proposed Residential 2A Low Density zone, is not significantly impacted by environmental constraints. Some other lands which are environmentally constrained are proposed to be rezoned to an Environmental Protection 7A Habitat and Catchment zone. An area is also proposed to be zoned Open Space 6C Private Recreation.

- **Social**

The LEP Amendment and EAR address social sustainability issues, including:

- traffic and access;
- archaeology and heritage;
- visual analysis;
- acoustic assessment; and
- establishment of areas of open space.

- **Civic Leadership**

The LEP Amendment has been prepared in accordance with the EP&A Act and relevant Council Strategies and Policies, primarily Coffs Harbour City LEP 2000, the Mid North Coast Regional Strategy and Our Living City (OLC) Settlement Strategy 2009.

The LEP Amendment provides for opportunities to address objectives and strategies identified by the Coffs Harbour 2030 Plan, for example:

Objective: We use best practice urban design and infrastructure development to promote sustainable living.

Strategies: Create balanced pedestrian friendly communities with a mix of residential, business and services.

- **Economic**

Economic sustainability issues addressed by the LEP Amendment are:

- an approximate dwelling yield of a potential maximum of 112 housing sites;
- infrastructure (water and sewer provision); and
- open space.

Cont'd

The report identifies the facilities and services required to progress the land's rezoning. These will need to be provided by the developer the funding for which is set out in the Draft North Coffs Developer Contribution Plan. This plan is presented to Council in a separate report.

Broader Economic Implications

The rezoning will stimulate economic growth by introducing residential activities which are permissible within the Residential 2A Low Density zone. The use of the land for residential purposes is also consistent with the economic objectives of the OLC Settlement Strategy.

Delivery Program/Operational Plan Implications

The landholder has funded the necessary studies associated with the rezoning proposal. There are, therefore, no economic implications to Council's current Operational Plan.

Consultation:

The draft LEP was exhibited between 7 May 2010 to 7 June 2010 concurrently with the Major Project (MP06_0188). The component of the exhibition concerning the Major Project was administered by P&I.

The documents were exhibited according to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and Regulations. The documents were exhibited:

- at Council's Administration Centre;
- on Council's website; and
- on P&I's website.

Summary of Submissions:

Council received a total of 14 submissions during the exhibition period, being:

- **Government Agencies:**

Council received four submissions from Government agencies during the exhibition of the draft LEP Amendment, being:

- Roads and Maritime Services (formerly RTA);
- NSW Industry and Investment;
- Coffs Harbour and District Local Aboriginal Land Council; and
- Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water).

- **Community Submissions:**

Council received 10 submissions from the community. The submissions identified one primary issue, being the traffic and access provisions throughout the proposed residential areas and impact on existing road networks.

The contents of the submissions will be discussed in the "Issues" section of this report.

Cont'd

Related Policy and / or Precedents:

The following policies and statutory documents are relevant to this proposal. The rezoning process has been carried out in accordance with the following strategies and policies:

- Mid North Coast Regional Strategy 2009 and Growth Area Maps;
- Coffs Harbour 2030 Community Strategic Plan;
- Our Living City Settlement Strategy (February 2008);
- Coffs Harbour City LEP 2000;
- EP&A Act 1979 and Regulations;
- Coffs Harbour City Koala Plan of Management 1999; and
- P&I's Section 117 Directions.

Statutory Requirements:

Following changes to the EP&A Act, P&I requested Council convert the project to a Planning Proposal, in accordance with the new provisions of the EP&A Act. The project is now a Planning Proposal (PP_2101_COFFS_002_00).

Issues:

- **Discussion of submissions received from Government Agencies**
 - **Roads and Maritime Services (RMS):**

RMS indicated that this rezoning proposal would have significant impacts on the existing alignment of the Pacific Highway when traffic movements are increased as a consequence of the land subject to residential rezoning being developed. It is proposed that a major interchange be constructed at the Bruxner Park Road / Pacific Highway intersection as part of the proposed Coffs Harbour bypass.

- **Bruxner Park Road Interchange**

Comment:

Council has been involved in ongoing consultation with RMS in regard to the issue of traffic and access provisions throughout the North Coffs locality. One of the primary issues is the management of traffic movements and access at the Pacific Highway intersection at Bruxner Park Road, and West Korora Road.

Action:

RMS analysis suggests that the best outcome for all road users would be by providing a signalised intersection at the Pacific Highway / West Korora Road intersection and, prior to the completion of a Coffs Harbour bypass, a signalised intersection at Bruxner Park Road. These intersection upgrades are shown as required in the North Coffs DCP.

Cont'd

▪ **Access to Residential Precincts from Bruxner Park Road**

Comment:

RMS has undertaken traffic analysis of the North Coffs Harbour area with a view to optimising traffic movements as a result of planned land release in this area. The traffic analysis was based on a number of network measures including total kilometres travelled, vehicle delay, total number of stops and total distance travelled and included the proposed land use change associated with the subject land.

Action:

The exhibited LEP Amendment has been revised to allow suitable access to the proposed residential precinct from Bruxner Park Road. This revision is the proposed rezoning of the northern extent of Lot 5, DP820652 to allow for the establishment of the Bruxner Park road interchange, and to provide sufficient land to provide safe access and egress to the proposed residential areas.

This land is proposed to be zoned Special Purposes 5A Classified Road as shown on the LEP, the preferred access point from Bruxner Park Road is mapped by the North Coffs DCP.

- **NSW Trade and Investment (T&I) (formerly Industry and Investment):**

The submission from T&I concerned the proximity of the proposed residential precincts to adjoining and nearby agricultural (bananas and blueberries) land. T&I referred to the need to address potential land use conflict between rural and residential land uses. Potential land use conflict is also discussed in the Mid North Coast Regional Strategy 2009, referring to the use of conflict risk assessment and buffers to protect existing farmland from the impacts of new neighbouring development.

Comment:

T&I provides advice regarding management of potential land use conflicts through its document "Living and Working in Rural Areas". This document outlines a process for Land Use Conflict Risk Assessment (LUCRA), and recommended buffers to agricultural lands.

Action:

The procedure for undertaking a LUCRA is addressed by the North Coffs DCP, however does not require inclusion in the LEP Amendment. A LUCRA can be undertaken at the development application stage as required by the North Coffs DCP.

Cont'd

Office of Environment and Heritage (OEH):

The OEH raised the following issues:

▪ **Aboriginal Cultural Heritage**

The OEH was concerned that the Archaeological Report supplied with the EAR was inconsistent with the views of the Aboriginal community, following consultation between the OEH, Coffs Harbour and District Local Aboriginal Land Council (LALC) and aboriginal representatives. The OEH advised that the recommendations of the Archaeological Report were inadequate and requested they be reviewed in consultation with the local Aboriginal community.

Comment:

The EAR, including the Archaeological Report, was supplied to the Coffs Harbour and District LALC.

The LALC has advised that "should any development activity be undertaken in this area, then consultation with the Aboriginal community should be undertaken prior to any associated ground disturbance activities".

The consultation process is to be guided by the "Aboriginal Communities Consultation Requirements" issued by the OEH.

Action:

The draft LEP Amendment does not require any changes due to issues relating to Aboriginal Cultural Heritage raised by the OEH but this requirement has been integrated into the DCP.

▪ **Flora and Fauna**

The proposal is generally supported by the OEH regarding flora and fauna, however the OEH state that the habitat of Giant Barred Frog populations in the Jordans Creek area should be protected by not allowing earthworks and excavation in Jordans Creek and its riparian zone.

Comment:

The land in question is proposed to be zoned Environmental Protection 7A Habitat and Catchment. Earthworks, excavation and other forms of landform modification would only be permissible "without consent" if associated with environmental protection works. All other instances of those land uses will require development consent from Council and likely involve relevant concurrence from government agencies.

▪ **Noise**

The OEH does not support reliance upon architectural solutions as a means of mitigating road noise impacts, preferring that noise attenuation measures are addressed during the planning phase.

Cont'd

Comment:

The proponent is in the process of revising the Concept Plan for the subject land. This Concept Plan may include a noise attenuation strategy, which will be referred to relevant authorities for comment upon receipt from the proponent. Noise attenuation measures will be addressed by the North Coffs Development Control Plan (DCP) and Developer Contributions Plan.

▪ **Flood Risk Management**

The OEH requested that further modelling be undertaken in respect to the PMF flood level to determine the adequacy of the evacuation strategy described in the Environmental Assessment Report. The OEH also sought clarification regarding the effects of Climate Change on rainfall events, and sought improvements to the proposed street layout of the subdivision.

Comment:

The proponents are preparing a revised Concept Plan for the residential precincts. This revised Concept Plan will be referred to the OEH and Council's City Services Department for comment upon receipt from the proponent. Council's City Services Department have supported the findings of the Flood Assessment Study in the EAR.

Actions relating to the OEH submission:

The LEP Amendment addresses the concerns raised by the OEH in terms of Flora and Fauna and Aboriginal Cultural Heritage. The North Coffs DCP contains provisions regarding noise attenuation and flood management.

• **Discussion of submissions received from the Community**

Ten submissions were received from the community during the exhibition period. All raised concerns regarding the impact on the existing road network of increased traffic movements following development of the proposed residential land, and the proposed Traffic and Access Strategy for the proposal.

Comment:

This issue has been addressed previously in this report, in the text regarding the Traffic and Access Strategy for the North Coffs locality.

Action:

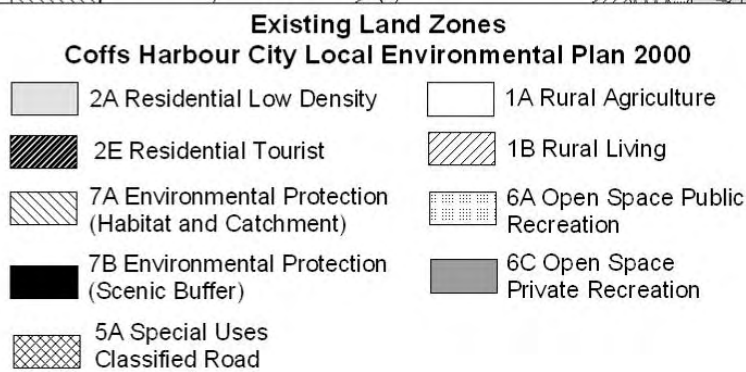
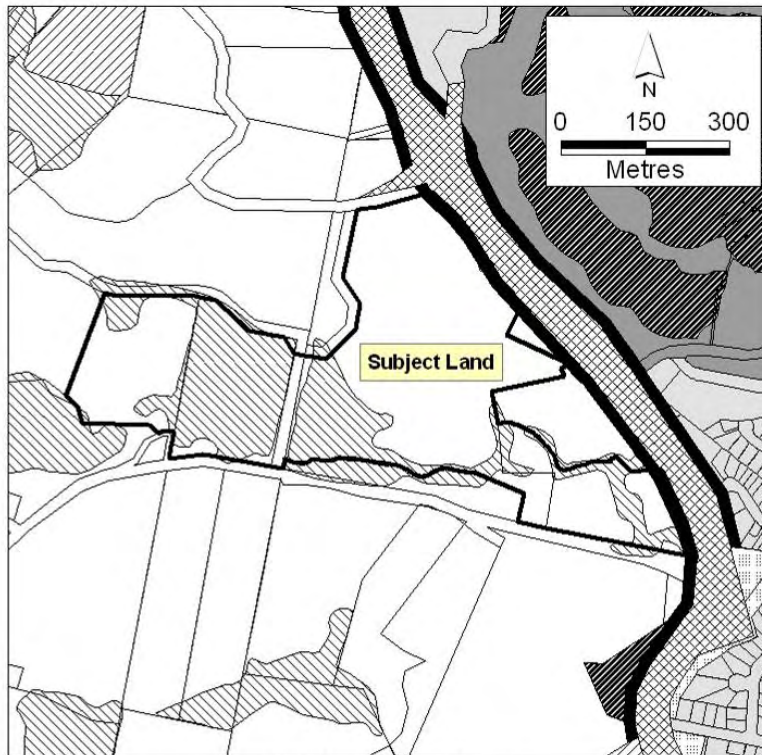
Refer to the action taken in the text concerning RMS.

Cont'd

The draft LEP Amendment:

- Existing Zones

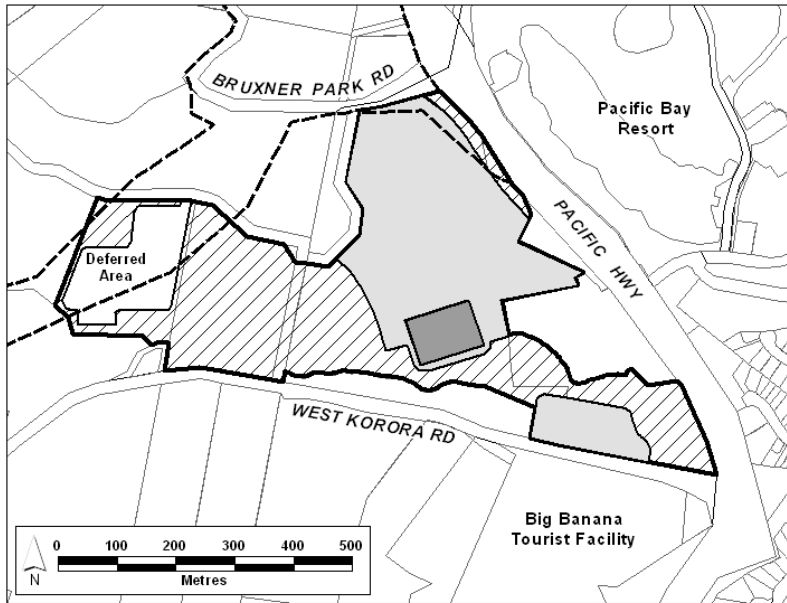
The current zoning of the land, under Coffs Harbour City LEP 2000, is shown on the map below:



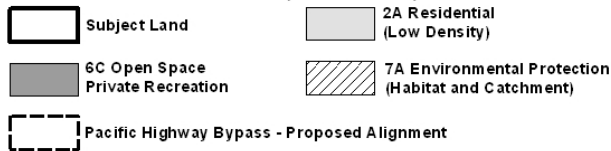
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- **Draft Zones (as exhibited)**

The draft LEP Amendment, which was placed on public exhibition subsequent to Council's resolution of 13 August 2009, is shown on the following map:

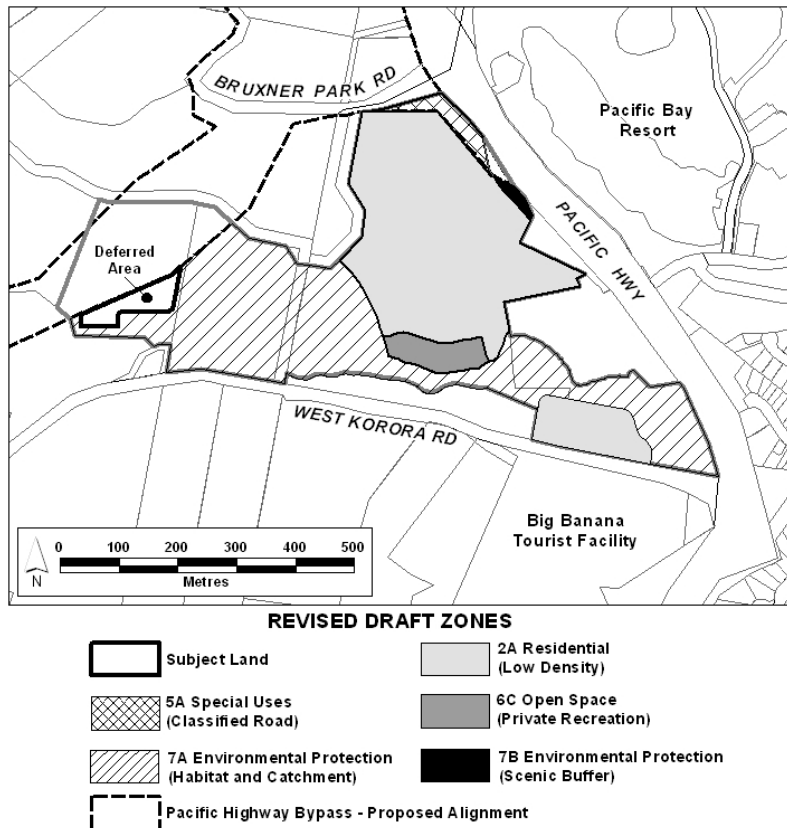


DRAFT ZONES (as exhibited)



• **Revised draft zones (as attached and recommended for this report):**

Following the public exhibition period and consideration of all submissions received from the community, Government agencies and other Council departments, the draft LEP Amendment map is proposed to be amended. The proposed amended map is shown below:



The amendments that are proposed to be made, and the rationale for those amendments, are as follows:

- **Revision of Deferred Area**

The land shown as 'Deferred Area' on the attached LEP Amendment has been amended to reflect the zoning of the Pacific Highway bypass corridor. The land was initially deferred due to the bypass strategy, however the location of the corridor had not been finalised at the time of exhibition of the LEP Amendment. The bypass corridor has now been finalised, and has been zoned Special Uses 5A (Classified Road) as part of Coffs Harbour City LEP 2000 (Amendment No. 34). That amendment is the subject of a separate report.

- **Addition of Road Corridor (northern extent of subject land)**

This land is discussed in the 'Issues' section of this report, and has been zoned Special Uses 5A Classified Road, to be acquired by the RTA for incorporation into a major interchange at the Bruxner Park Road / Pacific Highway intersection.

Cont'd

- **Amendment to Open Space Zone**

The draft LEP Amendment (as exhibited) provided for the retention of the existing playing field (currently known as "Camp Rabbitoh"), to be zoned Open Space 6C Private Recreation. Council's Open Space Strategy has determined that this sports field is not required for public recreation purposes, however areas of open space are required to be included in applications for subdivision.

In November 2011, Council received a submission from the proponent requesting amendment to the exhibited draft LEP Amendment, requesting:

To ensure the residential release area is protected from stormwater inundation a detention basin has been designed to be constructed along the southern part of the release area near Jordans Creek. The basin has been sized to provide stormwater detention to the specified Council requirements, and to provide an area suitable for stormwater treatment to meet specified council requirements for stormwater quality.

The basin has been located to provide minimal impact on flood flows up to the 1% AEP flood event. The basin is proposed to be zoned Open Space 6A Public Recreation and sufficient area is available in the area to be zoned 6A allocated for the basin to provide a neighbourhood park should a neighbourhood park be required.

Council supports this proposal, except that the proposed revised Open Space area should be zoned Open Space 6C Private Recreation at this stage, as the land is not required by Council under the provisions of the Open Space Strategy. Further details will be required to be provided in the proponent's forthcoming revised Concept Plan to resolve the stormwater strategy in the North Coffs DCP and Contributions Plan.

• **North Coffs DCP and Draft North Coffs Contributions Plan:**

The North Coffs DCP and draft North Coffs Contributions Plan apply to the land subject to this LEP Amendment. The North Coffs DCP was exhibited concurrently with Draft LEP Amendment No. 34 (North Coffs). The North Coffs DCP provides an overall development strategy for the North Coffs Urban Investigation Area, and information and planning controls relating to development proposals.

Should Council resolve to adopt the recommendations to this report, the draft North Coffs DCP and development guidelines prepared for the Pacific Bay (Thakral) lands (draft LEP Amendment No. 38) will be integrated into a DCP which will apply to the wider North Coffs area.

The draft North Coffs Developer Contributions Plan provides information to applicants associated with funding the provision of infrastructure and community facilities to service the future population of the North Coffs Residential Catchment.

The North Coffs DCP and Draft North Coffs Contributions Plan are the subject of a separate report to be presented to Council.

Cont'd

Implementation Date / Priority:

Should Council resolve to adopt the LEP Amendment, a report will be prepared and sent to P&I, requesting the Minister to make the LEP Amendment.

This action will be undertaken as soon as possible.

Recommendation:

- 1. That Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38);**
- 2. In accordance with Section 58 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) (as attached to this report) be submitted to the Minister (Planning and Infrastructure) to make the plan.**
- 3. That parties who made a submission to Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) be informed of Council's decision.**
- 4. That should this Local Environmental Plan be made prior to the North Coffs Local Environmental Plan 2000 (Amendment No. 34), that the North Coffs Development Control Plan (as circulated separately) would be enforced for the land subject to Local Environmental Plan 2000 (Amendment No. 38).**

Attachments:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
DRAFT
COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000
(AMENDMENT NO. 38)

I, the Minister for Infrastructure and Planning, in pursuance of section 59 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (G08/00031)

Minister for Planning

Sydney, 2012

1. Name of Plan

This plan is *Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38)*.

2. Aims, objectives etc

This plan aims to rezone land in Coffs Harbour local government area:

- To allow parts of the land to be used for residential purposes
- To allow suitable land to be zoned for environmental protection
- To zone active recreational areas for open space purposes.

3. Land to which plan applies

This plan applies to land within the Coffs Harbour City, as shown edged heavy black on the map marked Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38) deposited in the office of the Council.

4. Amendment of Coffs Harbour City Local Environmental Plan 2000

Coffs Harbour City Local Environmental Plan 2000 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

[1] Part 6 - Dictionary

Inserting in Part 6 – Dictionary, in appropriate order in the definition of *the map* the following words:

“Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38)”

[2] Inserting in Part 3, following the contents of Clause 18(9):

18A Subdivision and Erection of Dwellings on Thakral Lands western side of the Pacific Highway

- (1) Consent shall not be granted for the subdivision or erection of dwellings on land applying to Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38), unless the provisions of the North Coffs Development Control Plan are complied with.

[3] Inserting in Part 4, the following contents of Clause 25(12):

At the end of Clause 25(12) in chronological order, insert the following words:

“Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 38)”



- | | |
|---|--|
| 2A Residential Low Density | 7A Environmental Protection Habitat and Catchment |
| 5A RTA Land Acquisition (5A) | 7B Environmental Protection Scenic Buffer |
| 6C Open Space Private Recreation | Deferred |



LOCALITY: Coffs Harbour

DRAWN BY: JXS DATE: November 22 SCALE 1:6000
 SHEET NO. 1 OF 1 SHEETS
 COUNCIL FILE NO.
 DEPT. FILE NO.
 CERTIFICATE PLAN NO. DATE:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
COFFS HARBOUR CITY
LOCAL ENVIRONMENTAL PLAN 2000
 Draft
Amendment No. 38

CERTIFICATE ISSUED UNDER SEC.65 EPA ACT 1979. DATE:
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L12/5 PLANNING PROPOSAL – REZONING OF LOT 1 DP579511 AND LOT 500 DP776362 CORNER OF CLARENCE AND PULLEN STREETS, WOOLGOOLGA - TO ALLOW A SUPERMARKET

Purpose:

The purpose of this report is to inform Council of the response to the statutory public exhibition of the planning proposal and to seek Council's endorsement of the planning proposal to progress the matter to NSW Planning and Infrastructure (P&I) to enable the redevelopment of the former Raj Mahal site at 39-41 Clarence Street, Woolgoolga (Lot 1 DP579511 and Lot 500 DP776362) for a supermarket.

Description of Item:

This matter was reported to Council 28 July 2011, at that time Council resolved:

1. *Council endorse, for the purposes of seeking a "Gateway determination" by NSW Planning and Infrastructure, the planning proposal seeking rezoning for business purposes to allow a supermarket at Lot 1 DP579511 and Lot 500 DP776362 Pullen Street, Woolgoolga.*
2. *Council forward the planning proposal to NSW Planning and Infrastructure, seeking endorsement of a gateway determination.*
3. *Council inform the proponent of Council's decision.*

The Planning Proposal was progressed to NSW P&I on the 29 July 2011.

NSW P&I issued a gateway determination on the 22 August 2011 permitting the public exhibition of the Planning Proposal subject to conditions. Refer Attachment 1.

This Gateway Determination was subject to conditions which did not accord with Council's concerns over the potential impacts of the development of the site on the retail hierarchy of Woolgoolga, and was not supportive of the limitation on tenancy size for this site.

Council staff then entered into negotiations with NSW P&I to seek review of the Gateway Determination to address the limitation on tenancy size for this site, consistent with Council's resolution.

A formal letter was issued to NSW P&I on the 4 October 2011 with Council proposing the following wording to protect the Woolgoolga retail hierarchy:

Address	Land Description	Development
Pacific Highway, Woolgoolga	Lot 1, DP579511 and Lot 500, DP776362	Development for the purpose of a supermarket only

Council requested NSW P&I review its Gateway Determination by amendment to Clause 24 within the Local Environmental Plan (LEP) 2000 as described in the above table.

On the 2 November 2011, Council received an altered gateway determination issued by NSW P&I permitting the public exhibition of the Planning Proposal for development for the purpose of a supermarket only. Refer Attachment 2.

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

The planning proposal was placed on public exhibition from 17 November 2011 until 15 December 2011.

At the close of the statutory exhibition period, Council received 193 submissions.

This comprised 9 objections with 184 submissions in support.

Council must decide whether to support the final planning proposal – which in this case is as endorsed for gateway determination as no modification is proposed resulting from the public exhibition process.

If Council endorses the final planning proposal, it will be forwarded to the NSW P&I who will coordinate the legal drafting of the LEP instrument and the making of the LEP with Parliamentary Counsel.

The Department will consult with Council on the terms of the LEP, to ensure its consistency with the objectives, outcomes and provisions of the planning proposal.

At the completion of community consultation and after the legal instrument has been drafted, the Minister for Planning may make a LEP

If the Minister for Planning considers it appropriate, the proposal submitted by Council can be varied. The Minister for Planning can also decide not to make a proposed LEP, or to defer the inclusion of a matter in a proposed LEP.

Once a decision is made to make a LEP, the decision is given effect by publishing the LEP on the NSW legislation website.

Sustainability Assessment:

Any amendment to the Coffs Harbour LEP has to address environmental, social, civic leadership and economic sustainability criteria.

This planning proposal is seeking to provide an enabling clause on this specific site, permitting the “Development for the purpose of a supermarket only”, under LEP 2000.

• **Environment**

The site is subject to low risk Acid Sulfate Soils classification; and potential flood risk. These environmental matters can be addressed and appropriate mitigation measures implemented to ensure that no adverse environmental impacts are associated with the rezoning and subsequent supermarket development.

The planning proposal aims to ensure the City’s development is carried out in an environmentally sustainable manner. The site is not located on land identified as being of significant ecological or habitat value.

The site is already developed and is located within an established urban environment. It is therefore unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

Cont'd

- **Social**

The planning proposal seeks to promote equitable access to the provision of services and facilities for the community. This is achieved by including provisions and objectives which reflect Council's long term strategic vision for the City as endorsed in the Our Living City (OLC) Settlement Strategy, Business Lands Strategy and the Coffs Harbour 2030 Plan.

- **Civic Leadership**

The planning proposal seeks to implement appropriate and relevant actions of the Coffs Harbour 2030 Plan to achieve the following outcomes:

- Council has a strong and diverse local economy underpinned by sustainable business and industry;
- our City is a lively and diverse place where people live, work and play;
- our built environment achieves sustainable living by only best practice urban design and infrastructure development to create attractive buildings;
- Coffs Harbour has urban spaces that are functional, accessible and useable by all the community to enjoy.

- **Economic**

The continued economic growth and development of the City is an outcome of the planning proposal. The proposal identifies a site to enable the development of a supermarket to service the Woolgoolga and northern beaches area.

The planning proposal complements the business hierarchy established in the endorsed OLC Settlement Strategy and Business Lands Strategy, leading to enhancement of functional smaller business centres.

Broader Economic Implications

The planning proposal aims to improve the retail services and associated employment opportunities offered to Woolgoolga enabling it to develop as a "major town"; a place to live, shop, work and play.

The planning proposal provides an additional retail option and opportunity in the Woolgoolga catchment while creating an accessible, functional urban place in both the built environment and public domain.

Delivery Program/Operational Plan Implications

There are no immediate financial implications or impacts on Council by progressing the planning proposal – this process is on a user pays basis; i.e. the administration and processing costs associated with the planning proposal are covered by the proponent/landowner.

The implementation of a new LEP (to provide choice in retail land supply) is an outcome sought by the Council's Delivery Program. Council's resolution to progress the planning proposal will enable these outcomes to be achieved.

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L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

Consultation:

Council engaged in the statutory exhibition process and received, at the close of the statutory exhibition period, 193 submissions. This comprised 9 objections with 184 submissions in support.

Additional community submissions supporting the planning proposal were received after the public exhibition closed.

A copy of all the submissions received has been supplied separately to the Councillors and made available in the Councillor's Room.

Council as directed in the Gateway Determination liaised with Roads and Maritime (formerly Roads and Traffic Authority) - a copy of their response is attached as Attachment 3, they had no objection to the rezoning.

Related Policy and / or Precedents:

Council is undertaking this process in accordance with the guidelines associated with planning proposals. All statutory requirements for public exhibition have been complied with.

This planning proposal has been commissioned in response to a landowner's request.

It accords with the OLC Settlement Strategy 2008, which is a Local Growth Management Strategy in accordance with requirements of the Mid North Coast Regional Strategy (MNCRS).

Statutory Requirements:

- The Department of Planning Standard Instrument (LEPs) Orders (gazetted March 2006, amended September 2006 and July 2008);
- The MNCRS March 2009;
- Various Ministerial Directions;
- The Gateway Determination of November 2011.

The statutory processes under the Environmental Planning and Assessment Act (EP&A) 1979 and Regulations must be followed in the preparation of the planning proposal and its exhibition.

Issues:

Of the submissions received, 184 supported the proposal based on their reasoning as following. The proposal:

- Provides new local employment opportunities.
- Provides access to major supermarket shopping.
- Will not impact on shops in Woolgoolga East.
- Is the only feasible location for a supermarket.
- Council has already decided to rezone the site.
- Development of the site will preserve "village atmosphere".
- Provides additional retail development.
- Provides more shops that are needed to service Woolgoolga

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- Would be cheaper for residents.
- Would mean that residents could stay within budget instead of being held to ransom by companies scared of competition.
- Would mean that the journey to Coffs, which is too long for the elderly, would not be necessary.
- Would solve transport issues.
- Provide a new modern building that would be more pleasing to the eye than the run down eye sore standing there now.
- Would provide a better range of products.
- Would provide more convenient/easier parking.
- Would provide price competition.
- Will be a benefit to travelers.
- Promotes healthy competition.
- Raj Mahal site is not aesthetically pleasing.
- Woolgoolga residents want a shopping centre and Woolgoolga is missing out on the economic benefits of a supermarket.
- Remove the direct eyesore.
- Objections raised by some Councillors are without merit as:
 - They do not live in Woolgoolga; and some may have vested interests in real estate in the area.
- Convenient local large supermarket.
- The site is a haven for itinerants, vagrants and rubbish dumpers and is a blight on the township, particularly to visitors to the district.
- Essential development for Woolgoolga.
- Nothing more can go in the Village Centre because of totally inadequate parking.
- Better prices through competition.
- Create job opportunities.
- Parking will be easier.
- Beach St will continue to have the great village atmosphere it has now.

The following are the key issues identified in the 9 submissions (objections) received in response to the public exhibition process.

- **The development will have significant planning, social, and economic issues for many years**

***Comment:** The development of a supermarket on this site appears to be strongly supported by the community as demonstrated by the number of submissions of support. The Business Centres Hierarchy Study while not in total support of the development of a supermarket on the site, acknowledges that if this location is chosen for a supermarket then Council needs to “control by restricting retail to the development of a supermarket, by limiting the amount of gross floor area to a suitable figure (such as 3000 square metres), and limiting the maximum floorspace ratio on the site to 0.3:1. A net community benefit assessment should also be undertaken, consistent with the Department of Planning draft Centres Policy.”*

“In addition, it is very important supportive action will need to be undertaken to assist the Woolgoolga Town Centre, including reviewing and updating the 1996 Woolgoolga Master Plan, improving its attractiveness as a tourist destination, area improvements, and an improved relationship with the beach and coastal area (which is a significant asset of the Centre). Council and the business community should also consider undertaking additional surveys and research (such as a more comprehensive Business Retention and Expansion Survey (BRES).”

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

As a result, part of the recommendation of this report is to include in the 2012/2013 Planning Program and Delivery Program a review of the Woolgoolga Master Plan.

- **Spot rezoning will undermine the current Woolgoolga CBD's potential for growth**

***Comment:** The current legislation permits planning proposals to be considered that are justified in terms of social, environmental and economic outcomes. The submission does not specify the area referred to as the "Woolgoolga CBD" but it appears to be implied that it is the Beach Street Precinct. The potential for growth of this area is not removed by the proposed development, however as suggested in the Business Centres Hierarchy Review (BCH) Study supportive action will be required to assist the Beach Street Area if Council supports a supermarket only on the Raj Mahal site as proposed.*

- **Proposal will open the door to further changes to the planning/zoning in Clarence Street precinct**

***Comment:** The legislation allows changes to zonings based on provisions and guidelines. Support for the proposal does not establish a precedent for further changes to the zoning of other lands in this locality. Each planning proposal is determined on its merits.*

- **Proposed spot rezoning not proceed on the basis of sound, open, strategic planning**

***Comment:** The proposal is able to be progressed based on its inherent merits, the justification for the proposal and the support of the agencies, Council and the community.*

- **The development goes against the established principle that shopping centres should be located within Town Centres, not outside them or on the fringes**

***Comment:** The subject site is within one of the existing three business zoned precincts of Woolgoolga. Council has recognized the importance of only allowing a supermarket on this site so as to limit the impact on the commerce of the other Woolgoolga business areas.*

- **It is also inconsistent with the provisions of clause 37 and 47 of the North Coast Regional Environmental Plan and the provisions of the Woolgoolga Town Centre Study (July 1996) adopted by Council**

***Comment:** The North Coast Regional Environmental Plan (REP) does not have the same statutory requirements since the Mid North Coast Regional Strategy was implemented in 2009. Clause 37 and 47 of the REP are now repealed. The proposal is in accordance with the requirements of the Mid North Coast Regional Strategy (MNCRS).*

The provisions of the Woolgoolga Town Centre Study were partially implemented in LEP 2000. Subsequent studies have modified Councils Policy, through resolutions on the development of the Woolgoolga Centre.

- **The estimated generation of 120+ new jobs and potential economic advantages is expected to have adverse consequences on other members of the community**

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

***Comment:** A net community benefit assessment was undertaken by the proponent indicating that there will likely be an impact on the existing business community but by limiting the development to a supermarket only and by implementing actions to improve the attraction to the other centres, an overall improvement to the community is likely to result.*

- **There is no guarantee that small shops will be prevented if the Raj site is rezoned to permit retail. If the Raj site was rezoned, a maximum floor space ratio (FSR) of 0.33:1 should apply**

***Comment:** The planning proposal is in the form of an enabling clause that allows only the development specified, in this case a supermarket and NOT smaller specialty shops. To reinforce this, and in response to numerous submissions seeking additional controls, the introduction of a floorspace maximum for the building and a floor space ratio to apply to the site is to be included in the enabling clause. This can be carried forward into the provisions of the City Wide LEP process – this is the subject of a separate report included in this business paper.*

- **The information presented in the Woolgoolga Business Lands Review (WBLR) which supports the inclusion of a larger supermarket in Woolgoolga is inconsistent with the Coffs Harbour Retail Strategy (CHRS 2006) final draft V2 and “our living city’ Settlement Strategy (OLC) which provide evidence of oversupply of supermarkets in the area**

***Comment:** Council acknowledge that there will be impacts from the progress of the development proposed, however it is taking appropriate action to limit any adverse impacts on the overall community.*

- **Encouraging unsustainable development where the cost of land is cheaper leads to empty shops that become difficult to lease, for e.g. the Moonee beach shopping centre**

***Comment:** The impact on the Moonee Shopping Centre is difficult to quantify.*

From a sustainability perspective the proposal will provide the opportunity for a local major supermarket, readily accessed, in Woolgoolga by residents and visitors alike without the need to travel in vehicles to and from other distant centres. This location assists with providing the broader Woolgoolga community with a local major supermarket that can be readily accessed by walking or cycling.

- **No evidence has been provided that it is not possible to viably assemble a large parcel of land for a full line supermarket at the Woolgoolga town centre**

***Comment:** While there are sites already zoned in the Beach Street precinct that are vacant or used for residential purposes, no development applications have been forthcoming for such a proposal. This, while anecdotal, information is also supported by feedback from developers seeking sites to redevelop for major supermarket chains in the Woolgoolga area.*

- **The development of a supermarket in this out of centre location would detract from the town centre**

***Comment:** The subject site is within one of the existing three business zoned precincts of Woolgoolga. Council has recognized the importance of only allowing a supermarket on this site so as to limit the impact on the commerce of the other Woolgoolga business areas.*

Cont'd

- **Questions excessive costs to acquire consolidate and undertake development in a tightly held market**

Comment: This information has been suggested to CHCC by developers seeking sites to redevelop for major supermarket chains in the Woolgoolga area. In each case where a developer has approached Council with a proposal they have not progressed to the stage of lodging a formal application.

- **Questions the difficulty of finding a suitable supermarket site in/next to the Woolgoolga town centre**

Comment: There are sites already zoned in the Beach Street Town Centre precinct that are vacant and/or used for residential purposes, CHCC has not received a formal development application for such a proposal on these lands. This information is supported by developer feedback.

- **Propose a FSR of 0.33: 1 be applied to both lots plus a maximum building height of 6 metres**

Comment: The planning proposal is in the form of an enabling clause that allows only the development specified, in this case a supermarket. To reinforce this it is the recommendation of this report that a floorspace maximum for the building and a floor space ratio apply to the site be included in the enabling clause. This provision can then be carried forward into the relevant provisions of the City Wide LEP process. A height limit of 6 metres would be too restrictive for redevelopment of the site. The current building existing on the site would exceed 6 metres in height.

- **Lead to the closure of other smaller supermarkets in the area**

Comment: Council acknowledges that there will be an impact upon the existing businesses, the extent of which cannot be accurately predicted at this time. This impact is being minimised through floor space controls.

- **The dislodgement of the main centre if specialty shops are permitted to be constructed with the 'standalone' supermarket**

Comment: The planning proposal is for a "supermarket" only, specialty shops are not to be permitted.

- **Woolgoolga is at risk of developing fragmentary but competing commercial nodes that have the potential to undermine the existing Beach Street precinct**

Comment: Council acknowledge that there will be impacts from the progress of the development proposed, however it is taking appropriate action through introducing floor space controls to limit any adverse impacts on the overall community.

- **It is critical to maintain an appropriate hierarchy of centres on the northern beaches**

Comment: Council's BCH study was commissioned to consider the business centres hierarchy and offer suggestions as to appropriate development and actions for the area. These recommendations are being integrated into the City Wide LEP process.

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- **An expansion of the commercial zoning at Beach Street has been given insufficient consideration in the past. This is the logical alternative to a highway supermarket site**

Comment: Council acknowledge that there are sites already zoned in the Beach Street Town Centre precinct that are vacant and/or used for residential purposes, CHCC has not received a formal development application for such a proposal on these lands. Provision of additional business zoning in the Beach Street precinct may not result in a site for redevelopment as the market will determine whether sites are made available or not. Information from the development industry is that a site to redevelop for a major supermarket chain in the Woolgoolga area is difficult to secure.

- **Limitations of previous studies: No attempt has previously been made to directly quantify escape expenditure through survey work, or model impacts of additional supermarket floor space on the businesses within Woolgoolga and Moonee Beach**

Comment: The study of business zonings in Woolgoolga has been an ongoing matter since LEP 1988. Council has researched this issue numerous times including:

- in 1996 with the preparation of the Woolgoolga Town Centre Study to provide a strategic plan for the town;
- during 1998 and 1999 with the preparation of LEP 2000;
- during the consideration of LEP Amendment 16 in 2002;
- with the establishment of the Woolgoolga Business Lands Working Group to progress the Woolgoolga Business Lands Review in 2002;
- with consideration to the Woolgoolga Business Lands in 2007;
- with the preparation of the Employment Lands Strategy (ELS) in 2009;
- in 2011 with the preparation of the Planning Proposal; and
- in 2011 with the Business Centres Hierarchy Review Study.

- **The development conflicts with the planning package “the right place for business and services” and section 117 of state policy**

Comment: The Planning Proposal accords with the S117 Directions (1.1 Business and Industrial Zones) as it encourages employment growth in suitable locations, protects employment land in business and industrial zones, and support the viability of identified strategic centres. The Planning proposal accords with the Planning Policy Integrating Land Use and Transport, “The right place for business and services” as it proposes a business(supermarket) in a location which:

- offers a choice of transport options
- encourage people to travel shorter distances ie not to distant centres of Grafton, Moonee or Coffs Harbour
- helps people make fewer trips

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- **A formal request was made for a public enquiry be held on the grounds that the proposal is premature given the recent review of the commercial hierarchy, which has not been considered in Policy**

Comment: Council has made a policy decision on the BCH by formal resolution at the meeting of 15 December 2011 being:

1. "That Council adopts the Review of Coffs Harbour Business Centres Hierarchy Final Report.
2. That appropriate recommendations from the adopted Review of Coffs Harbour Business Centres Hierarchy Final Report be used to inform amendments to draft Coffs Harbour Local Environmental Plan 2011.
3. That the amended draft Coffs Harbour Local Environmental Plan 2011 be reported to Council early in 2012.
4. That Council note the issues raised in the public submissions received in response to the community engagement process for the Review of the Coffs Harbour Business Centres Hierarchy.
5. That Council inform all submission writers of Council's decision".

A report on the City Wide LEP is being progressed as a separate matter.

- **The proposal is contrary to key elements of State Policy as outlined in this submission**

Comment: *The Planning Proposal accords with the relevant State Policy.*

- **The proposal risks significant commercial damage to the Beach Street Precinct and is contrary to the findings of all relevant studies that the preferred location for additional supermarket floorspace is in or adjacent to the Beach Street Precinct**

Comment: *Council acknowledges that there will be an impact upon the existing businesses, the extent of which cannot be accurately predicted at this time. This impact is being minimised through implementing floor space controls.*

- **Insufficient research has been conducted into the potential impacts of the proposal. We require additional time to conduct this research and would present the results of this research to the enquiry.**

Comment: *As outlined in comments above the study of business zonings in Woolgoolga has been an ongoing matter since LEP 1988.*

The potential impacts have been identified and this report proposes measures to limit the impact on the existing Woolgoolga Business community by limiting the development

- *to a supermarket only*
- *to a total floorspace of 3850m²*
- *the floor space ratio of the site to 0.33:1.*

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- **The proposal is premature given the recent review of the commercial hierarchy, which has not yet been considered in policy**

Comment: Council's BCH study recommendations are being integrated into the City Wide LEP process. However as suggested in the BCH Study supportive action will be required to assist the Beach Street Area if Council supports a supermarket only the Raj Mahal site as proposed.

- **Council should accept the recommendation by Strategy Hunter Consultants that a logical and strategic approach to the Woolgoolga Business Centre Hierarchy be retained**

Comment: Council's BCH study was commissioned to consider the business centres hierarchy and offer suggestions as to appropriate development and actions for the area. These recommendations are being integrated into the City Wide LEP process. However as suggested in the BCH Study supportive action will be required to assist the Beach Street Area if Council supports a supermarket only on the Raj Mahal site as proposed.

- **The draft LEP proposed by the Gateway Determination should not proceed ahead of the Citywide LEP to ensure Council's strategic approach to land development is not compromised**

Comment: The planning proposal is in the form of an enabling clause that allows only the development specified, in this case a supermarket and NOT smaller specialty shops. To reinforce this, in response to numerous submissions seeking additional controls, the introduction of a floorspace maximum for the building and a floor space ratio to apply to the site is to be included in the enabling clause. This can be carried forward into the provisions of the City Wide LEP process – subject to a separate report included in this business paper.

- **That the scope of the planning proposal for the Raj Mahal site be clearly identified**

Comment: The scope of the planning proposal has been identified – it is an enabling clause that allows only for the development of a supermarket

- **That any LEP restricts the permissible use to development of a supermarket and specifically excludes any other retail**

Comment: This is the recommendation of this report.

- **Council should, prior to proceeding with the LEP under the Gateway Determination require completion of a net benefit analysis consistent with the NSW Draft Centres Policy**

Comment: Part of the planning proposal prepared by the proponent was a Net Community Benefit Analysis. The findings of this was:

"Retail analysis undertaken for the Woolgoolga Business Lands Review and supported by an independent retail demand study for a retail chain identifies sufficient escape expenditure to accommodate a full-line supermarket at Woolgoolga. The subject site is able to cater to the existing retail demand in the short term as well as meet future demand arising from future residential growth planned for the town in the medium to longer term. This will provide significant community benefits to the Woolgoolga area residents including:

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- *Provision of a full line supermarket in an accessible location to those both within the town and in rural areas to the north and south, without the need to accommodate additional car parking in the vicinity of the already busy Woolgoolga East Business Precinct (WEBP).*
- *Remove the requirement to travel long distances to Moonee, Coffs Harbour or Grafton for weekly grocery needs.*
- *Improve employment opportunities for the local community without the need for employees to travel long distances. These employment opportunities include:*
 - *approximately 120 full-time and part-time jobs associated with the ongoing operation of the supermarket; and*
 - *Significant additional job opportunities associated with the construction process.*
- *Provide an economic use for land which has remained largely vacant and disused for many years.*
- *Reducing the potential impact on the WEBP through the provision of a supermarket only, with no retail specialty shops.*

Overall, the benefits to the community are considered substantial.”

- **There is sufficient capacity currently available in the Moonee Beach Shopping Centre to support the district retail needs of the Northern Beaches over the next 10 to 15 years. The rezoning of the site will seriously compromise the viability of the Moonee Beach shopping centre and the Moonee Business Centre**

Comment: *Because Woolgoolga does not have a full-line supermarket or department store there is a considerable level of expenditure that escapes the area to the higher order centres of Moonee, Park Beach Plaza, Coffs Harbour and Grafton. The inclusion of a full line supermarket in Woolgoolga would improve the capture rate of local expenditure and reducing the number of trips to higher order centres and reducing associated travel costs. As the Moonee urban release precinct is progressively developed (current approvals exist in the vicinity of an additional 1000 residential allotments) the viability of the Moonee shopping centre will be enhanced.*

- **Council should accept the recommendation by Strategy Hunter Consultants that a logical and strategic approach to the Woolgoolga Business Centre Hierarchy be retained**

Comment: *Council's BCH study was commissioned to consider the business centres hierarchy and offer suggestions as to appropriate development and actions for the area. These recommendations are being integrated into the City Wide LEP process. However as suggested in the BCH Study supportive action will be required to assist the Beach Street Area if Council supports a supermarket only the Raj Mahal site as proposed.*

- **The scope of any planning proposal for the Raj Mahal needs to be clearly identified and delayed until the completion of the Discussion Paper process and the new LEP 2011**

Comment: *The scope of the planning proposal has been clearly identified and Council's BCH study recommendations are being integrated into the City Wide LEP process.*

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- **Council should, prior to proceeding with the Rezoning require completion of a net benefit assessment consistent with NSW Draft Centre Policies**

Comment: Part of the planning proposal prepared by the proponent was a Net Community Benefit Analysis. The findings of this analysis are summarized in a comment, refer 4 points above.

- **The local IGA supermarkets cater well for the needs of the residents**

Comment: Community feedback, supported by consultant's findings in studies, provide Council with the information that additional supermarket facilities are required to service the existing and future population of the northern beaches area.

- **The site needs a "clean-up"**

Comment: The planning proposal will allow redevelopment of the site and thus facilitate a "clean up" of the site. Council currently has limited ability to require works to be undertaken to effect a clean up of the site.

- **With the diversion of the highway around Woolgoolga will not necessarily attract tourists, locals would be loyal to the existing supermarkets**

Comment: the loyalty or otherwise of customers is not an issue for consideration in the determination of this matter, Council is guided by the findings of Studies undertaken which indicate the need for additional supermarket facilities in the Woolgoolga area to cater for the demand of the community/population in Northern Beaches area.

- **Don't believe another supermarket will serve any purpose**

Comment: Studies undertaken indicate that there is a need for additional supermarket facilities in the Woolgoolga area to cater for the demand of the Northern Beaches area.

- **Objection to the rezoning of the land at the Raj Mahal site to permit a supermarket as:**

- **It is not supported by the 1996 Woolgoolga Town Centre Study**
- **Woolgoolga's small shops and small businesses distinguish it from the larger CBD's of Coffs Harbour and Grafton. There is already a supermarket in Moonee, there is no need for another in Woolgoolga**

Comment: The need for extra supermarket facilities in Woolgoolga has been identified in several previous studies undertaken by CHCC.

- **Questions the council's ability to control a condition that shops have a floor area greater than 1,000 square meters**

Comment: The planning proposal is an enabling clause allowing only a supermarket. Thus no "shops" will be permitted only a supermarket. To reinforce this it is the recommendation of this report that a floorspace maximum for the building and a floor space ratio apply to the site be included in the enabling clause. This provision can then be carried forward into the relevant provisions of the City Wide LEP process.

Cont'd

L12/5 Planning Proposal – Rezoning of Lot 1 Dp579511 and Lot 500 DP776362 Corner of Clarence and Pullen Streets, Woolgoolga - to Allow a Supermarket ...(Cont'd)

- **A B6 zoning (prohibiting retail) should apply to the Raj Mahal site**

Comment: The planning proposal is an enabling clause allowing only a supermarket.

- **Questions the zoning of River Street to B4 Mixed use and suggest that this area be rezoned to B1 Neighbourhood centre**

Comment: This is a matter for consideration in the provisions of the City Wide LEP process which is the subject of a separate report included in this business paper. This matter is not a matter for consideration under the planning proposal for the Raj Mahal site.

- **Suggest that the FSR provisions applying to the Town centre be increased to 2:1 in recognition of the primacy of the Town centre**

Comment: Again this matter requires consideration in the City Wide LEP process. The City wide LEP is the subject of a separate report included in this business paper.

- **Whilst a stand-alone supermarket without additional space for specialty shops is a preferable option compared with a larger scale retail centre, it is preferable to see such a development located within the town centre/river street precincts where there are sites available for such proposals**

Comment: While there are sites already zoned in the Beach Street Town Centre and River Street precincts that are currently vacant and/or used for residential purposes, CHCC has not received a formal development application in the last 5 years for a supermarket on these lands. Council also has feedback from developers who indicate that they cannot put together a suitable site to redevelop for a major supermarket in these business areas in Woolgoolga.

Implementation Date / Priority:

The timeframe for a planning proposal is established in the gateway determination from NSW P&I; i.e. the timeframe for completing the LEP is that the LEP be completed by 29 August 2012.

Recommendation:

1. That Council endorse the final planning proposal by amending Clause 24 of Coffs Harbour Local Environmental Plan (LEP) 2000 and including at Lot 1, DP 579511 and Lot 500 DP 776362, corner Clarence Street and Pullen Street, Woolgoolga limiting development to a supermarket only with a total floorspace of 3,850m² and a floor space ratio of 0.33:1.
2. The planning proposal be forwarded to NSW Planning and Infrastructure to coordinate the legal drafting of the LEP instrument and the making of the LEP.
3. That upon completion of the legal instrument being drafted, that the Minister for Planning be requested to make a LEP.
4. That Council inform the landowner and all submission authors of Council's decision.
5. That under Section 57(5) of the Environmental Planning and Assessment Act, 1979, Council considers that the issues raised in the public submissions are not of significance to warrant a hearing. This decision is based on the numerous investigations and supporting consultation that has occurred within the Woolgoolga locality on commercial and business strategy development since the late 1990s.
6. That Council consider in the 2012/2013 Operational Plan, a review of the Woolgoolga Master Plan including undertaking a Business Retention and Expansion survey.

NSW PLANNING & INFRASTRUCTURE
GATEWAY DETERMINATION



Planning &
Infrastructure

Gateway Determination

Planning Proposal (Department Ref: PP_2011_COFFS_001_00): to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) of 1000sqm.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Coffs Harbour Local Environmental Plan 2000 to permit development on land at Lot 1 DP 579511 and Lot 500 DP 776362, Pacific Highway, Woolgoolga for the purposes of retail with a minimum ground floor area (GFA) of 1000sqm should proceed subject to the following conditions:

1. A site specific enabling clause is not supported. Council is to identify an appropriate zone for the subject site and proceed with the planning proposal as a rezoning proposal.
2. Council is required to exhibit the planning proposal identifying the current and proposed zones for the site under its existing LEP and the current and proposed zones under its draft comprehensive Standard Instrument LEP.
3. Council's proposed approach of limiting individual tenancy areas to 1000sqm is not supported. Council is instead to include appropriate FSR and building height controls for the site to achieve its desired outcomes and exhibit these with the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



**Planning &
Infrastructure**

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 22nd day of August 2011.

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', written over a horizontal line.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**

NSW PLANNING & INFRASTRUCTURE
ALTERED GATEWAY DETERMINATION



Mr Steve McGrath
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Our ref: 11/13578
Your ref: 2538670

Dear Mr McGrath

Planning Proposal PP_2011_COFFS_001_00 Gateway Determination Alteration

I refer to your request on 4 October 2011 seeking an alteration to the Planning Proposal PP_2011_COFFS_001_00 to allow the use of land at Clarence and Pullen Streets Woolgoolga for retail development with a minimum ground floor area (GFA) of 1000m².

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 22 August 2011 for PP_2011_COFFS_001_00, by:

- deleting Condition 1 of the Determination;
- deleting Condition 3 of the Determination;
- amending the Determination to provide for development of the site for a supermarket only; and
- extending the time for completion of the Planning proposal by three months.

The remaining conditions previously advised stand.

The Planning Proposal should now be completed by 29 August 2012. Council should aim to commence the exhibition of the Planning Proposal within four weeks from the week following this revised determination. Council's request for the Department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

If you have any questions in relation to this matter, please contact Jim Clark, Team Leader Local Planning of the Department of Planning and Infrastructure's Northern Region Office on 02 66416604.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', written over a horizontal line.

Tom Gellibrand
**Deputy Director General
Plan Making and Urban Renewal**

**ROADS & TRAFFIC AUTHORITY
GATEWAY DETERMINATION LIAISON RESPONSE**

File No. 110NTH10/00189, CR2012000376
Your Ref: Planning Proposal L11/21
Mr Matt Adams



Transport
Roads & Maritime
Services

The General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Attn: Mr Clyde Treadwell

Dear Sir,

Planning Proposal – Rezoning of Lot 1 DP579511 & Lot 500 DP776362, 39-41 Clarence Street, Woolgoolga – to allow Redevelopment of the site for the purpose of a Supermarket

I refer to your email correspondence of 5 January 2012 requesting comment on the exhibition of the abovementioned planning proposal.

On 1 November 2011 a new organisation called Roads and Maritime Services (RMS) was formed to replace the Roads and Traffic Authority and NSW Maritime. RMS will focus solely on delivering quality services to the customer.

RMS has no objection to the proposed rezoning of the subject site and maintains the comments provided in our letters to Council dated 10 May 2011 and 5 October 2010.

As the concept design proposes the construction of a primary access onto Pullen Street within 90 metres of a State Road, the Pacific Highway, any development application (DA) for the proposed redevelopment will be subject to the provisions of Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 and will subsequently require referral to RMS for comment.

The applicant is encouraged to consult with RMS to obtain advice prior to the lodgement of any development application. A factsheet outlining the RMS Land Use Development Process may be of assistance to the developer in preparing any development application and can be accessed via the RMS website at;

http://www.rta.nsw.gov.au/roadprojects/community_environment/private_developments.html

Should you have any further enquiries regarding the above comments please do not hesitate to contact Matt Adams on 6640 1344 or by email at: land_use_northern@rta.nsw.gov.au

Yours faithfully,

17 JAN 2012

David Bell
Regional Manager, Northern Region

Roads & Maritime Services

31 Victoria Street, Grafton NSW 2460 | PO Box 576 Grafton NSW 2460
T 02 6640 1300 | F 02 6640 1304 | E grafton_regional_office@rta.nsw.gov.au

www.rta.nsw.gov.au | 13 22 13

Purpose:

The purpose of this report is to seek Council's endorsement of recommended modifications to draft Coffs Harbour Local Environmental Plan 2012 (draft LEP 2012) in order to:

1. implement appropriate recommendations from the Review of the Business Centres Hierarchy (BCH) Final Report, as reported to Council on 15 December 2011; and
2. undertake minor additional amendments as outlined in this report.

The draft Plan, once gazetted, will apply to the entire local government area (LGA) and will repeal the provisions of both Coffs Harbour Local Environmental Plan 2000 (LEP 2000) and Coffs Harbour City Centre Local Environmental Plan 2011.

The draft Plan was last reported to Council for endorsement on 23 June 2011 (under the name of draft Coffs Harbour Local Environmental Plan 2011). The subject report details alterations which have been made to the draft LEP since it was last reported to Council. If items are not mentioned in the report, it means there is no change made to the LEP in relation to that item since previously reported.

The report recommends that Council adopt draft LEP 2012 as presented and refer the necessary documentation to NSW Planning and Infrastructure (NSW P&I) for certification to enable the Plan to be publicly exhibited. It further recommends that upon complying with all Certificate conditions the Plan be publicly exhibited. A copy of draft LEP 2012 is attached separately and the supporting maps have been made available for perusal by Councillors.

Background:

In September 2004 the Minister for Planning announced new planning reforms to create a more efficient planning system. The Standard Instrument (LEPs) Order was introduced as part of this suite of reforms to provide a standard approach to LEP content and writing. LEPs prepared under the standard instrument format will eventually exist for every LGA throughout the State of NSW and are required to be consistent with State and regional directions and strategies in addition to delivering all mandatory development controls.

Both Coffs Harbour City Centre LEP 2011 for the defined Coffs Harbour City Centre area and the City-wide draft Coffs Harbour LEP 2012 for the remainder of the LGA, have been prepared in accordance with the Standard Instrument Orders. The City Centre LEP has now been made and is in force.

City-wide draft LEP 2012 has been prepared with the intent of updating LEP 2000 by bringing it into alignment with the Standard Instrument LEP format being applied across the State. It is an administrative LEP, which has been prepared as much as possible to create zones and land use permissibilities that are "like for like" with LEP 2000.

Coffs Harbour City Council resolved at its Ordinary Meeting of 24 March 2011:

1. *That Council instruct staff to immediately review the intent of the centre's hierarchy and the resultant zoning and planning controls contained within the proposed B6 zoning within the draft City Centre Local Environmental Plan and Development Control Plan.*
2. *The outcomes of this review to be reported back to Council through the City-wide Standard Instrument Local Environmental Plan process.*

Cont'd

It was considered that the review of the Business Centres Hierarchy needed to be conducted across all proposed business zones throughout the LGA, with special emphasis given to the City Centre LEP study area. The review was prepared in the form of a Discussion Paper, which was reported to Council on 13 October 2011. The resolution of Council from that meeting states:

- 1. Coffs Harbour City Council exhibit the Discussion Paper for the Coffs Harbour Business Centres Hierarchy Review for a period of 28 days.*
- 2. Two community shopfront information sessions be arranged; one in the Council Chamber and one in Woolgoolga, during the Discussion Paper's public exhibition period. Dates of these sessions are to be advertised in advance in the local paper.*
- 3. The Business Centres Hierarchy Review be finalised (taking into account submissions received during the exhibition of the Discussion Paper) and reported to Council.*
- 4. Council acknowledge the findings of this Discussion Paper for the purpose of weighting assessments of any Development Applications which may be lodged under the soon to be 'made' City Centre Local Environmental Plan and Development Control Plan.*
- 5. The exhibition of the City-wide draft Coffs Harbour Local Environmental Plan 2011 and Development Control Plan be delayed to allow them to be amended to incorporate recommendations from the adopted BCH Final Report.*
- 6. Council negotiate with NSW Planning and Infrastructure to revise the timeframe for delivery of draft Coffs Harbour Local Environmental Plan 2011 in order to allow it to be updated in accordance with findings of the adopted BCH Final Report.*
- 7. Council negotiate with NSW Planning and Infrastructure seeking to secure the second installment of funding from the Acceleration Fund to accord with a revised timeframe for delivery of the draft Coffs Harbour Local Environmental Plan 2011.*

The Discussion Paper was exhibited during October and November 2011. It was updated taking into account submissions received during the exhibition period, and reported back to Council on 15 December 2011, in the form of the Review of the Coffs Harbour BCH Final Report. Key findings from the Final Report were that:

- The Business Centres Hierarchy is both appropriate and extremely important for long term growth of Coffs Harbour as a regional city so as to ensure that centres outside of the City Centre CBD do not detract from the primacy of the CBD.
- The existing CBD lacks critical mass and additional development in this location is important to enable it to achieve the vitality and vibrancy of a regional centre.
- The CBD generally has a low intensity of development and is able to accommodate considerable additional retail and office development.
- The existing Business Centres Hierarchy should be reinforced and strengthened by modifying draft LEP 2012 and the associated draft Coffs Harbour Development Control Plan 2012 (draft DCP 2012) controls, with recommended changes aimed at simplifying controls, improving urban design components and providing stronger support for the CBD. This involves changing some elements of the recently made Coffs Harbour City Centre LEP 2011, when it is rolled into the provisions of the City-wide draft LEP 2012.

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The resolution of Council from that meeting of 15 December 2011 states:

1. *That Council adopts the Review of Coffs Harbour BCH Final Report.*
2. *That appropriate recommendations from the adopted Review of Coffs Harbour BCH Final Report be used to inform amendments to draft Coffs Harbour Local Environmental Plan 2011.*
3. *That the amended draft Coffs Harbour Local Environmental Plan 2011 be reported to Council early in 2012.*
4. *That Council note the issues raised in the public submissions received in response to the community engagement process for the Review of the Coffs Harbour Business Centres Hierarchy.*
5. *That Council inform all submission writers of Council's decision.*

Several changes have been made to draft LEP 2012 as a result of recommendations contained within the Review of the Coffs Harbour BCH Final Report. These are outlined fully elsewhere in this report.

As a separate matter, draft LEP 2012 was reported to Council for endorsement on 23 June 2011 (under the name of draft Coffs Harbour Local Environmental Plan 2011). The resolution of Council dated 23 June 2011 states:

1. *That Council seek authority from NSW Planning and Infrastructure to issue a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow draft Coffs Harbour Local Environmental Plan 2011 to be exhibited.*
2. *That upon complying with all conditions established at Section 65 certification, draft Coffs Harbour City Local Environmental Plan 2011 be exhibited for a period of six weeks in accordance with NSW Planning and Infrastructure's project timeframe.*

Council staff negotiated with NSW P&I to gain Section 65 certification to publicly exhibit the Plan in accordance with the above resolution. A conditional certificate was received from NSW P&I dated 14 October 2011. Draft LEP 2012 has been updated to incorporate changes required in the Certificate. These are outlined fully elsewhere in this report.

Description of Item:

The purpose of this report is to seek Council's endorsement of proposed modifications to draft LEP 2012 since it was last reported to and endorsed by Council on 23 June 2011. If items are not mentioned in the report, it means there is no change made to the LEP in relation to that item since previously reported.

Modifications to draft LEP 2012 are summarised in the following, discussed in the 'Issues' section of this report and outlined in full in Attachment 1 of this report. Attachment 1 provides a table showing an itemised list of all modifications to the draft LEP which are requested for endorsement by Council. This table is broken into 3 parts, being:

- A. recommendations contained within the BCH Final Report;
- B. instructions from the Section 65 Certificate dated 14 October 2011; and
- C. other minor amendments.

Cont'd

Attachment 1 references all amendments that have been made to the draft written instrument including clauses, land use tables and maps, and also provides a written comment regarding each individual amendment. It should be read in conjunction with this report to Council.

• **Recommendations from the Review of the BCH Final Report**

As reported to Council on 15 December 2011, the Review of the Coffs Harbour BCH Final Report recommended a number of changes as follows:

- modification to the application of some draft LEP 2012 business zones, as well as to some draft LEP and draft DCP clauses and controls in certain locations of the LGA from what was previously proposed within the draft LEP;
- amendments to some permissible uses in the land use tables for specific business zones;
- provision of limits on the maximum gross floor area of 750m² for individual premises in the B4 Mixed Use zone in order to protect the commercial centre hierarchy, with controls implemented through the draft LEP rather than the draft DCP;
- provision of a limit on the maximum gross floor area allowable for business and office premises of 150m² for individual lots in the B6 Enterprise Corridor Zone in order to protect the commercial centre hierarchy, with controls implemented through the draft LEP rather than the draft DCP;
- amendments to additional permitted use provisions and built form controls in the draft LEP and the draft DCP for certain sites within the LGA;
- care in the application of business zone and built form controls in Woolgoolga.

It is considered that it is appropriate to amend draft LEP 2012 to accommodate a number of these recommendations and to ensure consistency in the application of policy across the LGA. Recommendations to modify provisions contained in draft Coffs Harbour Development Control Plan 2012 will be separately reported to Council at a future date.

• **Updates in accordance with the Section 65 Certificate dated 14 October 2011**

The Section 65 Certificate allowing Council to publicly exhibit the draft Plan in accordance with Council's resolution of 23 June 2011, was received from NSW P&I dated 14 October 2011. This is included as Attachment 2 of this report. This certificate required several amendments to the draft LEP, as follows:

- use of the draft instrument as attached to the Certificate issued by NSW P&I, which made minor modifications including wording changes to certain clauses which did not affect the intent of these clauses; some amendments to the land use tables, including removal of 'mining' and open cut mining' in several zones where they are covered by the Mining State Environmental Planning Policy; and removal of the boundary adjustment clause that had been requested by Council for inclusion in the draft Plan;
- modification of maps accompanying the draft LEP for Lot 66, DP 551005, Pacific Highway Moonee Beach to reflect the concept plan approval for the Part 3A application 05_0064 granted on 14 June 2011;
- a requirement that Council address the concept plan approval for the Part 3A application 05_0083 for Lot 22, DP 1070182 and Lots 497 and 498, DP227298, Pacific Highway and Pine Crescent, Sandy Beach, by modifying maps for exhibition showing the concept approval for the site, either within the draft LEP or as a separate attachment for exhibition purposes.

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All changes as requested by NSW P&I have been made to the draft Plan to comply with conditions of the Section 65 Certificate.

• **Additional minor amendments**

Several amendments have also been made to the Standard Instrument LEP and local clauses since last reported to Council in June 2011. It is proposed that draft LEP 2012 be modified to incorporate these amendments. These amendments are itemised fully in Attachment 1 of this report, and include:

- the reintroduction of a clause (optional subclause 4.2A) to allow for boundary adjustments in rural areas, which was included in the draft LEP endorsed by Council in June 2011, but removed by NSW P&I prior to certification of the draft LEP, which has now been made re-available for use by NSW P&I (with some wording changes);
- the inclusion of optional subclause 5.9(9) to restrict the operation of routine agricultural management activities in certain zones to close a legal loophole in the Standard Instrument LEP;
- amendments to map title and reference numbering, and rectification of minor map anomalies to ensure area footprints on various map sheets are consistent;
- revision of the Height of Buildings Map Sheet in relation to the Toormina Gardens Shopping Centre, to ensure it is afforded the same height of building provisions as Park Beach Plaza and Moonee Beach shopping centres; and
- revision of the Lot Size Map sheets to ensure that private open space zones are dealt with in a consistent manner across the LGA.

It is considered that it is appropriate to amend draft LEP 2012 to accommodate these amendments.

The draft LEP 2012 written instrument and associated maps have now been updated as a result of changes listed above. A copy of draft LEP 2012, including written instrument, maps, plain English version LEP, updated Information Sheets and Strategic Management Plan is provided to all Councillors and a printed version of the maps and all documents are available in the Councillor's room for perusal prior to consideration by Council.

A copy of all Section 62 correspondence from Government agencies is also available, including a summary document advising how the various Government agency requirements have been included in draft LEP 2012.

Sustainability Assessment:

• **Environment**

Environmental protection measures incorporated under draft LEP 2012 are adapted from the existing LEP 2000 wherever possible and in accordance with instructions received from NSW P&I. It is not anticipated that the draft Plan will result in any deterioration of environmental protection measures. Further environmental work is being completed via vegetation ground-truthing around the LGA to inform the Standard LEP. Once this work is finalised and adopted by Council a planning proposal to amend the LEP and incorporate necessary changes will be put to Council.

Cont'd

- **Social**

Draft LEP 2012 aims to improve health and safety for residents, protect and enhance the character and livability of our communities, and ensure equal access to services for all.

- **Civic Leadership**

Draft LEP 2012 will provide clear direction to the elected Council as governing body and for staff in administering the final LEP, and will guide future development within the LGA. This is consistent with the Coffs Harbour Community Strategic Plan outcomes PL1 "*We have designed our built environment for sustainable living*", PL2 "*We have created through our urban spaces, a strong sense of community, identity and place*", and LE3 "*We manage our resources and development sustainably*".

- **Economic**

Broader Economic Implications

Draft LEP 2012 aims to improve employment and educational opportunities for residents, to best foster opportunities for businesses and industries that serve our community, and to make efficient use of existing and future infrastructure.

Delivery Program/Operational Plan Implications

The preparation of draft LEP 2012 is endorsed in the current Operational Plan. As much work as possible has been undertaken in-house, and the draft LEP aims to "*slide across*" as much of existing LEP 2000 as possible within the constraints of NSW P&I requirements. This approach sought to ensure costs to Coffs Harbour City Council were minimised.

Consultation:

Section 62 consultation was commenced in 2007 for the draft LEP, however some letters have continued to be received from government agencies over the life of the plan preparation. These have been provided to Council as part of the Section 62 consultation requirements over the time.

Most recently, a letter has been received dated 22 December 2011 from the State Property Authority, which is added to the Section 62 folder available in the Councillors rooms. Contents of this letter have not resulted in any additional amendments to draft LEP 2012, however the matter of the Beryl Street site is addressed later in this report.

Separate consultation has been undertaken for the Review of Coffs Harbour BCH Final Report. Results and recommendations from this consultation were reported to Council on 15 December 2011. Copies of submissions and summaries were provided to Councillors at that time.

The purpose of this report to Council is to seek Council's endorsement of draft LEP 2012, which will allow Council to re-seek a Section 65 Certificate to exhibit the draft Plan and associated documents.

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It is anticipated that NSW P&I will require several months to process the draft LEP and to issue a Certificate. At this stage it is anticipated draft LEP 2012 could be placed on public exhibition from as early as May 2012 (depending on the date the Certificate is received). Draft information sheets, including a plain English version of the draft LEP, have already been prepared to assist with community engagement. A draft community engagement plan is prepared and will be updated and finalised once the Certificate is received to exhibit the draft Plan.

It should be noted that Council at its meeting of 8 July 2010 resolved the LEP would be exhibited for a period of two months. The most recent timelines provided by NSW P&I propose the LEP will only be exhibited for a six week period.

Related Policy and / or Precedents:

Council has completed draft LEP 2012 in accordance with the Standard Instrument (LEPs) Orders 2006 and the Environmental Planning and Assessment Act and Regulations. All statutory requirements of these planning instruments have been complied with.

In preparing a draft LEP Council is required to ensure that the LEP is either consistent, or justifiably inconsistent, with the surrounding land use patterns and local character. Ensuring the plan is within the strategic context set by other State, regional and local policy is also necessary. Draft LEP 2012 is consistent with, or justifiably inconsistent, with:

- the NSW State Plan;
- the Mid North Coast Regional Strategy;
- State Environmental Planning Policies;
- Ministerial Section 117(2) Directions;
- the Coffs Harbour 2030 Plan;
- the Our Living City Settlement Strategy;
- the Coffs Harbour Industrial Lands Strategy;
- the Coffs Harbour Rural Residential Strategy; and
- the Coffs Harbour Business Lands Strategy.

Statutory Requirements:

- P&I's Standard Instrument (LEPs) Orders (gazetted March 2006, amended September 2006 and July 2008);
- the Mid North Coast Regional Strategy;
- various Ministerial 117 Directions; and
- Planning Practice Notes issued by NSW P&I.

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Issues:

Issues associated with recommended amendments are discussed in the following.

1. Recommendations from the Review of the BCH Final Report

The BCH Final Report makes the statement that its recommendations are made to strengthen the Business Centres Hierarchy and the primacy of the CBD. Particularly with regard to the B5 Business Development zone and the B6 Enterprise Corridor zone, the statement is made on page 34 that *'care needs to be taken that development in these zones does not erode the vitality of centres, particularly the City Centre CBD. While relatively low land costs or rent and frequently larger site sizes makes the B6 Enterprise Corridor a superficially attractive place for retail and offices to locate, this "attraction" should not be allowed to over-ride the policy imperative of supporting the City Centre and other centres by taking damaging actions such as permitting a wide range of land uses to locate in the B6 Enterprise Corridor zone'*.

Whilst many of the recommendations contained within the BCH Final Report were already contained in the draft LEP as presented to Council in June 2011, there are several recommended amendments worthy of inclusion in draft LEP 2012. It is considered that adopting the following amendments to the draft LEP will strengthen the commercial core of the CBD and reinforce the Business Centres Hierarchy, in accordance with the aims and objectives of draft LEP 2012. Several of the recommended amendments relate to draft DCP 2012. These will be addressed when the DCP is reported to Council at a later date.

The following changes have been made to draft LEP 2012 as presented to Council for adoption.

- Amendments to B1 Neighbourhood Centre Zones

- Amendments to the Land Use Table to prohibit entertainment facilities, research stations and waste or resource transfer stations in the B1 zone, because there are minimal areas with this zone throughout the LGA and these should be preserved for neighbourhood centre uses.

- Amendments to B2 Local Centre Zones

- Amendment to the Sawtell Town Centre from a B4 Mixed Use to a B2 Local Centre, with the aim of strengthening Sawtell as a local centre.
- Amendment to the Woolgoolga Beach Street area from a B4 Mixed Use to a B2 Local Centre, with the aim of strengthening Woolgoolga Beach Street area as a local centre.
- Amendments to the Land Use Table to allow additional forms of residential accommodation, home occupation and home industries, as well as sex service premises to the B2 zone and to remove light industrial uses and other uses which are less appropriate for this zone.

- Amendments to B3 Commercial Core Zone

- Amendment to the Coffs Ex-Services Club from RE2 Private Recreation to B3 Commercial Core, as the site is located within the existing mapped CBD area and in order to allow a wider range of commercial uses on the site.

Cont'd

- Amendment to the 3 small B4 Mixed Use zones adjoining the B3 Commercial Core zone, by including them into the B3 Commercial Core of the city as they already accommodate uses that are considered suitable for inclusion in the commercial core of the city.
- Amendments to the Land Use Table to allow home industries to the B3 zone and to remove light industrial uses and other uses which are less appropriate for this zone.

- **Amendments to B4 Mixed Use Zones**

- Addition of Clause 7.4 in the draft LEP to restrict the development for business, office or retail premises on land within Zone B4 to premises that are not greater than 750 square metres gross floor area per premise.
- Amendments to the Land Use Table to allow additional forms of residential accommodation in the B4 zone and to remove high technology industries and other uses which are less appropriate for this zone.

- **Amendments to B5 Business Development Zones**

- Amendments to the Land Use Table to allow additional forms of industrial training facilities and other large footprint uses in the B5 zone and to remove amusement centres, entertainment facilities, functions centres and other uses which are less appropriate for this zone.

- **Amendments to B6 Enterprise Corridor Zones**

- Addition of Clause 7.4 in the draft LEP to restrict the development for business or office premises on land within Zone B6 to premises that are not greater than 150 square metres gross floor area per allotment to reflect provisions of Coffs Harbour City Centre Development Control Plan 2011.
- Amendments to the Land Use Table to allow for bed and breakfast accommodation, sex services premises and other suitable uses and to remove amusement centres, entertainment facilities and function centres which are less appropriate for this zone.
- Amendment to Schedule 1 of the draft LEP in relation to the Bray Street Tourist Service Centre site. Reasons are as follows.

The BCH Final Report recommended rezoning the Bray Street Tourist Service Centre site to an SP3 Tourist zone or if not allowed by NSW P&I, to a B4 Mixed Use zone. NSW P&I made a submission to the Business Centres Hierarchy Discussion Paper advising it did not consider the use of the SP3 zone appropriate in this location. However, it could also be argued that the B4 Mixed Use zone is not appropriate in this location, as it would allow for broad scale office and business uses on the site, thus representing an undesirable outcome for the CBD. It is considered that the B6 zone should be retained over this site, however additional permissible uses built into a list in Schedule 1 for the site, to reflect existing uses at the site.

Cont'd

- **Amendments to Specific Sites in the B6 Enterprise Corridor Zone**

• ***Retail Development at Halls Road, Coffs Harbour***

Amendment to Schedule 1 (Additional Permitted Uses) of the draft LEP to ensure that development of the Halls Road site does not exceed 750 square metres per individual premises and to a maximum of 3000 square metres for the allotment. The BCH Final Report made this recommendation in order to protect the Business Centres Hierarchy, but at the same time to permit a similar scale development as the successful Bray Street neighbourhood centre to serve the local community (pg 36).

• ***Shops at the Bailey Centre, Coffs Harbour***

Amendment to Schedule 1 (Additional Permitted Uses) of the draft LEP to ensure that the development of the Bailey Centre site does not allow for shops which exceed 750 square metres per individual premises. The BCH Final Report made this recommendation in order to protect the Business Centres Hierarchy, but at the same time to allow the Bailey Centre to continue as a permissible use in this locality, but not to expand as one or two large retail spaces which could have an undesirable outcome for the CBD (pg 36).

• ***Shops at the Corner of Stadium Drive and Pacific Highway, Coffs Harbour South***

Amendment to Schedule 1 (Additional Permitted Uses) of the draft LEP to remove the ability to develop the B6 zoned land on the corner of Stadium Drive and the Pacific Highway for shops. The BCH Final Report made this recommendation in order to protect the Business Centres Hierarchy. It states that retail and other intensive commercial development is not desirable on this site because it would detract from other planned commercial development in the area and could lead to the development of another hub for bulky goods retailing and for general business, such as a shopping centre, south of the City, which would detract from other existing and proposed centres (pg 35).

• ***Public Administration Building at the Corner of Beryl Street and Pacific Highway, Coffs Harbour***

Amendment to Schedule 1 (Additional Permitted Uses) of the draft LEP to remove additional provisions for the development of a public administration building on the corner of Beryl Street and the Pacific Highway, Coffs Harbour. Reasons are as follows.

The BCH Final Report makes the following statements with regard to this site: *'A critical issue is to prevent the development of large scale office buildings outside of the City Centre CBD. If a large new office building was built outside of the City Centre CBD, rather than on redeveloped land within the City Centre CBD, it will lead to existing users vacating lower grade floorspace within the City Centre when they move to the new building. The vacant lower grade office floorspace will take some time to fill, and drain energy and investment from the City Centre, as has happened in Newcastle (it is a significant reason but not the only reason for the difficulties in Newcastle's City Centre). Furthermore, it would decrease the demand for additional office floorspace to be provided in the City Centre CBD.'*

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There is considerable potential for growth and intensification in the City Centre and other centres without retail and office uses having to "spill out" into land zoned B6 Enterprise Corridor or other adjacent zones. The City Centre CBD is mainly one to two storey development, and contains a number of larger sites in a single ownership; it is underdeveloped and has plenty of scope for new development to respond to market demand. There is no supporting economic impact analysis or urban design analysis provided in the City Centre Plan documentation to justify and support these specific provisions for the Beryl site. There appears to be no justification for large scale retail or office development outside of the City Centre CBD area' (pg 38-39).

This matter was brought to Council's attention in the BCH report to Council on 15 December 2011, where the content of two submissions in support of the development of the site, and one opposing it, were reported and addressed by the consultant who prepared the Review of BCH Final Report.

The consultant has provided comment that the State Environmental Planning Policy (Infrastructure), in conjunction with Clause 4.6 of the draft LEP which allows for variations to development standards, will allow the development of public administration buildings in the B6 Enterprise Corridor zone and emergency services facilities (which include a Police Station) in both the B6 and IN1 Industrial zones on the site, without the LEP needing to make special provisions for these land uses.

The consultant further notes that the government office block has not provided Council with an economic analysis to support a development of this nature in this location. It is concluded by the consultant that no decision making should be made to endorse the development of this site by the State Government until an Economic Impact Statement for the site has been considered and endorsed by Council. As such, the BCH Final Report upholds recommendations to remove additional provisions for public administration buildings from draft LEP 2012.

Council needs to be aware that the public administration building was included in Coffs Harbour City Centre LEP 2011, which was endorsed by Council on 16 December 2010. The State Property Authority has been preparing plans for the site. At a Technical Liaison Meeting on 14 October 2011 the proponent discussed the plans for the site with Council officers. No development application has yet been received for the site.

A further letter has been received from the State Property Authority (SPA) dated 22 December 2011 as part of the Section 62 consultation for the draft LEP (refer Attachment 3). This letter requests that differences between development restrictions under existing LEPs and new draft LEP 2012 are minimised, and that no amendments are made to the draft LEP that would reduce and/or omit the currently permissible uses on their landholdings "*to the extent that they no longer adequately reflect the current nature of the existing improvements*".

This is a complex issue, however it is considered that in terms of the aims and objectives of the draft Plan, and the Business Centres Hierarchy review, measures should be put in place to reinforce the CBD.

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- ***Supermarket on the Corner of Pullen Street and Pacific Highway, Woolgoolga (Raj Mahal site)***

Amendment to Schedule 1 (Additional Permitted Uses) of the draft LEP by adding an item to allow development for the purpose of retail premises (supermarket only not exceeding 3850 square metres gross floor area) with consent. Reasons are as follows.

The BCH Final Report recommended that the Beach Street locality should be the focus for retail and commercial development in Woolgoolga, and this area should also be the preferred location for a supermarket. However, it further states that in the event that Council continues to pursue a rezoning of the Raj Mahal site for a supermarket, the report states this should be restricted by limiting the maximum floorspace ratio on the site to 0.3:1, thus restricting the permissible use to say 3000m² for development of a supermarket and no specialty retail development (pg 39). It also recommends completion of a net community benefit assessment, consistent with NSW Planning and Infrastructure's draft Centres Policy.

Council has separately endorsed a gateway proposal for this site which has also been reported to this February meeting of Council. Draft LEP 2012 could be worded in such a way so as to allow a supermarket only to be developed at the subject site.

The BCH Final Report further recommends that strategic master planning be undertaken in Woolgoolga in order to improve its attractiveness as a tourist destination and to address future development of the local centre precinct. It also recommends that the floor space ratio in the Beach Street B2 zone be increased from 1:1 to 2:1. However, it is considered that this is pre-emptive and that no additional changes should be made until further strategic master planning is undertaken in Woolgoolga. No amendments to the draft LEP are proposed in this regard.

- **Amendments to SP3 Tourist Zones**

- Amendments to the Land Use Table to remove emergency services facilities as a permissible use in the SP3 zone.

- **Amendments to Floor Space Ratios**

- Amendments to Floor Space Ratio provisions as discussed in the following.

The BCH Final report recommended some amendments to the Floor Space Ratio clauses, both to simplify the framework derived for the draft LEP, to remove the floor space ratio controls from residential development, and/or removal or review of subclause 4.4(2A) of draft LEP 2012 to develop a more appropriate framework for floor space ratio based penalties.

Feedback has been received from NSW P&I during the preparation of the draft LEP, who advise that floorspace subclauses should be retained in draft LEP 2012, but that there may be scope to review and revise the content.

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As a result, it is proposed to simplify the floor space ratio (FSR) of the draft LEP, by reducing the number of increments in the FSR legend from twelve down to nine, meaning that the legend has been modified and all maps amended. The FSR increment of 0.8:1 is retained for the B6 zones between Halls Road and the railway overpass at Orlando Street on the Pacific Highway. All other B6 zones north and south of this area are included in the 0.5:1 increment. Residential zones R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential have been removed from the Floor Space Ratio maps.

It is recommended that the site amalgamation subclause 4.4(2A) is retained at present. However it is further recommended that the use of this clause be monitored over a two year period, and it be reviewed after that time.

- **Amendments to Design Excellence Provisions**

- Amendment to the Design Excellence clause and its location in the draft LEP such that it applies to more than the City Centre Plan area. Proposed amendments are as follows:

The BCH Final Report recommended that Council should reconsider the design excellence provisions. It recommends that the design excellence clause should be applied to a wider area than the City Centre Plan area, that other provisions be included in urban design guidelines, that an Urban Design Advisory Panel be used for independent urban design advice and that design competition provisions be removed from the Plan.

It is considered that it is appropriate to retain the design excellence clause, and for Council's Land Use Planning branch to undertake policy work as funds permit with regard to development of urban design guidelines and how they are to be implemented. As a result it is proposed to relocate this clause into Part 7 of the draft LEP such that it applies to the whole of the LGA. It is further recommended that it is applied to business, and general, medium and high density residential zones initially. The draft clause has been reworded to this effect, and to include an objective to the clause.

Subclauses relating to design competitions on key sites were removed from the last version of the draft LEP reported to Council in June 2011, however they still exist in City Centre LEP 2011. Once the City Centre LEP is repealed by draft LEP 2012, the design competition requirements for the City Centre will cease to exist. Since they were previously removed from the draft City-wide LEP, no further amendment to the current version of draft LEP 2012 is necessary.

2. Amendments Required by the Section 65 Certificate dated 14 October 2011

The Section 65 Certificate received from NSW P&I dated 14 October 2011 required certain amendments to the draft LEP. Two Part 3A applications listed in the Certificate and letter attached to the Certificate, require Council to modify the plans prior to exhibition. These Part 3A matters are:

- modification of maps accompanying the draft LEP for Lot 66, DP 551005, Pacific Highway Moonee Beach to reflect the concept plan approval for the Part 3A application 05_0064 granted on 14 June 2011; and

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- a requirement that Council address the concept plan approval for the Part 3A application 05_0083 for Lot 22, DP 1070182 and Lots 497 and 498, DP227298, Pacific Highway and Pine Crescent, Sandy Beach granted on 20 December 2010, by modifying maps for exhibition showing the concept approval for the site, either within the draft LEP or as a separate attachment for exhibition purposes. Council challenged the validity of the concept approval, via a judicial review in 2011. However Council was advised on 23 January 2012 this appeal was dismissed.

The draft LEP has been amended in relation to Part 3A application 05_0064, in accordance with requirements of the Section 65 Certificate. The Land Zoning Maps and the Lot Size Maps relative to this land parcel have been updated to reflect the concept approval.

In relation to Part 3A application 05_0083, the draft LEP has been retained as previously reported to Council. However, the requested exhibition material has been prepared as a separate attachment for public exhibition purposes, as per NSW P&I instructions.

All other changes as requested by NSW P&I have been made to the draft Plan to comply with conditions of the Section 65 Certificate. The draft LEP, once endorsed by Council, will then again be submitted to NSW P&I with the request for a new Certificate to exhibit the Plan. It will then be necessary to comply with any new conditions contained within the new Certificate.

3. Other Minor Amendments

Several amendments have also been made to the Standard Instrument LEP and local clauses since last reported to Council in June 2011. These include:

- **Boundary Adjustment Clause**

Council held negotiations with NSW P&I during early 2010 regarding the need for a clause that addresses boundary adjustments between existing undersized allotments. NSW P&I provided Council with Clause 4.2A 'Lot size exceptions for certain rural subdivisions', which was included when the draft LEP was reported to Council on 23 June 2011.

Council received an instruction from NSW P&I that this clause needed to be removed, because it conflicted with mandatory clauses 2.6 Subdivision and 4.6 Exceptions to Development Standards of the Standard Instrument. It was further advised that NSW P&I was considering amending the Standard Instrument in due course to address this issue.

In the interim, Moree Plains LEP 2011 was made on 9 December 2011 to allow for rural boundary adjustments in certain circumstances. Since subclause 4.2A has been included in Moree Plains LEP 2011, this clause is now available for use in other LEPs around the state. It is recommended that Council includes this clause in draft LEP 2012.

Optional subclause 4.2A is added to draft LEP 2012 to achieve the intent as previously requested for a boundary adjustment clause in rural areas.

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- **Option Subclause for Vegetation Protection**

A new optional subclause was developed by NSW P&I in 2011 for use by Councils, to restrict the operation of routine agricultural management activities (RAMAs) in certain zones, being R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living zones. The NSW Government is currently undertaking a review of the Native Vegetation Regulation 2005, which underpins the Native Vegetation Act 2003. Use of this subclause closes a legal loophole which will allow for clearing in environmental protection zones in the new Standard Instrument, while the review of the Act is underway.

Council's Biodiversity staff have requested that this subclause be added. Accordingly, optional subclause 5.5(9) is added to draft LEP 2012 to assist to protect vegetation in E2 zones and R5 zones.

- **Minor Amendments to Various Map Sheets**

All map sheets have been updated with the new draft LEP title (draft Coffs Harbour Local Environmental Plan 2012) and reference numbering as required by NSW P&I in order to allow the draft Plan to be exhibited. Additional minor mapping anomalies which were identified between some map sheets have also been amended to ensure area footprints across map sheets are identical.

A zone error has also been identified at the rear of the Homebase site in the Coffs Harbour City Centre LEP 2011, which has resulted in an environmental protection zone inadvertently being included in the B5 Business Development zone. This error is rectified by amendments included in draft LEP 2012.

- **Height of Buildings Map Sheet at Toormina Gardens Shopping Centre**

Toormina Gardens Shopping Centre was reported to and endorsed by Council in June 2011 with a provision for height of buildings of only 8.5 metres. This is not consistent with other shopping centre zones for example at Park Beach Plaza and Moonee. It is considered this was an oversight and should be rectified to allow Toormina Gardens Shopping Centre to develop to the same height as other centres. The Height of Buildings Map has been amended to increase Toormina Gardens Shopping Centre from 8.5 metres to 15.5 metres so it is consistent with other centres.

- **Lot Size Maps for all RE2 Private Recreation Zones Within the LGA**

An anomaly has been noticed for RE2 Private Open Space zoned lands throughout the LGA. The draft LEP as reported to Council in June 2011 shows some RE2 zoned lands as having no minimum lot size, and others with various minimum lot sizes. Council currently does not apply minimum lot sizes to public or private open space zoned lands in LEP 2000, and none have been added to the Coffs Harbour City Centre LEP 2011.

For consistency, it is recommended that all RE2 zoned lands be treated equally and all sites be removed from the minimum lot size maps. The Lot Size Maps have been amended for the entire LGA to ensure that RE2 zones have no minimum lot size recorded on them.

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4. Subdivision Clause and Minimum Lot Size Map

Council commenced negotiations with NSW P&I in April 2010 regarding how provisions contained within LEP 2000 relating to subdivision of lots with more than one minimum lot size provision could best be addressed in the Standard Instrument LEP to produce good outcomes for the long term management of environmental conservation zones. A written submission was lodged with NSW P&I in May 2010 to outline Council's issues of concern.

Council wrote to NSW P&I on 12 April 2011 seeking a clause to allow the LEP to proceed to exhibition. This letter identified that the issue of more than one minimum lot size provision on a lot would also be affecting other LGAs and it would be appropriate for NSW P&I to provide a solution that produces good planning outcomes for long term management of environmental conservation zones across the State of NSW.

Council received a letter from NSW P&I dated 23 May 2011 instructing that the clause could not be used, because a clause could not override a lot size to less than that shown on the Lot Size Map. Council was advised that the matter could only be rectified via amendments to the Standard Instrument LEP, which would require lengthy consultation across the State of NSW to resolve the problem. NSW P&I advised it would help Council with a "work-around" to address the issue in the interim period until (or if ever) the Standard Instrument LEP is modified.

NSW P&I's identified solution was to remove the clause and to modify the Lot Size Map to reduce or remove the minimum lot size for the E2 Environmental Conservation zoned lands (the equivalent zone to the Environmental Protection 7A Habitat and Catchment zone in LEP 2000). This is a significant change from LEP 2000, which has a minimum subdivision size of 40 hectares of lands zoned 7A, and a 'split lot clause' which allows for the 7A zoned land with an area of less than 40 hectares to be subdivided.

Whilst this was not considered the optimum outcome for the long term management of environmental conservation zones within the LGA, there previously appeared to be no other alternative to progress the draft LEP. As a result, the draft local clause "*Subdivision of land where more than one minimum lot size provisions applies*" was removed from the draft written instrument and the Lot Size Map was modified so that there is no minimum lot size for the E2 zone in all areas of the LGA. This was reported to and endorsed by Council in June 2011.

In December 2011, Moree Plains Local Environmental Plan 2011 was made. It contains a new draft local clause 4.2A (which is proposed for inclusion in draft Coffs Harbour LEP 2012 to address the issue of boundary adjustments). It is noted from the wording of that clause, that it appears to permit subdivision in certain circumstances to sizes smaller than the Lot Size Map (which would appear to override the Lot Size Map). As such, it is considered that it may be possible to request NSW P&I to provide a similarly worded clause (to override the Lot Size Map) for use in draft Coffs Harbour LEP 2012 to achieve the intent of the split lot subdivision clause. It is understood that NSW P&I is currently working to provide a clause that will address this issue.

It is recommended that Council enter into negotiations with NSW P&I to supply Council with a clause to insert into draft LEP 2012 prior to exhibition to achieve the intent of split lot zones to produce good outcomes for the long term management of environmental conservation zones. Council could then modify the Lot Size Map by reinstating the 40 hectare minimum in E2 Environmental Protection zones prior to exhibition. It is recommended that Council endorse the inclusion of such a clause and modification of maps in such a manner, should a clause become available prior to exhibition.

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5. Project Timing

The timeframe for this project has been established by NSW P&I. Council has received acceleration grant funding from NSW P&I to assist with the finalisation of the draft LEP. Council awaits feedback from NSW P&I with regard to the latest timeframe for delivery of draft LEP 2012.

Reporting the draft LEP to the February 2012 Council meeting is crucial to the timing of milestones in project delivery. Gaining Council approval to seek a Section 65 Certificate (to allow the draft LEP to be exhibited) from NSW P&I at this meeting is equally important to meeting the target date for future milestones and ultimately the making of the Plan.

6. Section 65 Certification

Council awaits the latest timeframe from NSW P&I for delivery of the draft LEP. It is expected that the earliest time for exhibition will be May 2012. It is anticipated that the Section 65 Certificate may contain certain conditions to be met by Council prior to public exhibition.

Implementation Date / Priority:

The Standard LEP project timeframe has been determined by P&I. Council is required to have the LEP made in accordance with P&I timeframes. As such, seeking Section 65 Certification from P&I as soon as possible is crucial to project timing.

Recommendation:

1. That Council endorse draft Coffs Harbour Local Environmental Plan 2012.
2. That Council seek authority from NSW Planning and Infrastructure to issue a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow draft Coffs Harbour Local Environmental Plan 2012 to be exhibited.
3. That upon complying with all conditions established at Section 65 certification, draft Coffs Harbour City Local Environmental Plan 2012 be exhibited for a period of six weeks (or such other period to be advised by NSW Planning and Infrastructure) in accordance with NSW Planning and Infrastructure's project timeframe.
4. That Council seek a suitable split lot subdivision clause from NSW Planning and Infrastructure for insertion into draft Coffs Harbour Local Environmental Plan 2012 (and any modification of the Lot Size Maps to suit the intention of the clause), as a condition of the certificate under Section 65 of the Environmental Planning and Assessment Act, 1979, should such a clause become available prior to the exhibition of draft Coffs Harbour Local Environmental Plan 2012.
5. All persons directly affected by the draft Plan be advised of Council's decision by notification in relevant newspapers at the time the draft Plan is placed on exhibition.

Attachments:

ATTACHMENT 1

Record of Amendments made to draft Coffs Harbour Local Environmental Plan 2012
For Adoption by Council 9 February 2012

No.	Recommendation	Comment	Action
A 1.	<p>Recommendations Contained Within Review of BCH Final Report</p> <p>It is recommended that the listed centres and locations are assigned land use zones as shown in BCH Final Report Table 1 (summary).</p>	<p>Council Comment to Recommendations of BCH Final Report</p> <ul style="list-style-type: none"> - Many of the recommendations contained within the BCH Final Report were already contained in the draft LEP as presented to Council in June 2011. - Amendments listed in column to the right follow the recommendations contained within the Final Report, with the exception of the Bray Street site. NSW P&I stated in their submission to the BCH Discussion Paper that this site is inappropriate for an SP3 zone as much of the site contains non-tourist uses. Adding this site to Schedule 1 (as noted in column to right) will allow the uses of amusement centres, entertainment facilities and function centres to continue as permissible uses at the site, whilst at the same time maintaining the zone which has been applied in Coffs Harbour City Centre LEP 2011. 	<p>Council Actions in Response to Recommendations of BCH Final Report</p> <ul style="list-style-type: none"> - Amend Land Zoning Map sheet LZS_006D Sawtell Town Centre from B4 Mixed Use to B2 Local Centre. - Amend Land Zoning Map sheet LZS_005C Woolgoolga Beach Street commercial area from B4 Mixed Use to B2 Local Centre; and the Raj Mahal site from B4 to B6. - Amend Land Zoning Map sheet LZS_006B being 3 small B4 Mixed Use zones near the city centre B3 Commercial Core zone to include in the B3 zone (Lyster Street, Albany Street, Market/Daley Streets). - Amend Land Zoning Map sheet LZS_006B being Coffs Ex-Services Club site from RE2 Private Recreation to B3 Commercial Core. - Leave the Bray Street Tourist Service Centre site in zone B6, but add it to Schedule 1 for permissible added uses of amusement centres, entertainment facilities and function centres to accommodate all existing development.
2.	<p>It is recommended that land uses are permissible within specific business zones as shown in Appendix 1 of the BCH Final Report.</p>	<ul style="list-style-type: none"> - Appendix 1 of the Final Report gives a list of recommendations for uses to be included and removed as permissibilities from the B1-B6 Business and SP3 Tourist zones. These predominantly focus on business, industrial and residential type landuses, however the recommendation does also address some other functions such as the permissibility of services and 	<ul style="list-style-type: none"> - Amend Land Use Tables by making the following land uses "permitted without consent" in the zone: <i>B6 Enterprise Corridor</i> Home businesses. - Amend Land Use Tables by making the following land uses "permitted with consent" in the zone:

No.	Recommendation	Comment	Action
		<p>roads.</p> <ul style="list-style-type: none"> - Each of these uses has been assessed individually. It is considered that a number of recommendations are suitable for inclusion in the draft LEP, however others are not considered suitable because of the way the draft LEP addresses landuses in various other zones of the LGA, and essentially because they do not relate to, or affect, business uses and the business centres hierarchy. For example, the Final Report recommends that 'roads' be listed as 'permitted without consent' in all the business and the SP3 zones, however this would be inconsistent with other zones of the LGA, which require consent for roads. As such, recommendations such as this contained in the Final Report has not been included in the draft LEP amendments. - The final changes to land use permissibilities are listed right, and the Land Use Matrix has been amended to reflect these changes. In general terms, the key changes to land use table zones as outcomes of these recommendations are as follows: <ul style="list-style-type: none"> o Little change to the B1 Zone, as there is little available land for this zone and it should be preserved for uses most relevant to this zone. o Add additional forms of residential accommodation to the B2 zone, but remove light industrial uses, depots and exhibition homes. o Remove light industrial uses from the 	<p><i>B2 Local Centre</i> Home industries; Home occupation (sex services); Multi dwelling housing; Residential flat buildings; Sex services premises.</p> <p><i>B3 Commercial Core</i> Home industries.</p> <p><i>B4 Mixed Use</i> Multi dwelling housing; Residential flat buildings.</p> <p><i>B5 Business Development</i> Industrial training facilities; Mortuaries; Plant nurseries; Research stations; Timber yards.</p> <p><i>B6 Enterprise Corridor</i> Bed and breakfast accommodation; Home occupations (sex services); Mortuaries; Research stations; Sex services premises; Vehicle sales or hire premises.</p> <p>- Amend Land Use Tables by making the following land uses "prohibited" in the zone: <i>B1 Neighbourhood Centre</i> Entertainment facilities; Research stations; Waste or resource transfer stations. <i>B2 Local Centre</i> Exhibition homes; Exhibition villages; Light industries; Mortuaries; Self storage units; Transport depots; Warehouse or distribution centres; Waste or resource transfer stations. <i>B3 Commercial Core</i> Industrial retail outlets; Light industries;</p>

No.	Recommendation	Comment	Action
		<p>B3 zone.</p> <ul style="list-style-type: none"> o Add additional forms of residential accommodation to the B4 zone and remove marine uses. o Remove amusement centres, entertainment facilities and function centres from the B5 zone and add some other big footprint uses so as to maximise the business use of this zone. o Remove amusement centres, entertainment centres and function centres from the B6 zone, add home businesses and add bed and breakfast tourist accommodation. o Remove registered clubs from the SP3 zone. 	<p>Mortuaries; Transport depots; Waste or resource transfer stations. <i>B4 Mixed Use</i> Boat sheds; Charter and tourism boating facilities; High technology industries; Moorings; Waste or resource transfer stations. <i>B5 Business Development</i> Amusement centres; Entertainment facilities; Function centres; Transport depots. <i>B6 Enterprise Corridor</i> Amusement centres; Entertainment facilities; Function centres. <i>SP3 Tourist</i> Emergency services facilities.</p> <ul style="list-style-type: none"> - Amend the Land Use Matrix that will accompany the draft LEP for exhibition purposes.
3.	<p>It is recommended that the retail, business and office floorspace of individual premises in the B4 Mixed Use zone be limited to a maximum gross floor area of 750 sq. metres by the inclusion of a suitable clause in draft LEP 2012.</p>	<ul style="list-style-type: none"> - It is considered the recommendation that the B4 Mixed Use zone be more carefully applied and business and office space uses be more refined is a valid means to reinforcing the Business Centres Hierarchy for the LGA. - Council staff have sourced draft clauses from the recently made Dubbo LEP 2011, and have worded the proposed amendments to the draft clause generally in accordance with these clauses. - Draft Clause 7.4 has been prepared for inclusion in the draft LEP. It is possible that NSW P&I may amend wording prior to exhibition of the Plan. This draft clause 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by the addition of a local provision worded similar to that contained in Dubbo LEP 2011 as follows: 7.4 Commercial premises in certain business zones [local] (1) The objective of this clause is maintain the commercial hierarchy of Coffs Harbour by encouraging commercial development of an appropriate scale across business zones. (2) Development consent must not be granted to development for business, office or retail premises on land within Zone B4 Mixed Use if the gross floor

No.	Recommendation	Comment	Action
4.	<p>It is recommended that retail premises in the B6 Enterprise Corridor Zone is only permitted in the area including and adjacent to the Bailey Centre, and on Halls Road (Lot 10 DP 1076396), shown in Schedule 3 of the Coffs Harbour Local Environmental Plan 2000, and limited to a maximum gross floor area of 750 sq. m. for each individual retail premise; and that this provision is incorporated into draft LEP 2012.</p> <p>It is recommended that vacant land at the intersection of the Pacific Highway and Stadium Drive is not developed for retail and other intensive commercial development because it would detract from other planned commercial development in the area (pg 35).</p>	<p>also addresses issues raised in Line Item 5 of this table (150m2 office and business uses in the B6 zone).</p> <ul style="list-style-type: none"> - With regard to subclause (3), this references development lot size to the date that the Coffs Harbour City Centre LEP was made (16 December 2010) in order to reflect the current City Centre DCP provisions into the draft LEP. <ul style="list-style-type: none"> - It is considered the recommendation to carefully apply provisions for shops in the B6 zone, rather than just reflecting the contents of LEP 2000, is valid. Modifications as recommended will assist to reinforce the Business Centres Hierarchy of the LGA. - It is proposed that Schedule 1 of the draft LEP be amended to carefully detail the extent of retail development in the specified locations. - It is further considered that the recommendation to remove the Stadium Drive site from Schedule 1 is appropriate, as a mechanism to strengthen the aims and objectives of the draft LEP and the Business Centres Hierarchy of the LGA. 	<p>area of that development will exceed 750 square metres per premise.</p> <p>(3) Development consent must not be granted to development for business or office premises on land within Zone B6 Enterprise Corridor if the total gross floor area of that development will exceed 150 square metres per allotment existing as of 16 December 2010.</p> <ul style="list-style-type: none"> - Amend Schedule 1 Additional permitted uses to limit development on the Halls Road and Bailey Centre sites in accordance with recommendations of the BCR Final Report, being: <ul style="list-style-type: none"> - Item 5, Halls Road site, replace words in subclause (2) with the following: (2) Development for the purposes of retail premises not exceeding 750 square metres per individual premises and to a maximum of 3000 square metres gross floor area for the allotment is permitted. - Item 7, Bailey Centre site, replace words in subclause (2) with the following: <ul style="list-style-type: none"> (2) Development for the purposes of shops not exceeding 750 square metres per individual premises is permitted. - Amend Schedule 1 Additional permitted uses by removal of Item 9 (Use of certain land at Stadium Drive Coffs Harbour) to remove the ability to develop shops on this land.

No.	Recommendation	Comment	Action
5.	It is recommended that office and business premises in the B6 Enterprise Corridor Zone are limited to a maximum gross floor area of 150 sq. m. on each lot ; and a suitable clause included in the draft LEP 2012.	<ul style="list-style-type: none"> - See line item 3 of this table. 	<ul style="list-style-type: none"> - Amended as outlined in Line item 3 of this table.
6.	It is recommended that small scale medium density residential development is permissible with consent (as part of a mixed use development) in the B6 Enterprise Corridor Zone, and this provision incorporated in to draft LEP 2012.	<ul style="list-style-type: none"> - NSW P&I has advised that residential development in the B6 zone can only be as part of a mixed use development. Shop top housing is considered the most suitable form of development in this zone, which is already permitted in the draft LEP. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
7.	It is recommended that the additional permitted use of a public administration building shown in the City Centre Local Environmental Plan 2011 Schedule 1 Items 2 and 3 (certain land at Beryl Street Coffs Harbour) is deleted.	<ul style="list-style-type: none"> - The public administration building was included in Coffs Harbour City Centre LEP 2011, which was endorsed by Council on 16 December 2010. - The State Property Authority has been preparing development application plans for the site. At a Technical Liaison Meeting on 14 October 2011 the proponent discussed the plans for the site with Council officers. No development application has been received for the site to date, however it is understood that a development application is being prepared. - Both the State Property Authority (SPA) and NSW P&I provided submissions to the draft BCH Discussion Paper, stating that the additional permitted uses for this site should be retained. - A further letter has been received from the State Property Authority (SPA) dated 22 December 2011 as part of the Section 62 consultation for the draft LEP. This letter 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by removing items 2 and 3 in Schedule 1 Additional permitted uses. - Amend Schedule 1 by renumbering the schedule and all Additional Permitted Uses map sheets to reflect the new numbers.

No.	Recommendation	Comment	Action
8.	<p>It is recommended that the 1996 Woolgoolga Master Plan be reviewed and updated and that Council undertake other investigations in conjunction with the business and wider communities to develop a comprehensive forward plan and implementation program for Woolgoolga. (Note: Given the impact of the bypass, RMS (formerly RTA) funding may be available to assist this work.)</p>	<p>requests that differences between development restrictions under existing LEPs and new draft LEP 2012 are minimised, and that no amendments are made to the draft LEP that would reduce and/or omit the currently permissible uses on their landholdings "to the extent that they no longer adequately reflect the current nature of the existing improvements".</p> <ul style="list-style-type: none"> - This is a complex issue, however it is considered that in terms of the aims and objectives of the draft Plan, and the Business Centres Hierarchy review, measures should be put in place to reinforce the CBD. It is noted that the SPA letter references that zonings should reflect existing improvements on the land. As the public administration building is not yet built, and there are no existing improvements of this nature on the site, it is considered satisfactory to remove Items 2 and 3 from Schedule 1 in order to assist to reinforce the CBD. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required as a result of this recommendation.

No.	Recommendation	Comment	Action																										
9.	It is recommended that the apparent inconsistency of Figures 3.8 and 8.6 in the City Centre Development Control Plan in relation to the building form along Harbour Drive at the Jetty is clarified consistent with the maintenance of the unique streetscape.	<ul style="list-style-type: none"> - Address in draft Coffs Harbour Development Control Plan 2012. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required. 																										
10.	It is recommended that provisions for maximum building height and floor space ratio shown in the City Centre Local Environmental Plan 2011 Schedule 1 Items 2 and 3 (certain land at Beryl Street Coffs Harbour) are deleted.	<ul style="list-style-type: none"> - Addressed in line item 7 of this table. 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by removing items 2 and 3 in Schedule 1 Additional permitted uses. 																										
11.	<p>It is recommended that the simplified Floor Space Ratio framework shown in Table 6 of this Review (see below) is adopted, and that the City Centre Local Environmental Plan 2011 or its successor is amended as appropriate.</p> <table border="1" data-bbox="922 1406 1394 1906"> <thead> <tr> <th data-bbox="922 1406 954 1906">Current Proposed FSR</th> <th data-bbox="954 1406 1394 1906">Proposed FSR</th> </tr> </thead> <tbody> <tr><td>0.5</td><td>0.5</td></tr> <tr><td>0.8</td><td>1.0</td></tr> <tr><td>1.0</td><td>1.0</td></tr> <tr><td>1.3</td><td>1.5</td></tr> <tr><td>1.6</td><td>1.5</td></tr> <tr><td>1.8</td><td>2.0</td></tr> <tr><td>2.0</td><td>2.0</td></tr> <tr><td>2.25</td><td>2.5</td></tr> <tr><td>2.5</td><td>2.5</td></tr> <tr><td>3.0</td><td>3.0</td></tr> <tr><td>3.7</td><td>3.5</td></tr> <tr><td>4.5</td><td>4.5</td></tr> </tbody> </table>	Current Proposed FSR	Proposed FSR	0.5	0.5	0.8	1.0	1.0	1.0	1.3	1.5	1.6	1.5	1.8	2.0	2.0	2.0	2.25	2.5	2.5	2.5	3.0	3.0	3.7	3.5	4.5	4.5	<ul style="list-style-type: none"> - It is considered that the recommended simplified framework should be adopted, with the exception of retaining the FSR of 0.8:1 for the B6 zones along the Pacific Highway between Halls Road and the Pacific Highway rail overpass, Coffs Harbour. The B6 zones should retain an FSR of 0.8:1 rather than jump up to 1:1, because of the other built form controls that will apply to the land, and in order to be consistent with the aims and objectives of the draft LEP in relation to business centres hierarchy for the LGA. - Additionally, it is proposed that all B6 zones north and south of the Halls Road to rail overpass have a consistent FSR of 0.5:1 applied. This will further assist to reinforce the aims and objectives of the draft LEP. 	<ul style="list-style-type: none"> - Amend the legend of all Floor Space Ratio map sheets to be consistent with the recommendations of the BCH Final Report, with the exception of retaining the FSR of 0.8:1 along the Pacific Highway B6 zones between Halls Road and the Pacific Highway rail overpass, Coffs Harbour. - Amend Floor Space Ratio map sheet FSR_006B to merge the mapped areas in accordance with the table left. - Amend Floor Space Ratio map sheet FSR_005C to show all B6 zoned land along the Pacific Highway frontage at Woolgoolga as reduced from FSR 0.8:1 to 0.5:1, including the Raj Mahal site. - Amend Floor Space Ratio map sheet FSR_005E to reflect the B2 and B4 zone footprint at Moonee Beach. Retain as an FSR of 1:1.
Current Proposed FSR	Proposed FSR																												
0.5	0.5																												
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4.5	4.5																												

No.	Recommendation	Comment	Action
12.	It is recommended that Council consider applying a floor space ratio of 2:1 to the Woolgoolga town centre (currently 1:1).	<ul style="list-style-type: none"> - It is considered pre-emptive to increase the FSR at Woolgoolga without undertaking a masterplan for the development of the town. Retain this area as FSR of 1:1, and address as a policy matter for inclusion in Land Use Planning's Planning Program as funds permit. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required at this time.
13.	It is recommended that Council review the application of maximum floorspace ratio controls to residential development throughout the LGA and amend draft LEP 2012 accordingly.	<ul style="list-style-type: none"> - It is considered that there is no need to apply floorspace ratio controls to residential zones within the LGA, as other built form controls also apply (such as heights and setbacks). 	<ul style="list-style-type: none"> - Amend Floor Space Ratio map sheet FSR_006B to remove FSRs from development in R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones.
14.	It is recommended that Section 2.3 of the City Centre Development Control Plan is amended to be consistent with Section 4.6 in relation to a requirement that development in the Gateway precinct "address the street".	<ul style="list-style-type: none"> - Address in draft Coffs Harbour Development Control Plan 2012. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
15.	It is recommended that Section 4.2 of the City Centre Development Control Plan is amended to show the Pacific Highway frontage of Park Beach Plaza as having a minimum requirement of "a street address".	<ul style="list-style-type: none"> - Address in draft Coffs Harbour Development Control Plan 2012. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
16.	It is recommended that Council consider the application of the Design Excellence clause to other parts of the LGA, particularly key locations such as the Sawtell Town Centre, to ensure a consistent approach to the quality of building design.	<ul style="list-style-type: none"> - The BCH Final Report recommends that Council should consider a sliding scale of design excellence requirements and a policy for all design provisions and variations to these provisions in due course. It is further recommended that the LEP is an appropriate place to locate the basic provisions for design excellence, with detailed thresholds and criteria located in the associated DCP and Council 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by the relocation of Clause 8.4 Design Excellence from Part 8 of the Plan which relates only to the defined City Centre area, to Part 7 of the Plan which relates to the entire Local Government Area. - Relocate other clauses in Part 8 also to Part 7 of the draft LEP and delete Part 8. Reword clauses as appropriate to reflect

No.	Recommendation	Comment	Action
		<p>policy documents.</p> <ul style="list-style-type: none"> - It is considered that the Design Excellence clause should be widened to all parts of the LGA, and applied at least in the short term to all Business zones and R1, R3 and R4 residential zones, but not the low density residential R2 zone. - It is further considered that a clause objective should be provided to assist Council officers in administering the clause. 	<p>the intent of whether they apply to the CBD or the City Centre Plan area.</p> <ul style="list-style-type: none"> - Provide an objective to the clause, as follows: 7.5(1) The objective of this clause is to ensure that development exhibits design excellence, which contributes to the natural, cultural, visual and built character values of the Coffs Harbour LGA
17.	<p>It is recommended that the Coffs Harbour Development Control Plan/City Centre Development Control Plan is amended to include a clause requiring developments that meet or exceed specified criteria (such as a certain building height) to submit an urban design report with a Development Application (which would be more elaborate than the "design excellence" statement required with all Development Applications). (note: alternatively this proposed requirement may be able to be achieved through a LEP amendment or a Policy). In addition, the application of the design excellence clause and how it applies to specific classes of development should be detailed in a policy or the relevant Development Control Plan.</p>	<ul style="list-style-type: none"> - Address in draft Coffs Harbour Development Control Plan 2012. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
18.	<p>It is recommended that Council establish an Urban Design Advisory Panel to be used on occasions when additional or independent urban design advice is required.</p>	<ul style="list-style-type: none"> - Policy matter for inclusion in Land Use Planning's Planning Program as funds permit. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.

No.	Recommendation	Comment	Action
19.	It is recommended that Council develop criteria to be used to determine when it is appropriate to use the services of the Urban Design Advisory Panel	<ul style="list-style-type: none"> - Policy matter for inclusion in Land Use Planning's Planning Program as funds permit. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
20.	It is recommended that Clause 6.11 (4)-6.11(5) of the Coffs Harbour City Centre Local Environmental Plan 2011 are replaced with new subclauses requiring review of proposed development by the proposed Urban Design Advisory Panel in specified circumstances (note: alternatively this proposed requirement may be able to be achieved through a DCP or a Policy)	<ul style="list-style-type: none"> - The draft LEP was already endorsed by Council on 23 June 2011 with subclauses 4-9 removed. The policy issue is a matter for inclusion in Land Use Planning's Planning Program as funds permit. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.
21.	<p>It is recommended that:</p> <ul style="list-style-type: none"> (i) Clauses 6.11(6), (7) and (9) of the City Centre Local Environmental Plan 2011 are deleted, and (ii) Council develop a policy to define the circumstances under which a variation in the development standards under Clause 4.6 of the Standard Instrument (which is included in the Coffs Harbour City Centre Local Environmental Plan 2011), such as floor space ratio or building height, may be considered in the City Centre and surrounds, and consider whether to incorporate a suitable provision in the City Centre Local Environmental Plan 2011 and/or Coffs Harbour City Centre Development Control Plan/ Coffs Harbour Development Control 	<ul style="list-style-type: none"> - Item (i). The draft LEP was already endorsed by Council on 23 June 2011 with subclauses 4-9 removed. - Item (ii). Policy matter for inclusion in Land Use Planning's Planning Program as funds permit. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required.

No.	Recommendation	Comment	Action
22.	<p>Plan.</p> <p>It is recommended that the Coffs Harbour City Centre Local Environment Plan 2011 subclauses 4.4 (2A) and (2B) (site amalgamations) are deleted.</p>	<ul style="list-style-type: none"> - The BCH Final Report recommends that Council considers either site amalgamations or rationalising the list of floor space ratios. - Line item 11 of this table addresses the rationalisation of the floor space ratio listing. It is considered this is sufficient at this time. - This is a policy issue for inclusion in Land Use Planning's Planning Program as funds permit. It is recommended that the site amalgamations be monitored for 2 years, and reviewed after this time. 	<ul style="list-style-type: none"> - No amendment to draft LEP 2012 required at this time.
23.	<p>Raj Mahal Site. If this site is to proceed to rezoning for supermarket purposes, retail development on the site should be controlled by restricted retail to the development of a supermarket, by limiting the amount of gross floor area to a suitable figure (such as 3000m²) and limiting the maximum floorspace ratio on the site to 0.3:1.</p>	<ul style="list-style-type: none"> - This is a matter to be addressed in a separate report to Council with regard to the Planning Proposal for the site. It is recommended that draft LEP 2012 be amended to reflect the intent of the Planning Proposal. Council's Land Use Planning Manager has provided details as to the required size for the site. It is proposed that this area be provided in Schedule 1 Item 10 subclause 2 as shown right. 	<ul style="list-style-type: none"> - Amend Schedule 1 Additional permitted uses by adding Item 10 (Use of certain land at Pullen Street Woolgoolga) to say the following: <ul style="list-style-type: none"> (1) This clause applies to land at Pullen Street, Woolgoolga, being Lot 500, DP 776362 and Lot 1, DP 579511, shown as "10" on the Additional Permitted Uses Map. (2) Development for the purpose of retail premises (supermarket only not exceeding 3850 square metres gross floor area) is permitted with consent.

No.	Recommendation	Comment	Action
B 24.	<p>S65 Certificate dated 14 October 2011</p> <p>Council is to use the amended copy of the LEP attached to the certificate dated October 2011 for exhibition purposes</p>	<p>Council Comment to S65 Certificate Requirements</p> <p>- The certified copy of the draft LEP already had some minor edits completed by NSW P&I (refer paragraph 1 of page 2 of letter, referencing 'mining' and 'open cut mining'). Other minor modifications included wording changes to 3.3(2)(k), 4.1(4A), 4.1B(3), none of which affect the intent of the affected clauses. At a pre-S64 meeting on 18 January 2012 DoPI advised that the SEPP Infrastructure covers schools in the rural areas and that these could now be removed from the RU2 Rural Landscape zone; and that extractive industries must be permitted with consent in the B1 Neighbourhood Centre and B4 Mixed Use zones because light industries are permissible in these zones and SEPP (Mining, Petroleum Production and Extractive Industries) requires that extractive industries should also be permissible here.</p>	<p>Council Actions in Response to S65 Certificate</p> <p>- Most amendments have already been made by NSW P&I. Several additional minor amendments have been made by Council. This is included in the list for noting by Councillors, including: amend the land use table for the RU2 Rural Landscape zone by removing Educational establishments because they are covered by State Environmental Planning Policy Infrastructure; removal of extractive industries as prohibited in the B1 Neighbourhood Centre and B4 Mixed Use zones because light industries are now to be permissible in these zones;</p>
25.	<p>Council is to amend the maps accompanying the draft LEP for Lot 66, DP 551005, Pacific Highway, Moonsee Beach to reflect the concept plan approval for the Part 3A application 05_0064 granted on 14 June 2011.</p>	<p>- The Part 3A concept approval was issued on 14 June 2011. It is considered appropriate to amend the draft maps to reflect the boundaries of the concept approval.</p>	<p>- Amend Land Zoning Map sheet LZN_005E to show the R2 Low Density Residential zone extended to the footprint area approved under Part 3A application 05_0064.</p> <p>- Amend Lot Size Map sheet LSM_005E to show the permitted minimum lot size as 400m2 for the same area as shown on the land zoning map.</p>

No.	Recommendation	Comment	Action
26.	Council is to prepare and exhibit at the same time as draft LEP 2012 amended maps for Lot 22 DP 1070182 and Lots 497 and 498, DP 227298, Pacific Highway and Pine Crescent, Sandy Beach to reflect the concept plan approval for the Part 3A Application 05_0083 granted on 20 December 2010.	<ul style="list-style-type: none"> - The Part 3A concept approval was issued on 20 December 2010. Council appealed the concept approval. The matter was handed down from the Land and Environment Court on 23 January 2012, advising that Council's appeal was not upheld. The draft exhibition material has been prepared to accompany draft LEP 2012 during the exhibition period. 	<ul style="list-style-type: none"> - No changes to draft LEP 2012 as reported to Council in June 2011. - Provide draft maps for exhibition being replacement Land Zoning Map sheet LZN_005D and Lot Size Map sheet LSM_005D to show the R2 Low Density Residential zone extended to the footprint area approved under Part 3A application 05_0083.

No.	Recommendation	Comment	Action
C	Other Minor Amendments	Council Comment to Minor Amendments	Council Actions Regarding Minor Amendments
27.	Optional Subclause 4.2A It is proposed that draft LEP 2012 include a clause to enable boundary adjustments in rural areas, in certain circumstances. NSW P&I has recently made the Moree Plains LEP 2011, containing a similar clause titled '4.2A Exceptions to minimum lot sizes for certain rural subdivisions'.	<ul style="list-style-type: none"> - Council held negotiations with NSW P&I during early 2010 regarding the need for a clause that addresses boundary adjustments between existing undersized allotments. NSW P&I provided Council with Clause 4.2A 'Lot size exceptions for certain rural subdivisions', which was included when the draft LEP was reported to Council on 23 June 2011. - Council received an instruction from NSW P&I that this clause needed to be removed, because it conflicted with mandatory clauses 2.6 Subdivision and 4.6 Exceptions to Development Standards of the Standard Instrument. It was further advised that NSW P&I was considering amending the Standard Instrument in due course to address this issue. - In the interim, Moree Plains LEP 2011 was made on 9 December 2011 to allow for rural boundary adjustments in certain circumstances. Since subclause 4.2A has been included in Moree Plains LEP 2011, this clause is now available for use in other LEPs around the state. It is recommended that Council includes this clause in draft LEP 2012. 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by the addition of Clause 4.2A Exceptions to minimum lot sizes for certain rural subdivisions, with wording as published in Moree Plains LEP 2011 on 9 December 2011.
28.	Optional Subclause 5.9(9) Include subclause 5.9(9) in draft LEP 2012.	<ul style="list-style-type: none"> - This new optional subclause was developed by NSW P&I in 2011 for use by Councils, to restrict the operation of routine agricultural management activities (RAMAs) in certain zones, being R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental 	<ul style="list-style-type: none"> - Amend draft LEP 2012 by the inclusion of subclause 5.9(9), with wording as published in the Standard Instrument LEP.

No.	Recommendation	Comment	Action
29.	Minor amendments to various map sheets	<p>Management of E4 Environmental Living zones. The NSW Government is currently undertaking a review of the Native Vegetation Regulation 2005, which underpins the Native Vegetation Act 2003. Use of this subclause closes a legal loophole which will allow for clearing in environmental protection zones in the new Standard Instrument, while the review of the Act is underway. Council's Biodiversity staff have requested that this subclause be added to the new draft LEP for exhibition purposes.</p> <ul style="list-style-type: none"> - The draft LEP when last presented to Council was titled draft Coffs Harbour Local Environmental Plan 2011. Now it is draft Coffs Harbour Local Environmental Plan 2012. This has necessitated reproducing every map sheet with new title and reference numbering in accordance with the new title. There is no changed intent from this amendment. - A mapping error has been found in the Homebase site of the City Centre LEP 2011, where the rear of the site which was zoned 7A Environmental Protection under LEP 2000 was inadvertently zoned to B5 Business Development in the City Centre LEP. This is an opportunity to correct this map error on all relative map sheets of the draft LEP. - During the course of this review several minor anomalies have been noticed in the LEP map sheets as previously reported to Council. These are predominantly associated with minor adjustments where 	<ul style="list-style-type: none"> - Amend all map sheets with the new draft LEP title and reference numbering. - Amend the zone boundary in the location of Homebase, Coffs Harbour, to reinstate the environmental protection zone at the site, by amending the rear of the site on Land Zoning map sheet LZS_006B, from B5 Business Development zone to E2 Environmental Conservation. Also, amend Floor Space Ratio map sheet FSR_006B and Height of Buildings map sheet HOB_006B to reflect the zone footprint. - Amend minor map errors to correct minor map errors. - Amend Height of Buildings map sheet HOB_006C to increase Toormina Gardens Shopping Centre from 8.5 metres to 15.5 metres so that it is consistent with other centres. - Amend Lot Size Maps for the entire LGA to ensure that no lands zoned RE2 Private Open Space are shown on the Lot Size

No.	Recommendation	Comment	Action
		<p>the lot size map boundary has not fully accorded with the zone footprint for example. These have been rectified, with no changed intent.</p> <ul style="list-style-type: none"> - Toormina Gardens Shopping Centre was reported to and endorsed by Council in June 2011 with a provision for height of buildings of only 8.5 metres. This is not consistent with other shopping centre zones for example at Park Beach Plaza and Moonee. It is considered this was an oversight and should be rectified to allow Toormina Gardens Shopping Centre to develop to the same height as other centres. - An anomaly has been noticed for RE2 Private Open Space zoned lands throughout the LGA. The draft LEP as reported to Council in June 2011 shows some RE2 zoned lands as having no minimum lot size, and others with various minimum lot sizes. Council currently does not apply minimum lot sizes to public or private open space zoned lands in LEP 2000, and none have been added to the Coffs Harbour City Centre LEP 2011. For consistency, it is recommended that all RE2 zoned lands be treated equally and all sites be removed from the minimum lot size maps. 	<p>Map with a minimum lot size.</p>



Mr S McGrath
General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR NSW 2450

Our ref: G09/001667-1
Your ref: 2826325

Attention: Ms Sharon Smith
Special Projects Manager, SLEP

Dear Mr McGrath

Coffs Harbour Local Environmental Plan 2011 – Certificate to exhibit draft Plan

I am writing in response to your letter received 6 July 2011 requesting certification of the draft Coffs Harbour Local Environmental Plan 2011. I am pleased to advise that I have endorsed the draft Plan for exhibition and have attached the section 65 certificate and a copy of the certified draft Plan.

As an opinion has not been issued by Parliamentary Counsel that the plan may be legally made, the Department has issued this certificate on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft Plan may be changed to satisfy legal drafting requirements. Council must also provide a plain English version of the Plan for exhibition explaining what the Plan does.

Please note that references to the particular sections of the Act in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft Plan.

It has been identified that the draft LEP is inconsistent with the section 117 Directions 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.2 Caravan Parks and Manufactured Home Estates, and 4.4 Planning for Bushfire Protection. As the delegate of the Director General, I have approved that the inconsistencies have been justified in Council's section 64 report on consistency of the draft LEP with relevant policy, EPIs and directions and are of minor significance in this case. Council is required to place this letter on exhibition to demonstrate that these inconsistencies have been addressed and are of minor significance.

The draft LEP is considered to be inconsistent with the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 by including "mining" and "open cut mining" in the land use table of several zones when this land use is permissible under the Mining SEPP. These land uses have been removed where appropriate for the purposes of exhibition.

Schedule 2 of the section 65 certificate includes conditions requiring amendments to be made to the draft LEP maps before exhibition takes place.

It is noted that the zoning map accompanying the draft *Coffs Harbour Local Environmental Plan 2011* in relation to Lot 22, DP 1070182, and Lots 497 and 498 DP 227298 Pacific Highway and Pine Crescent, Sandy Beach is not consistent with the Part 3A application 05_0083 determination made on 20 December 2010 in relation to this site.

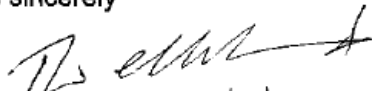
I understand that this determination is the subject of a Court challenge for which no judgment has been made. Council is therefore requested to prepare and exhibit at the same time as the draft LEP, documentation explaining the extent of the existing Part 3A approval for residential development. This documentation should include zoning, lots size and any other maps covering the site which are relevant to the determination. This will enable the draft LEP maps to be amended post-exhibition, should the Court dismiss the appeal.

Council should ensure that any final draft plan and maps submitted to the Department following community consultation are consistent with the Act and Regulations. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and your plan may need to be amended accordingly. The Department's Regional office can assist Council to review the final plan before submission to the Minister.

I would like to thank Coffs Harbour City Council for progressing the draft plan in a highly professional manner and look forward to your ongoing commitment to finalise this new planning instrument.

If you have any questions in relation to this matter, please contact Steve Murray, Regional Director of the Department of Planning and Infrastructure's Northern Region Office on 02 6641 6600.

Yours sincerely



Tom Gellibrand 14/10/11
Deputy Director General
Plan Making and Urban Renewal

Enclosures:
s65 certificate for Coffs Harbour LEP 2011;
Certified draft Coffs Harbour LEP 2011



**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SECTION 65(2) CERTIFICATE**

As a delegate of the Director General of the Department of Planning and Infrastructure, I, Tom Gellibrand, under section 65(2) of the *Environmental Planning and Assessment Act, 1979* (the Act), certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed

A handwritten signature in black ink, appearing to read 'Tom Gellibrand'.

Tom Gellibrand
**Deputy Director General
Plan Making and Urban Renewal**

Dated 14 October 2011

Schedule 1

Draft Coffs Harbour Local Environmental Plan 2011 submitted to the Director General under the former section 64 of the Act on 30 June, 2011.

Schedule 2 conditions

Prior to exhibition Coffs Harbour City Council is required to:

- (i) amend the draft *Coffs Harbour Local Environmental Plan 2011* as submitted by Council in accordance with the amended copy of the plan attached to this certificate marked 'Exhibition Draft' and dated October 2011
- (ii) amend the maps accompanying the draft *Coffs Harbour Local Environmental Plan 2011* for Lot 66, DP 551005, Pacific Highway, Moonee Beach to reflect the concept plan approval for the Part 3A application 05_0064 granted on 14 June 2011 in relation to this site.



Thursday, 22 December 2011

Mr Chris Chapman
 Director, Land Use, Health and Development
 Coffs Harbour City Council
 Locked Bag 155
 Coffs Harbour NSW 2450

Dear Mr Chapman

RE: Cnr Hood and High Streets, City Centre AND 2-16 Beryl Street, Coffs Harbour AND Fawcett Street, Woolgoolga

In accordance with Section 62 of the Environmental Planning and Assessment Act (E P & A Act 1979), the State Property Authority (SPA), on behalf of Forests NSW, would like to make the following comments regarding the proposed implementation of the Standard Instrument Local Environmental Plan (LEP) as it may relate to the abovementioned property/s.

As part of this process SPA will be consulting with Council and the Department of Planning to ensure that existing and future land use zones are suitable to the needs of Forests NSW and that any differences between the development restrictions under each existing LEP and the proposed development restrictions under the Standard Instrument LEP are minimised.

In principle, SPA does not support:-

- Councils strictly applying zoning guidelines, without due regard to the individual circumstances of each property, so that the proposed zonings reduce and/or omit the currently permissible uses to the extent that they no longer adequately reflect the current nature of the existing improvements e.g. office buildings being zoned RE1 or SP1 or SP2.
- SP1 and SP2 zonings. These zonings are particularly to be avoided as they provide minimal certainty in terms of future development of Government property and can have a detrimental impact upon the future disposal of Government land that has become surplus to Government requirements when it is put to the open market. This especially applies to properties currently zoned "Special Uses", Conservation and/or Public Recreation. Refer to Standard Instrument Practice Note 10-001.
- Zonings remaining equivalent (for example 3 (d) Mixed Use to B4 Mixed Use) but with more onerous restrictions i.e. floor space ratios (FSR) and/or height limits being applied to government properties as this may also negatively impact the future utility and/or future development potential for the site/s.

Should you require additional information, please contact the undersigned on (02) 9723 3819.

Sincerely

Warren Thomas
 Acting Director, Commercial Transactions
 CC: Mr Geoff Coggins, Assets and Estates Manager, Forests NSW

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 4-6 Bligh Street
 Sydney NSW 2000

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 02 9273 3800

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Purpose:

The purpose of this report is to:

1. Provide Council with an update on the NSW Government's NSW Planning System Review and Issues Paper.
2. Seek Council's endorsement of the attached submission to the review.

Background:

The State's main planning law, the Environmental Planning and Assessment Act (EPA Act), was written in 1979.

The EPA Act outlines how decisions are made about what people can do with their land. For instance, it allows councils to create local environmental plans (LEPs) which broadly define where and what development can take place. It also allows councils to prepare development control plans which typically provide more fine-grain detail which guide how developments can proceed. It provides assessment criteria for development proposals and developer contribution plans.

The law is part of a much broader planning system, used every day to make decisions on issues ranging from home extensions to railway line extensions (and everything in between).

The NSW Government has decided that, given the length of time since the EPA Act and its associated planning system were introduced, a comprehensive review is required.

The NSW Government has established an independent panel to review this law along with the broader planning system.

The aim is to create a new planning system that meets today's needs and priorities.

In July 2011, the Hon Brad Hazzard MP, Minister for Planning and Infrastructure, announced that the State Government had asked Hon Tim Moore, former Minister for the Environment, and Hon Ron Dyer, former Minister for Public Works, to undertake a full review of the planning system in New South Wales.

Description of Item:

The stages of the NSW Government's NSW Planning System Review involves the following:

1. Listening and Scoping

The Review process commenced with an extensive listening and scoping phase, first meeting with a wide range of peak interest groups – across the spectrum – in Sydney. The Panel recently completed a two month listening and consultation phase, meeting with interested participants in over 40 locations across the state – including two here in Coffs Harbour on 28 September 2011. The first session on that day was attended by several Council staff.

The Panel sought feedback and the community's views on what should be the broad underpinning principles for new legislation to replace the EPA Act.

Submissions were accepted until 4 November 2011 as part of the listening and scoping stage.

Cont'd

2. Issues Paper

Submissions and comments received during the initial consultation phase have been used to produce the Issues Paper entitled, "*The way ahead for planning in NSW?*" A copy of the Issues Paper can be found at www.planningreview.nsw.gov.au. The Issues Paper focuses on questions, concerning issues raised at community forums and stakeholder meetings.

During this phase, residents and communities statewide are being encouraged to give further feedback on the questions raised.

Everyone is encouraged to participate in this process by making a submission.

The deadline for submissions is **midnight, Friday 17 February 2012**.

The Issues Paper raises some 238 questions.

Attachment 1 of this report is a copy of the draft submission proposed to be endorsed by Council to submit to the Panel for their consideration. This submission contains the main issues impacting on the operation of Council rather than addressing the entire 238 questions.

3. Policy Options Release

After considering public comments made during the listening and scoping phase and in response to the December Issues Paper, a working group in collaboration with the Panel will produce a document – known as a Green Paper – which will set out their recommended preferred structure for a new planning system. The Green Paper is to be published by the end of **April 2012**.

4. Draft Legislation

A 'white paper' and draft legislation will be released for exhibition before a bill is submitted to the NSW Parliament. Details of timing will be published by the Government at some future time.

Sustainability Assessment:

- **Environment**

The EPA Act aims to ensure the State's development is carried out in an environmentally sustainable manner.

- **Social**

One of the objects of the EPA Act is to ensure that planning caters for the social needs of the community.

- **Civic Leadership**

Any proposed changes to the EPA Act will result in implementation of appropriate and relevant actions by Council.

Cont'd

- **Economic**

Broader Economic Implications

Not known at this time.

Delivery Program/Operational Plan Implications

There are no immediate funding implications to the Operational Plan associated with lodgment of a submission on Council's behalf.

Should planning legislation change as an outcome of the State Government's review process, a separate report will be prepared to provide additional information to Council, including the implications of these changes.

Consultation:

The State Government has established a comprehensive consultation process with a number of bodies and stakeholders. Coffs Harbour City Council (CHCC) will need to lodge a submission to the Review Panel by the 17 of February to ensure that this Council's issues are considered in the process of reviewing the NSW Planning System.

Related Policy and / or Precedents:

This process allows CHCC with the opportunity to lodge a submission on behalf of our community. It will inform the NSW Government on the matters that CHCC believe need to be integrated from a "local perspective" into its review of one of the foremost important pieces of legislation that binds Council's process, policies and decisions.

Statutory Requirements:

There are no specific statutory processes that must be followed in making a submission to the Issues Paper of the NSW Planning System Review.

Issues:

The Issues Paper focuses on questions that relate to issues raised at community forums and stakeholder meetings.

Council is encouraged to give further feedback on the 238 questions raised.

The attachment addresses the focus of these questions rather than answering the 238 questions individually.

Implementation Date / Priority:

The deadline for Council to submit any submission to the NSW Government's NSW Planning System Review and Issues Paper entitled "*The way ahead for planning in NSW?*" is midnight, Friday 17 February 2012.

Cont'd

Recommendation:

- 1. That Council note the information provided in this report giving an update on the NSW Government's NSW Planning System Review and Issues Paper.**
- 2. That Council endorse the attachment of this report as a submission to the NSW Government's NSW Planning System Review and Issues Paper; for lodgment to the NSW Government's NSW Planning System Review Panel before the 17 February 2012.**

Attachments:

SUBMISSION TO THE ISSUES PAPER OF THE NSW PLANNING SYSTEM REVIEW “THE WAY AHEAD FOR PLANNING IN NSW?”

Coffs Harbour City Council (CHCC) is pleased to have the opportunity to make this submission to the NSW Government’s Review of the NSW Planning System.

CHCC generally supports many aspects of the Planning System review process and finds the issues paper to be comprehensive.

This submission responds to the issues paper and the questions raised that are of relevance to Council. While the issues paper poses some 238 questions this submission addresses the questions or matters that are of specific relevance to CHCC.

CHCC encourages a comprehensive strategic planning and policy formulation process involving State, Regional and Local Government input.

What should be the underlying principles of a new planning system?

CHCC, from feedback gleaned from the community over recent years, believes that there is a widespread community desire for the planning system to be:

- simple, accountable and transparent
- written in plain English
- able to eliminate unnecessary delays in planning processes
- provide a balance between the “right to be heard” and the “right to decide” regarding development proposals, and
- provide, in relation to plan making, the balance between “participation” and “consultation”.

CHCC suggest that there should be specific objectives that relate to the plan making and the development assessment processes.

Flexibility and the planning system

CHCC note that a common concern from the development industry and community is the need for greater flexibility in the application of planning controls to the Coffs Harbour City Council Local Government Area as a developing major regional coastal area.

Council must find a balance of the need to control some development in sensitive coastal areas, while recognising the need to focus on promoting growth as a regional city. This is difficult as CHCC strives to implement innovative strategic planning outcomes and reflective local planning controls that are “overridden” by metro-centric State Environmental Planning Policies.

Local Plan making provisions under the Standard instrument LEP Orders

From a pure planning perspective CHCC support, in principle, the concept of a standard dictionary, zone terms and LEP format across the state of NSW. It is an excellent idea.

However, CHCC is aware of many instances where this and other Councils have been required to remove perfectly functioning clauses of their existing LEPs and are given no replacement clauses.

Council has repeatedly been advised that if no such clause exists elsewhere, DoPI will not consider drafting a clause for inclusion in this LEP to carry forth provisions from a previous LEP. Councils must be allowed to have local clauses to address specific local issues.

There is the need for a consistent approach to all Councils in regard to the SiLEP.

Council has experienced other issues implementing its SiLEP.

Some of the difficulties relate to areas of the Coffs Harbour Local Government Area (LGA) that are subject to Part 3A applications.

Long delays occurred at one stage with CHCC waiting for feedback from DoPI's Part 3A team regarding what should and shouldn't be shown on the new LEP maps regarding certain Part 3A sites within the LGA.

Council is aware of some conflicting opinions between DoPI and NSW OEH regarding some of the optional standard local model clauses (such as biodiversity).

CHCC would recommend that further discussions be held between departments to resolve these issues.

Council has received at least six different variations to wording in some of these clauses over the progress of our draft comprehensive LEP to S64 stage, and it is likely there will be further modification prior to the LEP being made.

It has been very frustrating that Council has had to work very hard to have additional local clauses added into the Standard instrument LEP (SiLEP).

For example, CHCC have not been able to add composite lot provisions to the equivalence of what is available in Coffs Harbour LEP 2000 Clause 18.

Similarly, there is no equivalent clause to Coffs Harbour LEP 2000 Clause 19A to allow reference to a masterplan for lands under the Crown and the Local Government Act. This has caused significant problems in the vicinity of public lands within the Coffs Harbour Foreshores of the Jetty area at Coffs Harbour during the preparation of the City Centre LEP 2011.

There is no equivalent SiLEP clause to CI 21(8) Heritage conservation incentives contained within Coffs Harbour LEP 2000.

Site Compatibility Certificates

The introduction of Site Compatibility Certificates (SCC) impacts on Council's ability to plan strategically and to zone land for specific uses within its LGA.

A SCC can be used to develop land that Council has made clear policy decision to preclude urban development and applies restricted land uses under zonings.

The manner in which these are used needs to be reassessed in the Planning System.

Community involvement

CHCC has received support for rigorous strategic planning processes that involves widespread community participation.

Community suggestions have been made that planning legislation should place more emphasis on strategic planning and that process rather than letting the development control process resolve any issues.

This will require appropriate resourcing of local councils to undertake these tasks.

Strategic plans/council policy should be recognised as a form of statutory instruments within the auspices of the EPA Act.

During public exhibition processes the community often express frustration at a perceived inadequacy of community involvement in both making plans and determining development applications.

To achieve a better outcome strategic planning needs to be more closely linked to, integrated with and responsive to the Community Strategic Plan- ie the aspirations of the community.

A matter that requires additional consideration in the engagement of the community and the review of the planning system is the role of and opportunities of the "NBN". This may assist Councils and the government with community involvement with the ability to have better E-planning, video conferencing and to better harness social networking and collaborative networking in strategic planning and development determination processes.

Community involvement in Complying Development

For local development, concerning complying development, a number of concerns seem to arise where:

- Council and residents may get only a few days' notice before activities such as demolition or construction commence
- neighbours have had no opportunity to view or comment upon the proposal.

Community involvement in Development Applications

The current legislation varies the timeframes for notification/advertising of certain development applications - some are for 14 days some are for 30 days.

Current legislation specifies different notification/advertising requirements.

Current legislation tags some developments as "nominated integrated development" and others are not.

This is confusing, and needs clarification and simplification in the review of the Act.

Commencement to act on consents

The current legislation is vague on what constitutes "commencement to act upon consents" and there is no legal requirement for a council to acknowledge if such has occurred. Clarification is required under this review of the Act.

The provision of infrastructure and community facilities

A recurring question from various sectors (community and the development industry) is how local and broader community facilities and infrastructure should be planned for and financed?

The following issues are of concern to CHCC:

- the amount of contribution that can be charged
- what the money can be spent on
- how the charges are accounted for
- increasing community expectations for the provision of high quality facilities
- the impact of S94 charges on the ability to deliver affordable housing for the lower socio economic groups
- the equity of making residents of new developments pay for community facilities that previously had been paid for by general revenue.

Development decision-making

There are various perceptions expressed by the community on how decisions should be made about individual development proposals.

CHCC agrees that there are some infrastructure and major projects that are large, complex or economically significant enough for decisions to be made at a State level.

There needs to be an established framework or checklist on how to identify what sort of projects should be determined at a State level and what needs to be endorsed by Local Government.

Building certification

The concept of private certifiers being paid by applicants for providing certification raises the following concerns:

- the inadequacy of compliance and enforcement provisions to address breaches or provide effective disincentives for breaches
- The perception of the community is that the Council is the umpire and has some control over private certifiers and has the ability to sort out and make right any grievances between the community and the certifying or developer.

Land and Environment Court Appeals

CHCC suggest that the Land and Environment Court (L&E Court) process may provide the option of seeking expert evidence from both parties to be submitted to a L&E Court commissioner for determination without the need for mediation or hearing. That is, the Commissioner's determination is made following consideration of the expert reports.

This may apply to certain development appeals only. The consequence of this is a simplification and cost saving.

Appeal rights regarding land rezoning

The community frequently ask CHCC about their rights if the council proposes zoning changes to their land as part of the preparation of a new local environmental plan.

Secondly, applicants seeking rezoning, often question CHCC as to whether they have any rights of appeal or review if CHCC does not support their proposed rezoning.

Both of these are essentially the same broad question – of whether or not an individual is dissatisfied with a council decision involving rezoning should have any right to challenge the council's decision.

CHCC do not support the provision of any appeal rights as this effectively would impact Council's ability to undertake logical strategic policy decisions.

Environmental impact statements

Concern is often raised in regard to the reliability and validity of the information contained in:

- environmental impact statements
- assessment reports supplied by an applicant.

Council often has to seek additional information from applicants/proponents to ensure that they have appropriate documentation upon which to base decisions. This process is hampered by applicants/proponents, who have provided sub standard documents, being extremely reluctant to provide adequate information.

Definitions - Are the current definitions in the Act still relevant or do they need updating?

Yes there is a need to update or clarify (in the new planning system) definitions of or provide definitions for the following terms:

- Development – what constitutes the term development? Is it a use or works or both?
- what is minor development and
- what is included in the term public interest.

The structure of new planning legislation - A single instrument

To provide clarity and to ensure ease of use The *Environmental Planning and Assessment Act 1979* could be divided into separate parts for the following elements:

- plan making
- development assessment and determination
- compliance
- monitoring
- enforcement
- contribution plans

Regulations

Elements of a Regulation can be amended much more quickly and easily than those in an Act. This might mean that it is more appropriate for certain types of provisions to be in a Regulation. The issue here is the added layers of information and whether this would be confusing for all users.

Periodic review of other elements

CHCC support regular reviews of other statutory planning instruments – such as local environmental plans – but this process needs to be simple rather than complex.

In particular maps attached to the instruments should be regularly reviewed, checked for accuracy and able to be updated in a timely manner. The current LEP amendment process is complex, cumbersome and time consuming.

Information technology and a new planning system

CHCC agree that there is the absolute need for integration of information technology and the planning system.

This would result in:

- Increasing accessibility to data about land (such as zoning, or flood related development controls) in the CHCC LGA. This is to be facilitated by a user friendly, single access internet portal that will collate data currently held by a variety of State agencies.
- Maximising the use of electronic lodgement and publication of documents in planning processes such as LEPS, DCPs and development assessment.

Biodiversity Legislation

The new Biobanking legislation has potential impacts on the ability to protect coastal vegetation – this also interferes with Council’s strategic processes of identifying areas to be protected and zoned for environmental protection for future generations.

It impedes Council ability to assess applications in a holistic manner consistent with the triple bottom line approach.

Approving Unauthorised Structures

A single assessment process that provides for consideration of relevant planning and building matters and provides opportunity to formally recognise the work is a sensible approach. A single “Unauthorised Works Application” that provides the ability to assess and determine and give legal recognition to unauthorised work would provide Council and the community with a workable means to resolve a significant gap in the current planning system.

Such an application however will need to ensure that the fees are of a cost such that the process is not seen or used as a default to obtaining the correct approvals prior to undertaking development. The cost will need to be more than equivalent to the commensurate Development Application, Construction Certificate and Principal Certifying Authority (PCA) cost. These fees plus an inbuilt penalty cost would be needed to provide a suitable deterrent.

Should Council Undertake Self Assessment / Approvals?

Council has responsibility to act for and in the best interest of its community. The majority of applications requiring assessment and approval relate to routine matters (toilet blocks, shelters and the like) which are simply part of the daily operation of Council. It would add hurdles (and cost) if Council’s were unable to undertake self assessment and approval of routine application types.

Occupation Certificates / Development Compliance / Fees

There needs to be a direct connection between interim / final occupation certificates and conditions of the development consent. The present system allows occupation to be given without time limits to complete outstanding matters. There is no responsibility placed upon the PCA to ensure that the conditions of development consent are complied with unless associated with health and safety. This transfers the significant cost burden associated with development consent compliance back to the consent authority for recourse via compliance action.

The process needs to either incorporate provisions to clearly assign responsibility to the PCA for finalisation of all matters OR provisions whereby the consent authority is compensated via Development Application fees to monitor and obtain compliance. Both scenarios need to incorporate time limitations by which the applicant must complete all matters.

Purpose:

The purpose of this report is to provide Council with further information on the progress of the Bonville Rural Residential investigation area.

Background:

Council endorsed the Rural Residential Strategy on the 26 November 2009 and resolved that.

1. *That Council adopt the revised Rural Residential Strategy 2009 as provided under separate cover to the Councillors, and endorse Bonville as the Priority Release area.*
2. *That the revised Rural Residential Strategy 2009 be progressed to the Department of Planning for endorsement as an agreed strategy.*
3. *Upon Department of Planning's endorsement of the Strategy, Council place an advertisement to notify the community of the status of the Strategy.*
4. *That any LEP amendment process undertaken in accordance with the Rural Residential Strategy include a sunset clause limiting the rezoning to a set timeframe of five years.*
5. *The Rural Residential Strategy 2009 be reviewed either:*
 - *upon completion of the Sapphire to Arrawarra Pacific Highway Upgrade; or*
 - *when the Census data from 2011 is made available by the ABS; or*
 - *in five years time when the sunset clause becomes effective whichever occurs first*
6. *That Council inform all submissions writers of Council's decision*

Subsequently points 1 to 3 of Council's resolution have been acted upon and staff have sought funding in the annual budget process to enable progress of environmental studies to process an amendment to the Local Environment Plan (LEP). Council's budget constraints have not enabled the provision of funds to progress the necessary studies to complete the rezoning.

Council initially sought offers of co-funding in 2010 to progress the Bonville Rural Residential investigation area. Notwithstanding that a number of co-funding commitments were received, it was not progressed due to funding constraints.

On the 14 July 2011, Council considered a report on the current status of the Local Growth Management Strategy. At this meeting, Council resolved:

1. *Council note the status of the Local Growth Management Strategy.*
2. *Council enter further discussions with land owners regarding the Bonville Rural Residential investigation with a view to the land owners meeting 100% of the costs of the studies.*

Description of Item:

In accordance with the Council resolution of 14 July 2011, correspondence was issued in August 2011 to all landowners in the Bonville Rural Residential investigation area informing of Council's decision and that:

1. As Council's budget constraints do not provide funds to progress the necessary studies to complete the rezoning, at this time, Council is seeking feedback from all land owners in the identified investigation area seeking to recover the full costs of the studies.

Cont'd

2. It is anticipated that the total cost of the studies is in the vicinity of \$300,000.
3. Council sought written response to indicate if each landowner was willing to provide funding and, if so, to indicate the amount of that funding.
4. Section 94 credits would be applied if funding for the studies was provided by the landowner.

Correspondence and discussion has been carried out, between staff and landowners, seeking agreement from the landowners to cover all costs of the studies.

While many landowners are supportive of the project and are willing to contribute to the costs of the studies, the amount of funds available would fall short of the estimated costs of \$300,000 for the project.

Sustainability Assessment:

- **Environment**

The Bonville Rural Residential area has had initial broad assessments based on constraints such as flooding, water resources, ecological significance, bushfire hazard, scenic qualities, land capability, acid sulfate soils, contaminated soils, regionally significant farmland (as based on the Department of Planning's (DoP's) Farmland Mapping project), and resource protection.

The equivalent of a Local Environmental Study (LES) is required to be prepared for the area prior to rezoning.

Any areas identified in that process, with significant environmental constraints would be protected by application of an appropriate environmental protection zone.

- **Social**

The rezoning of land to rural residential in the Bonville locality will provide rural residential land in that locality, thereby enhancing housing choice.

Development Control Plans (DCP) and Section 94 Contributions Plans will need to be prepared to guide development and provide suitable facilities and works within the Bonville area.

- **Civic Leadership**

The Strategy aims to provide a balance of rural residential land across the local government area (LGA), thereby enhancing housing choice.

Development Control Plans (DCP) and Section 94 Contributions Plans will need to be prepared to guide development and provide suitable facilities and works within each candidate area.

- **Economic**

Broader Economic Implications

The Strategy is consistent with the objectives of the Our Living City Settlement Strategy (OLCSS) and the DoP's Mid North Coast Regional Strategy.

Cont'd

The provision of sufficient rural residential land within the LGA to cater for future population growth is a priority of Council, the Strategy addresses supply and demand issues to beyond 2023 and recognizes the need to monitor and review the Strategy every five years.

Delivery Program/Operational Plan Implications

As this report sets out, there has been no provision of funds in successive Operational Plans to progress the Bonville Rural Residential Investigation Area.

Consultation:

Correspondence was issued to all landowners in August 2011. Where landowners chose to respond, additional letters were issued. Numerous meetings with landowners seeking meetings were held. Telephone conversations were also held with a large number of landowners. Ongoing communication and consultation has been maintained with these landowners.

Related Policy and / or Precedents:

The Rural Residential Strategy informs the development of future LEPs and the Local Growth Management Strategy in accordance with the directions of the Minister for Planning and the DoP.

To rezone land at Bonville for Rural Residential purposes, Council must comply with the statutory requirements of the Environmental Planning and Assessment Act.

Statutory Requirements:

The Environmental Planning and Assessment (EPA) Act and Regulations establish the statutory processes to be followed in the preparation of the necessary environmental studies to have the Bonville Rural Residential candidate area rezoned.

The EPA Act and Regulations do not however, prescribe a specific statutory process to determine who pays for the preparation of environmental studies to be used in a rezoning process. The Regulations do enable Council to charge a fee for service and to charge for the studies.

Issues:

Current Status

Council has had the Rural Residential Strategy endorsed by the DoP, 3 May 2010, to enable further lands to be rezoned for rural residential purposes to meet market demand. The strategy endorses Bonville as the priority area for rezoning. This means that the Bonville area is to be investigated by Council and relevant studies are to be prepared to progress a rezoning within the period 2009 – 2014. The primary issue is that no funds have been allocated from Council's budget to enable this to occur.

Estimate of Costs for the Environmental Studies

At this time, staff have not sought tenders, quotes or expression of interest (EOI) for the studies as funds have not been allocated in the budget to progress the project.

Cont'd

Thus an estimate using other similar projects (ie EOI for North Boambee Valley and the tender for North Coffs LES) have been used as a guide to arrive at the estimate of \$300,000 to complete the necessary studies.

The accuracy of this figure is difficult to gauge however without a commitment of funds from the Budget or the landowners, staff cannot “test the market place” and give any certainty to the figure.

Co-funding of Studies

To date the response from the landowners has been varied. Some are willing to assist with co-funding and some not.

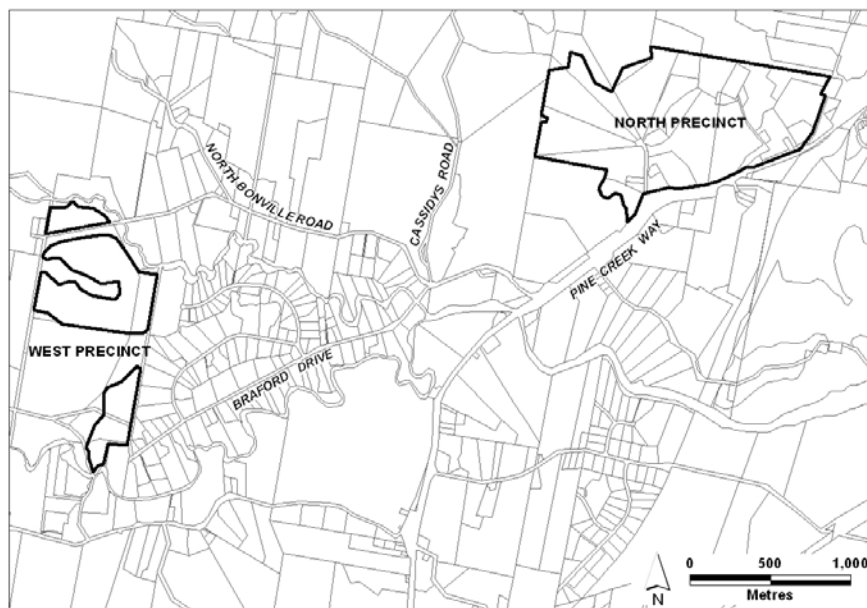
Some landowners, are willing to provide additional funds to have the studies completed for the whole Bonville area. The offers for funding were not sufficient to cover the anticipated \$300,000 cost of the studies. The offers received from landowners willing to co-fund studies for the entire Bonville area total \$120,000.

The landowners that have agreed to co-fund the studies have done so on the understanding that the funds they provide would be offset against any future Section 94 Contribution plan for the locality.

Precinct Based Studies

Given that there are insufficient funds to cover the total area, consideration needs to be given to the option of progressing studies for individual precincts within the overall Bonville area. These discrete areas, precincts or sub-catchments are included in the adopted Rural Residential Strategy.

Two groups of landowners have indicated their willingness to fund studies for their precincts. One group of the landowners is willing to fund \$100,000 for their precinct only (off North Bonville Road and Crossmaglen Road), refer Precinct West on map below and subject to Council not charging additional entrepreneurial fees as per Council's Fees and Charges schedule. The other group is willing to fund up to \$120,000 for their precinct in the vicinity of Titans Close and Irvines Road, refer Precinct North on map below.



Cont'd

Implementation Date / Priority:

Council should accord with its adopted Rural Residential Strategy, also endorsed by the DoP, to enable further lands to be rezoned for rural residential purposes to meet market demand.

Recommendation:

1. That based on the precinct funding commitment from landowners, Council endorse the preparation of relevant environment studies for:
 - North Precinct;
 - West Precinct.
2. That Council enter into Memorandums of Understanding, to progress the relevant environmental studies, with the landowners for North Precinct and West Precinct outlining each parties roles and responsibilities.
3. That Council progress the rezoning of the North Precinct and West Precinct as Stage 1 of the broader Bonville Rural Residential Area.
4. That Council formally waive administration fees to process the studies and rezoning for these two precincts.
5. That funding from core revenue for the residual areas of Bonville Rural Residential Investigation Area be considered in future budget processes.

**Chris Chapman
Director
Land Use, Health & Development**

CITY SERVICES DEPARTMENT REPORTS

CS12/2 FUTURE DIRECTIONS OF THE BUNKER CARTOON GALLERY

Purpose:

To make recommendations to Council regarding options for the ongoing operation of the Bunker Cartoon Gallery.

Description of Item:

In August 2006 Coffs Harbour City Council resolved to assume responsibility for the Bunker Cartoon Gallery and to accept on behalf of the community the Bunker Cartoon Collection.

In mid to late 2010 representation was made to the then Acting General Manager, by representatives of the both Rotary Club of Coffs Harbour City and Bunker Cartoon Gallery Inc. regarding concerns about the operation of facility. It was originally planned for these concerns and issues would be captured and addressed as part of the whole of Council service review. During 2011 it became apparent that the issues would be more appropriately addressed through the independent development of a business plan for the facility.

A company was recruited to undertake the development of the plan using an inclusive and consultative process. A project partnership team was established consisting of representatives of the Bunker Cartoon Gallery Inc., the Rotary Club of Coffs Harbour City and Council.

The requirement of the company was to research, analyse and report on the financial, staff and other resources required to effectively operate the Gallery to ensure value for the investment in this asset. From these findings a comprehensive business plan was to be developed.

This report is to inform Council of the outcomes of that work.

Sustainability Assessment:

- **Environment**

There are no specific environment impacts in relation to this report.

- **Social**

As the executive summary of the business plan outlines, the Bunker Cartoon Gallery is a significant cultural entity for Coffs Harbour. This facility provides a range of services on a local, state and international level and its efficient, effective and sustainable future needs to be addressed.

- **Civic Leadership**

Council's role in relation to being both a provider and a facilitator of services such as the Bunker is included in the Coffs Harbour 2030 Plan. Specifically this is included as

LC 3 – We enjoy a comprehensive range of community, artistic and cultural opportunities

LC 3.1 – Our community has access to a range of options for artistic and cultural expression and entertainment

LC 3.1.2 – Build a diverse range of opportunities for artistic and cultural growth

Cont'd

- **Economic**

- **Broader Economic Implications**

- The Business Plan outlines in detail the broad economic implications and these are discussed in the Issues section of this report.

- **Delivery Program/Operational Plan Implications**

- The implications for both the Delivery Program and the Operation Plan are discussed in the Business Plan and these are dependant on which option is pursued. Each of the options are outlined in the Issues section of the report.

Consultation:

The company that developed the business plan on behalf of Council undertook a range of stakeholder consultations on both an individual and group basis with the Rotary Club of Coffs Harbour City, the Bunker Cartoon Gallery Inc, the Bunker Cartoon Gallery Volunteers and also CHCC staff.

A consultation event was also held encompassing representatives from all the stake holder groups.

Related Policy and / or Precedents:

There are no related Policies and/or Precedents in relation to this business plan.

Statutory Requirements:

There are no Statutory Requirements in relation to this business plan.

Issues:

A draft Bunker Cartoon Business Plan was provided to the project partnership team consisting of representatives of the Bunker Cartoon Gallery Inc., the Rotary Club of Coffs Harbour City and Council. Feedback from these organisations was then considered by the consultant company and included and or amended where appropriate.

A copy of the final business plan, on a commercial in confidence basis, has been provided to Councillors. The salient points from the document include:

- The Bunker facility is owned and operated by CHCC
- These operations cost in the vicinity of \$130,000 per annum with average annual attendance of approximately 7,000 visitors
- There are approximately 18,000 cartoons in the collection and 14,000 of those have been copied to high resolution digital images.
- Copyright and Licensing is perhaps the single most important issue to be addressed in determining the future direction (this is discussed in more detail below)
- The revenue raising and distribution of such revenue is currently complex and unclear
- There is a high level of complexity and confusion regarding the roles of the major stakeholders, being Bunker Cartoon Gallery Inc., the Rotary Club of Coffs Harbour City and Council.
- The current levels of resourcing are seen by all as 'untenable and unsustainable'

Cont'd

CS12/2 Future Directions of the Bunker Cartoon Gallery ...(Cont'd)

The Business Plan also contains a summary of the current strengths and weaknesses of the situation. They are seen as:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Large level of investment by all partners • Council's cultural strategic direction • Large volunteer base • The size of Cartoon Collection • High community commitment 	<ul style="list-style-type: none"> • Complexity of stakeholder relationships • Council's financial loss in operating the Bunker • Copyright constraints • Ageing and deteriorating infrastructure • No formal agreements • No agreed roles and responsibilities • Differing visions and aspirations of the partners • No valuation of the collection • Visitation is low • Council bears all costs and no opportunity to generate income from the collection • Infrastructure never designed to be waterproof

The Business Plan provides four options in relation to models for the future operation of the Bunker Cartoon Gallery. They are:

Option 1 – Cease Operation of the Bunker Cartoon Gallery

The Business Plan suggests that there would be a reasonable case for discontinuing the Bunker Cartoon Gallery in its current incarnation. The cartoon collection would be returned to the Rotary Club of Coffs Harbour City and the Bunker building itself would then be offered for lease to the highest bidder to a tenant who can deliver “cultural or tourism use”. This tender process would need to be conducted in compliance with the Local Government Act.

Cont'd

Option 2 – Public Private Partnership (PPP)

The Business Plan states: *"The term public-private partnership describes a legal arrangement between Council and a private entity. This model would only be considered if a significant financial investment is required to repair, renovate, upgrade, and then operate the Bunker Cartoon Gallery. The legislative basis for PPPs in NSW local government is the Local Government Act 1993 amended by the Local Government Amendment Act 2005, the Local Government Amendment (Public Private Partnership) Act and the Local Government Amendment (Discipline) Bill 2004. The NSW Department of Local Government (DLG) has established Guidelines on PPPs as well as a PPP Review Committee.*

Should CHCC wish to pursue this option, the Local Government Act, 2004 is very specific in both the process and requirements associated with PPP."

The Business Plan concludes that this a complex process, and unless the financial investment warrants, a PPP is not the best option for the Bunker Cartoon Gallery, and the process might be undertaken without a suitable private entity coming forward to invest and partner with Council.

Option 3 – Tendering for a Service Level Agreement (Lease)

The Business Plan cites that many Councils across NSW now operate their community facilities using external contractors. The appointment follows a competitive tendering process.

In this option the management of the Bunker Cartoon Gallery Management is tendered and subsequently contracted to an organisation with the skills and business acumen to manage the facility. Council would set the fees and charges and the minimum hours of operation of the Bunker Cartoon Gallery ensuring community satisfaction to access the facility. The tenderer is offered a lease to run the facility. However, it is not a source of income for Council. In fact, the tender includes an annual retainer for contractors to provide guaranteed levels of service and access to the community owned asset.

Promotion of the Bunker Cartoon Gallery is the responsibility of the contractor. Financial incentives and performance measures guarantee the contractor will actively promote the use of the facility. The tenure would, in most cases be five years, with an option for a further five years.

The model has been adopted by numerous councils, including CHCC and has the benefits in that it allows Council to set performance measures. Currently, CHCC has this type of instrument in place for Centennial Oval in Woolgoolga, Coramba Sportsground and Sawtell/Toormina Sport and Recreation Centre.

The arrangement relies on finding a suitable organisation to come forth and tender to manage the Bunker to run the Cartoon Gallery.

The other issue which must be addressed for this option to be achievable is the one of copyright and licence of the cartoons.

Option 4 – Status Quo

The Business Plan states that: *'The current level of liability for the Bunker, combined with the complexity of stakeholder relationships has created an untenable situation. For this reason, maintaining the status quo is not recommended for the Bunker Cartoon Gallery in planning for its future'.*

Cont'd

Copyright and Licensing

All of the four options above require the issue of copyright and licensing to be addressed. Even if Council opts to continue as things currently are, this issue will need to be addressed as currently there is high level of risk associated with the practice of reproducing and or selling copies of the collection.

While the Business Plan outlines the issue in detail, fundamentally the difficulty lies in the fact that by implication through the Cartoon Award process the right to copy any of the cartoons in the collection rests with the Rotary Club of Coffs Harbour City only. An entity which is to run the Bunker Cartoon Gallery will need permission from the original cartoonist. This will involve contacting the cartoonist and requesting permission in writing for the use of the cartoon.

Given the size of the collection this would be unmanageable for the entire collection. It is possible however to identify the top 200 cartoons which have been requested over the last three years. The copyright issue would be able to be resolved for those and the rest of the collection could be held for viewing only and not for reproduction or copying in any way. Alternatively the balance of the collection could be handed back to the Rotary Club for use as it saw fit.

The Australian Copyright Council provides clear and useful fact sheets on how to address these types of issues. It is clear the issue will need to be resourced if any further use of the cartoons is to be achieved. The copyright will ideally be assigned to the operator of the Bunker Cartoon Gallery.

Preferred Option

Option 3 is the seen as the preferred option as, the Business Plan states, it should result in:

- Enhanced service delivery
- Improved cost effectiveness
- Reduced risk to Council
- Improved budget certainty
- Better use of the assets

In effect what this option provides for is the leasing of the facility to a legal entity with preset service levels for a fixed term. The instrument used to enact this would have limits on Council's financial and resource allocations as well as a built in review period.

Should Council resolve to pursue this option there are two specific issues which need to be addressed prior to commencing implementation. One is the issue of copyright and this will need to be worked with the Rotary Club of Coffs Harbour City and the outcome of those negotiations will inform future action regarding the collection.

Implementation Date / Priority:

Should Council resolved to pursue Option 3, the implementation will be subject to the resolution of the above issues with the ideal arrangement being that the lease would commence 1 July 2012.

Cont'd

Recommendation:

That:

- 1. The Bunker Cartoon Gallery Business Plan 2011 be endorsed by Council**
- 2. Council agree to pursuing the option of Tendering for a Service Level Agreement (Lease) of the operation of Bunker Cartoon Gallery, subject to the successful negotiation of the copyright / licensing issue.**

Purpose:

To report on response from NSW Department of Transport in relation to the development of a Regional Transport Plan and the inclusion of a local rail feasibility study.

Description of Item:

At its meeting of 10th November 2011 Council resolved that;

"Council send a letter to the NSW Department of Transport requesting that a study regarding the feasibility of local rail for the Coffs Harbour region be included as part of the preparation of the Regional Transport Plan and seeking a response prior to 1 December 2011."

Council made a formal submission to Department of Transport in accordance with the resolution on 18th November 2011. Verbal response from the Department of Transport was received in early December indicating that details on regional consultation and determination on issues to be included in the Regional Transport Plan were to be considered in the NSW Long Term Transport Master Plan through a Local Government Advisory Group established through the Regional Organisations of Councils.

Formal advice from Department of Transport was received in late December 2011 detailing the terms of reference for the NSW Long Term Transport Master Plan and results of preliminary consultation with the Local Government Advisory Group and other stakeholder groups (attached).

The NSW Long Term Transport Master Plan and its development process will:

- *Identify the transport needs for NSW over the next 20 years and the challenges to be overcome.*
- *Identify the role of each transport mode in meeting future needs including **rail**, road, buses, ferries, cycling, and walking.*
- *Gain insight into community expectations for transport.*
- *Consider options for future development of the transport system.*
- *Identify the preferred directions for development.*
- *Identify and confirm initial priorities for both services and infrastructure.*

Sustainability Assessment:

- **Environment**

Efficient Public Transport will reduce the number of cars on the road. This lowers greenhouse gas emissions and reduces traffic congestion. Proposals which result in moving more people more efficiently ie, a system which will carry larger numbers of people than current public transport services are able to will result in reductions in release of carbon monoxide, volatile organic compounds and carbon dioxide for every passenger kilometer traveled. Inclusion of rail in the public transport system would also play a key role in increasing urban population densities, and potentially reducing travel distances and fuel consumption.

Cont'd

- **Social**

An efficient public transport system encourages people to have a more active healthy lifestyle, particularly if they are walking or cycling to their station or stop. It helps reduce injuries and fatalities caused by car accidents and travel can be less stressful.

Another important social role played by public transport is to ensure that all members of society are able to travel, not just those with a driving license and access to a car; which includes groups such as the young and the aged community.

- **Civic Leadership**

Development of the NSW Long Term Transport Master Plan will complement and support the Coffs Harbour 2030 strategy as the strategy includes in the Moving Around section, a number of objectives relating to increasing the availability and efficiency of public transport systems.

- **Economic**

Broader Economic Implications

Through provision of public transport it is possible to reduce the total transport cost for the public. Time costs can also be reduced as cars removed from the road through public transit options translate to less congestion and faster speeds for remaining motorists.

Investment in public transport can also stimulate the local economy. The system could enhance the image of the Coffs Coast as a tourist destination and support ongoing activity along the corridor.

Delivery Program/Operational Plan Implications

No impact on the 2011/12 Delivery Program is envisaged through engagement in the NSW Long Term Transport Master Plan process.

Consultation:

The proposed consultation program proposed for the NSW Long Term Transport Master Plan is broadly as follows:

- February 2012 – Discussion paper incorporating community and stakeholder input
- June 2012 – Draft NSW Long Term Transport Master Plan with agreed goals and priorities for transport across the State and reflecting the needs of industry and users
- November 2012 – Final NSW Long Term Transport Master Plan including priorities over the next 20 years.

Issues:

The intention of Council's resolution of 10th November 2011 was to get clear indication from the Department of Transport on the likelihood of a feasibility study on local rail options for the Coffs Harbour region being included as part of the preparation of the NSW Long Term Transport Master Plan.

Cont'd

It is clear from the NSW Long Term Transport Master Plan program that determination on this specific issue is not likely until the full consultation and assessment process is complete and detailed transport priorities for the 20 years are committed to in November 2012.

Recommendation:

That Council note the terms of reference for the NSW Long Term Transport Master Plan and continue discussion through the Local Government Advisory Group on future Transport needs for the Coffs Harbour region including rail, road, buses, cycling, and walking.

Attachments:



NSW Long Term Transport Master Plan Local Government Advisory Group Terms of Reference

PURPOSE

Transport for NSW, on behalf of the NSW Government, is to prepare the NSW Long Term Transport Master Plan. Preparation of the Plan will:

- Identify the transport and access needs and challenges for NSW over the next 20 years as well as a vision for beyond.
- Identify the role of each transport mode and the integration of all modes in meeting future needs of passengers and freight.
- Gain insight into community expectations for transport.
- Consider options for future development of the transport system.
- Identify the preferred directions for development.
- Identify and confirm initial priorities for both services and infrastructure.

BACKGROUND

The NSW Government is taking a new approach to transport planning by drawing on the input of the entire State to create a coordinated NSW Long Term Transport Master Plan for NSW.

Extensive consultation with key stakeholders from industry, local government, transport specialists, customers and the community will be carried out over 12 months to better understand the challenges for transport planning, identify transport needs and collaboratively develop a new comprehensive plan for all modes of transport, across all of NSW.

The NSW Long Term Transport Master Plan will aim to improve the integration of the NSW transport system by putting industry and customers at the “centre of the picture”, and deliver certainty and a strong framework for the future of transport in the State.

The NSW Long Term Transport Master Plan will carefully consider how to meet the key challenges facing the State, including population growth, the need for job creation and increased demand for transport infrastructure.

AIM

- To create a forum for discussion and exchange of information on topics related to the development of a Long Term Transport Master Plan for NSW.
- To assist the project team to identify issues related to the transport system that will input into the development of the plan.
- To act as a two way communication link between the project team and the stakeholders.

MEMBERSHIP

The Advisory Group will have the following membership:

- Central Coast Regional Organisation of Councils (CCROC)
- Central NSW Councils (CENTROC)
- City of Sydney Council
- Hunter Councils Inc
- Inner Metropolitan Regional Organisation of Councils (IMROC)
- Local Government Association
- Macarthur Regional Organisation of Councils (MACROC)
- Mid North Coast Group of Councils
- Namoi Regional Organisation of Councils (NamoiROC)
- New England Local Government Group
- Northern Rivers Regional Organisation of Councils (NOROC)
- Northern Sydney Regional Organisation of Councils (NSROC)
- Orana Regional Organisation of Councils (OROC)
- Riverina and Murray Regional Organisation of Councils (RAMROC)
- Riverina Eastern Regional Organisation of Councils (REROC)
- Shires Association of NSW
- Shore Regional Organisation of Councils (SHOROC)
- South East Regional Organisation of Councils (SEROC)
- Southern Councils Group
- Southern Sydney Regional Organisation of Councils (SSROC)
- Sydney Coastal Councils Group Inc
- Western Sydney Regional Organisation of Councils (WSROC)

The Local Government Advisory Group recognises that Regional Organisations of Councils and Local Government Associations represent a broad range of views and play an important role facilitating dialogue between councils and Transport for NSW.

TASKS OF THE ADVISORY GROUP

1. Meet to provide stakeholder input into the development of the NSW Long Term Transport Master Plan.
2. Consider and comment on a range of information that will be presented to the Advisory Group.
3. Identify, communicate, represent and consider the broad range of needs and interests of the community and stakeholders.
4. Assist the development of the NSW Long Term Transport Master Plan to keep the community and stakeholders informed about the project by disseminating information via existing networks.

TIMING

The extensive program of consultation and engagement will wrap around three key phases in the NSW Transport Master Plan process:

- **February 2012** - Discussion paper incorporating community and stakeholder input
- **June 2012** - Draft NSW Long Term Transport Master Plan with agreed goals and priorities for transport across the State and reflecting the needs of industry and users
- **November 2012** - Final NSW Long Term Transport Master Plan including priorities over the next 20 years.

OPERATION OF THE ADVISORY GROUP

The Advisory Group will be chaired by Carolyn McNally, Deputy Director General, Planning and Programs, Transport for NSW.

The Advisory Group will operate in the following way:

- The Advisory Group has limited membership to enable detailed discussion of the issues. Alternate delegates are permissible, but attendance should be notified in advance. Additional delegates may be invited, as necessary, at the discretion of the chairperson.
- Where a response cannot be given at the meeting questions shall be taken on notice and a reply given via the meeting notes.
- All questions will be made through the chairperson.
- No member shall make public statements purporting to represent the views of the Advisory Group.
- The Advisory Group will reach decisions by openly discussing and debating information.
- The Advisory Group will meet at key stages in the development phase of the project. The first meetings of the Advisory Group will be on 15 December 2011.

TRANSPORT FOR NSW

Transport for NSW's role in the Advisory Group is to:

- Facilitate feedback and input from members.
- Collect and disseminate relevant reports and research from all parties to the Advisory Group.
- Provide updated information on the development of the NSW Long Term Transport Master Plan.
- Provide all secretariat and meeting requirements.
- Report to the Minister for Transport on the outcomes and discussions of the Advisory Group
- Draw on previous research and stakeholder input on transport challenges and work closely with other relevant government agencies in developing the NSW Long Term Transport Master Plan.

NSW Long Term Transport Master Plan

NSW Long Term Transport Master Plan Local Government Advisory Group First Round Meeting 15 December 2011

The first round of Advisory Group meetings was held on 14-15 December 2011.

The Transport for NSW Deputy Director General Planning and Programs, Carolyn McNally, chaired the meetings, which were also attended by members of the NSW Long Term Transport Master Plan project team.

Advisory Groups provide an opportunity for targeted ongoing conversations to test the Plan as it is developed. This document provides a summary of the ideas raised and discussion which occurred at the first meeting of the Local Government Advisory Group.

Local Government

- It is essential there is integration between strategic land use planning and transport planning. For example, it is important to service industry and employment lands to ensure economic growth and stability in regions.
- There is a need to create jobs near where people live and to create a demand for contra-peak public transport (services operating in the opposite direction to most commuters during peak times).
- Effective integration between various modes of transport is crucial, especially so customers can travel to and from airports and major railway stations.
- Community transport is a high priority for local councils, particularly the integration between community transport and other transport. It was suggested regulatory changes could assist with the provision of community transport.
- Local Government has a great interest in being involved in discussions around freight. It is a significant issue at the local level.
- There is a need to look both nationally and internationally for guidance on the development of best practice transport solutions.
- The accuracy of data is important for the development of an evidence-based NSW Long Term Transport Master Plan. Some measures used in transport planning, such as population, were seasonal, and this needs to be taken into account.

- Each region has different priorities and key issues. The NSW Long Term Transport Master Plan should be a high level strategic document to guide future regional transport plans.
- As much notice as possible should also be given to Councils ahead of regional consultation.
- Experts on freight and land use planning from within Government should be invited to future meetings.



NSW Long Term Transport Master Plan

NSW Long Term Transport Master Plan Industry Advisory Group First Round Meeting 15 December 2011

The first round of Advisory Group meetings was held on 14-15 December 2011.

The Transport for NSW Deputy Director General Planning and Programs, Carolyn McNally, chaired the meetings, which were also attended by members of the NSW Long Term Transport Master Plan project team.

Advisory Groups provide an opportunity for targeted ongoing conversations to test the Plan as it is developed. This document provides a summary of the ideas raised and discussion which occurred at the first meeting of the Industry Advisory Group.

Industry

- It is important to ensure the integration of the NSW Long Term Transport Master Plan with the work of Infrastructure NSW and the Department of Planning and Infrastructure.
- There needs to be a clear outline of the desired outcomes of the plan and clear governance arrangements.
- Whilst the Discussion Paper will not provide solutions it is critical that it consider financing - from issues of pricing and customers' willingness to pay for quality service delivery through to funding models.
- Future customer surveys and analysis would be more useful if they could be broken down and interpreted along demographic and geographic lines and by surveying both users and non-users of public transport. Suggested measures where data would be useful included rates of change in patronage of different transport modes over time and transport user demographics (including differences between peak and non-peak users from region to region).
- Future meetings should focus on the freight task, the options for mass versus personal transport in the future and a discussion on the work Infrastructure NSW is undertaking.

NSW Long Term Transport Master Plan

NSW Long Term Transport Master Plan Customer and Community Advisory Group First Round Meeting 14 December 2011

The first round of Advisory Group meetings was held on 14-15 December 2011.

The Transport for NSW Deputy Director General Planning and Programs, Carolyn McNally, chaired the meetings, which were also attended by members of the NSW Long Term Transport Master Plan project team.

Advisory Groups provide an opportunity for targeted ongoing conversations to test the Plan as it is developed. This document provides a summary of the ideas raised and discussion which occurred at the first meeting of the Customer and Community Advisory Group.

Customer and Community

- There is a need to focus on key customer segments and how their needs can be met. Examples include the disabled, ageing, Indigenous Australians.
- Consideration needs to be given to social equity and environmental challenges such as how peak oil prices will impact future choices.
- Discussion occurred around whether customers were prepared to pay more for better quality services.
- Customer analysis and surveys need to focus on non-users of public transport and why they do not use it.
- Specific measures for the Plan will be important in determining success. For example, measuring whether initiatives implemented are achieving the original intentions, such as increases in patronage after an upgrade or relieving congestion.
- The Group discussed the need to be realistic about what is achievable when discussing future transport options.
- Tailored consultation may be needed for some groups.
- Future meetings should include further examination of land use planning.

NSW Long Term Transport Master Plan

NSW Long Term Transport Master Plan Transport Specialists Advisory Group First Round Meeting 14 December 2011

The first round of Advisory Group meetings was held on 14-15 December 2011.

The Transport for NSW Deputy Director General Planning and Programs, Carolyn McNally, chaired the meetings, which were also attended by members of the NSW Long Term Transport Master Plan project team.

Advisory Groups provide an opportunity for targeted ongoing conversations to test the Plan as it is developed. This document provides a summary of the ideas raised and discussion which occurred at the first meeting of the Transport Specialists Advisory Group.

Transport Specialists

- There is a need to develop a transport vision for Sydney and NSW that considers what other cities are doing internationally and replicates some of their successes.
- Look beyond 20 years in transport planning to understand where NSW wants to be in the longer term future.
- Be realistic about what is achievable and don't over-promise.
- In developing the Plan, there is need for analysis and consideration of
 - Innovation;
 - Incentives and disincentives, including pricing;
 - Changes in transport peaks, such as on weekends and when school starts and finishes each day;
 - The impact of policies in areas such as education and health on transport needs.
- Corridor analysis is key to future decision making.
- There is a need to ensure the focus is on programs and the networks, not just projects.
- There is a need to look at land use planning in terms of planning for transport which serves different kinds of centres.
- Social mobility and social inclusion need to be a key focus of regional analysis.
- Future meetings should include further examination of freight, key transport corridors, pricing, and social mobility and social exclusion.

**CS12/4 TENDER: NORTHERN AMENITIES BLOCK UPGRADE - COFFS HARBOUR
JETTY FORESHORES TENDER (CONTRACT NO. RFT-509-TO)**

Purpose:

To report on tenders received for Contract RFT-509-TO for the upgrading of the Northern Amenities Block on Jordan Esplanade at the Jetty Foreshores, and to gain Council approval to accept a tender.

Description of Item:

Council is currently undertaking Stage 1 of the upgrading of the facilities at the Coffs Harbour Jetty Foreshores. A major part of this upgrade is the refurbishment of the two existing amenities blocks. To ensure continuity of sanitary services to the area, the refurbishments were not undertaken concurrently, allowing one amenities block to be operational at all times. The scope of works for the southern block was minor, and this work was completed prior to Christmas.

However, the existing northern amenities block has two major issues. The roof and walls are structurally unsound and it does not have accessible facilities. Design work was undertaken by a consultant architect and structural engineer for the upgrade. The initial construction cost estimate for the upgrade did not match the available budget, so the design and scope of works was then value managed and modified slightly by Council staff.

Open tenders were called for a Lump Sum contract based on the new design in local and capital city newspapers and via Council's electronic Tenderlink portal. The deadline for submission of tenders was 3:30pm on Tuesday 13 December 2011.

The Scope of the works includes:

- Demolition of the existing roof structure and non masonry walls
- Demolition of the existing concrete paving around the block
- Demolition of some internal facilities
- Foundation underpinning works
- Construction of a new structural steel Colorbond clad and lined roof
- Construction of a new disabled facility
- Construction of new timber stud walls above the existing masonry walls, clad with sheeting internally and decorative timber battens externally
- Refurbishment of some existing plumbing fittings, doors and drainage
- Construction of new external concrete paving and drainage
- Construction of an external timber entrance screen
- Painting and signage.

Tenders were evaluated on the following criteria:

- Tender price
- Experience in similar work
- OH & S management systems and safety management performance
- Construction program

Cont'd

**CS12/4 Tender: Northern Amenities Block Upgrade - Coffs Harbour Jetty Foreshores
Tender (Contract No. RFT-509-TO) ...(Cont'd)**

Five tenders were received. All were conforming offers. They were:

- a) Boulus Constructions Pty Ltd
- b) Ernie Burnett Plumbing Pty Ltd
- c) Robert Shone Constructions Pty Ltd
- d) Robin Snow Constructions Pty Ltd
- e) Simpson Building Group Pty Ltd

Sustainability Assessment:

- **Environment**

Since its connection to Council's sewerage system, the existing 'run down' amenities building provides adequate environmental outcomes. Upgrading the facility will have no negative impact on the environment. Materials used are plentiful and will not place undue stress on resources.

The upgrading works will improve the visual environment of the area. The existing building is run down and the upgrade will modernise its appearance and enhance the vista of the Jetty area.

- **Social**

The upgraded amenities will provide accessible facilities that presently do not exist. The modernised appearance and new fittings will enhance the social aspect of the amenities block itself, and the Jetty Foreshores as a recreational area. The external design is in line with the new shelters that have been constructed adjacent to the building.

- **Civic Leadership**

Council is the provider of public amenities and is responsible for ensuring that they meet an acceptable standard. The amenities upgrade is a vital part of Council's Plan of Management for the Jetty Foreshores and is consistent with Council's 2030 Strategic Plan.

- **Economic**

Broader Economic Implications

The upgrading of the existing amenities building is the most cost effective method of providing a modern public facility with disabled services.

The design, materials and fittings have been selected to lower the maintenance cost so as to minimise the whole of life cost for the building

Delivery program/Operational Plan Implications

Expenditure for this work is accounted for in Jetty Foreshores Upgrade Capital Budget for the current financial year. The Tender price includes GST and is not the net cost to Council.

Cont'd

CS12/4 Tender: Northern Amenities Block Upgrade - Coffs Harbour Jetty Foreshores Tender (Contract No. RFT-509-TO) ...(Cont'd)

Consultation:

The Foreshores Working Group has consulted the community with regards to the overall upgrade of the Jetty Foreshores area and the Plan of Management. The upgrade of the existing amenities blocks was supported by that consultation.

No additional consultation has occurred with regards the letting of this Contract

Related Policy and / or Precedents:

Tender procedures and analysis were carried out in accordance with Council policy, in particular the 'Tender Value Selection System'.

Council's policy is that the tender with the highest weighted score becomes the recommended tender.

Statutory Requirements:

The calling, receiving and reviewing of tenders was carried out in accordance with Part 7 Tendering of the Local Government (General) Regulations 2005.

Issues:

The recommended tenderer submitted the lowest price.

The Company is well known in Coffs Harbour with a good reputation. Reference checks have confirmed the capability of the Company

Implementation Date / Priority:

A contract can be awarded upon Council's resolution to accept a tender. Completion time for the contract is seven calendar weeks. Assuming contract commencement of mid February 2012 and barring any unforeseen circumstances, the forecast completion date is early April 2012.

Recommendation:

That Council consider tenders received for the Northern Amenities Upgrade, Coffs Harbour Jetty Foreshores - Contract No. RFT-509-TO - and move the motion as detailed in the confidential attachment.

**Ben Lawson
Director
City Services**

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/1 189B HARBOUR DRIVE, COFFS HARBOUR (OLD MUSEUM)

Purpose:

To report to Council on the use of the community premises at 189B Harbour Drive, Coffs Harbour.

Description of Item:

The premises at 189B Harbour Drive housed the Coffs Harbour Museum up until the flood in March 2009. Alternative premises have since been purchased for the Museum.

The building required extensive renovation from the damage caused by the flood and works were carried out in early 2011 using insurance monies.

Since completion of the works, the premises have been managed as part of the Community Village. The building occupies part of the Crown Reserve which the Community Village and Cavanbah Centre also occupy.

At the time of the renovation the local Table Tennis Clubs were, for various reasons, looking for new premises. They have been hiring the premises (in a similar manner to other users of the Community Village) following completion of the works in April 2011. There are opportunities for other users to hire the building. Table Tennis was informed at the time that a review of the use of the premises would be undertaken at the end of 2011.

In November 2011, an advertisement was placed in Council's column in the local paper calling for expressions of interest from community groups and organisations who may be interested in using the premises. Council's Community Services Branch sent a copy of the advertisement to all the community organisations on their data base to ensure a wide coverage.

Four submissions were received from the following organisations:

- Coffs Harbour Women's Health Centre (Go4Fun)
- Combined submission from the two Table Tennis Clubs
- Deadly Sista Girlz
- Association of Coffs Harbour Community Theatre Society (ACCTS)

Copies of the submissions are attached to this report.

Further information was requested from ACCTS in relation to their potential use of the premises. They responded that of their members the Coffs Harbour Musical Comedy Company (CHMCC) could be interested in hiring the premises for rehearsals and that they would be in touch to arrange an inspection. No inspection had been arranged at the time this report was written.

Sustainability Assessment:

- **Environment**

There are no environmental issues to report.

Cont'd

- **Social**

The function of the premises as part of the Community Village has positive social, health and wellbeing outcomes.

- **Civic Leadership**

The provision of premises for community activities is strongly supported under the "Looking after Our Community" objectives in the Coffs Harbour 2030 Plan.

- **Economic**

Broader Economic Implications

The provision of the premises for community use has limited broader economic implications, but does provide a facility that assists the overall attractiveness of Coffs Harbour as a place to live.

Delivery Program/Operational Plan Implications

The hiring of the premises generates funds that assist in defraying the costs of providing community facilities in conjunction with the Community Village.

Consultation:

This report was prepared following consultation with Council's Cultural and Community Development Executive Manager and the Manager of the Community Village.

Related Policy and / or Precedents:

Traditionally these types of issues are dealt with operationally under the delegations granted to the General Manager. However, in this instance Council requested that the matter be reported to Council for consideration.

Statutory Requirements:

The premises are managed by Council as Corporate Manager of the Reserve Trust of the Crown Reserve of which the premises form a part.

Issues:

Observations in relation to the submissions:

1. Coffs Harbour Women's Health Centre (Go4Fun)

This is a State Government funded health program. The State Government should (within reason) be providing premises for the health services it provides.

Cont'd

2. Table Tennis Clubs

They have been the dominant hirer of the premises since completion of the renovations in 2011. Their numbers have increased from about 95 to 140 members of whom about 100 are older than 60.

3. Deadly Sista Girlz

This organisation supports working Aboriginal women to improve health, fitness and wellbeing. They are presently only funded up until the end of this financial year.

4. ACCTS

As discussed previously, the only member of their organisation that may wish to hire the premises is the CHMCC for rehearsals.

In considering this matter, Council must be mindful of the limitations of the design of the building and the fact that at some point in time it will flood again. While not perfect for Table Tennis, it is suitable and alternative premises for this use would be difficult to find.

Subject to dates and times there is no reason why the large central area of the building cannot be used by the organisations that have made submissions. The Manager of the Community Village has advised that most of the dates and times can be accommodated at either these premises, or at the Community Village or Cavanbah Centre. It is in Council's interest to maximise the use of the premises to achieve the highest income to assist in defraying costs.

Therefore, it is recommended that the premises continue to be managed as part of the Community Village and those organisations that have made a submission be contacted with a view to encouraging them to book times and dates that are available.

Implementation Date / Priority:

The matter will be actioned immediately.

Recommendation:

- 1. That the premises known as 189B Harbour Drive, Coffs Harbour continue to be managed as part of the Community Village.**
- 2. That the two local Table Tennis Clubs be allowed to continue to hire the venue.**
- 3. That the other organisations that submitted an expression of interest in using the premises be contacted and encouraged to book times and dates that are available.**

Attachments:

From: Nicole Kerr [NKerr@chwhc.com.au]
Sent: Friday, 9 December 2011 8:38:17 PM
To: Coffs Council Email Account
Subject: Expression of Interest - Old Museum

ATTENTION: GENERAL MANAGER

Dear Sir/Madam,

I am writing to express the interest of the Coffs Harbour Women's Health Centre in using the Council owned building 189B Harbour Drive, known as the Old Museum.

We are contracted to deliver the Go4Fun Program in Coffs Harbour for 7-13year olds. This is a Free healthy lifestyle program for overweight and obese children aged 7-13 years and their parents/carers. Families attend the program twice a week for 2 hours during each school term where they learn about good nutrition, behaviour modification and the importance of physical activity. Go4Fun Program sessions comprise one hour of theory based activity followed by one hour of games based exercise activities for children and a facilitated discussion session for parents. The Coffs Harbour Women's Health Centre has been successfully delivering the .Go4Fun program in Coffs Harbour over the past 15 months. Due to the accessibility of your premises to public transport services, it would assist families of lower socioeconomic status to access this free health program. The following facilities are required each school term:

- A room (with seating) for up to 25 people for 2 hours – twice per week2
- Safe and appropriate space for up to 12 children to participate in land based games and activities for one hour – once per week

The Program typically runs after school hours (i.e. between 4pm – 6pm or 4.30pm – 6.30pm).

I am attaching a copy of the Go4Fun program brochure for more information.
Thank you for the opportunity to express our interest in accessing Council's facilities at the Old Museum.

Kind regards,

Nicki Kerr
Go4Fun Program Manager
nkerr@chwhc.com.au

Coffs Harbour Women's Health Centre
PO Box 46
Coffs Harbour 2450
Phone: 02 6652 8111
Fax: 02 6652 8778



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GO4Fun

Healthy • Active • Happy • Kids

For more information or to register for the program,
call Coffs Harbour Women's Health Centre on

6652 8111

or visit www.mendprogramme.org



NSW Department of Health
73 Juley St, North Sydney, 2060
Tel (02) 959 1700 www.health.nsw.gov.au
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Go4Fun



What is Go4Fun?

Go4Fun is a free healthy living program for kids to become fitter, healthier and happier. The program is fun and interactive and supports 7-13 year old children and their families to adopt a healthy lifestyle and a long lasting and healthy approach to living. Children and their families become fitter, healthier and happier as they have fun, meet new friends and learn new skills.

Healthy • Active • Happy • Kids



Who can participate?

The program has been specifically designed for children aged 7-13 years who are above a healthy weight, and their parents.

What happens on the Go4Fun program?

The program consists of 20 sessions, twice a week for 2 hours. Highlights include:

- Weekly games and activities for children.
- Fun, interactive discussions to teach you easy and effective ways to improve your child's nutrition, physical activity and self-esteem.
- Practical demonstrations, games and tips about healthy foods, label reading and portion sizes.
- The chance to try delicious and healthy new foods!

Why join Go4Fun?

- ✓ FREE healthy living program to help 7-13 year olds and their families to lead healthier lives
- ✓ Make new friends
- ✓ Feel more confident and boost self esteem
- ✓ Get fit playing fun games
- ✓ Set goals to reach and maintain a healthy weight

How to Register

Places on the program are limited, so register today and make sure you don't miss out!

Call the Go4Fun Program Manager on 6652 8111 or register online at www.mendprogramme.org



COFFS TABLE TENNIS CLUB INC.
PRESIDENT: Ross Thomson
VICE PRESIDENT: Paul Priestley
SECRETARY: Lynne McKeough
TREASURER: Dale Allen

CH OVER 50'S TABLE TENNIS CLUB INC.
PRESIDENT: Ron Lewis
VICE PRESIDENT: Fred Brady
SECRETARY: Heath Saddler
TREASURER: Rick Oakley

PO Box 980
Coffs Harbour
NSW 2450

8 December 2011

The General Manager
Coffs Harbour City Council
Locked Bag 155
COFFS HARBOUR 2450

Dear Sir

**Expression of Interest – Use of Community Facility
189B Harbour Drive, Coffs Harbour (Old Museum)**

In relation to the advertisement in the Coffs Coast Independent of 10 November 2011 we put forward an Expression of Interest for the continued use of 189B Harbour Drive for Table Tennis. The Expression of Interest is on behalf of the two Clubs currently using the facility for Table Tennis, Coffs Table Tennis Club Inc. and Coffs Harbour Over 50's Table Tennis Club Inc.

Our Clubs have been using 189B Harbour Drive since April 2011. Both Clubs came to the facility at a time when the Ex-Services Club venue became unavailable and the Showground became unsatisfactory due to the increasing periods of time that the venue was unavailable.

The Harbour Drive venue is excellent for table tennis, having no windows (no glare issues), a room for a robot, excellent flooring and lighting for Table Tennis, air conditioning (when required), room for 7 tables, kitchen facilities and is in a central location. A major benefit is that the tables on the Eastern and Western sides do not have to be regularly moved.

We hire the facility through the Coffs Harbour Community Village. The central area of the facility is hired by the Village to other users. Our hire charges are paid monthly and our Clubs clean the floor and are trusted to open and close the facility (saving Village staff time), which both Clubs value and take great care to properly manage. The facility is also used by other social groups, for playing table tennis, on an occasional basis.

Our Clubs hire the facility for seven three hour sessions per week. Three week day afternoon sessions for Over 50's use (Monday, Wednesday and Friday from 1.00pm to 4.00pm) and four

all age sessions – two evening sessions and two weekend sessions (Wednesday and Friday evenings from 6.00pm to 9.00pm and Saturday and Sunday afternoons from 1.00pm to 4.00pm). Occasionally we hire the facility for day sessions on the weekends for inter town visits with Tweed Heads, Lismore, Armidale, Kempsey and Port Macquarie.

Our Clubs combined membership has grown from about 95 members to 140 members since our use of the venue began eight months ago. This now includes in excess of 10 regular playing junior members who could not be accommodated prior to the new venue. Their involvement in table tennis promotes fitness and co-ordination, respect, team work, support of others, co-operation, socialization and commitment. Given the excellent Table Tennis venue, we regularly get visiting players from other NSW and interstate centres and occasionally from overseas.

The quality of the venue for Table Tennis and its convenience, central and easily accessible location provides Council and the community with an excellent table tennis facility for the youth, senior and mature age residents. The air conditioning enables the facility to be used all year round for table tennis, regardless of the weather conditions, which is a great advantage.

Both Clubs have an excellent working relationship. We have a positive Plan for the future of table tennis at the venue should our Expression of Interest be successful.

The Plan includes:

1. Amalgamation of the two Clubs to provide an even better working arrangement.
2. An additional competition session each week. This will enable weekly press coverage and encourage new players, who enjoy competitive sport, to join in.
3. An annual regional weekend tournament which would attract players from Newcastle to Tweed Heads. This, together with our inter-town visits will provide an economic benefit to the City.
4. Promotion of Table Tennis to families, the university and schools.
5. We currently offer coaching for new members but plan expanded coaching sessions. Recently eight members of our Clubs undertook an accredited coaching course.
6. An additional social session each week is planned for 2012.
7. A web site is planned for the benefit of members, tourists and visitors.

Implementation of the Plan will result in increased usage for Table Tennis of at least 10 hours per week.

It should be noted that other cities and towns with a secure and suitable Table Tennis facility have increased their junior player numbers substantially. Port Macquarie is a good example.

Our Clubs are incorporated and each player, as part of their membership, becomes a member of Table Tennis NSW which provides public liability insurance, accident insurance and professional indemnity insurance.

Table Tennis is an excellent sport for people of all ages. We have players ranging from primary school age to people in their 90's. All can enjoy the sport to the limit that their physical ability permits. As an indoor sport, it can be played in all weather conditions. It is a sport that maintains and improves fitness and reflexes which is particularly important for our many older members. It provides a great social atmosphere for our members, not only for table tennis but with other social events organized during the year.

We would also make the point that, at this stage, our Clubs have not got an alternate suitable venue to go to and we do not believe one is available. Previously, an incorporated body based on the members of the Ex-Services Table Tennis Club searched for a new venue, discussing the possibilities with the Council at length, but without success. The Over 50's Club searched for a new venue, without success, for several years.

Should Council wish to lease the entire venue, our Clubs would be interested.

Our Clubs have no concerns in relation to your advertisement point about the building flooding and potential insurance difficulties. Our fittings and equipment can be raised above known flood levels and are not of a value sufficient to be concerned about insurance issues.

In conclusion, our Clubs seek your approval of our Expression of Interest for the points outlined. We request that you particularly bear in mind the specialized nature of a table tennis venue which 189B Harbour Drive provides and the unlikely availability of a suitable venue. This would impact the current 140 members of whom about 100 are older than 60.

We look forward to your response in due course.



Ross Thomson
President
Coffs Table Tennis Club Inc.
6568 1956



Ron Lewis
President
Coffs Harbour Over 50's Table Tennis Club Phone:
Phone: 66583392



PO Box 1018
Coffs Harbour NSW 2450

General Manager
Coffs Harbour City Council
Central Admin Building:
Cnr Coff and Castle Streets
Coffs Harbour, NSW 2450

COMMUNITY FACILITY – 189B HARBOUR DRIVE, COFFS HARBOUR
(OLD MUSEUM)

Deadly Sista Girls (DSG) Aboriginal Corporation is a local award winning organisation who has been established since 2009.

DSG came together:

- To target Working Aboriginal Women who may not be able to access health programs due to work commitments
- Get a group of Aboriginal Women together with a more social aspect to health and introduce activities available in Coffs Harbour
- Group support and decision making around a more healthier lifestyle for women
- A wholistic approach and education around Health, Fitness & Wellbeing

We are an incorporation organisation run by Aboriginal women for Aboriginal women.

We have a board of 6 Directors and over 50 members we average 20 ladies a week across our activities.

We cater for Aboriginal women in the Coffs Harbour LGA and surrounding areas .We cater for all women of all ages but specifically target Aboriginal women.

We do have participants who are Non Aboriginal and we have had many partnerships with health, fitness and Wellbeing groups, National, State and local Government departments and organizations, Mid North Coast TAFE and other community organisation across the Coffs Coast.

Some of those partnerships are:

- Work Safe Fitness
- Coffs Harbour Council
- Parent & Community Engagement Programs=DEEWR Funded
- FACHSIA
- Indigenous Coordination Centre
- Coffs Aquatic Centre

- Rowena Hills – Zumba and Boxfit Classes at Catholic Club
- Galambila AMS – Health Checks from Health Workers
- North Coast Institute TAFE – Healthy Cooking Classes
- Coffs Harbour Local Land Council – use of Hall for meetings/activities and NAIDOC Events
- Mid North Coast Division of Practice
- Beach Bodies Health Studio
- Genesis Gym
- Links Gym
- Coffs Harbour Canoe
- Alzheimer’s Australia
- Coffs Harbour Relay for Life
- Lee Winklers Surf School

Our group implements corporation activities as well as a health, fitness & wellbeing program. Currently DSG does not have any premises or venue to run its operations and activities. We have been utilising our partnerships with Coffs Harbour Aboriginal Lands Council but unfortunately at times the facility cannot cater for the size of our group. We have often used the Cavanbah Hall facilities and we have also formed partnerships with TAFE to use its facility at times.

As DSG have expanded and growing rapidly. To establish our organisation at premises such as the 189B Harbour Drive would be able to provide some consistency and provide our organisation with a much needed space to deliver our programs, activities and future workshop with other partnerships throughout Coffs Harbour. This space will also cater for the new Program Coordinator that we are currently recruiting.

Our DSG Program is implemented exactly as school terms. We begin when school start and ends. Four Rounds within a year. 10 weeks per Round.

In a week we have times of:

- 6am –7am Monday, Wednesday & Friday: Fitness Activity
- 6:30pm –7:30pm - Monday, Wednesday: Fitness Activity
- 5pm – 6:30pm –Thursday Workshops, Sessions & Activities
- 5pm - 6pm Monday’s First and last week of rounds for General meetings
- 6:30 - 7:30pm Thursdays –Directors meeting
- 6am - 8:30am Saturdays –Extra fitness activities

Additionally:

- We are wanting to start mid morning activities 10– 11am on selected days depending on availability of a space,
- We would intend to use the space as a small Office with minimal equipment ie a desk filing cabinet & some office supplies.
- We would need some storage of our fitness equipment and health equipment.
- We would use the space to run our activities and provide some child friendly space for a crèche like facility into the future if possible.
- Expanding to school holiday activities.
- Workshops around leadership, mentoring etc, and
- Provide activities and workshop around Closing the GAP initiatives for Indigenous and non-Indigenous children and youth.

Deadly Sista Girlz is reliant on funding and we were successful in gaining a Community Builders grant in 2010 which ceased in 2011. We currently have a FACHSIA funding from the Indigenous Women Funding which will take us into 2012 End of financial year.

We have close partnerships with the CHASE Coffs Harbour Aboriginal Social Events Committee and our Local Aboriginal Dance Group Yawarr Njujawiny we would partner with them who are also community organisations that are reliant on funding to share the space as they too would have times that they could use this venue.

Deadly Sista Girlz has been successful in receiving the NSW Premiers Award last year for Health, Mind & Spirit and we were Aboriginal Organisation of the year in 2010 at the Councils Grace Roberts Award Night.

We have presented at the Councils Big Ideas Night earlier this year and we proudly carried our Banner in the 150 years Parade last month.

Other Partnerships and Initiatives for 2012:

- Our aim for 2012 is to support the charities of Breast Cancer
- Domestic Violence against women.
- We also participate in the Relay for Life.
- We do conduct fund raising activities and with a venue this would only
- Strengthen our capacity to do so.
- Working with the Women of the World (WOW)
- Supporting women in sports - local competitions

It is hoped that you may be able to fulfill the dilemma we have had for some time about a space where we can consistently conduct our DSG corporation business and partnership with two other local Indigenous incorporated organization CHASE and Yawarr Njujawiny Aboriginal Corporation and activities and we ask you consider our application.

Please don't hesitate to contact me on number provided below for further information.

Look forward to the outcome of the COMMUNITY FACILITY – 189B HARBOUR DRIVE, COFFS HARBOUR (OLD MUSEUM).

Yours Sincerely

Fiona Hyland
Chairperson
Deadly Sista Girlz
Aboriginal Corporation
0419 828 541

Sarah Lugnan
Manager
Yawarr Njujawiny
Aboriginal Corporation
0404 119 604

Reuben Robinson
Chairperson
Coffs Harbour
Aboriginal Social Event (CHASE)
0438 012 702

Kelly McLoughlin-Wilden
Secretary
ACCTS
PO Box 207
NANA GLEN NSW 2450
(02) 6654 3689
kelly@canopi.com.au

Mr Steve McGrath
General Manager
Coffs Harbour City Council

By email: steve.mcgrath@chcc.nsw.gov.au

9 December 2011

Dear Mr McGrath,

**COMMUNITY FACILITY – 189B HARBOUR DRIVE, COFFS HARBOUR (OLD MUSEUM)
Expression of interest: Association of Coffs Harbour Community Theatre Societies**

We are writing to register our expression of interest in leasing the above premises.

In particular, we are interested in leasing the whole property as opposed to hourly bookings. As Council is aware, ACCTS has been interested in a property for the dramatic arts for some time. After ACCTS' expression of interest last year for the above premises was not considered, Council directed us to another property, the Mud Hut leased by the Arts Council, which goes some way to assisting with our meeting and rehearsal requirements. However, whilst this works for the smaller rehearsals and groups, it cannot accommodate the needs of the larger companies, such as Coffs Harbour Musical Comedy Company. We are still looking for a cultural hub managed by ACCTS that can be used by all of the local theatre companies.

To discuss further, please contact me on the above number or email address.

Yours sincerely,

Kelly McLoughlin-Wilden
(ACCTS Secretary)

Purpose:

To gain Council's support of the 2012 – 2014 CoastOut Festival.

Description of Item:

The CoastOut Festival's inaugural event was conducted in Coffs Harbour 2010 attracting in excess of 1,200 participants and an estimated 1,000 accompanying people. The 2011 Festival attracted very similar overall numbers. The Festival is held in October each year and attracts a broad range of visitation from across Australia and some visitation internationally.

The CoastOut Festival was awarded the 2012 Australia Day Event of the Year for Coffs Harbour.

The event is targeted specifically at the gay and lesbian market, and also friends and relatives. The event is open for participants to take part in the various social and sporting events on the event program. The event has achieved to date broad promotion of the Coffs Coast region, including promotion within specific niche publications and general media.

Media coverage for CoastOut 2010 and 2011 includes examples such as:

- Southern Star – two front page stories and advertising – readership 16,500.
- SSO (Press Sydney) four front pages and 26 stories – readership 57,000.
- DNA Magazine – (Press National) six page feature and editorial – readership 135,000.
- LOTL (Press National) front page and three editorial pieces – readership 55,000.
- Tracks Surfing Magazine (International) - readership 160,000.
- Q News (Press / Brisbane) two front pages and ten editorial pieces – readership 70,000.

Additional print, radio and television coverage has been received for the event across a range of mediums and regional areas.

Web based coverage for the event includes over 80 websites featuring the Festival and various editorial coverage and general promotional coverage. A major feature of the CoastOut Festival is the regional and coastal setting, with key event messaging including promoting the Coffs Coast as an ideal holiday location.

The 2010 and 2011 CoastOut Festivals have delivered a direct economic impact of over \$1 million annually, based on 1,200 participants 1,000 accompanying people and an average stay of 3 – 4 nights. The event has the potential to grow and increase the direct impact to the region annually.

Council has long supported major events, recognising the significant economic and tourism benefits they bring. CoastOut to date has delivered a strong economic and promotional return for the region.

Sustainability Assessment:

- **Environment**

The event is a low impact environmental event. All events within the event program are subject to individual Council approvals or held in specific commercial facilities.

Cont'd

- **Social**

The CoastOut Festival provides many opportunities for community involvement including a volunteer program and opportunity to participate in a wide range of programmed events

- **Civic Leadership**

Relevant Coffs Harbour 2030 Community Strategic Plan Strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Develop inclusive community, sporting and recreational activities;
- Promote healthy living;
- Encourage the provision of facilities, services and resources which attract and support young people;
- Provide opportunities for all, including the Aboriginal community, to contribute to the local economy.

- **Economic**

Broader Economic Implications

The CoastOut Festival delivers major direct economic impacts to the region and significant media and promotional exposure. The direct economic impact of the festival is in excess of \$1 million annually (1,200 participants, 1,000 accompanying people with an average of a 3 – 4 night stay) and provides significant national media exposure for the region.

Delivery Program/Operational Plan Implications

Council's proposed contribution, to be funded from the 2012/2013, 2013/2014, 2014/2015 operational budget will include:

2012/2013 FY - \$20,000
2013/2014 FY - \$10,000
2014/2015 FY - \$10,000.

Consultation:

The CoastOut Festival organisation is responsible for all operational and consultation requirements. The Festival is well known within the community and has received broad promotion within the region and externally.

Staff have consulted with the representatives of the Festival organisation.

Related Policy and / or Precedents:

Council has hosted many major events resulting in significant economic benefit and media impact for the city, recently including the Ulysses AGM, Australasian Police and Emergency Services Games, NRL trial games, Matildas World Cup Qualifiers, and many other sporting, community and cultural events. The economic impact delivered by events of this nature provides an excellent return on investment for Council.

Cont'd

Statutory Requirements:

A formal hosting agreement will be required.

Issues:

The support of the Tourism Association is essential. Coffs Coast Marketing will work closely with the Association to ensure all properties' channel booking commissions are made via the Visitor Information Centre to assist with funding the event. CHCC will generate an accommodation commission through the VIC mitigating some cost to Council.

The CoastOut Festival does rely on corporate / local sponsorship which has been maintained for the two years of the event. Additional sponsorship / funding through traditional means such as Destination NSW Flagship Event funding will continue to be sought to further grow the event.

Implementation Date / Priority:

The 2012 CoastOut Festival is scheduled for October 2012 and requires Council's support to continue operation. Festival planning and event schedules will be released March 2012.

Recommendation:

That Council give consideration in its budget preparation to support the proposal to host the 2012, 2013 and 2014 CoastOut Festival and provide sponsorship funding of \$20,000 (2012), \$10,000 (2013) and \$10,000 (2014) toward the event operation.

Purpose:

Report on the availability of grant funds, likely cost of loan funds and an estimate of net operating costs.

Description of Item:

On 27 October 2011 Council resolved that:

1. *A detailed report be brought back to Council outlining the financing structures in obtaining a loan/grant fund for facilitating a performing arts centre at an estimated cost of between \$20 and \$25 million.*
2. *The report also to outline the costs associated on a yearly basis, based on the facilities completion which would include all overheads and operational costs.*

In relation to the availability of grant funds, apart from special grant funding programs, there is a history of the State Government providing maximum grants of about \$200,000, under the NSW Arts Program, for such facilities. The Federal Government grants rarely exceed \$2 million towards such facilities. There have been exceptions to these grant amounts in the past, but they have been rare and usually politically motivated.

At the current time, there are no special grant programs available apart from the RDA Program. Given the current requirements for the RDA and Council's priorities, this is not considered a likely source of grant funds.

Council is unlikely to obtain significant grant funds in relation to a project of this magnitude in the foreseeable future.

In relation to loan funding, the following table outlines the potential cost of borrowing related to varying amounts, at 7.5% or 8% over varying period of time. At the current time, the likely borrowing rate, depending on amount and period would range between the 7.5% and 8%.

Amount Borrowed	Annual Loan Repayments					
	At 7.5%			At 8%		
	15 years	20 years	25 years	15 years	20 years	25 years
\$m	\$,000	\$,000	\$,000	\$,000	\$,000	\$,000
7.5	837.1	727.0	666.5	863.0	754.8	696.1
10.0	1,116.2	969.3	888.7	1,150.7	1,006.4	928.1
12.5	1,395.2	1,211.6	1,110.8	1,438.4	1,258.0	1,160.1
15.0	1,674.2	1,454.0	1,333.0	1,726.1	1,509.6	1,392.2
17.5	1,953.3	1,696.3	1,555.2	2,013.8	1,761.2	1,624.2
20.0	2,232.3	1,938.6	1,777.3	2,301.4	2,012.9	1,856.2

From the table, as an example, for a borrowing of \$10 million, at 8% over 20 years, the loan repayments would be \$1.006 million per annum.

Cont'd

CB12/3 Entertainment / Performance Centre Proposal ...(Cont'd)

The annual cost of operating such a facility, apart from loan repayments, is difficult to forecast. The cost may vary significantly from facility to facility, depending on:

1. Its site location.
2. Its size and complexity.
3. The standard (and cost) of performances.
4. The amount of use.
5. The size of the town or city and catchment area and success in attracting patrons.

Such facilities are not cheap to operate, given the hours of operation with evening and weekend pay rates. Maintaining it to the standard required, particularly in relation to fittings and equipment, is costly.

As an indication of what it might cost to operate an entertainment centre at Coffs Harbour, set out below is information in relation to the Glasshouse at Port Macquarie and the Regional Theatre and Convention Centre at Dubbo

In relation to the Glasshouse, set out below is a summarised budget for 2011/12 extracted from a 123 page report titled "Glasshouse Business Plan Review" in the Port Macquarie-Hastings Council Business Paper of 15 December 2010. The information provided does not include depreciation, loan repayments and capital expenditures. Nor does it include revenues and expenditures related to the Art Gallery, Museum and Tourist Information Centre, which are part of the facility.

Expenditure:	
Operating	\$ 999,800
Management	1,466,829
Performing Arts	460,987
Events	415,736
Total Operating	\$3,343,352
Revenue:	
Management	\$ 74,300
Catering	174,400
Performing Arts	592,601
Events	507,500
Total Revenue	\$1,348,801
Net Operating Cost	\$1,994,551

The budget includes a net return of \$174,400 from catering which would be possible due to the central location of the Glasshouse. The loan repayments are an additional \$2,614,668. Depreciation of buildings, plant and equipment has been budgeted at \$2,000,000 per annum in 2011/12.

In relation to the Centre at Dubbo, which opened in April 2010, the capital cost, apart from land, was \$18 million. A summarised budget for 2011/12, extracted from information provided by the Dubbo City Council, is set out below, exclusive of loan repayments and depreciation:

Cont'd

Expenditure:	
Maintenance	\$ 105,756
Management and Operations	1,416,153
Promotion	59,024
Show Expenditure	1,077,385
Total Operating	\$2,658,318
Revenue:	
Venue Hire and Rentals	\$ 196,695
Bar Sales	75,000
Sponsorships	21,600
Show income	1,210,135
Total Revenues	\$1,503,430
Net Operating Cost	\$1,154,888

Depreciation is budgeted to be an additional \$644,388 and loan repayments are allowed at \$1,089,086.

Regional theatres would usually have a gross floor area between 4,000m² and 5,000m². Construction costs would be between \$3,800/m² (Glasshouse) and \$4,500/m² (Dubbo and Shoalhaven). This would see construction costs between \$15.2 million to \$22.5 million in today's dollars. On top of construction costs would be design costs, development application fees, fit-out costs and any land acquisition costs.

Sustainability Assessment:

- **Environment**

Environmental impacts would need to be addressed when a site is selected for an entertainment centre. Impacts may vary significantly depending on whether it is a green fields site or an existing developed site or somewhere in between.

- **Social**

The construction of an entertainment centre would result in increased employment, being staff to manage, operate, maintain and promote the facility. It would potentially provide a source of quality entertainment for the city that otherwise would not come to Coffs Harbour.

- **Civic Leadership**

This proposal works towards achieving the outcomes identified within the Coffs Harbour 2030 Community Strategic Plan and is directly connected to the themes "Places for Living" and "Looking after our Community".

Relevant strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Create facilities and services that allow the community to reach its full development potential;

Cont'd

- Develop inclusive community, sporting and recreational activities;
- Promote healthy living;
- Encourage the provision of facilities, services and resources which attract and support young people;
- Provide opportunities for all, including the Aboriginal community, to contribute to the local economy.
- Facilitate shared learning and skill sharing opportunities across generational and cultural groups.
- Create youth friendly places in all community hubs.
- Create community structures which capitalise on intergenerational knowledge, experience and capacity.
- Create facilities and services that allow the community to reach its full development potential.
- Create opportunities for enhancement of the community's sense of well being.

- **Economic**

Broader Economic Implications

It is expected that there would be a stimulation of the local economy. An entertainment centre of the size and quality envisaged should attract people from other regions and a number would include accommodation and other activities into a visit.

Delivery Program/Operational Plan Implications

There would be a considerable cost impact on the Delivery Program and Operational Plan of Council. An accurate forecast can only be made when a definite proposal is put forward. However, on the assumptions as set out in the Council resolution, the following impact on council's annual budget is put forward in relation to a Centre costing \$24 million of which \$16 million is provided by the State and Federal governments, necessitating a loan of \$8 million;

Management, operational and maintenance costs	\$ 3,200,000
Operational income	<u>1,700,000</u>
Net operational cost	1,500,000
Loan repayments (\$8 million at 8% over 20 years)	805,000
Depreciation (for building, fittings and equipment replacement)	1,250,000
Total forecast operational cost per annum	\$3,555,000

Ignoring depreciation, the cost is estimated to be \$2,305,000. It is unrealistic to not include costs related to depreciation, particularly in regard to the replacement of fittings and equipment which would have to be kept up to current standards in such a centre.

Mentioned previously in this report is a concern that significant contributions from other levels of government may not be forthcoming. Additional borrowings would increase annual costs.

It has also been assumed that the entertainment centre would be constructed on Council owned land. Should this not turn out to be the case, significant additional cost may be involved.

Cont'd

Consultation:

Information from the web sites of the Port Macquarie-Hastings Council and the Dubbo City Council have been reviewed. The finance managers from each Council have been consulted.

The report has been viewed by the Executive Manager, Cultural and Community, who during the course of the recent service review undertook a similar examination of such facilities, with the findings of that process being in line with those contained in this report.

Related Policy and / or Precedents:

Council has constructed and improved community facilities in the past.

Statutory Requirements:

A CAPEX Review would be required for a project of the magnitude envisaged.

Issues:

The cost related to the construction and operation of an entertainment centre is huge and beyond the capacity of Council to afford at this time, even with significant Government grants towards construction.

Council has a large backlog in existing infrastructure renewal works. As well, it is unable to meet the cost required for annual infrastructure renewal and maintenance works. A number of services are under cost pressures relative to appropriated levels of service as well.

Given the current economic climate, it is difficult to envisage how Council could get the necessary support to address both the existing infrastructure issue and the construction and operation of an entertainment centre. Both are likely to require a large general purpose rate variation to address, which requires the overall support of the community and a positive decision by IPART.

In the scenario put forward under the heading "Delivery Program/Operational Plan Implications", an annual cost (management, operations, depreciation, etc) of \$3,555,000 represents an 11% general purpose rate variation, in today's dollars.

If Council were to consider the development of an entertainment and performance centre, it will require significant long term planning with a horizon of ten plus years.

Implementation Date / Priority:

This report provides information only.

Recommendation:

That the report be noted.

Purpose:

To provide Council with a status report on the projects funded under the Environmental Levy (EL) Program.

Description of Item:

A description of the status of the EL Program as at 30 June 2011, including total funding against actual expenditure, is included as attachment "A" to this report.

Sustainability Assessment:

- **Environment**

The entire EL program is designed to ensure that environmental priorities (as outlined within the State of the Environment Report) are addressed. All projects recommended for funding will result in beneficial outcomes for the environment of the Coffs Harbour Local Government Area (LGA).

- **Social**

The criteria used in assessing EL submissions include:

- generating a community benefit,
- being community-based.

Many projects included in the program are undertaken by community groups.

- **Civic Leadership**

Councils Environmental Levy Program seeks to promote sound environmental practices and promotes leadership and involvement in key environmental issues which accords with Councils strategic theme of "Looking after our Environment".

- **Economic**

Broader Economic Implications

The EL Program funds projects that would not normally be undertaken with revenue funding.

Delivery Program/Operational Plan Implications

The EL Program is funded through a special rate and is accounted for separately. Therefore there is no impact on Councils Delivery Program.

Management Plan Implications

The EL Program has a surplus position of \$37,704 after taking into account the variations recommended in this report and the revotes. This was due to extra funding than expected from the special rate levy.

Cont'd

Consultation:

Relevant Council staff and members of community groups have been consulted in the preparation of this report.

Related Policy and / or Precedents:

Council's Executive Team has previously received quarterly reports on the status of EL Projects.

Statutory Requirements:

The Ministerial approval for a special rate variation was obtained in June 1997 in accordance with the provisions of Section 508 (2) of the Local Government Act 1993.

Issues:

Status of Funding for EL Program as at 30 June 2011

Funding position of the Environmental Levy as at 30 June 2011 is summarised as follows:

	\$
Reserve as at 1 July 2010	461,988
<u>Income</u>	
Special Rate	1,007,429
Pensioner Subsidy	2,759
Water Account	50,000
Contributions, Grants, Rev, Rest, Res	211,258
Interest	<u>36,195</u>
Total Income	1,307,641
Less <u>Expenditure</u>	(1,223,726)
Reserve Balance as at 30 June 2011	545, 903

The revotes required from 2010/11 to 2011/12 are \$508,199 which is funded by:

Environmental Levy	463,979
Grants	0
Revenue	0
Contributions	37,766
Reserves & Restricted Grants	6,454

The Environmental Levy Reserve balance of \$545,903, less the revotes to 2011/12 of \$508,199 results in a surplus of \$37,704.

Cont'd

CB12/4 Environmental Levy Projects Report 2010/11 ...(Cont'd)

Of the Environmental Levy funding of the revotes required, the funds were allocated in the following years:

	\$
2004/05	4,271
2006/07	701
2007/08	4,262
2009/10	154,077
2010/11	<u>300,668</u>
Total	<u>463,979</u>

Project Status Report

Relevant additional comments in relation to the Revotes are:

1. Vegetation Mapping Project - Ground Truth Component

Survey teams undertook ground truthing of vegetation for the new Class 5 vegetation maps including the completion of 180 permanent full floristic plots and 900 rapid data points across the entire LGA. Minor works to be completed by end December 2011.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$4,652.96 BE REVOTED TO 2011/12.

2. Koala Plan of Management 2009 - Implementation 2010/11

Tenders for the field survey and rapid vegetation assessment closed October 2011. It is anticipated the consultant to be engaged by the middle of December 2011.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$28,881.93 BE REVOTED TO 2011/12.

3. Biodiversity Action Strategy Implementation 2009/2010

Part A Biodiversity Action Strategy Review - A new BAS has been prepared in accordance with the objectives of the Coffs Harbour 2030 Plan. The BAS was scheduled to proceed to Council on 24 November seeking public exhibition for 28 days. Part B - The Roadside Vegetation Conservation Plan is being delayed until completion of the Class 5 Vegetation Mapping which will provide the base information for the significant vegetation roadside report.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$22,195.45 BE REVOTED TO 2011/12.

Cont'd

4. Orara River Restoration Project

a. Cats Claw Eradication

Cats Claw Creeper Control was delayed due to difficulty gaining access to riverbank sites during lengthy periods of rainfall, this money is expected to be utilised by 31 December 2011.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$686.48 BE REVOTED TO 2011/12.

b. Propagation Nursery at Nana Lane

Revegetation work required to plant the nursery stock was delayed due to difficulty gaining access to riverbank sites during lengthy periods of rainfall, this money is expected to be utilised by 31 March 2012.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$5,249.55 BE REVOTED TO 2011/12.

c. Erosion Control / Fencing

This money was set aside to complete structural erosion control works at the old Skewes Quarry at Karangi. These works were due to commence in October 2011 due to the water level in the river being too high. The work is expected to be completed by 31 December 2011.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$38,687.73 BE REVOTED TO 2011/12.

d. Camphor / Privet Control and Regeneration

Camphor Laurel and Privet Weed Control were delayed due to difficulty gaining access to riverbank sites during lengthy periods of rainfall, this money is expected to be utilised by 31 December 2011.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$1,140.77 BE REVOTED TO 2011/12.

e. Revegetation / Tree Planter

Revegetation Work was delayed due to difficulty gaining access to riverbank sites during lengthy periods of rainfall, this money is expected to be utilised by 31 March 2012.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$5,726.16 BE REVOTED TO 2011/12.

5. Emergency Opening Arrawarra Creek

Over 12 years only \$2,096.21 has been used. Funds have been transferred back to reserve over the years.

IT IS RECOMMEND TRANSFERRING THE REMAINING FUNDS OF \$3,917.68 TO RESERVE.

Cont'd

6. Fauna Assessment

The fauna assessment project was designed to develop fauna population assessments in the Coffs Harbour Local Government Area. All funds have been expended on Fauna Assessment.

7. Flying Fox Plan Implementation

Funding for the flying fox Implementation has already been committed; we are waiting for a plants invoice of around \$4,000.00. The hold up on this project has been the investigation of illegal vegetation clearing works by the private landowner, Council in its part agreed not to conduct further restoration during this investigation. Council is legally bound to comply due to its current licence requirements under the Threatened Species Conservation Act for the project.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$4,271.01 BE REVOTED TO 2011/12.

8. Implementation of the Coffs Harbour Vertebrate Pest Management Strategy

EL funding was allocated to fund high priority actions contained within the Coffs Harbour Vertebrate Pest Management Strategy (VPMS) as approved by Council in 2008. Funding is required for on-ground control of foxes, feral pigs, goats, rabbits, cane toads, deer, feral cats and Indian Myna's in the Coffs Harbour LGA. Control measures are on both Council land and some private land as required. These threats will continue over the life of the plan and ongoing funding is required to address these problems as they arise. Implementation of the VPMS, is dependent upon the ongoing funding for equipment, staff training, establishment of a community education program and undertaking of operational actions. Indicative costings for each of these strategy components have been estimated in consultation with Council's environmental staff, and are provided in Table 5.7. of the VPMS. There have been some delays associated with spending the remaining funds because of lack of availability of appropriate courses for staff training. The remaining funds have been allocated primarily for the purchase of trapping equipment in accordance with the VPMS set of priority actions. A purchase order to acquire these goods can be raised without too much delay. These funds have also been used to support predator control programs associated with control of Indian Myna's and the endangered Little Tern.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$10,187.93 BE REVOTED TO 2011/12.

9. Sustainable Management of Biodiversity in LGA

The funding for this project is for the employment of two biodiversity officers, it was fully expended in the 2010/11 financial year.

10. On-Ground Control of the Indian Myna Bird

The on-ground control of the Indian Myna project is a community based run program controlling this vertebrate pest in the Coffs Harbour Local Government Area. The funding is essential for providing materials and gas bottles to the members of the community and Council is recognized for supporting this project. This program is highlighted and supported by the Coffs Harbour Vertebrate Pest Management Strategy. New materials to construct Indian Myna traps are in the process of being purchased - funding is expected to be spent by the end of November 2011.

Cont'd

IT IS RECOMMENDED THE REMAINING FUNDS (REVOTED SINCE 2006/07) OF \$700.85 BE REVOTED TO 2011/12.

11. Green School Sustainability Fund

This project received \$10,000 in 2007/08, \$14,000 in 2010/11 and a further \$20,000 in 2011/12. As at 30 June.2011 the \$24,000 has not been fully expended. Any committed expenses can be funded from the 2011/12 allocation.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$18,262.10 BE TRANSFERRED TO THE ENVIRONMENTAL LEVY POOL.

12. Impact on Freshwater Ecosystems

This project involves macro invertebrate monitoring for the Orara River and its tributaries providing an excellent benchmark of stream health. Council receives excellent value for money from a volunteer who dedicates a lot of her own time and resources monitoring, sampling and travelling, over and above her EL funding allocation. She also provides regular reports and updates on her work and submits research findings to international journals. She has also been undertaking benchmarking work for the Orara project to support the rehabilitation and restoration works undertaken in various stream systems and has recently set up sites in the Korora Lagoons which has received a lot of local media attention of late. Although the volunteer is less than prompt in submitting invoices her work underpins some excellent community projects being undertaken in the LGA.

The 2009/10 EL report shows these funds were to be spent by the end of December 2010, IT IS RECOMMENDED THE REMAINING FUNDS OF \$4,688.35 BE TRANSFERRED TO THE ENVIRONMENTAL LEVY POOL.

13. Coffs Creek Flying Fox Camp Vegetation Management Plan

Apparently the reserve had been seriously vandalised with a large number of poisoned trees and severe damage to the camp conducted by neighbouring residents. All operational works including restoration have been placed on hold due to site investigations by Office of Environment & Heritage Compliance Unit. This explains the absence of funding expenditure this year, with a hold placed on Council operations while investigations are underway. Council is also highly restricted by operational constraints applying to breeding seasons of threatened species. From October to April each year all operational works cease due to the maternity camp being used by Flying Foxes with a no work policy in or around the camp.

Biodiversity is requesting a revote of these funds due to unforeseen circumstances in the operation of the VMP works program.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$38,294.19 BE REVOTED TO 2011/12.

Cont'd

14. Adaptation for Climate Change in Coffs Harbour

Consultants BMT WBM Pty Ltd completed and developed the Coffs Harbour Climate Change Mitigation and Adaptation Action Plan. The plan identifies preferred responses to the key climate change risks for the Coffs Harbour LGA. It will assist with management of infrastructure, services and the natural environment in response to predicted climate change impacts across the Coffs Harbour LGA. The project is completed and balance unspent to go back into pool for 2011/12.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$4,890.74 BE TRANSFERRED TO THE ENVIRONMENTAL LEVY POOL.

15. Coffs Harbour LGA Biodiversity Monitoring Program: Stage 1

Draft report received from consultant. Project will not be finalised until the results of the Class 5 vegetation can be incorporated into the monitoring report. Invoice recently received, remaining funds should be approximately \$5,000.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$10,454.55 BE REVOTED TO 2011/12.

16. The Woolgoolga Flying Fox Camp Strategy including stage 1 implementation

A Quotation brief is due early December 2011 to engage consultant to write both Management Strategy & Vegetation Plan for the Woolgoolga Flying Fox Maternity Camp. The development of the local Flying Fox Strategy is linked to the Our Living Coast project funding and the development of the Regional Flying Fox Strategy.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$15,000 BE REVOTED TO 2011/12.

17. Coffs Ambassadors Interpretive Tours

The project came to \$6,176.35 under budget this year because there were fewer volunteers trained to become new Coffs Ambassadors Tour Guides. \$3,000 from 2010/11 is required to allow for Advanced Training of Coffs Ambassadors by NPWS on 4 December 2011.

IT IS RECOMMEND REVOTING \$3000 AS REQUESTED AND TRANSFERRING THE BALANCE OF \$3,176.35 TO THE ENVIRONMENTAL LEVY POOL.

18. Repair Creek Banks Surrounding Edward Sharpe Bridge

Bank stabilisation and revegetation works completed for Edward Sharpe Bridge.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$2,054.55 BE TRANSFERRED TO THE ENVIRONMENTAL LEVY POOL.

Cont'd

19. Hogbin Drive Koala Fencing

The Hogbin Drive funding has to replace a restrictive gate to stop car traffic on the north-eastern side of the bridge. The funding has been pending Council acquisition of land because the original land owner wanted us to wait until the transfer had occurred. This land transfer, programmed bridge works and pathway maintenance for the site was the reason for the hold up on final works so we are working on the final gate design/ pedestrian access issues, fire management and a quote for signage. This work will finalise works to this koala black spot this year.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$5,000 BE REVOTED TO 2011/12.

20. Environmental Levy Coordination

The funds for this project were fully expended in the annual cycle of the processes required for this position.

21. Matching Grant Funding Pool

Funds held pending matched grant opportunities.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$51,992.75 BE REVOTED TO 2011/12.

22. Bank Stabilisation - Fishing Club - Ferguson Cottage Area

Weed control and planting works by RTC (Repair to Country) team completed as planned and funds fully expended.

23. Boambee Beach

Planting and weed control works by contractor completed as programmed and funds fully expended.

24. Caring for Our Environment - Through Regeneration, Education and Sustainable Practice

Payment to Karangi School of balance of funding for native planting of Karangi Creek has been actioned, revote required for this purpose.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$876.57 BE REVOTED TO 2011/12.

25. Coffs Jetty Foreshore Reserve Follow up - Jetty Dunecare

Weed control works by contractor completed as programmed and funds fully expended.

26. Dunecare / Landcare Groups

Above average rainfall impacted herbicide control for some Landcare sites. Coffs Harbour Regional Landcare Inc. advised this control work is still required and it is expected to be completed early in 2011-12, balance needs to be revoted.

Cont'd

CB12/4 Environmental Levy Projects Report 2010/11 ...(Cont'd)

IT IS RECOMMENDED THE REMAINING FUNDS OF \$7,751.79 BE REVOTED TO 2011/12.

27. Bonville / Moonee Creek Riparian Restoration

Riparian restoration works completed as programmed and funds fully expended.

28. Bush Regeneration

Completed, minor over expenditure of \$2,033.89.

IT IS RECOMMENDED THAT THE OVER EXPENDITURE BE FUNDED BY VOTE TRANSFER FROM EL ENVIRONMENTAL WEED CONTROL, - CAMPHOR LAUREL REMOVAL

29. Enhancement and Protection of Coffs Creek Flying Fox Camp

Funds expended on Vegetation plan works completed 2010/11 and funds fully expended.

30. Environmental Weed Control

a. Bitou Bush

Key Bitou control period is May-June and into early July across financial years, balance of funds need to be revoted.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$274.36 BE REVOTED TO 2011/12.

b. Camphor Laurel Removal

Above average rainfall impacted access to creek sites to remove Camphor's and commence revegetation, works will be programmed around the weather; the balance needs to be revoted to complete these works.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$36,911.25 BE REVOTED TO 2011/12.

c. Privet

Planned control works completed and funds fully expended.

d. Glory Lily

Glory Lilly control is an annual program in SEPP 26 and EEC Littoral Rainforest communities and balance needs to be revoted.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$864.74 BE REVOTED TO 2011/12.

e. Pine / Celtis / Pepper Tree

Above average rainfall impacted access to riparian sites to remove Pines and commence revegetation, continued works should be covered by 2011/12 allocation of \$17,000.

Cont'd

IT IS RECOMMENDED TRANSFERRING THE REMAINING BALANCE OF \$21,419.83 TO THE ENVIRONMENTAL LEVY POOL.

f. Vine Weeds

Vine weed control works were completed as planned and fully expended. As the main control method is scrape and paint and not spraying it is less affected by high rainfall.

31. Botanic Gardens Education Officer

Successful program completed as programmed and fully expended.

32. Walkways

Charlesworth Bay to Breakers Way

Council is awaiting an Our Living Coast funding determination for a grant of \$254,000 as part of a \$500,000 plus business plan proposal for the SICW. Announcement has been made and we are negotiating with the Environmental Trust at present, outcome expected soon.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$62,766.29 BE REVOTED TO 2011/12.

33. West Coffs to CBD Cycleway (Stage 1)

Project design has been delayed due to requirement for cost benefit analysis and flood modelling of options for bridging of Coffs Creek. Revised design is underway and works programmed to commence early 2012.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$83,989.99 BE REVOTED TO 2011/12.

34. NSW Coastline Cycleway - High St to Nightingale St

Coastline Cycleway - High St to Nightingale St, project complete and fully expended. Construction of 415m of off-road shared path resulting in completion of cycleway link between High Street / Nightingale Street to Woolgoolga CBD.

35. Beacon Hill Regeneration / Assessment Project

Funding for the Beacon Hill Regeneration / Assessment Project was allocated to assess options for management of vegetation which conflicted with maintenance of sight lines from the Marine Rescue facility located on Beacon Hill.

EL funds were utilised to engage consultants to report on likely impacts of establishment of view corridors for the Marine Rescue facility and other viewing areas on Beacon Hill as well as management of the Airport OLS requirements.

A Vegetation Management Plan addressing Airport OLS requirements has consequently been prepared. The Marine Rescue requested the construction of two south-facing view corridors, to provide additional views to the boat ramp, remain an unresolved issue.

Cont'd

In order to achieve a clear view line to the boat ramp, a minimum of 24 metres (north-southerly) by 400 metres (easterly) of native vegetation would be required to be cleared much of which would be the EEC and EPBC-listed 'Critically Endangered' Littoral Rainforest. This proposal would equate to approximately one hectare of vegetation cleared, with associated ongoing maintenance trimming works required.

Marine Rescue has acknowledged that the environmental impact and on-going cost associated with vegetation management of additional views from the Marine Rescue facility are unsustainable. As an alternative, investigations have been undertaken into installation of CCTV cameras at strategic locations to enhance surveillance capabilities. Preliminary cost estimate for implementation of CCTV to service Marine Rescue is \$26,000.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$9,490.00 BE TRANSFERRED TO THE EL POOL PENDING ALLOCATION TO MARINE RESCUE CCTV. IT IS SUBJECT TO MARINE RESCUE SOURCING REMAINING FUNDS REQUIRED TO IMPLEMENT CCTV TO SERVICE THE BEACON HILL MARINE RESCUE FACILITY.

36. Stormwater Assessment for Climate Change, Pollution and future maintenance

This project has been completed and was fully expended. The final report Urban Stormwater Pollution: Evaluation, Management and Climate Change Implications for Coffs Creek will be used to develop the Stormwater Management Plan.

37. Boambee / Newports Creek Estuary Management Plan

The project will be completed within the next six months and the draft Boambee / Newports Estuary Management Plan will go on public exhibition, it is currently being prepared for Council adoption.

IT IS RECOMMENDED THE REMAINING FUNDS OF \$2,535.40 BE REVOTED TO 2011/12.

Implementation Date / Priority:

The recommendations of this report will be implemented immediately upon Council adoption.

Cont'd

Recommendation:

1. That Council notes the status of Environmental Levy Projects as at 30 June 2011 as outline in attachment "A".

2. That the following projects' over-expenditures be allocated from existing Environmental Levy projects

Project	Deficit Funds
	\$
Bushland Regeneration	\$2,033.89
Environmental Weed Control – Camphor Laurel Removal	(\$2,033.89)

3. That the following projects' surplus funds be returned to the funding pool for allocation to future projects.

Project	Surplus Funds
	\$
Green School Sustainability Fund	\$ 18,262.10
Impact on Freshwater Ecosystems	\$ 4,688.35
Adaptation for Climate Change in Coffs Harbour	\$ 4,890.74
Coffs Ambassadors Interpretive Tours	\$ 3,176.35
Repair Creek Banks Surrounding Edward Sharpe Bridge	\$ 2,054.55
Pine / Celtis / Pepper Tree	<u>\$ 21,419.83</u>
Total	<u>\$ 54,491.92</u>

4. That the Emergency Opening Arrawarra Creek surplus funds of \$3,917.68 be returned to the Reserve pool for re-allocation.
5. Coffs Ambassadors Interpretive Tours \$3,000 from 2010/11 savings be revoted to allow for Advanced Training of Coffs Ambassadors by NPWS Discovery Rangers on 4 December 2011.
6. Beacon Hill Regeneration / Assessment Project
It is recommended the remaining funds of \$9,490.00 be transferred to the EL Pool pending allocation to Marine Rescue CCTV. It is subject to Marine Rescue sourcing remaining funds required to implement CCTV to service the Beacon Hill Marine Rescue facility.
7. That it be noted the report to this meeting "Financial Result for Year Ended 30 June 2011" incorporates the Environmental Levy Revotes as recommended in this Report.
8. That Council continues to monitor the Environmental Levy Program to ensure the earliest completion of projects.

Attachments:

2010/11 ENVIRONMENTAL LEVY RECONCILIATION

Description	TOTAL FUNDING			FUNDING SOURCE			FUNDING OF EXPENDITURE			FUNDING OF REVOTES			Total
	Env Levy	Grants	Revenue	Env Levy	Grants	Revenue	Env Levy	Grants	Revenue	Env Levy	Contrib	Res/Restrict	
Projects													
Land Use Planning	101,501.59	-	-	101,501.59	-	-	-	-	-	-	-	-	4,652.96
Vegetation Mapping Project - Ground Truth Component	36,960.07	-	-	36,960.07	-	-	-	-	-	-	-	-	28,881.93
Koala Plan of Management 2009 - Implementation 2010/11	42,000.00	-	-	42,000.00	-	-	-	-	-	-	-	-	22,195.45
Biodiversity Action Strategy Implementation 2006/2010	38,792.73	-	-	38,792.73	-	-	-	-	-	-	-	-	38,687.73
Quana River Rehabilitation Project	10,699.48	-	-	10,699.48	-	-	-	-	-	-	-	-	686.48
Erosion Control/Fencing	20,280.55	-	-	20,280.55	-	-	-	-	-	-	-	-	5,249.55
Cats Claw Encroachment	97,773.74	-	-	97,773.74	-	-	-	-	-	-	-	-	1,140.77
Propagation Nursery at Nana Lane	33,241.89	-	-	33,241.89	-	-	-	-	-	-	-	-	5,726.16
Camphor/Pivot Control & Regen	3,917.68	-	-	3,917.68	-	-	-	-	-	-	-	-	3,917.68
Reveg/Tree Planter	2,121.97	-	-	2,121.97	-	-	-	-	-	-	-	-	0.00
Emergency Opening Ararawa Creek	4,271.01	-	-	4,271.01	-	-	-	-	-	-	-	-	0.00
Fauna Assessment	17,000.00	-	-	17,000.00	-	-	-	-	-	-	-	-	4,271.01
Flying Fox Plan Implementation	180,000.00	-	-	180,000.00	-	-	-	-	-	-	-	-	10,426.88
Implementation of the Coffs Harbour Vertebrate Pest Management	1,294.58	-	-	1,294.58	-	-	-	-	-	-	-	-	700.85
Sustainable Management of Biodiversity in LGA	20,321.36	-	-	20,321.36	-	-	-	-	-	-	-	-	18,262.10
On-ground Control of the Indian Myna Bird	6,542.73	-	-	6,542.73	-	-	-	-	-	-	-	-	4,688.35
Green School Sustainability Fund	28,957.74	-	-	28,957.74	-	-	-	-	-	-	-	-	38,294.19
Impact on Freshwater Ecosystems	15,000.00	-	-	15,000.00	-	-	-	-	-	-	-	-	10,454.55
Coffs Creek Flying Fox Camp Vegetation Management Plan	15,000.00	-	-	15,000.00	-	-	-	-	-	-	-	-	15,000.00
Adaptation for Climate Change in Coffs Harbour	21,600.00	-	-	21,600.00	-	-	-	-	-	-	-	-	2,054.55
Coffs Harbour LGA Biodiversity Monitoring Program: Stage 1	5,000.00	-	-	5,000.00	-	-	-	-	-	-	-	-	5,000.00
The Woolpunga Flying Fox Camp Strategy including stage 1 imp	24,545.00	-	-	24,545.00	-	-	-	-	-	-	-	-	0.00
Coffs Ambassadors Interpretive Tours	47,200.00	-	-	47,200.00	-	-	-	-	-	-	-	-	0.43
Repair Creek Banks Surrounding Edward Sharpe Bridge	51,518.75	-	-	51,518.75	-	-	-	-	-	-	-	-	51,518.75
Hopkin Drive Koala Fencing	4,448.00	-	-	4,448.00	-	-	-	-	-	-	-	-	-0.40
Brooker Park Ecotourism Project	9,945.00	-	-	9,945.00	-	-	-	-	-	-	-	-	876.57
Environmental Levy Coordination	876.57	-	-	876.57	-	-	-	-	-	-	-	-	876.57
Matching Grant Funding Pool	9,999.00	-	-	9,999.00	-	-	-	-	-	-	-	-	0.09
Recreation Services	92,620.63	-	-	92,620.63	-	-	-	-	-	-	-	-	7,751.79
Bank Stabilisation - Fishing Club - Ferguson Cottage Area	277.23	-	-	277.23	-	-	-	-	-	-	-	-	0.11
Bamboo Beach	165,573.17	-	-	165,573.17	-	-	-	-	-	-	-	-	0.00
Caring For Our Environment - Through Regeneration, Education	6,805.73	-	-	6,805.73	-	-	-	-	-	-	-	-	0.89
Coffs Jetty Foreshore Reserve Followup - Jetty Dunecare	15,000.00	-	-	15,000.00	-	-	-	-	-	-	-	-	0.00
Dunecare/Landcare Groups	15,000.00	-	-	15,000.00	-	-	-	-	-	-	-	-	0.00
Bonville/Moonsee Creek Riparian Restoration	14,725.64	-	-	14,725.64	-	-	-	-	-	-	-	-	274.36
Bushland Regeneration	97,984.17	-	-	97,984.17	-	-	-	-	-	-	-	-	35,351.25
Enhancement & Protection of Coffs Crk Flying Fox Camp	8,191.41	-	-	8,191.41	-	-	-	-	-	-	-	-	0.16
Environmental Weed Control	16,127.50	-	-	16,127.50	-	-	-	-	-	-	-	-	864.74
Blibu Bush	32,857.00	-	-	32,857.00	-	-	-	-	-	-	-	-	21,419.83
Camphor Laurel Removal	6,300.00	-	-	6,300.00	-	-	-	-	-	-	-	-	0.00
Privet	18,077.30	-	-	18,077.30	-	-	-	-	-	-	-	-	0.00
Gloey Lily	62,766.29	-	-	62,766.29	-	-	-	-	-	-	-	-	62,766.29
Pine/Ceils/Pepper Tree	85,000.00	-	-	85,000.00	-	-	-	-	-	-	-	-	83,989.99
Vine Weeds	170,547.00	-	-	170,547.00	-	-	-	-	-	-	-	-	0.00
Botanic Gardens Education Officer	10,000.00	-	-	10,000.00	-	-	-	-	-	-	-	-	9,490.00
Walkways	12,565.00	-	-	12,565.00	-	-	-	-	-	-	-	-	2,535.40
Chairesworth Bay to Breakers Way	1,731,925.00	-	-	1,731,925.00	-	-	-	-	-	-	-	-	508,198.97
Engineering Works													
West Coffs to CBD Cycleway (Stage 1)	1,470,686.82	-	-	1,470,686.82	-	-	-	-	-	-	-	-	463,978.61
NSW Coastline Cycleway - High St to Nightingale St (through dr)	39,028.18	-	-	39,028.18	-	-	-	-	-	-	-	-	37,766.29
Survey & Design	40,995.00	-	-	40,995.00	-	-	-	-	-	-	-	-	6,463.97
Basoon Hill Regeneration/Assessment Project	95,492.29	-	-	95,492.29	-	-	-	-	-	-	-	-	6,463.97
Stormwater Assessment for Climate Change, Pollution and future	10,000.00	-	-	10,000.00	-	-	-	-	-	-	-	-	0.00
Bombweil/Newports Creek Estuary Man Plan	6,327.50	-	-	6,327.50	-	-	-	-	-	-	-	-	0.00
	1,470,686.82	39,028.18	40,995.00	1,470,686.82	39,028.18	40,995.00	95,492.29	95,492.29	40,995.00	57,726.00	7,726.00	70,226.00	463,978.61
	1,731,925.00	-	-	1,731,925.00	-	-	-	-	-	-	-	-	508,198.97
	1,731,925.00	39,028.18	40,995.00	1,470,686.82	39,028.18	40,995.00	95,492.29	95,492.29	40,995.00	57,726.00	7,726.00	70,226.00	463,978.61

1,731,925.00 1,470,686.82 39,028.18 40,995.00 95,492.29 95,492.29 40,995.00 57,726.00 7,726.00 70,226.00 463,978.61

Purpose:

To seek Council approval to raise a loan and apply for a 4% interest subsidy under the NSW Local Infrastructure Renewal Scheme in regards to the Coffs Harbour Regional Airport runway upgrade.

Description of Item:***Background***

The current airport runway was initially constructed in 1985 and subsequently widened to 45m in 1998.

The pavement has started to show signs of surface deterioration over the last 12 months and remedial works including heavy patching and crack sealing has been necessary to maintain a safe operational surface for aircraft.

The current runway surface has exceeded it's design life by 8-10 years, however to ascertain the extent of deterioration and appropriate resurfacing options a Geotechnical Pavement Assessment was undertaken in June 2011.

This report recommended milling and replacement of a 50mm overlay within two years.

The Proposal

It is proposed to carry out the resurfacing in the 2013/2014 financial year and an estimated loan of \$5 million has been included in the airport forward financial plan to fund this work.

In order to reduce the overall cost of this borrowing, Council approval is requested to apply for access to an interest subsidy on the loan funding for this project through the NSW Local Infrastructure Renewal Scheme (LIRS).

Expressions of interest for the LIRS close on 10 February 2012 with full applications closing on 30 March 2012.

A copy of the scheme guidelines is attached to this report.

Sustainability Assessment:

- **Environment**

There are no significant environmental impacts as the runway upgrade only requires milling of the top layer of asphalt and replacing with a thin (50mm) seal.

- **Social**

There are significant social benefits as the upgrade works will ensure that the airport is capable of handling large jet operations in future.

Cont'd

- **Civic Leadership**

The Coffs Harbour Regional Airport is an essential piece of high quality transport infrastructure that needs to be maintained at the highest standard to ensure that industry, commerce and tourism continue to flourish and grow as identified in Coffs Harbour 2030.

- **Economic**

Broader Economic Implications

Maintaining the main 03/21 runway to Boeing 767 standard is vital to meet the future growth of the region and accommodate current and future jet operations.

Delivery Program/Operational Plan Implications

The total costs associated with of this upgrade will be covered within the existing Airport budget.

Council's 2012/2013 Operational Plan will provide for \$5 million in new loan borrowings subject to LIRS approval.

The estimated loan repayments have already been considered in Council's Long Term Financial Plan and associated budgets.

Consultation:

Independent advice has been received from several outside consultants and Regional Geotechnical Solutions were commissioned to undertake a technical assessment of the runway in June 2011.

Related Policy and / or Precedents:

Council has invested significant funds previously into upgrading the airport to International standard and this work will protect that investment and ensure that the airport is capable of handling future growth.

Council will seek loan offers from a number of financial institutions through an 'Expression of Interest' process commencing early March 2012. This will enable Council to submit the required interim loan term documents by the LIRS application closing date.

The proposed loan funding for the runway upgrade meets the requirements of Council's adopted Loan Policy.

Statutory Requirements:

Civil Aviation Safety Authority Manual of Standards Part 139 – Aerodromes requires the operators of certified airports to meet specific standards relative to the type of aircraft operating at an airport.

Coffs Harbour is rated as Code D (B767) standard.

Cont'd

The Division of Local Government (DLG) has indicated that borrowings should only be made if allowed for in the Operational Plan.

Section 624 of the Local Government Act, 1993 states:

The Minister may, from time to time, impose limitations or restrictions on borrowings by a particular council or councils generally despite the other provisions of this Part.

These limitations are prescribed in the current Local Government Borrowing Order which states:

A council shall not borrow from any source outside the Commonwealth of Australia nor in any other currency than Australian currency.

Councils are also required to advise the DLG of amounts borrowed in accordance with the regulations (Clause 230 of the Local Government (General) Regulation 2005) outlining the amount, interest rate and term of the loan(s).

Issues:

No issues of major consequence are envisaged.

The majority of work will be carried out at night to allow normal aircraft operations and from previous experience noise was not a major concern to residents around the airport during construction work.

The State Government has created the NSW Government's Local Infrastructure Renewal Scheme (LIRS) which provides an opportunity for Council to apply for an interest subsidy of 4%. The airport runway upgrade appears to meet the criteria of the scheme and Council is in a position to meet the short timeframes for the application.

The proposed loan funds to be subsidised by the LIRS must be negotiated and obtained directly from a third party lender.

If approved, the works to be loan funded must be commenced within 12 months of signing the LIRS agreement. The proposed loan would be taken out over a maximum term of ten years as required by the LIRS guidelines.

As Council finalises its Asset Management Plans and Long Term Financial Plan over the coming months, Council may be in a position to consider further applications for subsidised loans under the LIRS in future rounds of this scheme.

Implementation Date / Priority:

If approved it is anticipated that loan funds would be drawn down after July 2012 with the upgrade works commencing within 12 months of this draw down.

Cont'd

Recommendation:

- 1. That Council approves the raising of a loan to fund the Coffs Harbour Regional Airport Runway upgrade estimated to cost \$5 million, to be repaid by funds generated from the airport.**
- 2. That Council gives approval to apply for an interest subsidy under the NSW Government's Local Infrastructure Renewal Scheme (LIRS) in respect of the loan for the airport runway resurfacing project.**
- 3. Offers for an estimated loan of \$5 million be sought from appropriate lending institutions.**
- 4. Delegated authority be given to the General Manager to accept the most suitable loan offer.**
- 5. The Mayor and General Manager be authorised to execute all documents associated with the loan under Common Seal of Council.**

Attachments:



NSW LOCAL INFRASTRUCTURE RENEWAL SCHEME

GUIDELINES



January 2012

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Premier & Cabinet
Division of Local Government

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1. Introduction

On 26 March 2007, the Local Government and Planning Ministers' Council endorsed the National Frameworks for Local Government Financial Sustainability. The National Frameworks address three key areas:

- asset planning and management;
- financial planning and reporting; and
- criteria for assessing financial sustainability.

The National Frameworks promote prudent, transparent and accountable financial management by local governments. They also seek to encourage a strategic approach by local government to meet current and emerging challenges.

The National Frameworks have informed the development of the asset management and long-term financial planning components of the Integrated Planning and Reporting (IP&R) framework, which was introduced in October 2009. The IP&R framework has been developed to improve local councils' long term community planning and asset management, as well as to streamline reporting to the community. It aims to improve the sustainability of local communities by encouraging councils, residents, NSW Government agencies and other community organisations to work together on long-term plans to achieve community outcomes.

The NSW Government has recognised that investment in infrastructure is needed across NSW, and as part of its *NSW 2021 State Plan*, the Government has committed to increase expenditure on critical infrastructure.

To achieve this, the NSW Government has committed to implementing a Local Infrastructure Backlog Policy which comprises the following elements:

- An audit of each council's local infrastructure backlog to provide better information on investment needs, which is being undertaken by the Division of Local Government (DLG);
- A Local Infrastructure Renewal Scheme (LIRS) to provide the opportunity for councils to access interest subsidies for the purpose of funding legitimate infrastructure backlogs; and
- Setting up a system for financial assessment and benchmarking of councils' finances including gearing levels and investment strategies.

The infrastructure backlog audit will be based on councils' 10-year Asset Management Plans (AMPs) prepared under the IP&R framework and data included in councils' annual financial reports. The audit is being undertaken in stages during 2011 to 2014.

The LIRS will provide support for projects/programs that commence over three years from 2011/12. By 2012/13 all councils are required to have completed their 10 year AMPs under the IP&R framework, and will have been able to undertake the necessary project/program preparation for negotiating loans for which they intend to seek interest subsidies under the LIRS.

2. What is the Local Infrastructure Renewal Scheme?

The LIRS aims to provide a 4% interest subsidy to assist those councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

The LIRS is being administered by the DLG.

It is anticipated that there will be two to three rounds of applications for LIRS assistance commencing with a first round in 2011/12. The final round of applications will commence no later than 2013/14, to enable loan drawdown by 30 June 2015.

All loans subsidised by the LIRS must have a loan term not exceeding ten years (irrespective of starting date of the loan agreement), and will be subject to specific conditions of LIRS support (see section 6).

This document provides guidance for LIRS applicants on:

- eligibility requirements and assessment criteria for evaluating applications;
- the process for submission of applications and the information required;
- conditions under which LIRS support will be provided to successful applicants; and
- contact details and other miscellaneous information which may be useful to applicants.

3. Eligibility Requirements

3.1 Who can apply?

Any local council in NSW which meets the eligibility requirements in this section and agrees to the conditions of LIRS assistance in section 6 of this Guideline is eligible to apply.

Two or more councils who wish to apply for LIRS assistance to implement a single or group of projects/programs located across council boundaries may do so, provided that each council submits its own separate application and the required documentation in support of that application. Each council must meet the eligibility requirements, assessment criteria and accept the conditions of LIRS assistance (including each participating council contracting a separate loan to cover its share of project/program cost).

In each application round, a council may submit an application (and may be eligible to receive a LIRS subsidy) for a maximum of two separate projects/programs. In this case, each project/program will be assessed as a separate application, but the Assessment Panel will take into consideration the council's capacity to service debt on the two projects/programs.

For this reason, if a council is submitting applications for two projects/programs the council should clearly identify in each application the name and estimated cost of the two projects/programs for which council is submitting an application and council's long term financial plan must clearly identify the impact of both projects/programs on its repayment capacity and financial situation.

3.2 Eligible projects/programs

The projects/programs for which a council proposes to incur borrowings to be subsidised under the LIRS should be identified as part of council's infrastructure backlog.

Favourable consideration may be given to a project/program which is identified in the council's 10 year AMPs prepared under the IP&R framework, although inclusion in an AMP will not be an essential criterion for assessing the application.

Councils who have not completed the IP&R process, but who wish to apply for LIRS assistance, may do so provided that their application meets the eligibility requirements and essential criteria.

The borrowing to be subsidised under the LIRS should be incurred for the purpose of funding specific new works, upgrades, or renewal of infrastructure of the council that meets a core purpose of local government and is intended for community use – e.g. roads, community halls, libraries, parks, sports grounds (subject to the exclusions listed below).

Some types of infrastructure projects/programs will not be eligible for LIRS assistance. For example:

- Projects/programs which do not provide assets to meet an infrastructure backlog in a core service delivery area of local government responsibility to the community (e.g. council premises).
- Projects/programs which largely result in commercial profits to private parties (e.g. construction of a retail shopping centre).
- Information and Communications Technology (ICT) (e.g. purchase of computers for council offices). However, ICT that is to be purchased as an integral part of an infrastructure system to address an infrastructure backlog may qualify (e.g. computer monitoring systems for a dam or a local road network).
- Infrastructure works already in progress as at the date of publication of these Guidelines, including those funded by existing debt.

Projects/programs which are for private benefit and which will cover costs through a revenue stream (e.g. an auditorium or entertainment centre to be funded through fully costed user charges) may be considered, provided that all of the following conditions are met:

- (a) community benefit rather than exclusive private commercial profit is the overriding objective of the project/program;
- (b) the project/program is a component of a larger construction program of other facilities that comply with the eligibility requirements in this section, and the wider program is to be funded by the proposed borrowing;
- (c) the project/program has previously been subject to community consultation as part of the development approvals process and/or the implementation process for the IP&R framework; and
- (d) project/program documentation and preparation is sufficiently advanced to enable the merits of it to be assessed and ranked against other proposals in accordance with the assessment criteria.

3.3 Minimum cost of projects/programs

Preference will be given to projects/programs or groups of projects/programs with a total cost of at least \$1 million.

This amount may comprise, for example:

- a single project/program (e.g. a park, a library, a single road segment);
- a group of different but related projects (e.g. redevelopment of community facilities clustered in a single location);
- a group of projects of a similar nature that can be packaged as a single program (e.g. small road projects in different sites within the local government area which require major periodic renewal).

For small councils, projects/programs with a total cost of less than \$1 million may still be considered on a case-by-case basis, provided they comply with other eligibility requirements and the essential and desirable assessment criteria.

The \$1 million minimum on a project/program may be equal to or greater than the proposed loan amount, depending on whether council proposes to use other funding sources (e.g. internally generated funds, grants from the Commonwealth or other parties).

3.4 Acceptance of LIRS funding conditions

Successful applicants will be required to enter a LIRS agreement with the NSW Government and in doing so will have to accept the conditions set out in section 6.

4. Essential Criteria

4.1 Project/program is for legitimate infrastructure backlog works

It is important that the Council explains where the project/program ranks in relation to its other infrastructure backlog priorities and provides evidence demonstrating that the proposed backlog infrastructure project/program will directly meet service needs in the local government area. For instance, reference should be made to strategic planning or development approval documents, documents prepared for the IP&R framework, profiles and projections of economic activities in the area and how the project/program will deliver services consistent with council's plans.

This should include Council's condition assessment of the assets included in the proposed infrastructure backlog project/program. Asset management planning and asset condition assessments should be completed consistent with the requirements set out in section 3.4 of the *Planning and Reporting Manual for local government in NSW 2010*.

To assist in determining whether projects/programs meet this criterion, the Assessment Panel may consult with other agencies (e.g., Department of Planning and Infrastructure; Department of Trade, Industry and Regional Infrastructure Services, Department of Finance and Services) or other parties as required.

4.2 Accelerated infrastructure investment

Council must demonstrate how the LIRS subsidy will accelerate the provision of infrastructure in their area and support the council's Resourcing Strategy under the IP&R framework (where completed). Applications must show evidence that insufficient 'internal' council funds are available for the infrastructure project/program.

4.3 Project/program preparedness and delivery timeframe

It is not necessary for an applicant to have competitively tendered the project/program, or completed all detailed project/program development work, or obtained final loan financing at the closing date for applications.

However, an applicant will be expected to adequately demonstrate and document its intentions in its submissions at the application closing date, provide a realistic indication of its project/program delivery timetable, and provide evidence of indicative terms of the loan proposed to be subsidised. An applicant should be able to demonstrate that it has the necessary resources, project/program management expertise and administrative capacity to deliver the project/program and maintain the asset once it is complete.

4.3.1 Project/program preparedness

Support will only be provided to subsidise borrowings for projects/programs that are in a reasonably advanced stage of preparation. For example, applicants may wish to provide evidence:

- that appropriate project/program preparation (e.g. project/program cost-benefit analysis, project/program scoping, options studies, design and other relevant work) has been or is being undertaken;
- that the LIRS subsidy will help to accelerate the delivery of the infrastructure project/program;
- of council's procurement strategy for the project/program;
- from the detailed business case documentation prepared for the project/program; and
- that council has considered other relevant factors affecting project/program preparedness, and is doing the necessary work to address these.

4.3.2 Project/program commencement

Applicants must provide evidence that project/program construction will commence within 12 months after the date of signing of the LIRS Agreement. It may be possible to extend this deadline by another six months, but only upon council demonstrating due cause and meeting certain other conditions (see section 13.1).

The project/program timetable must nominate the approximate target month and year of project/program commencement. 'Project/program commencement' will be defined with specific reference to commitments in the construction contract between the council and the contractor, or the typical definition of this term in most construction contracts. Courses of action in the event of failure to meet the 12-month deadline will be specified in the LIRS Agreement (see section 11).

4.3.3 Project/program completion

Applicants must provide evidence that the project/program construction is expected to be completed in accordance with the construction timetable submitted with the application, subject to allowance in the timetable for reasonable grace or cure periods.

The project/program timetable must nominate the approximate target month and year of project/program completion. 'Project/program completion' will be defined with specific reference to the construction contract between the council and the contractor, or the typical definition of this term in most construction contracts.

It is expected that projects/programs supported by the LIRS will not require multiple staging. However, where the applicant intends to fund a multi-stage program, the stage that is funded by the LIRS must:

- (a) have a clear completion date for an identifiable infrastructure asset that can start being used by the community once construction is completed;
- (b) have a nominated completion date that is within the period of loan repayment; and
- (c) meet the conditions for LIRS support in section 6.

4.3.4 Project/program finance

Information regarding the availability of internal council funds (e.g. from future general rates income or special rate variations) for the project/program may be taken into account in the assessment of applications.

For example, applicants may wish to provide:

- initial (pre-tender) project/program cost estimates;
- copies of relevant council decisions to implement the project/program and fund it with borrowings;
- the quality of available cost estimates (e.g. the assumptions and basis for the estimate, whether it is reliable and reasonable, extent of quantity surveying and engineering cost estimation work completed);
- if available, the results of preliminary cost-benefit analysis and financial appraisal work undertaken – e.g. projected cash flows, financing assumptions such as indicative loan size and loan repayments; and
- other relevant information, including from any business case prepared for the project/program.

4.4 Commitment to delivering affordable and sustainable infrastructure projects/programs

Council must submit its relevant Asset Management Plan and its Long Term Financial Plan with the proposed project/program resourcing commitments clearly identified as evidence of the affordability of the loan.

The Division's Integrated Planning and Reporting Manual and Long-Term Financial Planning Guidelines set out the requirements for the development of a Long-Term Financial Plan that will provide evidence that the proposed infrastructure investment is affordable and sustainable.

Councils should use the guidance provided on performance measures, modelling and the use of sensitivity analysis to make clear in their application that the proposed projects/programs will not impact negatively on council's long-term sustainability.

Note: The TCorp Financial Assessment and Benchmarking Report for each council will be submitted to the Assessment Panel to inform their assessment of the application.

5. Desirable Criteria

5.1 Consistent with State and Regional planning

Council should identify whether a project/program is consistent with State Government State and Regional planning and/or integrated with State Government infrastructure projects. Where successful service delivery depends on integration of the asset with State infrastructure, proof should be provided that the necessary State infrastructure is already available. For example, priority may be given to local road works that feed into a regional network if there is sufficient capacity in the regional network.

5.2 Duration of loan

Generally, greater financial risks tend to be associated with longer loan terms. Depending on outcomes, take-up and loan terms of projects/programs in the first round of applications, the Assessment Panel may give higher priority to projects/programs having shorter loan terms.

6. Conditions of LIRS Assistance

6.1 Financial assessment and benchmarking by TCorp

Applications that satisfy the eligibility and essential criteria in the Guidelines will be subject to a NSW Treasury Corporation (TCorp) financial assessment and benchmarking. (Attachment 1 provides a sample of the contents of the TCorp Financial Assessment and Benchmarking Report).

The purpose of the assessment is to assist councils' asset acquisition and investment management strategies, including providing advice on their capacity to utilise debt when appropriate.

The external financial assessment is intended to be a general review of the applicant's overall finances and financial prospects, but not a review of the acceptability or viability of the specific project/program that is the subject of the LIRS application – this is a matter for council to determine.

However, the financial assessment can advise whether the council has the capacity to borrow in order to meet its infrastructure backlog, and should be used to confirm the impact of any proposed borrowings on the council's finances.

The financial assessment report will be available to the council for its own general financial planning purposes. However, the independent financial assessment is not a credit rating report.

The due diligence or investigations required to assess an applicant's capacity to repay the specific loan will remain the responsibility of the lender.

Where a proposed project/program is to be jointly implemented by two or more councils, a separate financial assessment and benchmarking will be done for each participating council.

6.2 Loan to be subsidised must be obtained from a third party lender

Council's loan that is to be subsidised by the LIRS must be negotiated and obtained directly from a third party lender. As evidence of this, the application must include, at the minimum, an indicative Bank Term Sheet from the lender as at the application closing date.

During the evaluation period (i.e. between the application closing date and the date that is 14 days prior to the date of announcement of successful applicants by the Assessment Panel), a council will be expected to provide an updated Bank Term Sheet which is as close to final as possible, and Excel spreadsheets showing projected cash flows which provide sufficient information on which to estimate the LIRS subsidy.

The required information will include:

- (a) the amount and term of the loan;
- (b) a repayment schedule showing loan drawdown dates and amounts of principal and interest payments over the life of the loan; and closing balances at the end of each repayment period; and
- (c) other relevant loan arrangements (e.g. capitalisation of interest at intervals over the life of the loan; any fees to be included in the principal etc).

This updated Bank Term Sheet will be appended to, and will form part of, the LIRS Agreement between council and the NSW Government.

6.3 No NSW Government guarantee

The NSW Government will not guarantee any part of borrowings or other financial obligations of councils who access support under the LIRS. The NSW Government will not:

- (a) be party to any council discussions or negotiations with prospective providers of finance;
- (b) endorse any finance agreement that a council may enter into with its lender/s; or
- (c) be a party to the loan agreement.

Financial assessment and benchmarking by TCorp, or any formal or informal consultations by the NSW Government regarding debt facilities or any other financial arrangements of lenders with councils, do not constitute an implicit or explicit NSW Government guarantee on councils' financial or non-financial obligations incurred under the LIRS, or on the projects/programs proposed by councils to be subsidised by the LIRS.

6.4 DLG legislative requirements

Councils are required to comply with any legislative requirements that may apply to a project/program. For example if a proposed project/program meets the criteria for a Capital Expenditure Review, then council must meet the requirements which are set out in DLG Circular to Councils 10/34.

6.5 One LIRS contribution only

Applicants will be eligible for one subsidy contribution per project/program. However, a council may submit an application (and may be eligible to receive a LIRS subsidy) for a maximum of two separate projects/programs in each application round. Each project/program should be lodged as a separate application which will be separately assessed. For purposes of determining the maximum number of projects/program for which any council is eligible for a subsidy, a project/program to be implemented by two or more councils will count as a single project/program for each participating council.

6.6 Allowable purpose and allowable expenses

The LIRS interest subsidy will be made available only for the specific purpose of offsetting the interest cost for loans from third party lenders for the allowable purposes.

Refinancing of existing loans (as at the date of public release of this Guideline) will not be eligible for LIRS support.

Proceeds of the loan are not to be applied towards costs of administration, travel, licensing, salaries or other activities or recurrent costs that are the responsibility of the applicant. However, a maximum of 10% of the total loan amount supported by the LIRS can be spent on specialist advice or design and permit costs (for example, engineering or planning).

Councils will be responsible for all ongoing costs and the management of assets procured with LIRS support.

6.7 Deadline for council and lender to agree on loan terms

For the first round of applications, the deadline for council and the third party lender to agree on loan terms will be set so as to be consistent with the timetable for contract close, financial close and project/program delivery, and in no case will extend beyond the project/program commencement date.

For the final LIRS application round (whose date is yet to be determined), the (unsubsidised) terms of the loan by the third party lender to the council for the purpose of financing the eligible project/program should be agreed between the council and its lender no later than 30 June 2015.

6.8 Loan duration to be no longer than 10 years

All loans subsidised by the LIRS must have a loan term no longer than ten years from the date of signing of the LIRS Agreement. In any case, all LIRS funding will terminate on or before 30 June 2025.

Loans to councils for new asset acquisition purposes would typically be expected to have a range of five to ten years, although shorter loan durations are also possible.

Due to possible financial risks associated with longer loan terms, the Government may review and adjust the maximum 10-year loan duration in succeeding LIRS application rounds, depending on outcomes and take-up in the first round. However, this will not affect LIRS subsidy agreements previously signed in the first round.

6.9 LIRS subsidy to be fixed at commencement of LIRS agreement

The NSW Government will provide an interest subsidy on the loans contracted by successful applicants with their lender. The dollar amount of the subsidy for a given project/program will be fixed in the LIRS Agreement and will be calculated based on:

- (a) the rate of LIRS subsidy; and
- (b) the loan amount and term of each application as contained in the updated Bank Term Sheet that is made available by council to the DLG 14 days before the date that successful applicants are to be announced.

There will be no adjustment to this subsidy amount over the life of the LIRS Agreement, except as provided in the terms of that Agreement (e.g. in relation to events of default and other triggers in the Loan Agreement between the council and the lender, unusual circumstances or variations permitted by the Agreement).

The NSW Government's liability will be limited solely to the amount of the interest subsidy that is specified in the LIRS Agreement with council.

6.10 Councils accept all risk apart from LIRS subsidy in LIRS agreement

Councils are to take full risk on:

- interest rate or other financial risk on any liabilities in excess of the agreed amount of the State subsidy as specified in the LIRS Agreement; on the other hand, council will retain the benefits of any upside interest rate risk between the signing of the LIRS Agreement and the final approved Loan Agreement;
- interest rate or other financial risk on any liabilities for any period exceeding the term of the loan for which the subsidy is provided under the LIRS Agreement;

- the event that a council wishes to refinance the loan (beyond the period of the original loan term for which LIRS support was provided), all costs and financial risks associated with such refinancing, including the full interest cost of the refinancing; and
- any non-financial (e.g. construction or project management or contractual) risks that result in the project/program being delayed and/or which may consequently generate unplanned financing costs or other financial risks for the project/program.

6.11 LIRS subsidy will be paid on a reimbursement basis

Once the lending institution has disbursed the proceeds of the loan to a council, the council will be expected to make (unsubsidised) interest payments directly to the lending institution in accordance with the final Loan Agreement between those two parties, which will incorporate the final approved loan terms.

The DLG will then reimburse the council for the amount of the subsidy and at the frequencies included in the LIRS Agreement, provided no events of default or other unusual circumstances arise (for which separate provision will be made in the LIRS Agreement) and until the total amount of the subsidy is fully paid to the council.

6.12 Submission of final approved Loan Agreement and Bank Term Sheet

After selection as a successful applicant and signing of the LIRS Agreement, a council will be expected to negotiate and sign the final Loan Agreement with its lender ("financial close"). Once financial close is achieved, successful applicants will be required to submit a certified copy of the final Loan Agreement and final approved Bank Term Sheet.

Financial close may be expected to occur after the signing of the LIRS Agreement. Therefore, the final loan documentation will not be used for eligibility or application assessment purposes, but for post-implementation review of the LIRS, particularly after the first round. Information from the final loan documentation will also inform the implementation of any future application rounds.

Failure to submit a copy of the final approved Loan Agreement and Bank Term Sheet after financial close will be grounds for withholding payment of the LIRS subsidy until it is submitted to the DLG.

7. Pre-notification requirements

Councils who intend to lodge an application for LIRS assistance are requested to notify their interest in advance by emailing the DLG by close of business on Friday, 10 February 2012.

Note: this will not preclude other councils from applying but assist the DLG and TCorp in planning the assessment and benchmarking process. TCorp will commence the financial assessment and benchmarking for councils that notify their intention to make an application for LIRS assistance. Further information on this process will be provided to these councils.

8. Submission of Applications

The DLG will develop an application form to assist councils with preparing their application. The application form will be made available to those councils that indicate they are considering applying for a LIRS subsidy by 10 February 2012.

Applicants will need to provide the following information as part of the application:

- (a) name and address of Local Council and that council's Australian Business Number (ABN);
- (b) contact details of an authorised person from the Local Council, who will act as the nominated contact for the LIRS application and from whom more information or clarification about the application can be sought, if required;
- (c) The relevant Asset Management Plan and Long-Term Financial Plan with the proposed project/program resourcing commitments clearly identified as evidence of the affordability of the loan;
- (d) profile of the proposed project/program – including details of the nature, location, type, scale of infrastructure project/program; the target beneficiaries; whether the project/program is being done jointly with other councils;
- (e) estimates of capital cost, and comments about the content and quality of these estimates; this may include quotes from suitably qualified contractor/s or design consultants to support the project/program cost cited in the application;
- (f) estimates of project/program cost financing (including from sources other than the proposed loan, if applicable);
- (g) a project/program budget detailing costs relating to the LIRS project/program – including sources and uses of funds for the project/program and estimates of (unsubsidised) interest cost and LIRS subsidy, at least on an annual basis;
- (h) an indicative Bank Term Sheet including the amount proposed to be borrowed (if this is different from the capital cost estimates provided); interest rate; loan term; particulars of assets or other security provided by the council to cover the loan; excel spreadsheets showing the calculation of periodic interest payments (to enable calculation of LIRS subsidy payments); and any other relevant details about the proposed loan;
- (i) copies of Council Minutes showing prior council approval to proceed with the project/program or capital expenditure, and (if decided separately) to incur a loan to fund the project/program; and
- (j) all other documentation demonstrating the applicant's compliance with the eligibility requirements and essential and desirable criteria.

Note: For single projects/programs to be undertaken by multiple councils, each participating council must lodge a separate application.

9. Lodging applications

Applications must be received by close of business (5.00pm) on Friday, 30 March 2012. The application form can be emailed to lirs@dlg.nsw.gov.au (files over 5MB should not be emailed) or posted to:

Coordinator Infrastructure
Local Infrastructure Renewal Scheme
Division of Local Government
Department of Premier & Cabinet
Locked Bag 3015
Nowra NSW 2541

Applicants who need help with their application can contact the DLG Coordinator Infrastructure on phone 4428 4100 or e mail lirs@dlg.nsw.gov.au .

SUMMARY OF KEY DATES

Item	Date
Pre-notification of intention to lodge application	10 February 2012
Application closing date	30 March 2012
Announcement of successful applicants	At the earliest, late June 2012 – but may be extended if many RFCs are required. Specific date to be announced by Assessment Panel after initial review of applications received.
Signing of LIRS Agreement	Maximum 30 days after announcement of successful applicants

10. Assessment of applications

10.1 Stages of the assessment process

After the closing date, applications will be assessed in three stages:

- 1. Preliminary check upon opening of the applications and assessment by Technical Panel against the eligibility requirements and essential criteria in section 3 and 4 of this Guide.**

Applications found to be ineligible, or whose documentation is incomplete at the closing date and are deemed unlikely to be completed within the assessment period, may not be assessed.

Applications whose project/program preparation documents are incomplete at this stage but are likely to be completed within the assessment period, will be given the opportunity to complete and submit the missing documentation by no later than 14 days prior to the target date for the announcement of successful applicants.

2. Assessment Panel review

The Technical Panel will submit its assessment of applications for consideration by the Assessment Panel. The Assessment Panel will determine those applications that satisfy the eligibility requirements and essential criteria. These applications should then progress to the TCorp financial assessment and benchmarking process if that has not already been undertaken.

3. Final evaluation and ranking of applications by the Technical Panel and submission to the Assessment Panel for final decision.

Applications will be assessed and ranked against the essential and desirable criteria in sections 4 and 5 of this Guideline.

Note: Where a project/program is jointly undertaken by two or more councils, each participating council will be individually evaluated against the eligibility requirements and assessment criteria just like any other single applicant.

10.2 Requests for clarification or additional documentation

To help ensure that assessment outcomes are based on information that is as accurate and up-to-date as possible, the assessment process will include Requests for Clarification (RFCs). At any stage, the Technical Panel and/or the Assessment Panel may seek clarification about any aspect of a council's application, and will issue an RFC in writing to the applicant. This could include requests for additional documentation if there are gaps in the initial submissions.

The applicant will be expected to provide a response in writing, or a copy of any additional documentation requested by the Technical Panel or the Assessment Panel, within a specified number of days. The responses will be considered in the final evaluation and ranking of applications by the Assessment Panel.

10.3 Assessment criteria

In the first instance, the Assessment Panel will evaluate applications with reference to the essential criteria in section 4 of this Guideline. The Assessment Panel will have the option of giving more favourable consideration to applications if, in addition to meeting the essential criteria, they also meet the desirable criteria in section 5.

Budget funding allocations for the LIRS have been set over five years commencing in 2011/12. In the event that the aggregate of LIRS subsidies sought for all applications meeting the essential criteria would, if granted, result in:

- (a) all of the allocated budget funding being used up in the first round of applications, or
- (b) total LIRS subsidy funding requirements exceeding the total five-year budget allocation,

then the Assessment Panel will do a second review of applications that initially met the essential criteria based on systematic application of the desirable criteria, to further refine the ranking of these applications.

In any application round, after applying the essential and desirable criteria, the Assessment Panel may repeat its review of applications as many times as necessary, based on other prioritisation criteria or processes (e.g. awarding only partial subsidies, or setting pre-conditions before some applicants can access the subsidy). The Assessment Panel will ensure that these additional criteria and processes are appropriately documented and communicated to applicants.

10.4 Outcomes of the Assessment process

The target date for announcement of successful applicants by the Assessment Panel will be determined after the Technical Panel assessment has commenced and the Assessment Panel is able to form a clearer view on the quantity and quality of applications received.

At the earliest, it may be possible for successful applicants to be announced three months after the application close date, but this may be extended should a significant number of RFCs be necessary.

Depending on scheme take-up, budget impacts, and attributes of applications received in the first round, it is possible for an application to be recommended by the Assessment Panel for consideration in later rounds. In this event, such applications will not automatically receive higher priority in the later round, and will be assessed as a new application on the same basis as all other applications received in that round.

Projects/programs selected for assistance may not receive the full requested subsidy, and LIRS assistance may be made subject to specific conditions to be determined by the Assessment Panel.

All decisions by the Assessment Panel will be final, and the Panel will not enter into negotiations or disputes with unsuccessful applicants.

10.5 Notification to applicants

After the application closing date, applicants will receive notification via email to confirm that their application has been received. Applicants may be contacted during the assessment process for further information or clarification about their application.

The Assessment Panel will announce the outcomes of the assessment process through letters to all applicants, which will provide the following information:

- (a) whether or not the application for assistance has been approved, and other possible outcomes of the assessment process including any conditions placed on the approval of the application (if applicable); and
- (b) where the Assessment Panel has applied other additional criteria or processes (apart from the essential and desirable criteria listed in this Guideline) in order to ration available LIRS budget funding, a description of those additional criteria or processes.

Given the possible large number of applications, feedback on applications may not be given to individual councils apart from the final notification to successful and unsuccessful applicants. A list of successful applicants and project/program summaries will be published on a LIRS webpage on the DLG website.

11. LIRS agreement

Successful applicants will be required to sign a LIRS Agreement with the NSW Government, stipulating obligations of the applicant and the conditions under which LIRS assistance is given.

These terms are summarised in section 6 of this Guideline. Where a proposed project/program is to be implemented by two or more councils, each participating council will sign a LIRS Agreement for its own loan. In these cases the LIRS Agreement may contain clauses uniquely tailored to the particular joint project/program arrangements.

The LIRS Agreement will also contain provisions regarding other matters, including (but not limited to) events of default, early repayments, monitoring and reporting requirements, and miscellaneous provisions. Other clauses in the Agreement will include:

- Confidentiality - The DLG use the information supplied to assess an application for LIRS assistance. Information on funded projects/programs may be used for promotional purposes. Subject to the provisions of the Government Information (Public Access) Act 2009, the DLG will endeavour to treat confidentially any sensitive personal and confidential information that is provided in an application.
- Insurances and indemnity - The applicant will be required to hold broad form public liability insurance (a minimum limit of \$20 million is expected) and, where applicable, professional indemnity insurance and workers' compensation insurance. The applicant will be required to indemnify the DLG for all losses and/or damage arising from the project/program.
- Tax liabilities - Goods and Services Tax (GST) applies to payments made under the LIRS, if the recipient is registered for GST. It is recommended that applicants seek independent legal and financial advice to determine all taxation obligations before submitting an application.

12. Timeframe for signing LIRS agreement

A successful applicant is expected to sign a LIRS Agreement within 30 days from the date that the DLG sends the Agreement to the applicant.

The 30 days allow for final clarifications between council and the Assessment Panel on the content of the Agreement. If, notwithstanding these consultations, a successful applicant fails to sign the LIRS Agreement within the deadline, the offer of LIRS assistance will automatically lapse and the budget allocation will be able to be reallocated to other projects/programs.

13. Implementation and Monitoring

Successful applicants will be required to comply with the following commitments.

13.1 Project/program commencement

Failure of a successful applicant to commence project/program construction within 12 months after the date of signing of the LIRS Agreement may result in the LIRS subsidy to that applicant being withdrawn, and the budget allocation for this subsidy being reallocated to other projects/programs. (See section 4.3.2 for a definition of 'project/program commencement'.) If construction does not commence within this deadline, the applicant will be placed on notice and requested to explain the reasons for the delay.

An extension over the 12-month limit of no more than six (6) months will be possible, but only upon council:

- (a) demonstrating due cause;
- (b) providing evidence that council is taking specific measures to remedy the delay; and
- (c) submitting an amended project/program delivery schedule to the satisfaction of the Assessment Panel.

The maximum 18-month limit on project/program commencement is to avoid the 'banking' of successful applications for indefinite periods, and to help ensure timely and efficient take-up of LIRS funding as provided for in the NSW Budget.

13.2 Variations in project/program design, timetable or deliverables

Should successful councils wish to vary the proposed design, scope, timetable or deliverables of the project/program after the LIRS Agreement has been signed, those councils will be required to provide details of these changes in writing to the Assessment Panel – if possible even before the project/program changes have been approved and/or implemented.

This requirement will apply, whether or not these project/program variations substantially alter the LIRS subsidy payment schedule.

Should the project/program changes result in significant changes to any of the major loan parameters, with consequent changes to scheduled interest payments by council and LIRS interest subsidy payments by the NSW Government, the council will be required to submit the following to the Assessment Panel:

- (a) details of the specific project/program changes and any detailed revisions in project/program delivery timetable;
- (b) amended project/program cash flows and amended financial modelling spreadsheets; and
- (c) evidence that the council still has the capacity to manage the revised project/program, particularly if the revisions entail expansion in project/program scope or complexity.

13.3 Periodic reporting

Financial and non-financial reporting requirements will be detailed in the LIRS Agreement. During the construction stage of the project/program, councils will be required to provide quarterly reports on project/program status and financial flows (expenditure and funding sources, e.g. drawdowns on the LIRS-subsidised loan).

Statements of Expenditure on the project/program will be part of the project's/program's monitoring and reporting requirements and may be subject to audit.

Reports on loan drawdowns and interest and principal repayments will continue to be required over the life of the loan in line with the LIRS Agreement.

13.4 Project/program completion

On completion of the project/program, a council will be required to submit to the DLG a Final Report which should include:

- (a) evidence of project/program completion (as defined in section 4.3.3);
- (b) a Statement of Expenditure which includes amounts actually spent on the project/program; the final amount of borrowing incurred, the total interest expense actually paid by the council, and the total amount of LIRS subsidy received by the council; and
- (c) an Acquittal Certificate which must be signed by the General Manager and the responsible accounting officer.

14. Future rounds

The Government will review the cost and LIRS program outcomes of the first round of applications, and may make adjustments in future rounds. The Government's decisions regarding the operation and funding of subsequent rounds will be made in the context of decisions for the annual State Budget for each of the years 2012/13 to 2014/15.

The Assessment Panel and the DLG will ensure that the assessment process is conducted so as to ensure that:

- (a) successful determinations in the first round are limited, if that is necessary to ensure that some of the funding provided for the scheme is available for subsequent rounds;
- (b) no one council receives an excessive share of the scheme's total funding; and
- (c) LIRS subsidy expenditure remains within budget funding limits over the forward estimates period.

In the event of any amendments to scheme design authorised by the Government between application rounds, the changes are to be publicly announced to councils in the form of addenda to this Guideline for Applicants. Any amendments will apply to future application rounds, and will not apply to LIRS Agreements previously signed.

ATTACHMENT 1

Draft Outline – NSW Treasury Corporation - Financial Assessment and Benchmarking Report

Financial Assessment and Benchmarking Report

Name of Council

Section 1: Executive Summary

Section 2: Introduction

- 2.1 Purpose of Report
- 2.2 Background
- 2.3 LIRS Application

Section 3: Review of Financial Performance (audited financial statements)

- 3.1 Operating Results
- 3.2 Financial Management
- 3.3 Capital Expenditure
- 3.4 Risks

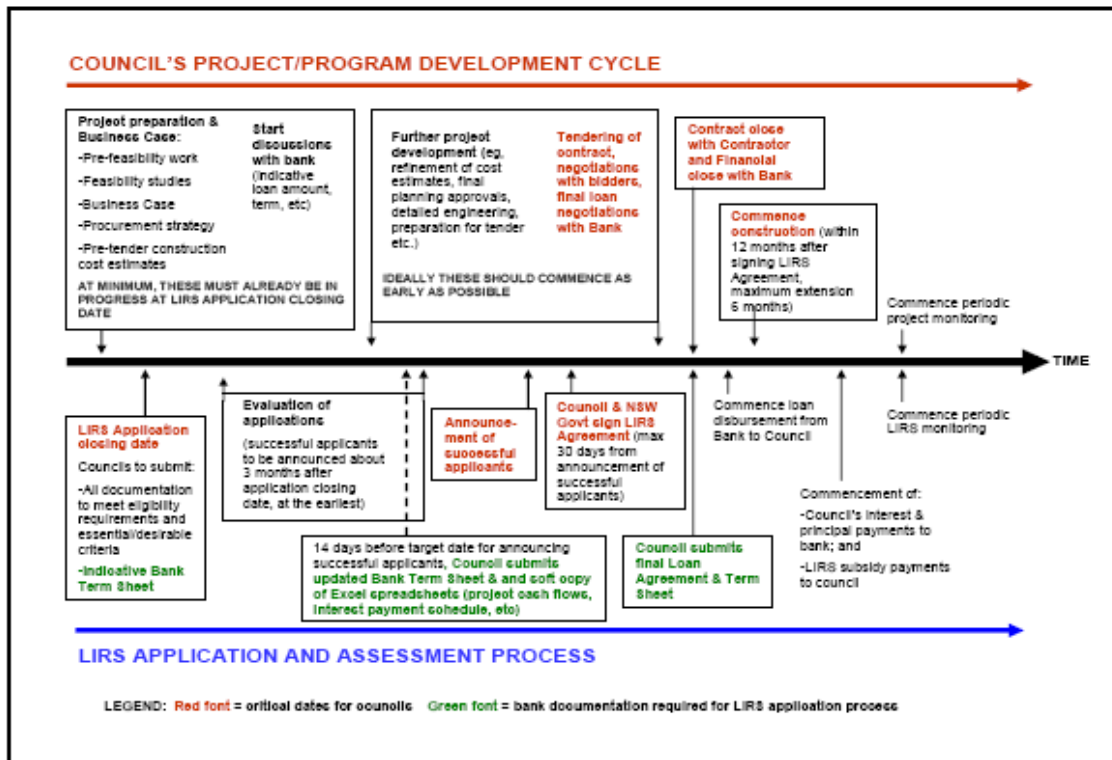
Section 4: Review of Financial Forecasts (IP&R documents)

- 4.1 Operating Results
- 4.2 Financial Management
- 4.3 Capital Expenditure
- 4.4 Risks
- 4.5 Scenario Analysis
- 4.6 Borrowing Capacity

Section 5: Benchmarking and Comparisons with other similar councils

Section 6: Conclusion

ATTACHMENT 2 - Indicative Project/Program and LIRS Funding Timeline



Purpose:

To present to Council recommendations in relation to the next steps for the Coffs Harbour Jetty Foreshore Project.

Description of Item:

As Council is aware, there has been an internal working group working on the development of the Jetty Foreshore for the past 12 months. Council has also been working closely with Crown Lands for the same purpose.

The internal working group was responsible for the development of the short term program that was presented to Council on 14 April 2011 which saw funding of \$1.1 million being injected into the area. The upgrade works from that funding are nearing completion with the majority of the works completed prior to Christmas and having been enjoyed by many locals and visitors over the Christmas and New Year holiday period.

Part of the project has also been looking at the long term aspects of the potential development of the area. In looking at the long term, Council has worked closely with local Crown Land's representatives. This was highlighted to Council on 12 October 2011, with a briefing jointly presented by representatives of Crown Land and Council staff. That briefing outlined some of the history of the project, how it links to Council's 2030 Community Vision, previous planning documents including Harbour Project Concept Summaries, the Development Control Plan, the Jetty Foreshore Plan of Management, etc. This long term project has a challenge to build on this previous planning work to strengthen community support for positive change and attract appropriate development that will optimise the economic, social and environmental benefits for the whole community.

A project framework has been established that looks at the scope of the project, risk management, budgeting, a communications strategy, project management and control.

The Australian Rail Track Corporation (ARTC) lands are a critical part of the long term project. The General Manager and Mr Richard Hensworth, the Director of Strategic Policy & Projects with Crown Lands, met with Paul Purcell, Manager of Property Services with the ARTC, to discuss long term views for the area. A positive dialogue has commenced between the three parties in relation to the inclusion of the ARTC lands in any longer term planning for the Foreshores.

Council staff also arranged for a sharing of information with representatives of the Gosford Council and those who were involved in the project known as the 'Gosford Challenge'. One element of that project (The Landing) was some land in the project that is similar to the Foreshores' development here in Coffs Harbour. Representatives of the Gosford team came to Coffs Harbour and spent two days meeting with the project team looking at the site, providing examples of their processes, etc. There was much to be learned from the Gosford experience and it has been integrated into the work that has been undertaken to date.

To take this forward it is critical that Council enters into a Memorandum of Understanding (MOU) with Crown Lands so that the project can be seen as a joint initiative, with Council taking a high profile and active part in leading the process. The project team has now developed a Draft MOU which is attached for consideration of Council.

Cont'd

For the community to continue to be engaged, it is important that an active engagement process is undertaken that will see the existing plans taken to another level of detail. The existing plans form a strong foundation to be built on, but for further investment it is critical that the next level of detail is provided for prospective investors. For this to occur, current project planning is for an *Inquiry by Design/charrette* type process to be undertaken that will actively engage the community.

Before this can proceed, it is critical that the State Government is actively informed of the project and its significance to the region at its highest levels. It is critical that the Minister for Primary Industries (covering Crown Lands), Katrina Hodgkinson, be briefed on the project. It is also considered important that other ministers with relevant portfolios be briefed. These include the Minister for Regional Infrastructure and Services and Deputy Premier, Andrew Stoner, the Minister for the North Coast and Minister for Local Government, Don Page, Minister for Tourism, Major Events, Hospitality and Racing, George Souris, and our Local Member, Andrew Fraser.

It is proposed that Council write to the Minister for Primary Industries seeking the opportunity to brief her on the project and asking that she invite the other relevant ministers to that briefing so that they can all be informed of the project. The briefing would outline the project and the steps going forward in relation to the signing of an MOU, the development and finalisation of the project plan and undertaking the project with a view of being in a position to have finalised plans for the area that could then go to market.

Sustainability Assessment:

- **Environment**

The project initially is simply to develop plans to the next level of detail. Any sustainability issues will be addressed in future development applications. Current planning controls including the LEP (Land and Environment Plan), DCP (Development Control Plan) and Plan of Management all address required environmental sustainability matters within their planning structures.

- **Social**

The community has indicated very clearly that the Foreshores is a high priority for upgrade and that it forms a critical social space for local residents and visitors alike. The development of the next level of detail of the planning process is critical to ensure that the social aspects of the Foreshores are maintained and enhanced into the future.

- **Civic Leadership**

This proposal works towards achieving the outcomes identified within the Coffs Harbour 2030 Community Strategic Plan and is directly connected to the themes 'Places for Living' and 'Looking after Our Community'.

Relevant strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Create facilities and services that allow the community to reach its full development potential;
- Develop inclusive community, sporting and recreational activities;
- Promote healthy living;

Cont'd

- Encourage the provision of facilities, services and resources which attract and support young people;
- Provide opportunities for all, including the Aboriginal community, to contribute to the local economy.
- Create community structures which capitalise on intergenerational knowledge, experience and capacity.
- Create opportunities for enhancement of the community's sense of well being.

- **Economic**

Broader Economic Implications

The Foreshores has great potential to attract a range of visitors and has quite broad economic implications for the entire city and the region. However to realise this potential public and private investment of in excess of \$100 million will be required. The development of the planning for the area to the next level of detail will encourage that level of investment.

Delivery Program/Operational Plan Implications

Council has already committed \$30,000 towards this planning project. The ongoing development of the Foreshores is in the Council's Delivery Program.

Consultation:

Consultation has continued to occur between the internal working group, Crown Lands and ARTC. As highlighted in the 14 April 2011 report, a survey conducted by the *Coffs Coast Advocate* clearly indicates high support from the community for such works. The survey indicated that 88.8% of the people supported the redevelopment of the Coffs Harbour Marina precinct and 81% supported the beautification of the Jetty Foreshore.

The planned Inquiry by Design/*charrette* process will see the active engagement of the community throughout that planning process.

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.

Statutory Requirements:

The Plan of Management outlines that Council is responsible for the areas covered in the Foreshores precinct.

Issues:

There are two main issues that need to be considered. Firstly, as previously highlighted Council needs to approach the relevant ministers and it is recommended that Council write to the Minister of Primary Industries, Katrina Hodgkinson, requesting an opportunity to brief her on the project and asking her to invite the Minister for Regional Infrastructure and Services and Deputy Premier, the Minister for the North Coast and Minister for Local Government, Minister for Tourism, Major Events, Hospitality and Racing and our Local Member.

Cont'd

The second issue for consideration is that 2012 is a local government election year. One of the key items that came out of the Gosford Challenge experience was the process they undertook to have the existing Council all agree that the project would not become a political football or an item to divide the community throughout the election process. Attached is a copy of The Gosford City Centre Protocol, an agreement that was signed by all Gosford City Councillors at the time.

It is recommended that the current Coffs Harbour City Council also make this commitment. It is important for the community to understand that as a group the councillors are supportive of an inclusive process. The project as outlined has active community participation and engagement throughout and there will be a number of significant opportunities for the community to have its say and for Council to be kept informed. A suggested copy for Coffs Harbour City Council is also attached.

Recommendation:

- 1. That Council write to the Minister for Crown Lands, Katrina Hodgkinson, requesting an opportunity to brief her on the project preferably in Coffs Harbour and on site, otherwise in her offices in Sydney, at a convenient time to her within the next two months. That the Minister be requested to also invite other relevant ministers, including the Minister for Regional Development, the Minister for the North Coast, the Minister for Tourism and the Local Member for Coffs Harbour.**
- 2. That Council endorse in principle the Memorandum of Understanding and continue to develop the agreement in consultation with the Department of Primary Industries (Crown Lands) and the Minister.**
- 3. That Council endorse the concept of signing an agreement along the lines of the Gosford City Centre Protocol and that a further report come back to Council containing the final documentation for this.**

Memorandum of Understanding

Coffs Harbour Jetty
Foreshores Project

Between Coffs Harbour City Council
and NSW Lands



Department of
Primary Industries
Catchments & Lands

25 January 2012

Memorandum of Understanding

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1. Background

The need to plan for the future of the Coffs Harbour Jetty Foreshores has been recognised for a long time, resulting in a number of strategies having been proposed over the past decade. Prior to 2004 planning was focused on strong developmental proposals which were generally regarded by community as over development. Council resolved, in 2004, 'to proceed with the development of a revised Harbour Plan that would take into account the views of key stakeholders and be based on a triple bottom line outcome'.

The Harbourside Precinct was established as a study area which included the Jetty Foreshores and areas west of the railway. Council signed a Memorandum of Understanding with the Department of Lands in August 2005 and worked with them to look at the overall planning for the area. This resulted in the production of the Harbourside Project Concepts Documents, which were on exhibition from October 2006 to February 2007.

An important outcome from community consultation and feedback at the time was the design principles which were adopted by council:

- Strengthen the Harbourside Precinct's identity as an outstanding destination
- Support the function of the harbour as an international port for small vessels
- Enhance the recreational functions and amenity of the Harbourside Precinct
- Enhance the environmental quality of the Harbourside Precinct
- Establish and maintain landscape as the dominant element over built form
- Incorporate and re-affirm the Aboriginal meaning of the place
- Promote and incorporate the settlement history of the Harbourside Precinct
- Strengthen the small-scale character of the built form within the Harbourside Precinct
- Establish ecological integrity as a component of local character
- Develop the Precinct as a recognisable seaside village
- Create development opportunities which are sustainable in an environmentally, socially and financially sound way.

Following changes to State planning legislation, the Department of Lands developed a Plan of Management (PoM) for the Crown lands east of the railway line – the Jetty Foreshores Precinct which was adopted in June 2008. Subsequently Lands then invited Expressions of Interest for the design, building and operation of tourist and maritime facilities at the harbour but this was terminated because there were no viable proposals presented.

Council has continued to undertake planning work within the Jetty area. In October 2008 Council signed a Memorandum of Understanding with the Department of Planning to prepare a City Centre Plan as a joint project between Coffs Harbour City Council and the Urban Design Taskforce. This produced a Vision Document, Draft Local Environmental Plan and Development Control Plan which were adopted by Council in 2010 for the City Centre Centre, which included all lands in the Jetty Foreshores precinct to the east of the railway line.

Memorandum of Understanding

A key action of the Vision Document was to investigate ways to improve the connections between the City Centre and the Harbour. The City Centre LEP was made by the Minister for Planning and Infrastructure on 21 November 2011.

The Vision, 2011 LEP and DCP documents were designed to reflect as much as possible the planning controls contained within the Jetty Foreshores Plan of Management. During the exhibition of the draft documents in 2010, Council received a number of submissions requesting that the Jetty Foreshores and Harbourside lands to the east of the railway line be further investigated to realise their potential for recreational and tourist activities, to foster Coffs Harbour as an attractive tourist destination.

2. The Parties

The parties to this Memorandum of Understanding are:

- Coffs Harbour City Council (Council) ABN 79 126 214 487 and
- Crown Lands Division, Department of Primary Industry (Lands) ABN 33 537 762 019

3. Purpose

Coffs Harbour City Council (Council) and the Crown Lands Division of the Department of Primary Industry (Lands) have agreed to work together to prepare a Master Plan and Implementation Strategy for the Coffs Harbour Jetty Foreshores study area, in consultation with the community. The purpose of the Master Plan is to attract investment in appropriate development, optimise (sustainable) economic, social and environmental benefits and provide a catalyst for public and private investment in the harbour.

The project will build on previous planning work undertaken in recent years to generate a finer scale of detail in urban design, architecture and landscape to articulate the desired function and form of key sites that will shape the foreshores as an important place and destination in the City for the local community, visitors, and people from surrounding areas to enjoy. The details to emerge are expected to have strong community support.

The shared challenge is to:

- Build on previous planning work,
- Strengthen community support for positive change, and
- Attract appropriate development that will optimise economic, social and environmental benefits for the whole community.

The project work will be guided by a detailed Project Management Plan to be approved and implemented by the parties.

Memorandum of Understanding

4. Key Objectives

The Key Objectives are to:

1. Apply principles of best planning practice and sustainable urban design
2. Use a non-binding participatory planning process to:
 - Test and evolve current plans
 - Actively involve professionals and other interested parties
 - Maximise opportunities to achieve the best economic, social and environmental outcomes for the future management of Coffs Harbour Jetty Foreshores.
3. Incorporate the lessons from previous planning and consultation processes

5. Scope

This Project is the first stage of a four stage process, as outlined below:

1. Develop, review, refine, and test :
 - A draft Concept Plan,
 - Proposed Site Structures, and
 - Architectural and Landscape Designs
2. Incorporate the above in the Statutory Plans
3. Develop an Implementation Plan
4. Monitor and Review Implementation.

The project will focus on the central parts of the foreshores, including the Port facilities (dryland) area, as shown in **Schedule A –Project Study Area** provides an aerial photograph and a map of LEP 2011 zonings. In this way effort will be focused on the area with greatest potential to yield spade ready projects for public domain improvements and identifiable commercial sites to invite private investment.

6. Term of MOU

The Term of this MOU is two years commencing on the date of Execution, or as agreed in writing by the parties. The MOU can be renewed after this initial term, if both parties agree it is operating satisfactorily.

7. Statement of Intent

The parties agree to use their best endeavours and work together to deliver the agreed project outcomes and outputs, engage with the community through a participatory design process to further review and refine the planning for the Coffs Harbour Jetty Foreshores area, as a catalyst for appropriate, viable and sustainable, public and private investment in the revitalisation of the precinct.

Memorandum of Understanding

8. Definitions

For the purposes of this MOU, definition of certain terms will be taken to be as described below:

(As required by the parties)

9. Legislation and Compliance

The parties shall at all times comply with relevant legislation, including but not limited to:

- Crown Lands Act 1989 No. 6
- Local Government Act 1993 No. 30
- Environmental Planning and Assessment Act No. 203
- Coastal Protection Act 1979 No. 13
- NSW Coastal Policy
- State Environmental Planning Policy No. 71 – Coastal Protection

10. Policy and Planning Framework

The project will be delivered in compliance with the following policy and planning framework that is relevant to the future of the study area, including but not limited to:

- Coffs Harbour City Centre Local Environment Plan (CHCC, 2011)
- Coffs Harbour City Centre Plan – Development Control Plan (CHCC, 2011)
- Coffs Harbour Jetty Foreshores Plan of Management (Lands, June 2008)

11. Linkages with Other Government Initiatives

The project will be undertaken in consideration of the following important NSW and Australian Government initiatives, including but not limited to:

- NSW State Plan (NSW Govt., 2011 – 2021)
- NSW Regional Innovation Strategy (March 2010)
- NSW Mid North Coast Regional Business Growth Plan (August 2010)
- North Coast Regional Managers Group (NCRMG - NSW Dept Premier & Cabinet)
- North Coast Regional Plan (NCRMG – preparation in progress)
- Coffs Harbour 2030 - A Strategic Plan for the Coffs Harbour Community (2009)
- Community Vision 2030 (CHCC)
- Regional Development Australia – Mid North Coast (Australian Government)
- Mid North Coast Regional Plan 2010 – 2015 (RDA)

12. Project Management

The Project will be jointly managed by the Parties in accordance with a detailed Project Management Plan approved at General Manager level in each of the respective organisations.

13. Governance

Project roles and responsibilities are described in detail in the Project Management Plan. A description of Governance arrangements is provided in **Schedule B – Roles and Responsibilities** and summarised below:

1. The Coffs Harbour Jetty Foreshores Project (the Project) will be directed jointly by the General Manager, CHCC and the Director Strategic Policy and Projects, Lands.
2. The Project will be jointly managed on a day to day basis jointly by senior representatives of the participating organisations (namely the Director Corporate Business CHCC and the Project Manager Regional Projects Far North Coast Crown Lands Division).
3. A small Project Team will be formed and supported by Internal Working groups of each participating organisation.
4. Project participants will be drawn from the local community and will be representatives of key stakeholder groups, as identified by the Project Team.
5. An experienced and appropriately qualified consultant will be engaged to undertake the Participatory Planning and Design process.
6. A Reference Group will be formed and its role will be broadly to provide technical and specialist advice on an as-needs basis to the project. Members of the Reference Group may provide advice individually or meet on an adhoc basis. The Reference Group will report to the Project Managers.
7. An Evaluation Panel will be formed and its role will be to objectively evaluate the outputs and outcomes of the project and to identify preferred options for adoption by the Parties. The Evaluation Panel will report to the Project Directors.
8. The Project will be funded and resourced as outlined in the approved Project Budget (**Schedule C**) and any variations to that budget must be approved in writing by the Project Directors of each of the participating organisations.
9. The participating organisations may, by mutual agreement, invite other organisations to participate in the project. The involvement of other parties may require an amendment to the MOU (See Clause 25 Variations).
10. Terms of Reference (TOR) are to be prepared for each of the following groups involved in the project: Preliminary Drafts of those TOR are provided as follows:
 - The Reference Group **Schedules D**
 - The Evaluation Panel **Schedule E**

14. Implementation Strategy

Where possible, internal resources will be used to undertake this project, however for the participatory planning and design processes, suitably qualified and experienced external consultants will be engaged. Costs for external consultants will be shared equally by the parties. The commitment of internal resources will be as identified in the agreed Project Management Plan.

The reasons for engaging external consultants are:

- The parties do not possess the required skills and resources in-house
- External consultants are likely to be more objective in their approach
- The community are likely to view external consultants as independent and can develop a different relationship with stakeholders and the broader community.

15. Budget and Funding

A Project Budget will be prepared and approved by Project Directors. The Project Budget will identify both cash and in-kind contributions of each participating agency. The format of the Project Budget will be as shown in Schedule C - Preliminary Project Budget.

The cost of engaging this consultant will be shared equally by each of the participating organisations, up to a maximum limit of \$50,000 (excl. GST) each. The extent of in-kind contribution will be as agreed between the parties, and will depend on the skills and capacities of each participating agency to make project contributions.

Where appropriate the parties may jointly apply for external funding for components of the project.

16. Finance and Contractual Arrangements

Coffs Harbour City Council will administer project expenditure and will provide Tax Invoices and acquittals to each of the parties at the end of the project.

All contracts related to the project will be executed jointly by the parties as the Principals.

17. Information Technology

The Parties will make available to the Project the best available mapping and information technology services as required, with no service or license fees to be cross charged.

18. Information Exchange

The Parties will make available to the Project all relevant information in their possession, including records of previous planning and community engagement processes.

19. Confidentiality, Privacy and Information Security

Some information accessed or developed through the Project may be of a private, commercially sensitive or confidential nature. In providing and using such information the Parties agree to identify, communicate and abide by confidentiality, privacy and information security requirements of each participating organisation.

20. Community, Stakeholder and Media Communications

The form and content of all communications with community members, stakeholders and media in relation to this project shall be by agreement of the parties.

Responsibilities for these communications shall be allocated by agreement of the parties and in accordance with a documented Community, Stakeholder and Media Communications Strategy.

21. Branding

The importance of Project Branding is recognised and all Project communications will be identified by an agreed Project Brand.

22. Performance Monitoring and Review

Project Achievements and Performance shall be monitored, reviewed and reported by the parties in Project Team meeting records and reports to the Project Directors, in the form and frequency agreed by the parties.

23. Insurance and Indemnities

Each party will ensure they hold and keep current insurance cover for Worker's Compensation, Public and Product Liability, Motor Vehicle and Plan Insurances, and shall indemnify one another to the full extent of the law.

24. Not Intended to Create Legally Binding Agreement

Despite any other provisions of this MOU, this MOU is not a legally binding agreement between the parties, and is not intended to be a legally binding agreement between the parties (with the exception of **Clause 16 Finance and Contractual Arrangements**).

25. Variation

This MOU may be varied by the agreement in writing of the parties.

26. Termination

This MOU may be terminated by the agreement of the parties, communicated at or above the level of Project Director.

27. Dispute Resolution

The parties will use their best endeavours to resolve all and any disputes within 10 working days, and none of the parties will resort to legal action or the intervention of any other party to resolve any dispute, unless by agreement in writing by the parties.

Each party shall bear the whole of their own costs in the resolution of any dispute.

28. Contact Officers

Communication between the parties will be via the following organisational Contact Officers:

Council:

- Craig Milburn
- Director Corporate Business, Coffs Harbour City Council
- Cnr. Coff & Castle Streets, Locked Bag 155, Coffs Harbour, NSW, 2450
- Phone: 02 6648 4202 Fax: 02 6648 4655 Mobile: 0427 919 089
- Email: craig.milburn@chcc.nsw.gov.au

Lands:

- Phil Fogarty
- Project Manager Regional Projects Far North Coast
- Crown Lands Division, NSW Department of Primary Industries
- 36 Marina Drive, PO Box 4291; COFFS HARBOUR NSW 2450
- Ph: (02) 6691 9611, Mob: 0413 852 544, Fax: 02 6651 9975
- Email: phil.fogarty@lpma.nsw.gov.au

29. Evaluation

At the conclusion of this Project, the Evaluation Panel will undertake an evaluation of Project Implementation, Project Outputs and Outcomes, and any options recommended for adoption by the Parties. In undertaking the evaluation, the Panel will have regard to the Project Management Plan and any performance criteria or success factors identified therein. The Evaluation Panel will provide their report to the Project Directors within 1 calendar month of the completion of the Project, or otherwise by mutual agreement of the Project Directors.

On Termination of this MOU, at the conclusion of the Project or earlier, the Project Directors by mutual agreement may undertake a separate Project Evaluation.
or Termination of this MOU

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Memorandum of Understanding

30. Execution

EXECUTED as a Memorandum of Understanding

Signed for and on behalf of Lands by its duly authorised officer:

Graham Harding,
General Manager, Lands

Date / /2011

Signed for and on behalf of Coffs Harbour City Council its duly authorised officer/s:

Steve Mc Grath, General Manager,
Coffs Harbour City Council

Keith Rhoades, Mayor
Coffs Harbour City Council

Date / /2011

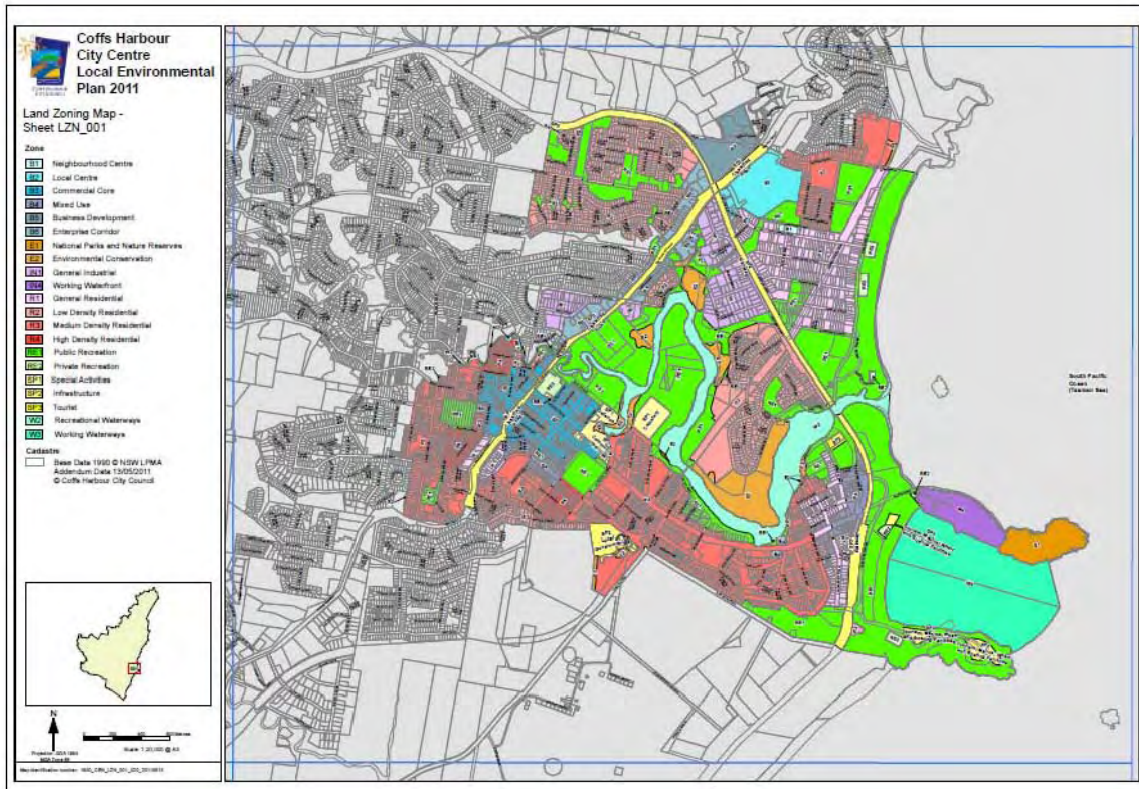
Schedule A – Project Study Area



Memorandum of Understanding

Schedule A – Project Study Area (continued)

Zoning under Coffs Harbour City Centre LEP made November 2011



Schedule B – Roles and Responsibilities

Name - Position Title & Organisation	Project Responsibility Terms of Reference	Deadline
<i>Coffs Harbour City Council</i>		TO BE AGREED
<i>NSW Department of Lands</i>		TO BE AGREED
<i>Project Co-Director</i>	Strategic Direction of the Project	TO BE AGREED
<i>Project Co-Managers</i>	Operational Management of the Project	TO BE AGREED
<i>Craig Milburn, Director Corporate Business, Coffs Harbour City Council</i>	TO BE AGREED	TO BE AGREED
<i>Phil Fogarty, Project Manager Regional Projects Far North Coast Crown Lands Division</i>	TO BE AGREED	TO BE AGREED
<i>Project Team Members</i>	Operational Support of the Project	TO BE AGREED
<i>Sharon Smith, Special Projects Manager SLEP Acting Manager Land Use Planning</i>	TO BE AGREED	TO BE AGREED
<i>Jacqui Parry, Senior Property Development Project Officer, Crown Lands Division - Coffs Harbour</i>	TO BE AGREED	TO BE AGREED
<i>Internal Working Group, Coffs Harbour City Council</i>	Technical and Professional Support of the Project TO BE AGREED	TO BE AGREED
<i>Internal Working Group, Crown Lands</i>	Technical and Professional Support of the Project TO BE AGREED	TO BE AGREED
<i>Consultants</i>	Fulfil the terms of the Consultancy Brief, manage the Enquiry by Design Process, including: <ul style="list-style-type: none"> Identify & consult stakeholders and community project participants. Prepare and issue workshop agendas, participants lists, invitations, and materials Organise and book workshop venues, catering, transport and itineraries Run the enquiry by design process Prepare the Workshop Outcomes report Prepare the Preliminary, Draft and Final Project Reports and Recommendations. 	TO BE AGREED
<i>Reference Group</i>	Provide expert advice as requested to inform the Project,	TO BE AGREED
<i>Stakeholders</i>	Provide input to the Project	TO BE AGREED
<i>Community Project Participants</i>	Participate actively in the Enquiry by Design process	TO BE AGREED
<i>Evaluation Panel</i>	Evaluate the Draft & Final Reports and success of the Project	TO BE AGREED

Schedule D – Terms of Reference – Project Reference Group

Governance - Terms of Reference
<p>Name of Organisation</p> <p>Coffs Harbour Foreshores – Enquiry by Design Project – Reference Group (the Reference Group)</p>
<p>Purpose</p> <p>The purpose of the Reference Group is to provide timely professional and technical advice, on request, to the Project Directors and the Project Managers so that they can successfully complete the Project and fulfil their legal, ethical, and functional responsibilities as outlined in the Memorandum of Understanding, Project Management Plan, Consultants Brief, and other associated Project documents.</p>
<p>Composition:</p> <p>The Reference Group is to be comprised of (number) members, broadly representative of the following categories:</p> <ol style="list-style-type: none">1. TO BE AGREED2. TO BE AGREED <p>Membership is by invitation of the Project Directors.</p>
<p>Responsibilities</p> <p>The Reference Group will have an advisory role only, and the Project Directors, Project Managers, Project Team, Consultants and Internal Working Group are responsible for effectively and efficiently discharging their project responsibilities as agreed to in the Memorandum of Understanding, Project Management Plan, Consultancy Brief and other Project documentation.</p>
<p>Accountability</p> <p>The Reference Group is accountable to the Project Director / Co-Directors for the following tasks:</p> <ol style="list-style-type: none">1. Providing quality professional and technical advice in a timely manner, on request.2.
<p>Confidentiality</p> <p>Members of the Reference Group may be asked to sign a confidentiality agreement to comply with the requirements of the participating organisation's Privacy Policy, and to protect commercial-in-confidence information.</p>
<p>Meetings:</p> <p>The Reference Group shall meet at the invitation of the Project Directors. The Reference Group will be invited to participate in the Project Inception Meeting and the Enquiry by Design Workshop, as a minimum.</p>
<p>Quorum:</p> <p>Members of the Group may meet with the Project Directors and/or the Project Managers individually or as a group. Attendance is subject to availability and no quorum will be set for these meetings.</p>
<p>Decision Making:</p> <p>The Reference Group has an advisory, and not a decision making role in relation to the Project.</p>
<p>Remuneration:</p> <p>Participation as a member of the Reference Group is voluntary and no remuneration will be paid/ sitting fees of \$ per engagement are to be paid, or other arrangements (to be specified):</p>
<p>Evaluation</p> <p>The effectiveness of the Reference Group will be evaluated by the Evaluation Panel:</p> <p>(describe the criterion and process of evaluation).</p>

Schedule E – Terms of Reference – Project Evaluation Panel

Governance - Terms of Reference
<p>Name of Organisation</p> <p>Coffs Harbour Foreshores – Enquiry by Design Project – Evaluation Panel (the Panel)</p>
<p>Purpose</p> <p>The purpose of the Panel is to evaluate the outputs and outcomes of the Project, and provide advice to the Project Directors so that they can successfully complete the Project and fulfil their legal, ethical, and functional responsibilities as outlined in the Memorandum of Understanding, Project Management Plan, Consultants Brief, and other associated Project documents.</p>
<p>Composition:</p> <p>The Panel is to be comprised of (number) members, broadly representative of the following categories:</p> <ol style="list-style-type: none">1. TO BE AGREED2. TO BE AGREED
<p>Membership is by invitation of the Project Directors.</p>
<p>Responsibilities</p> <p>The Panel will have an advisory role only, and the Project Directors, Project Managers, Project Team, Consultants and Internal Working Group are responsible for effectively and efficiently discharging their project responsibilities as agreed to in the Memorandum of Understanding, Project Management Plan, Consultancy Brief and other Project documentation.</p>
<p>Accountability</p> <p>The Panel is accountable to the Project Directors for the following tasks:</p> <ol style="list-style-type: none">1. Providing quality professional and technical advice in a timely manner, on request.2. Reviewing and evaluating the following Project outputs:<ol style="list-style-type: none">a. Enquiry by Design Workshop Reportb. Draft Project Report and Recommendations (including the Draft Concept Plan, Proposed Site Structures, and Architectural and Landscape Designs)c. Final Project Report and Recommendations (including the Draft Concept Plan, Proposed Site Structures, and Architectural and Landscape Designs)3. Reviewing and evaluating the Project outcomes and Project Implementations.4. Making recommendations to the Project Directors, as to whether or not the participating organisations should adopt the Final Project Report and Recommendations (including the Final Concept Plan, Proposed Site Structures, and Architectural and Landscape Designs), including making recommendations as to which (if any) of any options should be adopted, if options are presented.
<p>Confidentiality</p> <p>Members of the Panel may be asked to sign a confidentiality agreement to comply with the requirements of the participating organisation's Privacy Policy, and to protect commercial-in-confidence information.</p>
<p>Meetings:</p> <p>The Panel shall meet at the invitation of the Project Directors.</p>
<p>Quorum:</p> <p>Members of the Group will meet with the Project Directors and/or the Project Managers individually as a whole. A Quorum shall be a simple majority of total members of the Panel, plus one.</p>
<p>Decision Making:</p> <p>The Panel has an advisory role in relation to the Project. Recommendations shall be made by consensus, or when not able to achieve consensus, and on rare occasions, by a simple majority plus one. In the latter case, all dissenting views are to be recorded.</p>
<p>Remuneration:</p> <p>Participation as a member of the Reference Group is voluntary and no remuneration will be paid/ sitting fees of \$ per engagement are to be paid, or other arrangements (to be specified):</p>
<p>Evaluation</p> <p>The Project will be evaluated by the Panel: (describe the criterion and process of evaluation).</p>

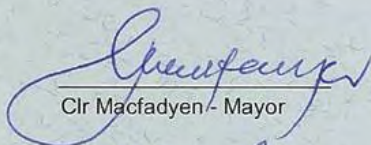
The Gosford City Centre Protocol

We, the undersigned, representing the full spectrum of political viewpoints hereby affirm our support for proceeding without delay or interference, with the process of identifying the best possible Master Plan and development pathway for the renewal of our city centre.

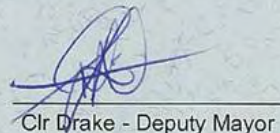
Whilst our differences may be many, and the cases we put before the electorate in relation to a wide range of political, social and community issues will be varied, on this one issue we speak with a single voice: Gosford has waited long enough for the city centre it deserves.

Quite properly this joint commitment is confined to the process itself. It can be expected (and the community would expect it of its elected representatives) that, in time, robust debate will ensue over specific elements, and the various priorities attached to different individual projects. But all Councillors, as attested to below, stand behind the professional officers of your Council as they progress with the development pathway.

We affirm this in the knowledge that residents of Gosford and environs would not wish to see this critical process unsettled or derailed by the upcoming elections. We share with residents in the view that Gosford has waited long enough.



Clr Macfadyen - Mayor

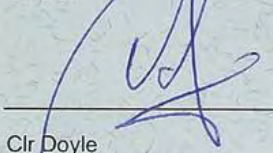


Clr Drake - Deputy Mayor

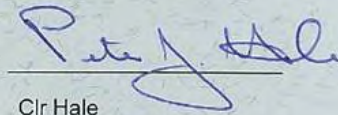


Clr Bell

Clr Brooks



Clr Doyle



Clr Hale



Clr Holstein



Clr Latella



Clr Maher



Clr Scott

Attachment 3

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Coffs Harbour Jetty Foreshores Protocol

We, the undersigned Councillors, understanding and representing the full spectrum of community views about the future of the Coffs Harbour Jetty Foreshores, hereby affirm our support for proceeding without delay or interference, in consultation with our community, and in partnership with Crown Lands, the process of identifying the best possible Master Plan and Implementation Strategy for the future of the Coffs Harbour Jetty Foreshores.

Our shared objectives in doing so are to:

- Assist the community to resolve past differences on issues related to the future of the Coffs Harbour Jetty Foreshores, and to participate positively and constructively in the new planning process
- Develop a Master Plan and Implementation Strategy that will attract investment in appropriate development in the Coffs Harbour Jetty Foreshores area that will optimise (sustainable) economic, social and environmental benefits.

Whilst our differences may be many, and the cases we put before our community in relation to a wide range of political, social, economic, financial, environmental and community issues will be varied, on this one issue we speak with a single voice: The people of Coffs Harbour City and their much valued visitors have waited long enough for the Jetty Foreshores to be developed in the most appropriate and sustainable way, optimising the benefits in the short and long term future.

Quite properly, this shared commitment is confined to this planning process itself. It can be expected (and the community would expect it of its elected representatives) that, in time, robust debate will ensue over specific elements, and the various priorities attached to components of the project. But all Councillors, as attested to below, stand behind the professional officers of Coffs Harbour City Council and the participating staff of the Crown Lands Division, of the Department of Primary Industries - Catchments and Lands, as they progress with the Coffs Harbour Jetty foreshores Master Planning and Implementation Strategy project.

We affirm this in the knowledge that the residents and ratepayers of Coffs Harbour City Council would not wish to see this critical process unsettled or derailed by the upcoming Council elections. We share with the residents and ratepayers of Coffs Harbour City Council the view that we have waited long enough.

Mayor Keith Rhoades

Deputy Mayor Denise Knight

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Councillor John Arkan

Councillor Jenny Bonfield

Councillor Rodney Degens

Councillor Mark Graham

Councillor Kerry Hines

Councillor Bill Palmer

Councillor Paul Templeton

CB12/7 MONTHLY BUDGET REVIEW FOR NOVEMBER 2011

Purpose:

To report on the estimated budget position as at 30 November 2011

Description of Item:

Estimated budget position as at 30 November 2011:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 23 June 2011	182,220 (D)	4,897,205 (D)	3,591,600 (D)
Approved Variations to 31 October 2011	(160,770) (S)	Nil	Nil
Recommended variations for November 2011	(35,256) (S)	Nil	<u>Nil</u>
Estimated result as at 30 November 2011	<u>(13,806) (S)</u>	<u>4,897,205 (D)</u>	<u>3,591,600 (D)</u>

General Account

	Deficit/ (Surplus)
Bruxner Park/ Ulidarra Eucalypt Ecotourism Project	80,000 (D)
TQUAL Grants (Tourism Quality Projects) funding of Bruxner Park/Ulidarra Eucalypt Project	(40,000) (S)
Contribution from Forest NSW for Bruxner Park/Ulidarra Eucalypt Project	(15,000) (S)
Contribution from National Parks and Wildlife Service for Bruxner Park/Ulidarra Eucalypt Project	(10,000) (S)
Internal contribution from WASIP grant funds (Non-Domestic Waste) for Bruxner Park/Ulidarra Eucalypt Project	(15,000) (S)
Additional ordinary rates income above budget forecast	(49,958) (S)
Increased pensioner expenses due to increase in rebates granted	20,000 (D)
Increased pensioner rate subsidy income relating directly to \$20k increase in rebates expense	(10,000) (S)
Increase in interest income due to increase in annual percentage rate and increase in outstanding debt levels	(17,832) (S)
Coffs Harbour Coastal Headlands Environmental Protection, Education and Ecotourism projects (CHEPEEP)	564,820 (D)
Environmental Levy Funding related to walkways used as a matching funding source for CHEPEEP projects	(110,000) (S)
Coffs Coast Regional Park Trust funds used as a matching funding source for CHEPEEP projects	(200,820) (S)
Our Living Coast grant funds used as a matching funding source for CHEPEEP projects	(254,000) (S)
Fitzroy Oval Lighting Project (funded Community Facilities Reserve) per Council Meeting 15 December 2011	42,000 (D)

Cont'd

CB12/7 Monthly Budget Review For November 2011 ...(Cont'd)

Community Facilities Reserve funding for Fitzroy Oval Lighting Project	(42,000) (S)
Revision of likely property rentals revenue	(70,000) (S)
Perform urgent asbestos assessments on Council buildings	20,000 (D)
Initiate Branding Project	15,000 (D)
Perform procurement review	6,500 (D)
Surplus Information services staff costs due to vacancies yet to be advertised plus staff on extended long service leave not backfilled	(40,000) (S)
Utilise some IT staff surpluses to extend role of strategic consultant	20,000 (D)
Contribution to NSW Fire Brigade greater than budgeted	47,634 (D)
Realign Subdivision Construction Certificate fees income to expected level of activity to end of June 2012	23,400 (D)
Total	<u>(35,256) (S)</u>

Water Account

Total **Nil**

Sewer Account

Total **Nil**

Sustainability Assessment:

This report is one of procedure only.

- **Environment**

There are no perceived short or long term environmental impacts.

- **Social**

There are no perceived short or long term social impacts.

- **Civic Leadership**

Council strives to reach a balanced budget position by June 30 each year in conjunction with meeting its short term priorities.

Cont'd

- **Economic**

Delivery Program/Operational Plan Implications

The Original budget for the General Account adopted on the 23 June 2011 provided for a deficit of \$182,220.

For substantial budget adjustments the associated Council reports have addressed the triple bottom line factors independently in 2011/12.

Consultation:

Managers and their relevant staff have been provided with electronic budget reports for each program on a monthly basis. Requested variations and variations adopted by Council have been included in the report.

Statutory Requirements:

Under local government regulations Council is required to submit a quarterly budget review to Council. Therefore Council is under no obligation to provide monthly reviews but has recommended they be completed as part of prudent financial management.

The Responsible Accounting Officer believes this report indicates the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

Recommendation:

That the budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 30 November 2011:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 23 June 2011	182,220 (D)	4,897,205 (D)	3,591,600 (D)
Approved Variations to 31 October 2011	(160,770) (S)	Nil	Nil
Recommended variations for November 2011	(35,256) (S)	Nil	Nil
Estimated result as at 30 November 2011	<u>(13,806) (S)</u>	<u>4,897,205 (D)</u>	<u>3,591,600 (D)</u>

Purpose:

To update Council on the progress of land acquisitions required at West Coffs for flood mitigation and detention basin purposes.

Description of Item:

Council, in recent years, has been attempting to acquire lands to allow for a co-ordinated response to flood mitigation by constructing a number of earth-walled detention basins in the West Coffs area. The various projects can be divided into the following localities:

1. Bakers Road Detention Basin, William Sharpe Drive, Coffs Harbour

This basin was constructed and completed some years ago on land owned and purchased by Council. Council had a contract to purchase part of the land upstream affected by the basin, however this was not able to be settled as the property owner, Prestige Properties had financial trouble and the mortgagee(s) took possession of the land and would not honour the contract.

Council subsequently attended an auction on 5 November 2011 with authority to bid for the required land being, Lot 61 DP 1122285 and Lot 120 DP 1067024 which also included some land that was not required for the detention basin and could be developed for residential purposes. Council was not successful at auction with the property passing in without the reserve price being reached.

The agent, Councillor Jenny Bonfield of First National Real Estate, who was engaged by the mortgagee has advised ongoing negotiations have occurred with a third party who is an adjoining owner and that agreement has now been reached and a sale is pending. Council's Property Section has had ongoing discussions with the likely purchaser, and are confident that a new agreement can be reached with this party to secure the land Council requires within a short timeframe in accordance with Council's previous resolution.

2. Bennetts Road Detention Basin, Coffs Harbour

Council, for more than 12 months, has been in negotiations with four property owners in this locality to purchase a combination of real property and easement rights to facilitate the construction of this basin.

These negotiations have been very difficult and slow progress has been made. On 22 September 2011, after various discussions with senior staff and the General Manager, Council wrote to the four owners with a further offer supported by independent valuations. The correspondence included a request that negotiations need to be finalised by 4 November 2011 or Council would consider compulsory acquisition. Since this date, some progress has been made with each of the owners as follows:

- a) 36 Bennetts Road, Coffs Harbour (B Mackay) – This negotiation has been making very slow progress, due predominantly to an injury to the elderly owner of the property. The owner has recently obtained his own valuation and submitted this to Council. In recent weeks Council has been attempting to arrange a meeting through his legal representative to further progress the matter.

Cont'd

CB12/8 Land Acquisition Update - Detention Basin and Flood Mitigation at West Coffs ... (Cont'd)

- b) 38 Bennetts Road, Coffs Harbour (Hay) – This negotiation has been difficult from the beginning. Mr Hay has indicated he will not dispose of the property other than in its entirety (which is far in excess of Council's requirements). Mr Hay to date has refused to obtain his own legal and valuation advice at Council's expense, which has been offered to him at various times. Please refer to the confidential attachment for further information.
- c) 395 Coramba Road, Coffs Harbour (B K Mackay) – Council has an in principle agreement with the owner to purchase an easement as required. Council is awaiting a letter from the owner's legal representative so a report can be prepared for Council.
- d) 391 Coramba Road, Coffs Harbour (Jenkins/Perry) – Council has been waiting for the property owner's legal representative to obtain an independent valuation report. The solicitor recently advised they have obtained this and will contact Council after they consult with their client.

3. Spagnolos Road Detention Basin, Coffs Harbour

The acquisition of land for this project is progressing smoothly to date. Two land parcels with separate owners are involved. The first parcel known as Lot 513 DP 47453 was purchased by Council with the matter having settled on 16 December 2011.

The other parcel known as Lot 112 DP 816131 is owned by the Department of Education. An extensive internal review of the status of the land has indicated it is surplus to the Department's requirements. A report is currently with the Minister to gain approval for the sale of the land to Council. It is anticipated that the Minister's approval should be obtained shortly. This will then allow a process of acquisition to commence which will involve the procurement of a valuation by the Department and an offer to Council. It is anticipated that if all goes smoothly, the land would be in Council ownership prior to the end of the financial year.

4. Upper Shepherds Lane Detention Basin, Coffs Harbour

The land required for this project forms part of Lot 70 DP 1104413. This land unfortunately was owned again by Prestige Properties and the land is now in the hands of the mortgagee. In March 2011, an approach was made by representatives of the mortgagee to dispose of part of the land to Council which it requires. An offer was made for the land by Council, however this has not progressed.

In October 2011, a representative of the trustee to the mortgagee again contacted Council with a valuation they had obtained. The valuation as indicated, was three times what Council believes the land to be worth. The formal valuation has not been supplied to Council to date.

This matter, given the financial implications to the mortgagee and unit holders may not be resolved quickly and may take some patience on Council's behalf.

Sustainability Assessment:

- **Environment**

There are no environmental impacts in acquiring the land.

Cont'd

**CB12/8 Land Acquisition Update - Detention Basin and Flood Mitigation at West Coffs
...(Cont'd)**

The acquisition of all basins will provide a co-ordinated and planned approach to the ongoing drainage management in Coffs Harbour.

- **Social**

There are no major social consequences as a result of the acquisitions.

- **Civic Leadership**

In line with the Coffs Harbour 2030 Plan, Council needs to take a leadership role addressing flooding and drainage issues for the betterment of the City.

- **Economic**

Broader Economic Implications

There will be minimal implications as a result of these acquisitions.

Delivery Program/Operational Plan Implications

The acquisition of the lands is to be funded by various revenue streams, including Section 94, grant money and Council revenue associated with the Flood Plan Management Programme.

Consultation:

Discussions have been ongoing with senior staff and other departmental staff, particularly from City Services.

Related Policy and / or Precedents:

Council has in the past acquired property, or property rights, upon which it has constructed public infrastructure. Legally Council needs to have rights to the land upon which it constructs infrastructure other than pipelines.

Implementation Date / Priority:

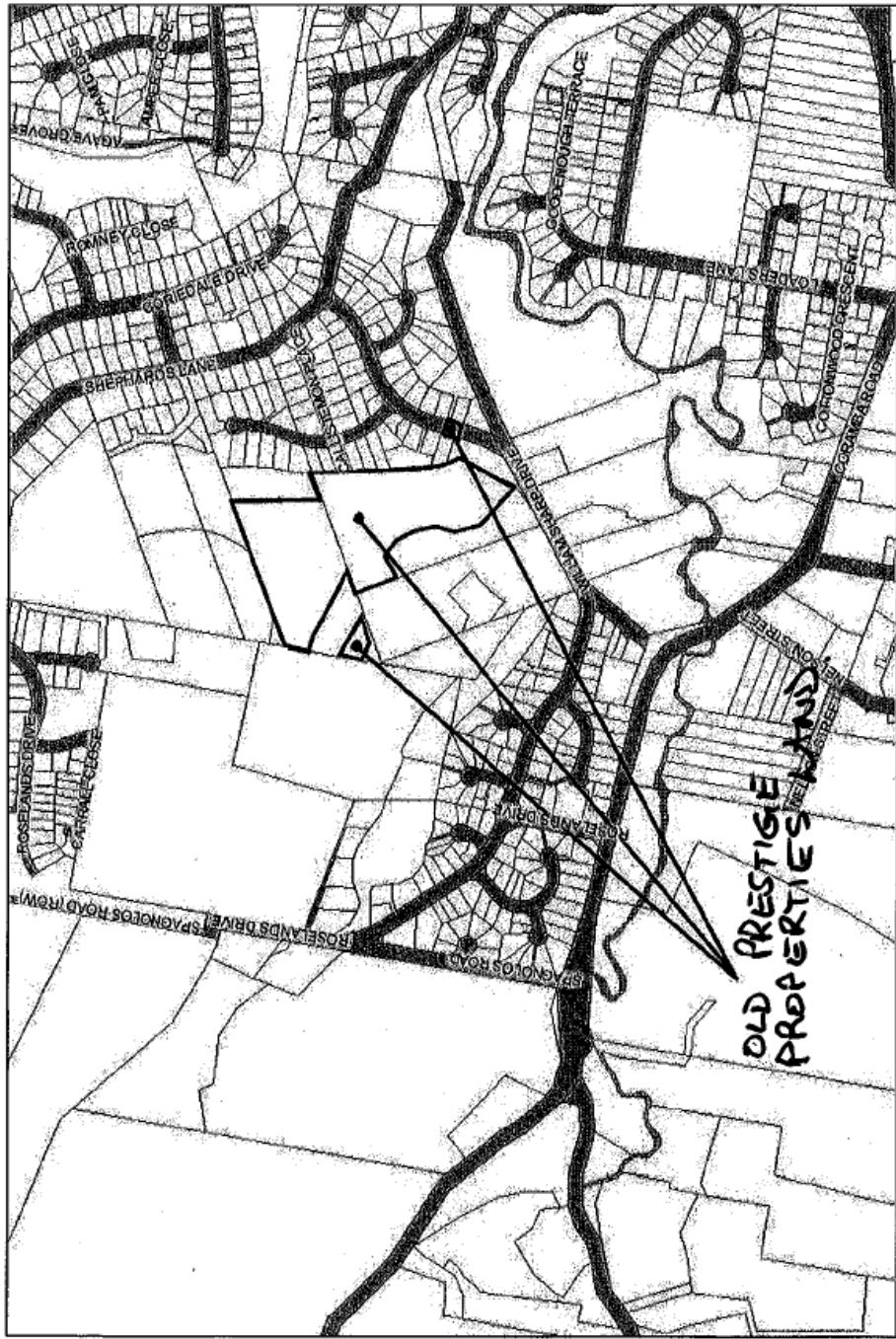
Each matter is being actively pursued subject to comments within this report.

Recommendation:

1. **That Council notes the status of land acquisition matters associated with the detention basins in the West Coffs locality.**
2. **That Mr Hay be informed that Council will not pay in excess of market value for the property known as 38 Bennetts Road, Coffs Harbour.**

①

Bakers Road Detention Basin



- Property House Numbers
- Land Parcels
- Road Names
- Roads
- Creeks
- Bedrock Extent
- State Forest
- National Parks

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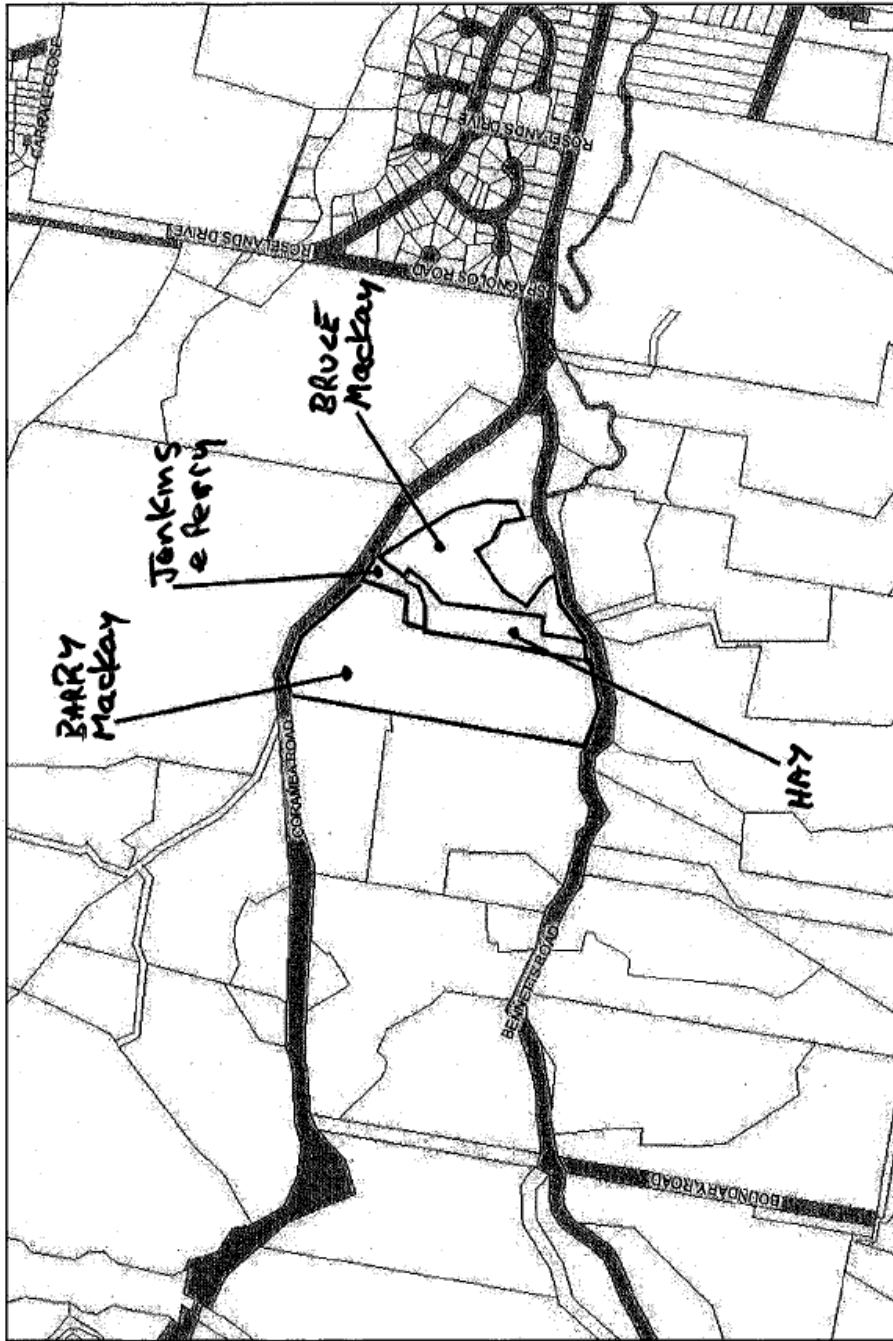
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Projected Coordinate System: GDA 1984, MGA Zone 58

2

Bennetts Road Detention Basin



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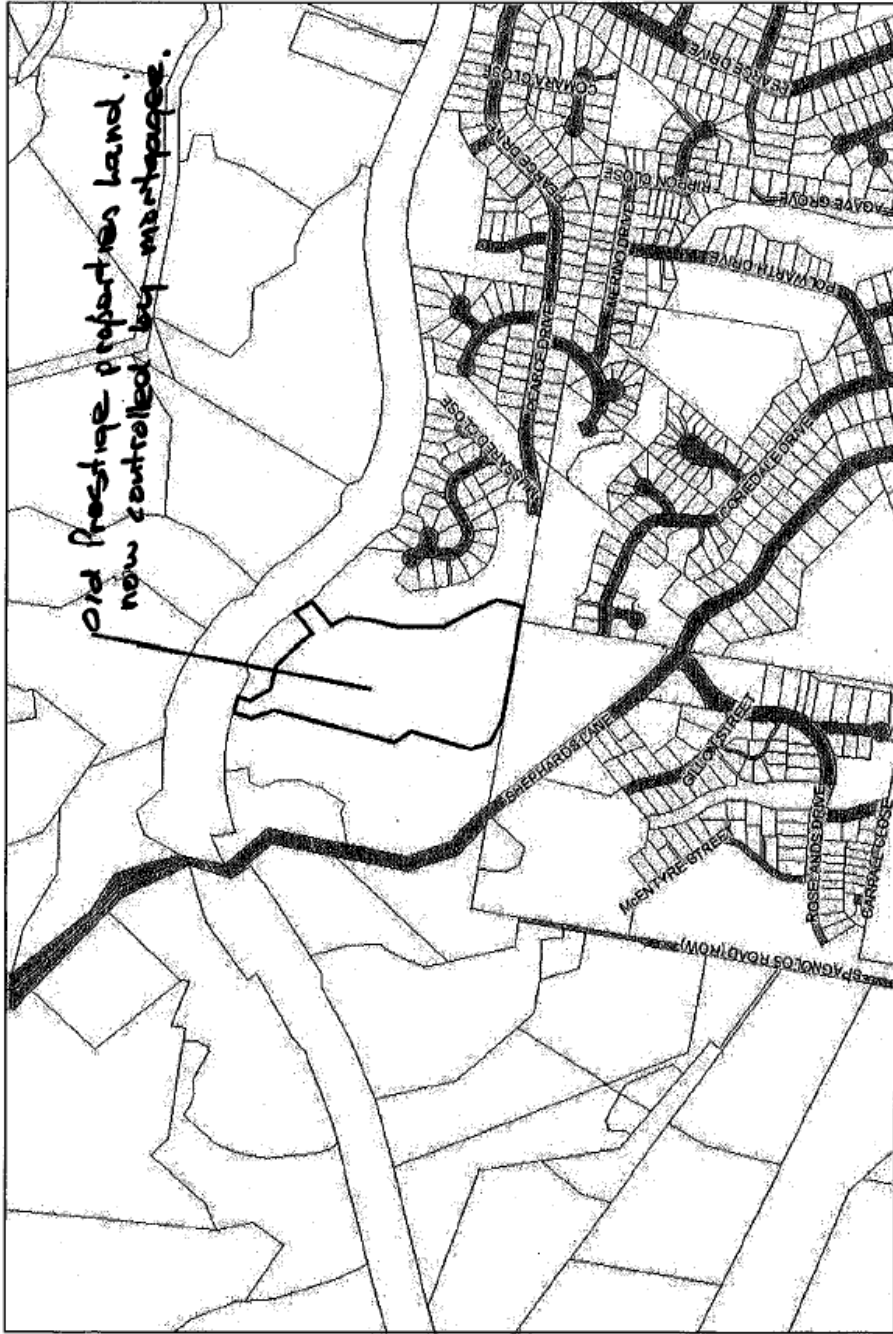
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Proprietary Coordinate System - GDA 1984, MGA Zone 56

4

Upper Shepherds Lane Detention Basin



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- Property House Numbers
- Land Parcels
- Road Names
- Roads
- Creeks
- Bedrock Extent
- State Forest
- National Parks

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Projected Coordinate System - GDA 1984, MGA Zone 58

Purpose:

To report on the tenders received for the provision of security and monitoring services and to gain Council approval.

Description of Item:

Council called tenders for the Provision of Security and Monitoring Services, Contract No-RFT-510-TO that closed on Tuesday 17 January 2012.

Tenders were evaluated on the following criteria:

- Tender rates/prices;
- Conformity with the tender documents;
- Proposed methodology and demonstrated understanding of the Security and Monitoring services to be provided;
- Demonstrated capacity, experience and performance on similar projects as provided for in this Tender Agreement (including provision of reference projects and referees);
- Demonstrated qualifications, experience and competency of the personnel to be appointed to the project as provided for in this Tender Agreement.

Tenders were received from the following companies:

1. Advanced Coast Security
2. Business Security & Management Solutions Pty Ltd
3. SNP Security Services

Conforming Tenders

Two (2) of the three (3) companies were conforming to tender document requirements.

Sustainability Assessment:

- **Environment**

The Provision of Security and Monitoring Services contract has some important environmental issues, which are addressed in the tender documents.

Council has an Environmental Officer on call for all after hour issues and the tenderer will be provided with a daily/weekly list of names of whom to contact in regards to environmental problems that may occur, eg chemical dumped in a waterway.

Council's Coffs Water staff are also on-call for all issues relating to incidences that may occur at our Sewerage Treatment/Pump stations. The tenderer will also be provided with an after hours list of these names to contact for incidents identified by residents as well as alarms generated by Council's Radtel Telemetry system or email alarms generated from the SCX6 Telemetry system.

As per Council's tender documents the successful tenderer must comply with the *Protection of the Environment Act 1997* at all times with respect to pollution from noise, air, water, land and waste sources.

Cont'd

- **Social**

There are no adverse social implications involved in this contract, with the security patrols at council building locations taking place outside of normal Council operating hours. The majority of patrolled Council buildings are located in non-residential areas and the only issues that could be of concern, eg security patrol vehicle noise or lights are addressed in the tender documents.

The general public will not be unfavourably affected during the closing of Council's public toilet amenities with the closing and re-opening times in the contract established and imposed to reflect the seasons and major school and public holiday periods. The closing times in particular have also been carefully considered to reduce major vandalism at identified amenity locations.

- **Civic Leadership**

Council has demonstrated leadership within the community by promoting our own procurement policy guidelines and simultaneously meeting Local Government (General) Regulation 2005 – Part 7 Tendering Guidelines. The process is seen as transparent and accountable on behalf of Coffs Harbour City Council.

It is also to be noted that this contract illustrates Council leadership in encouraging local business participation, resulting in permanent and casual employment for Coffs Harbour residents/ratepayers.

- **Economic**

Broader Economic Implications

Council has demonstrated due diligence in going out to tender and testing the market place for these services. This process has identified that Council's current contract pricing has not accurately reflected the real costs of businesses to undertake all facets of security operation services, eg after hours monitoring, patrols, and lock-ups etc.

It is expected that costs of some of the abovementioned services could increase from between 9% to 33% per annum which may leave some budgets for the 2011-2012 financial year in deficit. Any budget shortfalls will need to be discussed at the appropriate level, but it is to be noted that the current 2011/2012 financial year period will only be affected for three (3) months with the new contract expected to commence from the 1 April 2012.

There is a rise and fall clause in this agreement for each subsequent year of the tender which is in line with any CPI rise and then applying the appropriate formula using the Producers Price Index Australia Bureau of Statistics Catalogue.

Delivery Program/Operational Plan Implications

All security contract service costs for the 2012/2013 Financial Year will have been allocated in annual budgets with consideration to be given of a possible CPI rise for the last three (3) months commencing 1 April 2013 to 30 June 2013. It is expected that some services will be added and removed throughout the term of this contract tender on the request of individual Council Departmental supervisors/managers.

Cont'd

All three (3) Council Departments have nominated staff who will be responsible for ensuring that the successful tenderer receives accurate sets of operating procedures as well as co-ordinating appropriate training of all contract service requirements. Invoices will be forwarded monthly and authorised for payment based on Council's current Trading Terms for Creditors which is 30 (thirty) days from the date of the received Invoice.

Consultation:

Consultation was undertaken with the following Council staff:

1. Manager Telecommunications & Technology
2. Manager Asset Maintenance
3. Manager Distribution Coffs Harbour Water
4. Electronics Senior Technical Officer

The above officers also formed part of the assessment panel team and brought considerable knowledge and experience on behalf of Council to the assessment of this tender. There was overwhelming agreement by the panel members that Council encompass all security and monitoring services under the umbrella of a single source contract rather than splitting the services.

Related Policy and / or Precedents:

Tendering procedures were carried out in accordance with Council's policy and procedures. Council's Tender Value Selection System was applied during the tender review process to determine the most advantageous offer. Council's policy is that the tender with the highest weighted score becomes the recommended tenderer.

Statutory Requirements:

The calling, receiving and reviewing of tenders was carried out in accordance with the Local Government (General) Regulation 2005-Section 7 Tendering.

Issues:

Assessment of tenders is contained in the attached confidential supplement.

There were two major issues that the assessment panel needed to address and they were as follows:

- To determine whether it was cost effective and in the best interests of Council to have the after hours monitoring services (telephone, telemetry and two-way radio) monitored remotely outside the Mid North Coast region or continue to have the functions observed from a local Coffs Harbour premises.
- To determine whether all security and monitoring services be awarded under the umbrella of a single source contract tender or splitting the after hours monitoring from the other general security services, eg patrols, amenity lock-ups, alarm monitoring etc.

The results and recommendations of the above issues are found in the confidential supplement.

Cont'd

Implementation Date / Priority:

The contract is for a two (2) year period with a further one (1) year option expected to commence from the 1 April 2012.

Recommendation:

That Council considers and approves tenders received for the Provision of Security and Monitoring Services contract No. RFT-510-TO.

**Craig Milburn
Director
Corporate Business**

QUESTION ON NOTICE

QON12/1 OLD MUSEUM - UPDATE

Purpose:

Councillor Denise Knight asked the following question:

What has happened with the Old Museum and is there a new \$40,000 floor?

Staff Comment:

A report has been prepared for Council's consideration at the meeting to be held on 9 February 2012. The floor coverings were replaced as part of renovations following the 2009 flood, paid for by insurance monies. The cost was approximately \$30,000.