



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
23 AUGUST 2012

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A portion of this report is confidential for the reason of Section 10A (2):

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

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



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

23 AUGUST 2012

Mayor and Councillors

NOTICE OF MOTION

NOM12/7 FUTURE DIRECTION OF THE HARBOUR AND FORESHORES

Purpose:

Councillor Rodney Degens has given his intention to move the following motion:

Recommendation

That Council conduct investigation into the following matters to shed light into future directions for the foreshores and the harbour itself.

1. That a series of options leading to the opening up and creation of views towards the wooden jetty and harbour be drafted in the form of schematic diagrams for deliberation. That these options include the notion that some of the vegetation be thinned, or completely removed in some sections, with an overall concept of retaining as much vegetation as possible, while delivering sea views of greatest value.
2. That council establish with local business interested in using the harbour for commercial purposes, short medium and long term preferred directions that will assist the long term security of these businesses.
3. That council liaise with local businesses to discuss the feasibility for the incorporation of a small scale shipping port to be considered as a possibility in the future redevelopment for the Port of Coffs Harbour in addition to its role as a tourist destination and open sea access point among other uses and report back to council.

Rationale:

Recent discussion within the community of late, has demonstrated concern at the level of vegetation that has been allowed to grow along the jetty foreshores sand dune area. There have been calls for the possibility of removing some if not all of this vegetation so as to return some of the views to the water. It can be said that the amenity of certain areas could be improved if some sort of vegetation removal were to proceed.

Also, during the past few months there have been calls from members of the community to look at the possibilities of returning a portion of our harbour over to slightly larger scale shipping. There are many benefits to this including the ability for our area to compete on an international stage to attract business and investment to our area although more importantly, in the short term, the need to ensure local business concerns are able to use the harbour as a small port as required for their day to day operations.

Coffs Harbour has been pinpointed by recent speakers as potentially a regional hub for northern NSW. For this potential to be realised, assets such as the harbour, the rail line, road links and air all need to be aligned to the expectations of relevant industry. Council has a role to play as advocate of these concepts in discussion with State and Federal Governments as well as its own responsibilities that include the management of the foreshore vegetation.

Staff Comment

In relation to recommendation 1, this matter is being considered by Council's Internal Foreshore Working Group as part of their brief.

Given the tenure of the facilities covered in recommendations 2 and 3, any development in this area must be undertaken in conjunction with the Department of Lands.

Council is currently engaged with the State Government in developing a way forward for the upgrade of the Harbour precinct. The issues raised in the Notice of Motion will be considered as part of this process.

GENERAL MANAGER'S REPORT

GM12/24 2030 END OF TERM REPORT

Purpose:

To provide a report on Council's progress in implementing the *Coffs Harbour 2030 Community Strategic Plan* during its current term in office.

Description of Item:

As a "Group 1" council, Coffs Harbour City Council began implementing the Integrated Planning and Reporting (IPR) framework (in line with the amended Local Government Act) on 1 July 2010. Since then, Council's operational activities have been aligned to the objectives of the *Coffs Harbour 2030 Community Strategic Plan*.

The IPR legislation requires an "End of Term" Report to be presented at the final meeting of an outgoing council to provide an overview of council's progress in implementing the Community Strategic Plan.

The report – in the form of an Executive Summary and a full report, covering the period from 1 July 2010 to the present – is now tabled with Council.

It is anticipated that the report will contribute to the review of the *Coffs Harbour 2030 Community Strategic Plan* and Council's Delivery Program; these reviews are due to commence immediately following the local government election in September 2012.

In line with legislation, the adopted report will also be incorporated into Council's 2011/2012 Annual Report (due to be adopted by 30 November 2012).

Sustainability Assessment:

- **Environment**

There are no environmental impacts associated with the preparation or content of this report.

- **Social**

There are no social impacts associated with the preparation or content of this report.

- **Civic Leadership**

The IPR framework enables Council to identify and respond to community aspirations and co-ordinate the provision of appropriate works and services to help achieve the city's strategic objectives. This is consistent with the *Coffs Harbour 2030 Community Strategic Plan* strategy *LC2.2.1: Enable and support all levels of government to serve the local community*.

- **Economic**

Broader Economic Implications

There are no broad economic impacts associated with the preparation or content of this report.

Delivery Program/Operational Plan Implications

The ongoing development and review of Council's IPR framework are accommodated within the organisation's budget structure. This expenditure is monitored through Council's monthly and quarterly budget reviews. The establishment and review of benchmark/baseline data (to assist future reporting) may necessitate the provision of additional Council resources.

Consultation:

Section 428 of the Local Government Act 1993 applies.

- (2) *The annual report in the year in which an ordinary election of councillors is to be held must also report as to the council's achievements in implementing the community strategic plan over the previous 4 years.*

The Division of Local Government has provided further detail on its requirements in DLG Circular 12-06 "Reporting Requirements of Councils for 2011-12":

The end-of-term report is a report on Council's progress in implementing the Community Strategic Plan during its term (section 428(2), Local Government Act). Councils are encouraged to utilise the performance measures and assessment methods identified in their Community Strategic Plan to determine the content of the report. The focus of this report should be on initiatives Council has direct influence over. However, councils may choose to liaise with external organisations to obtain available information to support the end-of-term report.

The end-of-term report must be presented at the final meeting of an outgoing council (IP&R Guidelines, Essential Element 1.10).

There is no prescribed format for the preparation of end-of-term reports. However, the report should outline how the Council is progressing towards achieving the social, environmental, economic and civic leadership objectives of the Community Strategic Plan. Where the objectives are not being met, the report should address the impediments and how these might be overcome in the future

Councils should also consider whether there were any unintended outcomes from the actions taken to implement the Community Strategic Plan and may choose to make some commentary about these in the report.

*The end-of-term report is the outgoing council's report to its community. It is also one of three components informing the incoming council's review of the Community Strategic Plan (see IP&R Guidelines, Essential Element 1.11), which should occur within nine months of its election.**

Group 1 and 2 councils should incorporate or append the end-of-term report into their 2011-12 Annual Report.

Issues:

Under the IPR framework, councils are required to help their communities develop a long-range Community Strategic Plan – here it is the *Coffs Harbour 2030* Community Strategic Plan. Council activities are prepared, implemented and reviewed in response to the objectives of the Community Strategic Plan. To do this, Council has a resourcing strategy (with long term financial, asset and workforce management plans) to support a four-year Delivery Program and a subsidiary, one-year Operational Plan.

The “2030 End of Term” Report provides an overview of Council’s progress in implementing the Community Strategic Plan to date. A copy of the full report has been appended separately to this report. A copy of the Executive Summary is included as Attachment 1 to this report.

Through its regular performance reporting instruments, Council has detailed an impressive record of operational achievements over the last two years, all of them aligned with the *Coffs Harbour 2030* Plan.

To assess progress in achieving 2030 objectives, Council needs to take a broader view of the combined impacts of its activities in delivering “outcomes”. Interim “Objective Measures” are included in the Delivery Program to assist this process. The development of long-term, community/sustainability indicators is an ongoing project for *Coffs Harbour 2030*. The interim Objective Measures in the Delivery Program will be reviewed as sustainability indicators are finalised.

There are 41 Objectives in Council’s 2010/2014 Delivery Program (the 40 Objectives detailed in the *Coffs Harbour 2030* Plan and an additional “Our Council” Theme and Objective developed for the Delivery Program itself.) Council Managers have been asked to provide comments on the contribution that their Budget Programs have made to the achievement of those Objectives during the period. In some instances, the absence of baseline/benchmark data limits Council’s ability to comment on any change in status in regard to the Objective. The establishment and review of appropriate baseline/benchmark data is a process that is being addressed as part of the development of 2030 community/sustainability indicators.

While the focus of the End of Term Report is on initiatives under Council’s control, it is recognized that Council is only one stakeholder in the implementation of the *Coffs Harbour 2030* Plan. Accordingly, Council has sought comment from all external agencies identified as 2030 stakeholders. A number of agencies have kindly provided their own assessments. Those contributions are gratefully acknowledged and reproduced within the full report.

From September 2012, Council will engage with the community on a substantial review of the *Coffs Harbour 2030* Community Strategic Plan. It is hoped that – through the experience of attempting to implement the initial 2030 Plan – Council can assist the community to improve the plan, particularly with regard to the establishment of meaningful targets and timeframes which will enhance future evaluation of progress and performance. This first 2030 End of Term Report should contribute to that review process.

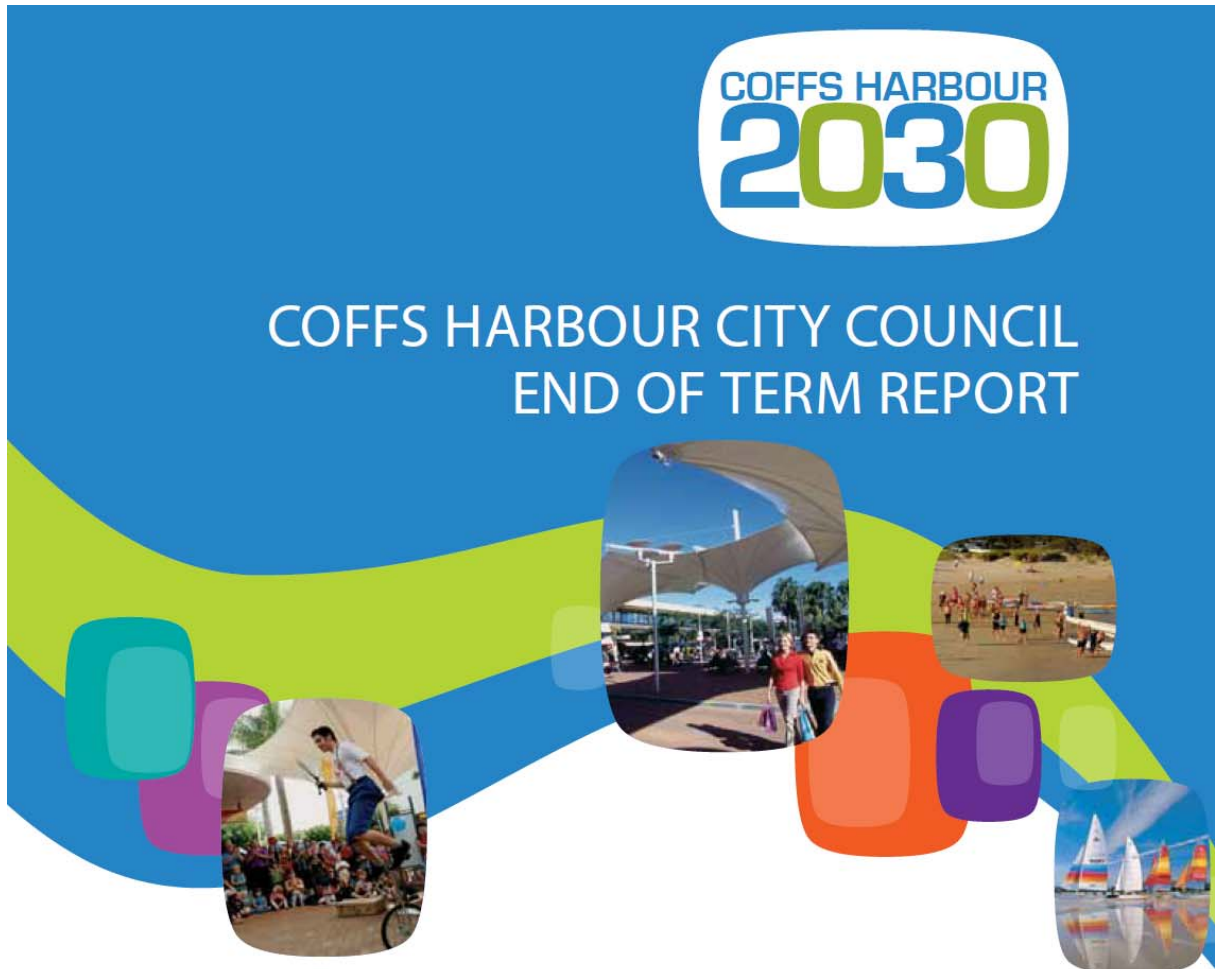
GM12/24 - 2030 End of Term Report (Cont'd)

Implementation Date / Priority:

If adopted by Council, the 2030 End of Term Report will be released immediately. It will also be incorporated in Council's 2011/2012 Annual Report (due to be adopted by 30 November 2012.)

Recommendation:

That Council adopt the 2030 End of Term Report, covering the period July 2010 to August 2012, as separately appended to this report.



Executive Summary
August 2012



Foreword

This is the first "End of Term" Report to be completed by Coffs Harbour City Council under the Integrated Planning and Reporting (IPR) legislation that has been phased in for NSW councils from 2010. The report is an opportunity for an outgoing council to reflect on the implementation of its local Community Strategic Plan during its term in office. As a "Group 1" council, Coffs Harbour has been IPR-compliant since 1 July 2010, with a Delivery Program, Operational Plan and Resourcing Strategy in place to respond to the Coffs Harbour 2030 Community Strategic Plan.

The legislative reforms represent a significant shift in the way councils are expected to frame their planning and reporting functions, with the intention of making the local government sector more responsive and more accountable to the community. While Coffs Harbour City Council has embraced the reforms, like many councils it recognises that adjusting to such substantial change can take time. Accordingly, Council – with the assistance of the Division of Local Government – has continued to review and fine-tune its IPR framework to ensure it effectively supports the organisation in serving the community.

This report, then, covers a dynamic period; the legislation introduced midway through the term of the Council that was elected in 2008, and the organisation moving to adapt to the change. With its focus on the community's strategic priorities, the IPR framework must be dynamic itself, and able to evolve. Much like the growing regional city of Coffs Harbour. So it's our expectation that we will always be reporting on a "work in progress".

The last two years have certainly seen plenty of progress in our programs to help achieve the objectives set out across the themes of the Coffs Harbour 2030 Plan and Council's Delivery Program.

In Learning and Prospering, our economic development strategies have assisted in attracting new investment in the local business sector. A fall in the local unemployment rate has been very welcome, along with positive steps by providers such as the Southern Cross University to extend the reach and impact of tertiary education across the region. Council's strategic land use planning is vital to the 2030 Places for Living theme, which is also supported through the development and improvement of infrastructure (including our multi-million dollar floodworks program), open space holdings and coastal and estuary management.

The redevelopment of the Pacific Highway has been a focus in Moving Around, along with the escalating costs of maintaining and extending the local road, cycleway and footpath network. Ensuring Coffs Harbour is safe, healthy, inclusive and caring is the driving force behind programs supporting the Looking after our Community theme. In Looking after our Environment, our planning frameworks and conservation and education programs seek the right balance between human experience and protection of our unique natural assets. Meanwhile for Our Council, corporate efficiency and effectiveness have been targeted in internal and external reviews during the period.

However, reaching for 2030 is not just a Council enterprise. We must acknowledge the work that our neighbouring councils, other government agencies, the business sector and, of course, our great community have carried out in our 2030 journey so far.



Keith Rhoades
Keith Rhoades AFSM
Mayor, City of Coffs Harbour



Steve McGrath
Steve McGrath
General Manager

The Community Vision 2030

Coffs Harbour is a model of sustainable living. We value, respect and protect our natural environment and acknowledge that it sustains us and future generations. We work together to live sustainably. We have respect for, and learn from, our diverse communities of many ages and cultures. We are healthy, caring and actively engaged in our communities. We move around safely, easily and sustainably. Our economy is strong and diverse and our businesses are leaders in innovation and sustainability.

We value all people and use the goodwill in our community to build a better future for our children. We think globally and act locally.

The 2030 Plan is laid out under the five themes identified in the Community Vision 2030 being:

- Learning and Prospering
- Places for Living
- Moving Around
- Looking after our Community
- Looking after our Environment

An additional 2030 Theme - "Our Council" - exists within Council's Delivery Program to support its primary role in assisting with the implementation of Coffs Harbour 2030

Beneath each theme there are a number of levels of actions:



Elected members

List of Councillors and Committees of Council



Mayor, Councillor Keith Rhoades AFSM

Chair of: Land Use, Health and Development

Represents Council on:

Australia Day and Special Events Committee, Coffs Harbour International Sports Stadium Inc, Coramba Interagency Community Working Party, Environmental Working Group, Woolgoolga Business Lands Working Group, Yandaarra Aboriginal Consultative Committee,



Deputy Mayor, Councillor Denise Knight

Represents Council on:

Access Advisory Committee, Australia Day and Special Events Committee, Coffs Harbour Arts & Cultural Development Advisory Committee, Jetty Memorial Theatre Advisory Committee



Councillor John Arkan

Deputy Chair of: Land Use, Health and Development

Represents Council on:

Australia Day and Special Events Committee, Coastal and Estuary Management Advisory Committee, Coffs Coast Regional Park Trust, Coffs Harbour Arts & Cultural Development Advisory Committee, Coffs Harbour Bicycle Users Group, Coffs Harbour City Gallery Advisory Committee, Coffs Harbour Sports Advisory Committee (Alternate), Community Development & Support Expenditure Scheme Committee, NSW State Parks Trust Advisory Board, West Coffs Flying Fox Working Party, Woolgoolga Business Lands Working Group



Councillor Jenny Bonfield

Chair of: Corporate Business

Represents Council on:

Area Assistance Scheme Local Ranking Committee, Coffs Coast Tourism Association, Coffs Harbour Arts & Cultural Development Advisory Committee, Coffs Harbour City Gallery Advisory Committee, Woolgoolga Business Lands Working Group, 2030 Community Advisory Group



Councillor Rodney Degens

Deputy Chair of: Corporate Business

Represents Council on:

Coffs Harbour Bicycle Users Group, Coffs Harbour City Bush Fire Management Committee, Coramba Interagency Community Working Party, Environmental Working Group, Floodplain Management Advisory Committee, Governance and Audit Committee, Orara River Restoration Project Management Committee, Solitary Islands Marine Park Advisory Committee, Yandaarra Aboriginal Consultative Committee



Councillor Mark Graham

Represents Council on:

Coastal and Estuary Management Advisory Committee, Coffs Coast Regional Park Trust, Coffs Coast Tourism Association (Alternate), Coramba Interagency Community Working Party, Environmental Working Group, Koala Plan of Management Advisory Committee, Orara River Restoration Project Management Committee, Solitary Islands Marine Park Advisory Committee, Yandarra Aboriginal Consultative Committee



Councillor Kerry Hines

Represents Council on:

Area Assistance Scheme Local Ranking Committee, Australia Day and Special Events Committee, Coffs Coast Regional Park Trust, Coffs Harbour International Sports Stadium Inc, NSW State Parks Trust Advisory Board, West Coffs Flying Fox Working Party



Councillor Bill Palmer

Chair of: City Services

Represents Council on:

Coffs Harbour International Sports Stadium Inc, Coffs Harbour Local Traffic Committee, Floodplain Management Advisory Committee, North Coast Water - Clarence Valley and Coffs Harbour Regional Water Supply, NSW Rural Fire Service - Service Level Agreement Working Party, Yandarra Aboriginal Consultative Committee



Councillor Paul Templeton

Represents Council on:

Coastal and Estuary Management Advisory Committee, Coffs Harbour Bicycle Users Group, Coffs Harbour Sports Advisory Committee, Community Development and Support Expenditure Scheme Committee, Mid North Coast Regional Arts Board



Senior Members of Staff

Steve McGrath - General Manager

Ben Lawson - Director, City Services

Chris Chapman - Director, Land Use, Health and Development

Craig Milburn - Director, Corporate Business

Introduction

Coffs Harbour City Council is one of 35 "Group 1" councils across NSW that implemented the State government's new Integrated Planning and Reporting (IPR) framework on 1 July 2010. The framework has replaced the local government sector's previous strategic planning and reporting structure which centred on a Management Plan for each council. Under the new framework, councils are required to help their communities develop a long-range Community Strategic Plan – here it is the Coffs Harbour 2030 Community Strategic Plan. Council activities are prepared, implemented and reviewed in response to the objectives of the Community Strategic Plan. To do this, Council has a resourcing strategy (with long term financial, asset and workforce management plans) to support a four-year Delivery Program and a subsidiary, one-year Operational Plan.

There are a number of review mechanisms to assess Council's performance in terms of implementing the strategies and achieving the objectives of the Coffs Harbour 2030 Plan. Council completes a Quarterly Performance Report on its Operational Plan, a six-monthly Progress Report on its Delivery Program and an Annual Report (covering the Operational Plan, Delivery Program and legislated reporting requirements).

This 2030 End of Term Report follows a similar structure to the six-monthly and Annual Reports;

it focuses on Council's activities and performance in addressing the 2030 Objectives since the introduction of the IPR framework (ie, from 1 July 2010 to August 2012 when the current term of Council comes to an end).

To assess our progress in achieving objectives, we need to take a broader view of the combined impacts of Council activities in delivering "outcomes". Interim "Objective Measures" are included in the 2010/2014 Delivery Program to assist this process. The development of long-term, community/sustainability indicators is an ongoing project for Coffs Harbour 2030. The interim Objective Measures in the Delivery Program will be reviewed as sustainability indicators are finalised.

There are 41 Objectives in Council's 2010/2014 Delivery Program (the 40 Objectives detailed in the Coffs Harbour 2030 Plan and an additional





“Our Council” Theme and Objective developed for the Delivery Program itself.) Council has provided comments on the contribution that has been made to the achievement of those Objectives during the period. In some instances, the absence of baseline/benchmark data limits Council’s ability to comment on any change in status in regard to the Objective. The establishment and review of appropriate baseline/benchmark data is a process that is being addressed as part of the development of 2030 community/sustainability indicators.

According to the Division of Local Government, the focus of the End of Term Report “should be on initiatives Council has direct influence over. However, councils may choose to liaise with external organisations to obtain available information to support the end-of-term report.” Council has sought comment from all external agencies identified as stakeholders in the implementation of the Coffs Harbour 2030 Plan. A number of agencies have kindly provided their own assessments. Those contributions are gratefully acknowledged and reproduced within the full report.

From September 2012, Council will engage with the community on a substantial review of the Coffs Harbour 2030 Community Strategic Plan. It is hoped that – through the experience of attempting to implement the initial 2030 Plan –

Council can assist the community to improve the plan, particularly with regard to the establishment of meaningful targets and timeframes which will enhance future evaluation of progress and performance. To some degree, this first 2030 End of Term Report may contribute to that review process.

**The full report is available at:
www.coffsharbour.nsw.gov.au**





Learning and Prospering

We are a prosperous and learning community

Overview

The industry sector in the Coffs Harbour Local Government Area is the most diverse on the NSW North Coast. Traditionally an area of high unemployment, the region has experienced a steady decline in joblessness over recent years. Council continues to develop and implement initiatives – generally in conjunction with other agencies – aimed at enhancing the business environment, broadening the commercial base and creating employment opportunities. Similarly, Council works with education providers, including Southern Cross University and North Coast TAFE, to promote and assist the development of appropriate vocational training and higher education to serve the region’s workforce needs.

Coffs Harbour is positioning itself to take full advantage of technological change, with the city an early starter with the National Broadband Network and a range of opportunities to be explored and exploited through the Switched on Coffs Digital Strategy.

Council’s urban planning, development control measures and open space management continue to be directed at building Coffs Harbour as a centre for sustainable enterprise and living. An increased focus has been placed – again in partnership with external agencies - on facilitating community awareness about sustainability as part of the promotion of lifelong learning throughout the city.





Significant Achievements

- Coffs Harbour hosted the Australian leg of the World Rally Championships in September 2011, with over 92,000 in ticket sales.
- Record passenger numbers at Coffs Harbour Regional Airport, the sign-off on 5-year landing fee agreements with the major airlines and the development of a \$5M airport upgrade program.
- Council commenced the establishment of a CBD Masterplan Committee to help plan future works as part of a rate variation-funded revitalization program for the City Centre.
- BCU International Stadium was upgraded with the installation of digital-TV broadcast standard lighting. Major events included successful NRL Pre-Season and AFL NAB Challenge games and the Football Federation of Australia girls national championships. A Coffs Harbour business/Council joint venture has secured the 2013 and 2014 National Touch Titles. The draft concept plan for stadium grandstand extensions was endorsed.
- Council collaborated with Southern Cross University and the Coffs Coast Advocate to stage the 2030 Community Forum Series.
- Council's work to create the Coffs Harbour 2030 Plan with the community was Joint Winner in Division C of the 2010 Local Government Excellence in the Environment Local Sustainability Award.
- Development and launch of the "Switched on Coffs" Digital Economic and Community Strategy.
- Coffs Harbour City Library initiated the development of a service-wide strategic plan while recording a continuing increase in library loans and visitation.
- Annual Buskers Festival.
- Promotions at the weekly Growers' Markets in the City Centre, including the Show Us Ya Dish cooking competition (promoting local food production), Cheese Making Workshop and the 'Healthy Kids Eat Healthy Food' campaign.



Places for Living

Our built environment connects us and supports us in living sustainably

Overview

As a rapidly growing regional city, Coffs Harbour relies on careful planning and management to accommodate its increasing population without sacrificing the unique environmental assets that make this region a destination of choice. Council's planning instruments continue to be implemented and reviewed to ensure urban development is based on sustainability principles and incorporates provisions for a variety of housing options, environmentally-friendly design and construction processes.

Important advances have been made towards safeguarding the city from extreme events and climate change; a major focus has been on the ongoing development and implementation of flood mitigation works and coastal zone management initiatives. The roll-out of Council's Open Space Strategy is aimed at enhancing the liveability of the city by balancing accessibility with environmental sustainability. The harbour foreshore improvements and the redevelopment of the Coffs Harbour Olympic pool and the Coffs Creek Walkway are examples of the significant achievements recorded during the period.





Significant Achievements

- Implementation of an extensive drainage and flood mitigation works program has seen the completion of the Bakers Road and Marcia Street Detention Basins and the commencement of similar works at Bennetts Road and upper Shephards Lane. Testing has also begun on the initial stage of Council's \$400,000 Flood Early Warning System.
- Construction commenced on a new 5ML concrete water reservoir at Maccues Road, Moonee Beach.
- Park Beach Improvements Program announced
- Adoption of Open Space Strategy, Sports Facilities Plan, City Centre Local Environment Plan, City Centre amended Development Control Plan.
- Funding secured from Dept of Planning to complete Standard Instrument Local Environment Plan (LEP).
- Sub-surface drainage work completed at Richardson Park.
- Completion of \$1.1M upgrade for the Jetty Foreshore reserve and parkland with new amenities, signage and extensive landscaping.
- Construction underway on the Waterside Pavilion and Zen Garden at the Botanical Gardens (assisted by NSW Government grant funding).
- New playground completed at Diggers Beach, Beryl St/Gallipoli Road playground redevelopment completed.
- Sawtell rockpool drained and anti fouled, sand deposits removed and pool refilled.
- Park Beach street lighting works commenced
- Commencement of work on the sewer pipeline from Sawtell to Coffs Harbour WRP and the reclaimed water main near the Jetty
- Work on the design concept for a skate plaza.
- Public exhibition of LEP Amendment number 34 (for North Coffs) and the Coffs Harbour Business Centres Hierarchy Review.
- Community consultation was initiated in the development of the Coffs Creek Coastal Zone Management Plan.



Moving Around

We are moving around easily,
safely and sustainably

Overview

The long-awaited upgrade of the Pacific Highway between Sapphire and Woolgoolga has made considerable progress. While the massive construction project has caused some disruption to Northern Beaches motorists, its completion is expected to provide long term relief to much of the city in terms of the management of highway and local traffic. Council continues to advocate for a Government commitment to proceed with a highway bypass of Coffs Harbour itself.

Council has also been working with Transport NSW on the Mid North Coast Transport Masterplan, to provide a framework for the ongoing improvement and integration of road, rail, bus, bicycle and pedestrian networks.

Road maintenance is emerging as a critical asset management issue for the city; the impacts of extended wet weather and rising labour and materials costs represent a long-term challenge for Council.

Urban planning provisions place increased emphasis on the importance of infrastructure to encourage and facilitate cycling and pedestrian activity throughout the LGA.





Significant Achievements

- Reconstruction of Houlahans Bridge over the Urumbilum River.
- Redevelopment of Coffs Creek Walkway (with funding assistance from the Hogbin family)
- Reserve Footpaths/Boardwalks - 90% completion of pedestrian bridges and approach pathways (Natural disaster funded restoration works). Mick's Retreat walkway now functional full length.
- Successful design and construction of large service relocation projects for RTA/Leightons on the Sapphire to Woolgoolga Highway Upgrade.
- Successful road safety initiatives including the Nightrider, NRMA RRISK; and Mid North Coast Car Pool projects.
- Council facilitated Ride to Work and "On Ya Bike" Day events to promote cycling as an alternative to motor transport.
- Council's Bicycle Users Committee launched a free booklet outlining many of the Coffs Coast's most popular cycling routes.
- Council worked with the NSW Police in mounting the Watch Your Speed Campaign in a bid to cut the number of crashes occurring on local roads.





Looking After Our Community

Our community is healthy, informed and engaged

Overview

The Coffs Harbour of today is a regional growth centre, its population of over 70,000 augmented by a steady influx of new settlers seeking new opportunities in work and lifestyle. They are drawn from a range of backgrounds and cultures and have a wide spectrum of interests. Council assists with a range of initiatives to help encourage a sense of community and inclusiveness, and to promote pride in Coffs Harbour.

With other government and community agencies, Council facilitates programs and activities to address health, safety and crime prevention issues, to

encourage intergenerational connectedness and to target specific community sectors including young, aged, Aboriginal and disadvantaged people.

There is much to celebrate in our city - including its diverse Indigenous and multicultural heritage - and Council assists with the staging of events, festivals and promotional activities. Artistic and creative expression is also supported through a number of programs, including those associated with the Jetty Memorial Theatre, the Regional Art Gallery, the Bunker Cartoon Gallery and the Museum.





Significant Achievements

- Purchase and design/planning for 215A Harbour Drive as the city museum
- War Memorial Olympic Swimming Pool refurbishment completed and pool opened
- Floodlighting installed at Fitzroy Oval to support local AFL teams.
- Development and implementation of a celebration program for the City of Coffs Harbour's sesquicentennial (150th) anniversary; recalling the gazettal of the European settlement in 1861. On Sunday 20 November 2011, thousands of people turned out for Coffs Harbour's Sesquicentennial celebrations; activities included a massive float parade and a community concert at the harbour foreshore.
- Annual NAIDOC week activities staged and heralded a success.
- Council Lifeguard Service established a winter lifeguard service at Park Beach and launched beach safety awareness sessions for migrants.
- Coffs Harbour Regional Art Gallery played host to the 2010 Archibald Prize exhibition, attracting record attendances. Increasing visitor numbers were recorded for the Gallery's annual Eutick Memorial Still Life Award (the nation's premier still life prize). The Gallery maintained its busy calendar with a range of other exhibitions including "Collectie", "Linear" and "Veni, Vidi, Vici", also serving as a venue for fine music.
- Heritage Strategic Plan exhibited and adopted.
- The Multicultural Harmony Festival – an annual family event that celebrates our success as a culturally-diverse community – was staged at the Botanic Garden with increasing crowd numbers.
- Multicultural Action Plan adopted for implementation of strategies.
- Council staged successful Australia Day activities including large-scale Citizenship ceremonies and the annual Australia Day Awards presentation.
- An online forum was opened as part of a wider community engagement process to assist the development of a Draft Cultural Policy.
- Establishment of 6 community project groups following the Coffs Harbour 2030 "Big Ideas Night". Funding totalling \$20,000 was provided to support initiatives driven by the groups.
- Increasing attendance numbers at the annual Japanese Festival of Children Day events held at the Regional Botanic Garden
- Council hosted the 2011 Australian Refugee Film Festival at the Jetty Memorial Theatre as a highlight of Refugee Week
- The Jetty Memorial Theatre officially launched the 2012 Community Theatre Season Showcase.
- A Childrens Art and Culture Festival was staged with the Regional Botanic Gardens and the Art Gallery as venues.
- The Bunker Cartoon Gallery hosted a wide range of shows including the Digitoon exhibition (from the 24th Rotary Cartoon Awards); Exposed (students' works from North Coast TAFE), Echoes (a Dutch community arts exhibition), the Summer Fun cartoon collection, waveAction, retrospectives by local artists Liz Scobie and Frances Larder, the Bald Archy Tour 2012, and 'HRH Jubilee and Paw-traits'.
- A Community Grants Program was launched to help support community-driven sports, cultural, community infrastructure and city beautification works.
- Contract awarded for extensions to SES offices



Looking After Our Environment

Our natural environment is protected and conserved for future generations

Overview

The unique environmental characteristics of the Coffs Coast are recognised and valued by the local community. Council seeks to further develop environmental awareness in the community through sustainability education programs, opportunities for public engagement with its strategic planning processes and through a range of specific programs. The successful Coffs Ambassadors initiative, the extension of the Solitary Islands Coastal Walk and the opening of the Forest Sky PierAir Walk at Sealy Lookout are examples of successful initiatives during the reporting period.

Through its Environmental Levy program Council extends the work of other agencies and groups in helping to conserve the local environment. Conservation principles are also central to the application of Council's planning and development approval processes, as well as underpinning the city's leading edge waste management and resource recovery programs.

A priority has been to address the likely impacts of climate change such as sea level rise and coastal recession, and to reduce carbon emissions into the atmosphere through energy efficiency and renewable energy programs and landfill gas flaring.

At the same time, Council continues to advocate for more sustainable outcomes following the NSW Government's approval of large scale development at Hearn's Lake and logging in 'core koala habitat', decisions at odds with the strategic environmental priorities of the local community.





Significant Achievements

- The development, adoption, implementation and review of the Environmental Levy Program on an annual basis.
- Installation of 650 Photovoltaic panels to Rigby House completed and solar power “switched on”
- Upgraded Council buildings to improve energy efficiency, including Rigby House which is now 5 star rated.
- The landfill gas project has prevented over 30,000 tonnes of carbon emissions (eCO₂) from entering the atmosphere
- Participation in the development of a Regional State of the Environment Reporting framework
- Facilitated the establishment of the new Coffs Regional Community Garden at Combine Street
- The \$2m grant-funded “Our Living Coast” program implemented to develop initiatives to promote sustainable living.
- Extension of 3-bin waste service system to Red Rock and Corindi.
- The Draft Biodiversity Action Strategy (updating the 2002 Biodiversity Action Plan) was completed and placed on public exhibition in May 2012.
- Worked with Forests NSW and other agencies to establish the Forest Sky PierAir Walk at Sealy Lookout
- Completion of the fine-scale Class 5 vegetation mapping
- Release of the Draft Boambee/Newports Creek Estuary Plan for public exhibition
- Coffs Harbour Coastal Hazard definition study completed and accepted by community.
- The development of a new series of the popular Coffs Ambassadors volunteer program - covering environmental and cultural attractions)
- Solitary Islands Coastal Walk and the Woolgoolga Lake Flying Fox camp restoration project (under the “Our Living Coast” sustainability initiative) endorsed by Council.
- Successful National Water Week promotions.
- Increased recycling with glass crushing and reuse as a construction material.
- The Our Living Coast Sustainable Living Festival established itself as a successful community event, showcasing environmentally sustainable ideas, products, and practices.
- The facilitation of a battery recycling promotion as part of National Recycling Week.
- An extended commitment to improving natural resource management in the region with the renewal of Council’s Memorandum of Understanding with the Northern Rivers Catchment Management Authority.
- Council and the National Parks and Wildlife Service partner to help protect an endangered Little Terns nesting site at Hearn’s Lake Beach.
- Estuary Management Plan adopted to safeguard the future health of Pipe Clay Lake at Corindi.
- Commencement of an \$85,500 program of environmental and recreational improvements to a 17-hectare area of Boambee Creek near the Rex Hardaker Oval on Hogbin Drive.
- Water and energy efficiency upgrade of Sportz Central under the State Government’s Climate Change Fund Public Facilities Program.
- Coffs Harbour helped launch Carpool Mid North Coast as an initiative of the Mid North Coast Group of Councils plus Transport for NSW, North Coast TAFE, Mid North Coast Local Health District and Southern Cross University.
- The Australian Biota Study Days program was staged at the Botanic Garden from June 19-21 involving hundreds of school students from the Mid North Coast region.

Our Council

Council exists to provide a range of essential and priority services to assist Coffs Harbour to secure a sustainable future. It is constantly facing the challenge of attempting to fulfil an increasing workload without the assistance of increased resources.

Council was quick to embrace the opportunity – and the challenges – offered by being in the first group of councils to adopt the Integrated Planning and Reporting (IPR) Framework in 2010. While it is an ever-evolving format, IPR has the potential to make councils more responsive to their local communities and more accountable.

An increased focus has been placed on community engagement to guide Council's decision-making, and Council is exploring innovative ways of going about this – many involving new technological platforms. New systems are also being implemented to facilitate better planning within Council – including financial and asset management planning – as well as to improve performance reporting.



Significant Achievements

- Completion of a Promoting Better Practice Review.
- Enforcement policy and Privacy Management Plan adopted.
- Community Engagement Policy adopted; community engagement framework and action plan under development.
- Development and Implementation of a council-wide Service Review.
- New corporate website launched
- Annual Insurance premiums cut by around \$1M as a result of better management practices
- Collaboration between Council and local business groups to maintain a successful city centre revitalisation program through an application to extend the CBD Special Rate.
- Community Survey completed to evaluate customer satisfaction and community priorities regarding Council services
- Council selected to participate in the NSW Electronic Housing Code project (proposing online approvals for new homes)

GM12/25 OPERATIONAL PLAN REPORTING FOR THE QUARTER ENDED 30 JUNE 2012

Purpose:

To report on the progress of implementation of Council's 2011/2012 Operational Plan.

Description of Item:

Under the Integrated Planning and Reporting (IPR) framework, Council developed an Operational Plan for the 2011/2012 financial year to guide operational activity and to monitor performance.

This report addresses the progress of that activity from 1 April 2012 to 30 June 2012.

The performance of individual projects and services is recorded in detail in Council's *Performance Planning* system, a software tool designed to assist the organisation to monitor progress at an operational level. The system generates a summary report, tracking the performance of Council's 57 Budget Programs as well as the major projects within each Program.

A printed copy of the report - titled *2011/2012 Quarterly Operational Report – April to June 2012* - is separately appended and will also be posted on Council's website.

A list of significant achievements for the quarter is provided as an attachment to this report.

Sustainability Assessment:

This report monitors performance against measures applied to Council's projects and services, as set out in the 2011/2012 Operational Plan. The individual projects and services are aligned (through Council's Budget Programs) with the Quadruple Bottom Line objectives of the *Coffs Harbour 2030 Community Strategic Plan*. Their performance measure assessments are based on social, environmental, economic, and civic leadership principles. Accordingly, an overall assessment is not required for the tabling of the report.

Consultation:

Managers from all Council departments have submitted performance reports for operational activities within their areas of responsibility.

Statutory Requirements:

Sections 404 and 405 of the *Local Government Act 1993* detail a council's obligations in regard to its Delivery Program and Operational Plan.

There is no legislative or policy requirement for Council to report quarterly on the operational performance measures within the 2011/2012 Operational Plan. However it is considered prudent management practice to monitor these measures to ensure that targets are being met and that the delivery of Council works and services is consistent with community expectations.

Issues:

The booklet entitled *2011/2012 Quarterly Operational Report – April to June 2012* is generated from Council's *Performance Planning* software package. It shows the current status of each of Council's 57 Budget Programs, using a percentage progress figure and summary comments from the officers responsible for each Program. Where a Program includes significant projects – either Capital Projects or Major Operating Projects – a progress report on those projects is also provided.

In general, Council aims at achieving a 100% result as the expected level of achievement for each Budget Program at the conclusion of each quarter of the 2011/2012 year. The percentage achievement figure is an aggregate of the progress scores for the individual projects and services within each Program.

Council's 2011/2012 Operational Plan identifies 179 projects in progress during the December quarter. Projects are classified as 'one-off' activities, often with set start and finish dates and individual budgets. The Operational Plan also identifies 144 services – these are ongoing activities carried out as the day-to-day business of Council. The delivery of services is measured through the use of Key Performance Indicators (KPIs) which generally compare achievements against set targets or timeframes.

The *Performance Planning* software utilizes "traffic lights" to indicate the progress towards completion of performance measures. A green light indicates that the measure is either "on track" or achieved. An amber light indicates the status is "manageable", and a red light indicates the activity is "at risk".

Of Council's 57 Budget Programs, 53 are reported as being "on track" at the end of the June quarter and four (4) are reported as "manageable", with the comments below provided as background.

Program	March 2012 Status
320 Leasing and Asset Management	<p>85% (Manageable)</p> <p>Overall satisfactory progress is being made in this area with occupancy levels being constant and income as projected.</p> <p>Leasing of community facilities and buildings to community and sports organisations in the 2011/2012 Q4 period, accounts for 22 % of the overall number of managed agreements but only 12% of rental income. The income generated by these agreements represents the ongoing support extended by council to the various community and sports groups by way of minimal/peppercorn rental. Work has commenced on formulating a Community Facilities policy to guide future leasing and licensing arrangements for Council owned community building having regard to cost recovery, ongoing maintenance and appropriate and consistent rent levels. The target date for presentation of a draft policy to executive management is December 2012.</p>

	Asset management M & R funding is deficient, and at best only adequate to meet the demands of daily breakdown, damage, repair and graffiti removal. This approach to asset management is not sustainable particularly given the aging infrastructure and buildings. Work has commenced on compiling a building asset management plan to enable more appropriate funding and M & R programming. Initial efforts are focussed on structuring the basis of an asset management plan and auditing each of council building assets. Target date for completion of the Asset Management Plan structure is the end of August 2012 with the bulk of prioritised building assets being audited and recorded before 30 March 2013
512 (Asset Systems)	55% (Manageable) The review of Asset Management Plans is awaiting more detailed modelling. Priorities such as Water and Sewer revaluations and Asset System implementation are impacting upon the review of AMP's and Strategy.
545 (Drainage)	95.5% (Manageable) Planned and unplanned drainage maintenance is of growing concern due to aging infrastructure. The permanent disposal for the silt removed from drainage structures within the net work is causing a financial drain on the maintenance budget. Actively seeking alternatives to disposal to Englands Road Recycling Centre. Maintenance works have proceeded according to the funding available and on prioritised basis. Fawcett St drainage (comprising of the piping of an open drain as well as the construction of a minor detention basin within the reserve) is ongoing. Bennetts Road detention basin has commenced through the awarding on the contract to Ryan Earthmoving. Preliminary water main relocation works are due to commence in late August to enable the construction of the Spagnolos Road detention basin.
550 CityWorks (Private Works)	100% (Manageable) The private works activities of CityWorks are not running to capacity as it is in the implementation stage only.

Council's electronic records management system provides data related to completion of tasks assigned across the organisation. A total of 4,439 tasks were recorded in the system for the June quarter with 3,857 tasks (86.9%) being attended to within the required timeframe. This compares to 86.8% in the March quarter, 82.4% in the December quarter, and 84.7% in the March quarter in 2011.

The quarterly performance reporting process includes an ongoing review of Key Performance Indicators to ensure that measures provide an accurate and meaningful assessment of the effectiveness of Council's operational activities.

Implementation Date / Priority:

If adopted, the report will be posted on Council's website immediately. Management will continue to monitor the organisation's performance with a view to improving service delivery.

Recommendation:

That Council:

- 1. Notes the operational status of Budget Programs for the quarter ended 30 June 2012, as outlined in the body of this report.**
- 2. Continues to monitor its performance with a view to improving service delivery.**

**Steve McGrath
General Manager**

Attachments:

Significant Achievements June Quarter 2012

- Construction began on the \$3.1m Bennetts Road Flood Detention Basin as part of the ongoing flood mitigation works in the Coffs Creek catchment.
- Council commenced the establishment of a CBD Masterplan Committee to help plan future works as part of a rate variation-funded revitalization program for the City Centre.
- Community consultation was initiated in the development of the Coffs Creek Coastal Zone Management Plan.
- Community engagement was stepped up to assist residents to adjust to the extension of the Coffs Coast Waste Services regional collection contract to the of Red Rock and Corindi area from 1 July.
- Community comment was sought through the public exhibition of a draft Biodiversity Action Strategy that revises and updates the 2002 Biodiversity Action Plan.
- The 2012-2013 Environmental Levy program was finalized, with a total of \$1,280,140 made available for local community and Council projects.
- The National Touch Titles were secured to return to BCU International Stadium for 2013 and 2014
- Coffs Harbour helped launch Carpool Mid North Coast as an initiative of the Mid North Coast Group of Councils plus Transport for NSW, North Coast TAFE, Mid North Coast Local Health District and Southern Cross University.
- The annual 'Healthy Kids Eat Healthy Food' promotion and a Cheese Making Workshop were staged as part of the weekly programs at the Coffs Coast Growers Market
- Lifeguards purchase of two Emergency Personal Locator Beacons (EPIRBs) for use on rescue craft.
- The Bald Archy Tour 2012 and 'HRH Jubilee and Paw-traits' were among the exhibitions at the Bunker Cartoon Gallery.
- An address by best-selling author Ian Irvine, a national storytelling program and a Library roadshow featured in a busy program for this year's Library Week.
- The Australian Refugee (Short) Film Festival was staged at the Jetty Memorial Theatre, showcased by Council and Southern Cross University as part of Refugee Week.
- The Australian Biota Study Days program was staged at the Botanic Garden from June 19-21 involving hundreds of school students from the Mid North Coast region.
- Also at the Regional Botanic Garden, the annual Japanese Festival of Children's Day was a successful family event.
- The Friends of the Gallery Concert Series continued with performances including Terzina String Trio and 'Glitter and Glam'.

CITY SERVICES DEPARTMENT REPORTS

CS12/28 PACIFIC HIGHWAY SAPPHIRE TO WOOLGOOLGA - SERVICE ROAD

Purpose:

To consider draft assessments from Roads and Maritime Services (formerly Roads and Traffic Authority) for the review of speed zones associated with the Sapphire to Woolgoolga Pacific Highway Upgrade, and consider recommendations from the Sapphire to Woolgoolga Cycleway Focus Group.

Description of Item:

The Pacific Highway Sapphire to Woolgoolga Project comprises construction of divided dual carriageway over 27km of Highway incorporating 32 bridges and five interchanges. Typical cross section of the Highway carriageways will be two 3.5m travel lanes and a 2.5m wide shoulder (cycle/breakdown lane) in each direction. Parallel to the Highway carriageways a new local service road is proposed with a 3.5m travel lane and 2.0m wide shoulder in each direction. The service road from Graham Drive (south) at Sandy Beach through to Arrawarra will be the existing Graham Drive and Pacific Highway carriageways.

Issues relating to the service road proposal discussed in this report are:

1. Asset management status of the service road and by-passed section of Pacific Highway.
2. Standard of cycle/pedestrian facility proposed for the project.
3. Likely speed zone recommendation for the service road from the RMS.

RMS has provided Council with a copy of their preliminary review of speed zones to assist in Councils consideration of the issues. RMS however has requested that the document not be released as it is still a draft. Copies of the draft speed zone review mapping and enhanced cycleway facility plans will be available in the Councillors room.

Sustainability Assessment:

- **Environment**

Increased levels of cycling and walking reduce the carbon footprint through reduced fuel use and reduced levels of congestion. More use of alternative transport modes reduces noise pollution and enhances the quality of life in the Northern Beaches.

- **Social**

Enhanced cycle facilities would increase the local uptake of cycling and walking as alternative transport options - particularly for students, recreational activities and tourists. Decreased reliance on motor vehicles improves the health and well being of residents and visitors to the area and improves accessibility for people with disabilities and the elderly (including motorized wheelchairs)

Enhanced cycle facilities on the Sapphire to Woolgoolga project increases the viability of connected cycle and pedestrian routes in the Coffs Harbour Region.

- **Civic Leadership**

Enhanced cycle facilities on the Sapphire to Woolgoolga project would meet the following 2030 objectives:

MA1.2 We have policies that support increased usage of public transport and reduced car dependency.

MA2.1.1 Prioritise integrated cycleway and footpath implementation including linking of schools and public transport.

MA2.2 We have constructed an interconnected network of cycleways, footpaths, and walking tracks that connect our urban communities, hinterland and coastal villages.

- **Economic**

Broader Economic Implications

The 'handover' offer and conditions from the RMS for Council assuming care and control of the Sapphire to Woolgoolga Service Road are not yet known. The impact on Council's asset management obligations will depend on the level of financial compensation gained as part of the handover negotiations.

Factors affecting these negotiations will be the amount of infrastructure deemed to be over and above what was proposed or deemed to be required as part of the approved project.

Part of the Sapphire to Woolgoolga enhanced cycleway strategy currently being considered includes RMS forward funding sections of cycleways parallel to the Pacific Highway which have been identified in Council's Development Control Plans.

Construction and maintenance of cycleways as part of new development areas generally occurs after development is completed and Council has developer contributions and an increased rate base to help fund maintenance of the new assets. If the RMS forward funds some of these cycleways to meet its Highway Upgrade obligations it is unclear whether compensation for the increased maintenance burden will be available to Council.

Another factor affecting economic implications is the 'classification' of the service road. There is some argument that Council should seek designation of the service road as Regional Road thus gaining access to additional maintenance funds through the State Regional Roads Program. Classification of the service road in this way however would reduce Council's ability to seek modification to the standards required for road cross-section discussed in other sections of this report.

Delivery Program/Operational Plan Implications

There are no 2012/13 operational plan implications.

Consultation:

The RMS project team has involved the community and stakeholders in most aspects of the development of this project. Community involvement has included information sessions, meetings, letterbox drops, newsletters and advertisements.

Community information sessions on the cycleway proposal have been held and outcomes of the Cycleway Focus Group have been available on-line. The original service road cycleway proposal and the proposed enhanced cycleway facilities have been discussed with the Council Bicycle Users Group.

No community consultation has been undertaken in relation to the proposed service road speed zones.

Statutory Requirements:

Approval for the Pacific Highway Sapphire to Woolgoolga upgrade was granted by the NSW Minister for Planning on 13 January 2009.

The RMS is the only Authority in NSW with delegation from the Minister to set or change speed limits.

Issues:

Asset management status of the service road and by-passed section of Pacific Highway

The current service road proposal includes sections of new road, the Graham Drive link and the section of by-passed Pacific Highway between Hearnese Lake Road and Arrawarra Road.

The RMS will be seeking Council take over responsibility as road authority (maintenance) for the new service road including the by-passed section of Pacific Highway. Standard practice (as occurred with Council taking over Pine Creek Way following completion of the Pacific Highway Bonville by-pass) is that RMS and Council negotiate 'handover' conditions which could include upgrade works on deficient road pavements, removal of redundant sections of road pavement such as overtaking lanes and reconfiguration of linemarking and sign posting to accommodate lower traffic volumes and bicycle traffic. The handover process also includes determination and payment of costs associated with long term maintenance of infrastructure dedicated to Council.

The handover negotiation for the Sapphire to Woolgoolga project is yet to commence. Council however has advised RMS that provision for cyclists, urban design and drainage issues on the Pacific Highway through Woolgoolga and changes to lane and shoulder marking configuration north of Woolgoolga will need to be addressed.

It is important to note that where Council may seek provision of infrastructure of a higher standard than that which would normally be required, this infrastructure may not be included in maintenance allocations.

Standard of cycle/pedestrian facility proposed for the project

The proposed Sapphire to Arrawarra service road will provide a local road network alternative to travelling on the upgraded highway.

It will likely have 60km/h and 80km/h posted speed limits with widened shoulders for use by cyclists and pedestrians. All new interchanges and overbridges are proposed to have fully separated pedestrian and cycle facilities.

The proposed cyclist facilities are consistent with the Austroads Guide to Road Design and the NSW Bikeplan.

The current facilities were included in the project's environmental assessment, which was displayed for community comment prior to obtaining project approval in January 2009.

Following community concern that the service road cycleway does not adequately meet the needs of pedestrians and cyclists, the RMS in conjunction with Council, Bicycle NSW and community representatives began exploring opportunities to enhance the proposed facilities. A project focus group was formed in December 2010 to assess the issues and provide input into enhancing the existing facilities.

The objective of the overall cycleway strategy is to provide for a continuous cycleway from Arrawarra to Sapphire.

As a result of a series of workshops with the Cycleway Focus Group a set of agreed priorities for provision of an enhanced cycleway facility were adopted:

Priority 1

Sections where no cycleway facilities currently exist or are proposed to be provided by developers in accordance with CHCC's cycleway strategy and/or DCPs.

Priority 2

Sections where cycleway facilities are proposed to be provided by developers in accordance with CHCC's cycleway strategy and/or DCPs.

Priority 3

Sections where cycleway facilities currently exist.

The key issue for Council in delivery of this strategy is timing of proposed works and the standard of cycleway provided on sections likely to be frequently used by pedestrians and younger cyclists.

The cycleway strategy for the project now includes, where possible on the service road, a separated shared path arrangement similar to that which Council has constructed on Hogbin Drive north of Harbour Drive.

This is proposed to be applied on the agreed highest priority service road section from Emerald Beach to the Sandy Beach School. This will see the provision of a shared cycleway facility adjacent to the service road between the Emerald Beach interchange and Graham Drive South, which will be built by the Joint Venture. On Graham Drive a fully separated shared path facility is proposed from the Highway interchange to Sandy Beach School which connects to Council's existing cycleway link into Sandy Beach. The Graham Drive shared path however at this stage is unfunded.

RMS should be requested to provide commitment to funding the construction of the Graham Drive shared path as part of the Highway Upgrade project.

Another key cycleway link is between Killara Avenue (Heritage Park) and Emerald Beach. The RMS advises that work on this section of the Highway was already underway before the enhanced cycleway issue was raised. Rework of this section of service road would be difficult and there would be significant costs involved in order to provide the Hogbin Drive type facility on this section (the many large drainage culverts under this section of the highway would need to be extended). There will still be a 2m wide shoulder on the north and southbound lanes of the service road which will be suitable for cyclists. A proposed diversion of cyclists and pedestrians through Heritage Park Estate is considered impractical.

RMS should be requested to consider the reconfiguration of the lane and shoulder widths on this section of service road to enable inclusion of a separated pedestrian/cycle path similar to Hogbin Drive. This would result in a narrower shoulder (on one side) and narrower lane widths on this section of road, and possibly warrant a reduced speed limit.

Where the provision of off road cycleway facilities have been identified in new urban areas such as Moonee and Sandy Beach (proposed to be funded through developer contributions), the Highway cycleway strategy relies on connection to these facilities. The problem of course is that the majority of these facilities will not be in place by the time the Highway works are completed. The RMS have indicated that closer to the end of the Highway project an assessment will be made on those developer funded sections of the cycleway strategy not completed and consideration given to forward funding of the work. This does not provide any certainty that the important links will be completed in reasonable timeframes and also raises the issue of the added maintenance burden on Council.

The RMS should be requested to provide clearer commitment to when and how the proposed Moonee and Sandy Beach DCP's cycleway facilities are to be funded and maintained.

Likely speed zone recommendation for the service road from the RMS

The RMS has completed a preliminary study to determine suitable speed limits for the road network which forms the Sapphire to Woolgoolga Pacific Highway Upgrade project.

This study provides a detailed analysis of the proposed and existing road infrastructure conditions; including road and traffic characteristics, roadside development, road function and crash history from 200m north of Bruxner Park Road/James Small Drive intersection, Korora to Arrawarra Beach Road, Arrawarra. This is a total length of 26.9km (existing highway length).

The study is a Draft only and has not been adopted by the RMS or formally submitted to Council for comment.

The review has been carried out in accordance with the NSW Speed Zoning Guidelines which is important in assuring that speed limits are set consistently across the State.

The following is a summary of the current findings of the study:

- The five interchanges - connecting the service roads and local access roads to the Pacific Highway.

All the grade separated interchanges which include roundabout connection between the Highway on-off ramps and the service road warrant a 60km/h speed limit. This includes service road approaches to the interchange generally for a distance of 200m.

- The service roads - providing a collector function for traffic accessing the adjacent local road network. This includes the southern and northern tie-ins. This is a total length of approximately 26.9km.

The service road can be broken into a number of discrete sections between the five interchanges. Generally however the RMS study shows that the proposed service road between Sapphire and Emerald Beach warrants an 80km/h speed limit.

Between Emerald Beach and Woolgoolga the proposed service road including Graham Drive warrants a 60km/h speed limit for its full length and continues on the by-passed section of the Pacific Highway on the southern approach to Woolgoolga. North of Woolgoolga the 60km/h zone is extended to north of Centennial Drive.

Between Centennial Drive and the Arrawarra interchange however the study shows that warrants are not met for a reduction in speed limit (remains 100km/h).

- The local road network where local roads intersect the service road and the default urban speed limit of 50km/h is not applied.

The study finds that a number of roads such as Wakelands Drive or Gaudrons Road which currently have inconsistent speed limits applied should be zoned as 50km/h.

The contentious issues in relation to speed zoning will be the appropriate limit for the sections of new service road south of Emerald Beach and the appropriate limit for the section of by-passed Pacific Highway north of Woolgoolga to Arrawarra.

Parts of the community are already canvassing for a blanket 60km/h speed limit on the full service road length. While this may seem to be an obvious 'road safety' response to the issue other factors such as increased driver frustration, noncompliance due to inconsistency in speed zoning and impact on travel times for local residents and buses are also important.

The RMS should be requested to refer the proposed speed zones for the Sapphire to Arrawarra service roads to the Local Traffic Committee for assessment by Council, Police and public transport operators.

Recommendation:

That Council in relation to the Pacific Highway Sapphire to Woolgoolga project:

- 1. Endorse the cycleway strategy that where possible on the proposed service road, a separated shared path arrangement similar to that which Council has constructed on Hogbin Drive north of Harbour Drive be included.**
- 2. Seek commitment from Roads and Maritime Services to commence investigation into provision for cyclists, urban design and drainage issues on the Pacific Highway through Woolgoolga and possible changes to lane and shoulder marking configuration north of Woolgoolga.**
- 3. Seek commitment from Roads and Maritime Services to provide commitment to funding the construction of the Graham Drive shared path from the Pacific Highway to Sandy Beach School as part of the Highway Upgrade project.**
- 4. Seek commitment from Roads and Maritime Services to consider the reconfiguration of the lane and shoulder widths on the section of service road from Killara Avenue to Emerald Beach to enable inclusion of a separated pedestrian/cycle path similar to Hogbin Drive.**
- 5. Seek commitment from Roads and Maritime Services to provide clearer commitment to when and how the proposed Moonee and Sandy Beach DCP's cycleway facilities are to be funded and maintained.**
- 6. Seek commitment from Roads and Maritime Services to refer the proposed speed zones for the Pacific Highway Sapphire to Arrawarra service roads to the Local Traffic Committee for assessment by Council, Police and public transport operators.**

Purpose:

The purpose of this report is to have the 'Coastal Zone Management Plan for Boambee/ Newports Estuary' adopted by Council.

Description of Item:

The Boambee/Newports Estuary is a small, relatively healthy estuary that has numerous values for the local community and environment. The Boambee/Newports Estuary is roughly a rectangular shape catchment with an area of approximately 49 km². It extends up to 8 km from the coast with a coastal floodplain that is approximately 3 km wide. It consists of three main tributaries, the largest being Newports Creek in the north, Boambee Creek is next largest and drains the middle portion of the catchment, and Cordwells Creek the smaller of the catchments drains the south.

GHD was contracted in July 2008 to complete an Estuary Processes Study, Estuary Management Study and Estuary Management Plan for Boambee/ Newports Estuary. Figure 1 shows the study area.

The Draft 'Boambee/ Newports Estuary Management Study and Plan' was completed in February 2011, after a review by Council and Department of the Environment, Climate Change and Water. The Coastal and Estuary Management Advisory Committee (CEMAC) recommended the draft 'Boambee/ Newports Estuary Management Study and Plan' be put to Council for approval for public exhibition. On 14 April 2011, Council approved the draft document be placed on public exhibition for a period of 4 weeks from 21 April 2011.

The Management Plan has been developed in accordance with State Government Guidelines for Preparing Coastal Zone Management Plans, which has provided a structured management process that has lead to an integrated, balanced and community based plan. Council and Council's Coast and Estuary Management Advisory Committee (CEMAC) recognised the need to minimise human impacts on the estuarine environment and to ensure that the natural assets of the estuary are managed to meet both present and future needs.

During this time a total 8 submissions regarding the Draft Plan were received by Council, including comments from the NSW Office of Environment and Heritage, Department of Primary Industries (Fisheries), local residents and internal council staff. All submissions supported of the plan with a total of 66 issues raised, see Attachment 2. All submissions have been taken into consideration with appropriate changes incorporated into the Final Coastal Zone Management Plan.

Sustainability Assessment:

- **Environment**

The primary goal of the Coastal Zone Management Plan for Boambee/ Newports Estuary is to encourage the integrated, balanced, responsible and ecologically sustainable use of the Boambee/ Newports Creek's Catchment. This is reflected in the management strategies developed in consultation with regulatory authorities, stakeholders and the community, in relation to the future nature conservation, rehabilitation and development of the estuary.

The Plan has been developed in consultation with the Coastal and Estuary Management Advisory Committee (CEMAC) and is seen to be a positive step towards management of the Boambee/ Newports Creek's Catchment. The Plan has a number of recommended measures that vary from capital works to planning controls and public awareness programs.

Specific environmental issues targeted through strategies outlined in this document include:

- Improvements to water quality;
- Prevention of bank erosion and sedimentation;
- Improvements to the ecology of the locality;
- Accommodate the impacts of climate change
- Redefinition of estuarine and catchment usage; and
- Educate dog owners on dog hygiene and;
- provide improved recycling options.

Additionally strategies are aligned to specific targets set by the Northern Rivers Catchment Management Authority, increasing the potential for future funding. Aligned strategies include:

- Revegetation works in creek buffers in the catchment;
- Regeneration of degraded areas along the foreshore;
- Support for increased water quality monitoring programs;
- Encouragement of vegetation conservation agreements etc.

The 'Coastal Zone Management Plan for Boambee/ Newports Estuary' outlines 20 strategies, listed below. The strategies were assessed based on how they achieved the objectives, how practical they were to implement and if they would be acceptable to the community.

Rank Strategy Description

1. Expand the Water Quality Monitoring Program
2. Remove the Rubbish
3. Ambassadors Program
4. Establish a Creek Walk
5. WSUD Policy
6. Regular Inspection of On-Site Wastewater Systems
7. Monitor Biological Indicators

8. Formalise Access Tracks and Areas of Recreation
9. Initiate and Continue Bush Regeneration Programs
10. Upgrade Stormwater Controls in Existing Urban Areas
11. Educate the Community on the Heritage Value of the Estuary
12. Establish a Vegetation Buffer
13. Educate and Enforce Dog Hygiene
14. Provide Recycling Bins in Boambee Creek Reserve and Boat Ramps
15. Educate the Community about Estuarine Communities
16. Monitor Erosion
17. Review the Management of Boambee Creek Reserve
18. Undertake an Environmental Audit
19. Upgrade and Maintain Hogbin Drive
20. Educate the Community to Limit the Amount of Pesticides and Nutrients Used

- **Social**

The development of the Management Plan included investigations into numerous social considerations, covering:

- The essential features of the estuary including economic, social and aesthetic values;
- Current uses and activities, including land tenure, control and conflicts of use;
- Communities knowledge and appreciation of the values;
- Acceptable commercial & public development, works & activities.

Of particular social importance are Strategy S1, "Ambassadors program" and S2 "Establish a Creek Walk". These strategies are aimed to educate the community on the diverse plants and animals, natural and cultural values within the estuary.

Additionally Strategies H1 "Educate the Community on the Heritage Value of the Estuary", and E4 "Educate the Community about Estuarine Communities" are important to the social aspects of the catchment. These are aimed at educating the community and general public as to the cultural values and issues affecting the lake.

Strategies outlined in the Management Study and Plan have been developed to protect the social amenity of the catchment and to ensure future land uses are consistent with the principles of Ecologically Sustainable Development (ESD). These include:

(Strategy code)

(WQ3) WSUD Policy

(WQ5) Upgrade Stormwater Controls in Existing Urban Areas

(E3) Establish a Vegetation Buffer

- **Civic Leadership**

The Coastal Zone Management Plan is aimed at achieving the objectives of the *Coffs Harbour 2030* Community Strategic Plan. This is consistent with the *2030 Plan* strategies:

PL2.1 We have beautiful, liveable and accessible spaces for all our people to enjoy.

LE1.2 Our Aboriginal culture and its links to the land is valued and understood;

LE1.3 We have many opportunities for nature experiences and learning through improved access to natural areas;

LE2.1 Our forests, beaches, headlands, ocean, rivers, forested mountain backdrop, plants and animals are conserved for future generations;

LE2.2 We have active programs to restore and improve our environment.

- **Economic**

Broader Economic Implications

The Coastal Zone Management Plan, through its recommended strategies, looks to preserve the local and citywide economic values currently experienced through our Council's Vision 2030. Without protecting our natural assets in a sustainable nature, i.e. through the principles of ESD, the Coffs Harbour image of a pristine coastline could fade, allowing a more degraded image to take hold. By not properly protecting our natural assets (and thereby image), Coffs Harbour may be affected by broader economic implications.

Furthermore there are a number of facilities of local economic interest residing in the Boambee and Newports Creeks vicinity, which rely on the estuary. These include a Boambee Creek Reserve, Boambee Resort and tourism in the Sawtell area. The Coffs Harbour LGA itself could be seen to be linked to the relative beauty of our coastline, where degraded beach amenity could lead to reduced tourism.

Delivery Program/Operational Plan Implications

Council is the lead agency in a number of the management strategies recommended within the Coastal Zone Management Plan for Boambee/ Newports Estuary. These strategies have been ranked due to priority and recommended timeframe of 1-5 years. These timeframes are recommended as the best periods to protect/rehabilitate the Boambee/ Newports catchment, however strategies will only be implemented when resources and funding becomes available.

After the formal adoption by Council, opportunities to gain funding for implementation of the strategies will be sought through organisations such as NSW Office of Environment and Heritage (OEH) and the Northern Rivers Catchment Management Authority (NRCMA) and Environmental Levy. These funding opportunities are not available without a formal management plan such as the Coastal Zone Management Plan for Boambee/ Newports Estuary.

Strategies will be reviewed annually by Council staff and opportunities to obtain funding and utilise resources to implement strategies will be explored.

Consultation:

The development of the Coastal Zone Management Plan has had considerable community input through the various stages of development. They are as follows:

1) Establish Estuary Management Committee:

The Coast and Estuary Management Advisory Committee (CEMAC) has been established in the Coffs Harbour LGA with committee members from the NSW Office of Environment and Heritage (OEH) – Coasts and Catchments, Marine Parks Authority, OEH-National Parks and Wildlife Authority, NSW Maritime, Coffs Harbour Regional Landcare, Crown Lands Division, community representatives, Council staff and Elected Councillors.

This management committee oversees the development of the management plan and ensures the plan has input from State and Local Government agencies, community groups, councillors and public representatives constantly. The committee itself is a form of public consultation.

2) Prepare Estuary Processes Study

A desktop Estuary Processes Study was completed with additional water quality sampling and field visits. The results were incorporated into the Coastal Zone Management Plan.

3) Prepare Estuary Management Study

A community survey was undertaken which showed that 80% of the community members surveyed considered the estuary very important or important to their quality of life. Council staff from Planning, Environmental, Recreational Services and Engineering branches have had specific input into the preparation of the Plan.

An analysis of potential management strategies was undertaken between GHD, OEH and Council after the initial draft report. All non-relevant strategies were reworked to offer additional management potential. These strategies were incorporated into the Estuary Management Plan.

4) Prepare Coastal Zone Management Plan

The Draft Coastal Zone Management Plan for Boambee/ Newports Estuary was presented to the CEMAC on 22 February 2011.

Public Exhibition is an integral part of the community consultation process in developing the Management Study and Plan. The Coastal Zone Management Plan for Boambee/ Newports Estuary was put on public exhibition for 28 days.

5) Public Exhibition

During this time a total 8 submissions regarding the Draft Plan were received by Council, including comments from the NSW Office of Environment and Heritage, Department of Primary Industries (Fisheries), local residents and internal council staff. All submissions supported the plan with a total of 66 issues raised, see Attachment 2. All submissions have been taken into consideration with appropriate changes incorporated into the Final Coastal Zone Management Plan.

The plan was modified to align itself with the State Government guidelines for preparing Coastal Zone Management Plans. This guideline for preparing Coastal Zone Management Plans was updated during the preparation of the plan.

Following comment *Strategy SC1: Enhance the appearance of the rail bridge* was replaced with *Strategy WQ7: Educate the community to limit the amount of pesticides and nutrients used* due to being cost prohibitive.

The draft (final) Coastal Zone Management Plan for Boambee/ Newports Estuary was presented to the Coastal & Estuary Management Advisory Committee on 26 July 2011. The Committee resolved to put the Management Study & Plan to Council recommending adoption.

Following the Coastal & Estuary Management Advisory Committee meeting on 26 July 2011, there were a number of minor changes to the plan to align with comments from NSW Office of Environment and Heritage, Crown Lands Division, Australian Railway Transport Corporate and Council departments.

Related Policy and / or Precedents:

Council has the following policies and adopted management plans that are consistent with the Boambee/ Newports Estuary Coastal Zone Management Plan.

- **Water Sensitive Urban Design Policy**

WQ3: WSUD Policy review and implementation, this strategy supports and strengthens Councils WSUD Policy by encouraging development with no net increase of pollutants entering the estuary.

- **Adopted Estuary Management Plans**

- Moonee Creek Estuary Management Study & Plan
- Hearnese Lake Estuary Management Study & Plan
- Pipe Clay Lake Estuary Management Plan

Statutory Requirements:

There is a requirement under the Coastal Protection Act 1979 No 13, Part 4A Coastal zone management plans, Division 1 General, *55B Requirements for coastal zone management plans* for Councils to prepare coastal zone management plans.

Additionally the draft study and plan has been prepared under the NSW Government's Guidelines for Preparing Coastal Zone Management Plans. The plan also satisfies the goals of the Northern Rivers Catchment Management Authorities (NRCMA) management target C2 – *complete management plans for all estuaries; and implement identified priority actions that contribute to the improved natural resource condition.*

Issues:

While all strategies have varying levels of difficulty to complete, once the document has been formally adopted increased funding opportunities will be available to Council to allow more effective undertaking of individual projects. The following strategies will impact on current public usage and landuse of the estuary:

Strategy S3: Formalise access tracks and areas of recreation: In some locations throughout the estuary where activities such as four-wheel drives are causing erosion and damaging vegetation. To limit this damage, it is recommended that these areas either be formalised or closed to the public. The four-wheel drive tracks should be closed to the public because it appears that some areas of salt marsh are being impacted by four-wheel drives going off the tracks.

Strategy E3: Establish a Vegetation Buffer: This vegetation corridor along the estuary provides a valuable refuge for local fauna species. It also provides an area for various plant species and communities to reside. Some of the species that benefit from this riparian corridor are threatened, so it is important that they are conserved. It is recommended that a buffer zone around the estuary which takes into account areas of threatened species, endangered ecological communities and inundation from sea level rise. Actions will include the assessment of feasibility of rezoning and consultation with landowners. The buffer area would therefore allow the vegetation to migrate in response to the predicted hydrological changes in the estuary associated with climate change. This is also consistent with Moonee Creek Estuary Management Plan and Hearn Lake Estuary Management Plan.

Strategy MGT1: Review the management of Boambee Creek Reserve: Boambee Creek Reserve is the most popular area within the estuary however there was a few issues raised in regards to the management of the Reserve.

This action encourages the Trust to complete the implementation of the Strategy and to consider the issues raised in relation to the Boambee Creek Reserve during the preparation of this Plan.

Implementation Date / Priority:

The completed Boambee/ Newports Estuary Coastal Zone Management Plan will be recommended to Council for formal adoption, where the document will become an official Management Plan of Council. Implementation of the recommended strategies will follow the ranking and priorities given in the Plan subject to available funds and resources.

Recommendation:

That Council adopts the Coastal Zone Management Plan for Boambee/ Newports Estuary as separately appended.

Attachments:

ATTACHMENT 1:

Public Exhibition of draft Boambee / Newports Coastal Zone Management Plan

During this time a total eight submissions regarding the Draft Plan were received by Council, including comments from the NSW Office of Environment and Heritage, Department of Primary Industries (Fisheries), local residents and internal council staff. All submissions were in support of the plan, see Attachment 2. All submissions have been taken into consideration with appropriate changes incorporated into a Final Coastal Zone Management Plan.

Submissions highlighting minor changes to various sentences were generally accepted with the draft Plan consequently amended. The plan did go under some modification to align itself with the Office of Environment and Heritage Guidelines for preparing Coastal Zone Management Plans 2010. After discussions with ARTC it was recommended to remove strategy SC1: Enhance the appearance of the rail bridge due costs and replacing it with Strategy WQ7: Educate the community to limit the amount of pesticides and nutrients used.

General Support for the Coastal Zone Management Plan

The majority of submissions supported the draft Coastal Zone Management Plan. Support has ranged from submissions stating 'general support' to endorsement for specific strategies. The following is a brief summary on strategies or initiatives supported:

- Undertake an Environmental Audit
- Upgrade and Maintain Hogbin Drive
- Educate the Community to Limit the Amount of Pesticides and Nutrients Used
- Educate and Enforce Dog Hygiene
- Provide Recycling Bins in Boambee Creek Reserve and Boat Ramps
- Establish a Vegetation Buffer
- Upgrade Stormwater Controls in Existing Urban Areas
- Initiate and Continue Bush Regeneration Programs
- Formalise Access Tracks and Areas of Recreation
- Expand the Water Quality Monitoring Program
- Remove the Rubbish
- Ambassadors Program
- Establish a Creek Walk

ATTACHMENT 2 – SUBMISSIONS TO DRAFT COASTAL ZONE MANAGEMENT PLAN FOR BOAMBEE/NEWPORTS ESTUARY (21/4/11 – 19/5/11)

Sub No:	Support /Oppose /Neutral	Issues	Response
1	support	Costings for Strategy WQ2 need to be revised, need to preserve seagrasses	Revised costings for Strategy WQ2 for the first 2 years
2	support	No formal consultation with DPI, No membership list of CEMAC within Plan, Aligning issues with objectives, Include Fisheries Management Act in section 2.2., Table 4.1 include EEC's Saltmarsh, strategy E8 to be removed	Consultation occurred during Public Expedition, CEMAC list included in CZMP, FM Act include to section 2.2, Removed strategy E8 and revised E6 and included a reference in section 9.
3	support	Remove management strategy E8	Removed management action E8
4	support	Issues with Sawtell Bridge of Boambee Creek causing flooding	This concern is best addressed in Boambee/Newports Flood Risk Management Plan
5	support	Issue with dams along Linden Avenue, should be removed and re-establish the existing water course	This still appears to be relating to flooding and not improved estuarine processes. Included Strategy WQ5 as a priority stormwater location
6	support	In summary the Department suggests further attention is required to: 1) Align with the Guidelines for preparing Coastal Zone Management Plans. 2) Recognise the Coastal Protection Act 1979, the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009 as key drivers of the plan. 3) Have the document read as a stand alone document by incorporating the relevant findings from the processes study. 4) Briefly describe the relationships between this Estuary Management Study and Plan and the current Flood Risk Management Project and the current Coastline Management Study Project (Coastal Processes and Hazard Definition Study). Are there implications for the estuary, infrastructure, use and access and the Boambee Creek Reserve etc re flooding and or sea level rise. 5) Further address vegetation and ecological issues: a) fire risks to native vegetation; b) implications of the 3m AHD vegetation buffer – ecology, reserve, land use planning, existing uses; and c) implications of sea level rise re native vegetation and habitats. 6) Address the risk of pollution incidents from transport corridors and industrial estates – investigate these parts of the catchment and note what systems are/are not in place and make recommendations. 7) Re-orientate the management approach for Boambee Reserve towards use and access. 8) Summarise the community and stakeholder consultation process.	Updated to the Coastal Zone Management Guidelines 2010. Included a summary of the Boambee/Newports Estuary Processes Study Included policy and legalisation to section 2.2 Updated table 4.1 to include sea level rise, tidal exchange Some minor changes to section 5 Summarised the community consultation Revised MGT1 with input from Crown Lands

Sub No:	Support /Oppose /Neutral	Issues	Response
7	support	Coffs Coast State Park should be included in the consultation, CLD cannot support Strategy MGT1, Missing legislation and planning documents, issues with drainage around industrial areas, future residential and rural residential development, racecourse and Hogbin Drive, include information on the processes of the estuary, clarification on strategy SC1, wording of strategy E3	Coffs Coast State Park was consulted Revised strategy MGT1 and gained CLD support Updated section 2.2 to include legislation and polices Strategy WQ5 addresses drainage issues Updated plan to include estuary processes summary Updated strategy SC1 and E3
8	support	Update Strategy S1 - Ambassadors program, relate plan to 2030 plan, minor corrections, revise Strategy E2 costings, general comments regarding biodiversity in table 4-1, Revised Strategy E3, Revised Strategy WQ6	Updated Strategy S1 - Ambassadors program Included info on the 2030 plan Minor corrections were undertaken throughout the plan Updated the Strategy costings in the first year Expanded on biodiversity section in table 4-1 Revised strategy E3 inline with current planning Revised Strategy WQ6

Purpose:

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

Description of Item:

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

- Bayldon Community Centre Management Committee
- Eastern Dorrigo Showground and Community Hall Management Committee

Sustainability Assessment:

- **Environment**

There are no environmental issues associated with this report.

- **Social**

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

- **Civic Leadership**

This approach is addressed in Coffs Harbour 2030 through:

LC1 We are healthy and strong

LC1.3 We live in a safe, caring and inclusive community

LC1.3.2 Build community structures based on the values of care, inclusion and connectedness

LC1.3.3 Promote the importance of being party of a community

- **Economic**

Broader Economic Implications

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

Delivery Program/Operational Plan Implications

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

Consultation:

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

Related Policy and / or Precedents:

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

Statutory Requirements:

This addresses requirements under the Local Government Act.

Issues:

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

- Bayldon Community Centre Management Committee
Mr Alex Pearson and Ms Lynette Smith
- Eastern Dorrigo Showground and Community Hall Management Committee
Ms Tania Tibbits

Implementation Date / Priority:

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

Recommendation:

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

- **Bayldon Community Centre Management Committee**
Mr Alex Pearson and Ms Lynette Smith
- **Eastern Dorrigo Showground and Community Hall Management Committee**
Ms Tania Tibbits

Ben Lawson
Director, City Services

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT

L12/24 NSW PLANNING SYSTEM REVIEW - GREEN PAPER

Purpose:

The purpose of this report is to:

1. Provide Council with an update on the NSW Government's NSW Planning System Review and Green Paper; and
2. Seek Council's endorsement of the attached submission to the review.

This matter is subsequent to Council's submission to the Issues Paper. On the 9 February 2012, Council resolved that:

1. *Council note the information provided in this report giving an update on the NSW Government's NSW Planning System Review and Issues Paper.*
2. *Council endorse the attachment of this report as a submission to the NSW Government's NSW Planning System Review and Issues Paper; for lodgement to the NSW Government's NSW Planning System Review Panel before the 17 February 2012.*

Background:

The State's main planning law, the Environmental Planning and Assessment Act (EP&A Act), was written in 1979.

The EP&A 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.

The Act 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 EP&A Act and its associated planning system were introduced, a comprehensive review is required.

The NSW Government has established an independent panel to review this Act 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 NSW.

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 then 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 EP&A Act.

Submissions were accepted until 4 November 2011 as part of the listening and scoping stage.

2. Issues Paper

Submissions and comments received during the initial consultation phase were used to produce the Issues Paper entitled "*The way ahead for planning in NSW?*" The Issues Paper focused on questions, concerning issues raised at community forums and stakeholder meetings.

During this phase, residents and communities statewide were encouraged to give further feedback on the questions raised.

The endorsed Council submission went to the Panel for their consideration by the closing date of Friday, 17 February 2012.

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 has produced a document – known as a Green Paper – which sets out their recommended preferred structure for a new planning system. The Green Paper was published on the 14 July 2012 and the Panel is accepting **submissions from Councils until 5 October 2012**.

A copy of the Green Paper can be found at <http://www.planning.nsw.gov.au/a-new-planning-system-for-nsw> and/or <http://www.planningreview.nsw.gov.au/>.

4. Draft Legislation

A 'white paper' and draft legislation will be released for exhibition before a bill is submitted to the NSW Parliament. The Green Paper proposes that the new planning system will be underpinned by a new Act which enables the establishment of a broad framework while integrating flexibility to respond to change. Details of timing will be published by the Government at some future time.

Sustainability Assessment:

- **Environment**

The EP&A Act aims to ensure the State's development is carried out in an environmentally sustainable manner.

- **Social**

One of the objects of the EP&A Act is to ensure that appropriate uses are provided to cater for the social needs of the community.

- **Civic Leadership**

Any proposed changes to the EP&A Act will result in implementation of appropriate and relevant actions by Council to achieve the outcomes sought by the modifications.

- **Economic**

Broader Economic Implications

Council's planning policy (LEPs, Development Control Plans (DCP) etc) are to be consistent with the objectives and actions outlined in the EP&A Act.

The option for development contribution reform put forward in the Green Paper may result in a reduction in contribution income which may put pressure on other funding sources for the provision of infrastructure to service development.

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 legislative requirements be proposed as an outcome of the State Government's review process, a separate report will be prepared to provide additional information to Council.

Consultation:

The State government has established a comprehensive consultation process with a number of bodies and stakeholders. However, the timeframe is quite tight given the impending Council elections and the Council meeting date regime. Council will need to lodge a submission to the Review Panel by 5 October 2012 to ensure that Council's issues are considered in the process of reviewing the NSW Planning System.

A workshop style forum is to be held Tuesday 28 August 2012 at the Coffs Ex-Services Club. While staff will attend this session, this report cannot be postponed until after the forum due to the Council meeting schedule and the impending Council elections. Any major matters that arise from the forum will be considered for inclusion into the final Council submission as an addendum.

Related Policy and / or Precedents:

This process provides Council with the opportunity to lodge a submission on behalf of our community. It will inform the NSW Government on the matters that Council 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:

No specific statutory processes under the EP&A Act 1979 and Regulations must be followed in the preparation of a submission to the Green Paper of the NSW Planning System Review.

Issues:

The Green Paper focuses on 23 major changes to address the questions, concerning issues raised at community forums, stakeholder meetings and submissions to the Issues Paper.

The Green Paper includes five broad areas of policy / direction:

- Community Participation
- Strategic Focus
- Streamlined Approval
- Provision of Infrastructure
- Delivery Culture

To enable this policy, the Green Paper provides structural change with a four tier planning instrument hierarchy including:

- **NSW Planning Policies**

These policies are to provide "high" level planning direction on key policy areas. The current layer of State Environmental Planning Policies will be repealed with any necessary principles embodied into the other levels of new planning instrument hierarchy. NSW Planning Policies will not be statutory instruments but the Act will identify how they are to be implemented in regional, subregional and local plans.

- **Regional Growth Plans**

These plans will provide the direction and principles for growth at a regional / metro level. These plans will address spatial planning; population growth; development patterns; key actions for regional issues; cumulative impact assessment; delivery accountability and ongoing review process. The Act will refer to these plans; they will not be statutory but implemented through the Subregional Delivery Plans.

- **Subregional Delivery Plans**

The Green Paper's "new transformative delivery tool for high growth areas" will directly rezone land; provide framework for code based / complying development assessment; coordinate agency requirements and link to infrastructure plans.

Subregional Plans will also identify prime agricultural lands, priority growth areas, biodiversity corridors and conservation areas.

Local Government and "Regional Planning Boards" will consult on and develop the Subregional Delivery Plans.

Subregional Plans are to include growth infrastructure plans; identifying the infrastructure required to support development in the high growth areas. These will be underpinned by sectoral strategies on matters such as housing or the environment.

- **Local Land Use Plans**

These will be spatially based, plain English, land use plans to replace the current LEP layer. These plans will guide desired development outcomes with emphasis on merit based assessment rather than strict controls. Referral requirements and concurrence roles would be reduced. Local plans will cover strategic intent (similar to Community Strategic Plans), statutory spatially based land use plans, service / infrastructure delivery, development guidelines and performance monitoring guidelines.

The following Figure entitled "*Blueprint for Change: A New Planning System for NSW*" is a summary of the proposed changes.

Community Participation

Effective community participation in planning at the strategic stages

1. Public Participation Charter to require the appropriate level of community participation in plan making and development assessment
2. Strategic community participation to enable effective and early community participation
3. Transparency in decision making to increase public access to the evidence base for decisions
4. Information technology and e-planning to simplify and improve community access to planning information and processes

Strategic Focus

Increased emphasis on strategic planning as the basis for all planning outcomes and to remove duplication

5. NSW Planning Policies replace *SEPPs* and *Section 117 Directions* and provide practical high level direction
6. Regional Growth Plans to align strategic planning with infrastructure delivery
7. Subregional Delivery Plans that affect immediate changes to zones, are based on evidence in *Sectoral Strategies* and linked to *Growth Infrastructure Plans*
8. Local Land Use Plans with strategic context and performance based development guidelines
9. New Zones to capture investment opportunities and preserve local character

Streamlined Approval

Faster and less complicated Development Approval as issues are resolved strategically

10. Depoliticised decision making with development decisions streamed to independent experts
11. Strategic compliance to allow development that complies with strategic planning to proceed
12. Streamlined state significant assessment to deliver major projects sooner
13. Smarter and timely merit assessment with requirements matching the level of risk
14. Increasing code assessment to reduce transactions costs and speed up approvals for complying development
15. Extended reviews and appeals to increase the accountability of decision makers

Provision of Infrastructure

Linking planning and delivery of infrastructure to strategic planning for growth

16. Contestable infrastructure to enable greater private sector participation
17. Growth Infrastructure Plans to link strategic plans with infrastructure provision
18. Affordable infrastructure contributions to provide a fairer and simpler system to support growth
19. Public Priority Infrastructure to streamline assessment for major infrastructure delivery

Delivery Culture

20. Chief Executive Officers Group to provide a whole of government approach to implementation

21. Regional Planning Boards to oversee regional and subregional strategic plan making

22. Mandatory performance monitoring to publicly track performance towards achievement of strategic plans at all levels

23. Organisational reform to resource strategic planning and improve the culture of planning at all levels

Council is being encouraged to give further feedback on these changes.

Attachment 1 addresses considerations associated with these 23 changes.

Implementation Date / Priority:

The deadline for Council to submit any submission to the NSW Government's NSW Planning System Review and Green Paper entitled "A New Planning System for NSW –Green Paper July 2012" is Friday, 5 October 2012.

Recommendation:

That Council:

- 1. Note the information provided in this report which provides an update on the NSW Government's NSW Planning System Review Green Paper.**
- 2. Endorse the attachment of this report as a submission to the NSW Government's NSW Planning System Review Green Paper.**
- 3. Notes that additional information may be appended to this endorsed submission following the Workshop Forum to be held in late August 2012.**

Attachments:

SUBMISSION TO THE GREEN PAPER OF THE NSW PLANNING SYSTEM REVIEW “A NEW PLANNING SYSTEM FOR NSW – July 2012”

General Overview

Coffs Harbour City Council (CHCC) is pleased to have the opportunity to make a submission to the NSW Government’s Review of the NSW Planning System and its Green Paper entitled “A New Planning System for NSW – July 2012”.

CHCC supports many aspects of the Green Paper.

CHCC encourages a comprehensive strategic planning and policy formulation process involving State, Regional and Local Government input.

This submission responds to the green paper and addresses the questions or matters that are of specific relevance to CHCC.

CHCC note a range of strengths and weaknesses as well as matters that need further attention as the government progresses to producing the "White Paper".

Potential Strengths

The Green Paper outlines a number of reforms that CHCC see as positive including:

- Community engagement that is legislated, genuine and early in the process.
- Integration of a public participation charter – encouraging community engagement – to inform new policies, strategies and development assessment.
- Clear and inclusive strategic planning framework with consistent integrated tiers.
- Planning and policy development that is evidence based providing greater transparency, engagement and service delivery in the decision making process.
- The ability to preserve local neighbourhood character using proposed suburban character zonings.
- Introduction of accreditation for consultants to ensure that proposals are prepared by suitable professionals.
- Introduction of more e-Planning opportunities and better access to information technology.
- Delegation to Council to undertake amendments to plans that are consistent with the other three layers of plans/policies.
- Improved community acceptance is envisaged as the Green Paper strives 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”
 - amber light approach to development assessment
 - smart (standard) consent conditions
 - increasing the use of Code Complying Assessment and Electronic processing systems

CHCC is encouraged by the reforms proposed under the Green Paper however the State Government need to acknowledge that there will be considerable time, resourcing and further engagement of Councils (and the community) to have the reforms finalised and implemented.

Potential Weaknesses

The Green Paper outlines a number of reforms that CHCC see as being areas of concern that need to be addressed, these include:

- The proposal to streamline environmental impact assessment. Having strategic level “concept” approvals, streamlined Director General’s Requirements and reduced consultation risk an inferior outcome for the community and the environment.
- Reduction of approval timeframes does not account for delays caused by applicants, or applicants submitting sub-standard or incomplete applications or information following a request for additional information.
- Application of a fast track Code based approval system is dependent upon clear parameters limiting the Code based approvals to only low risk and low impact development.
- Re-establishment of certainty for all stakeholders in the development arena, while CHCC endorses achieving certainty, the Green Paper proposes additional flexibility for developers at the development assessment stage. CHCC notes that a common concern from the development industry and community is the need for greater flexibility in the application of planning controls to the Local Government Area as a developing major regional coastal area. The legislation that comes from the Green Paper must find, for CHCC, a balance of the need to control some development in sensitive coastal and hinterland areas, while recognising the need to focus on promoting Coffs Harbour as a regional city. This may be challenging as the Government strives to implement innovative strategic planning outcomes and reflective local planning controls that could be “overridden” by metro-centric policies. If development exceeds local standards and can still be considered on its merits in the context of the plan objectives, this has the potential to reduce certainty, consistency and cause confusion. Many developers will still seek prescriptive controls for projects that fit into a merit assessment category. Can this work?
- The Green Paper adds further flexibility in rezoning proposals, with the ability to apply for rezoning and the introduction of new rights of review if a rezoning is refused or not acted upon. This right of review has the ability to undermine any strategic planning Council has in place and also one of the foundation principles of the reforms. CHCC outright oppose the introduction of rights for developers to seek review of council or department refusals of rezonings. 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 does not support the provision of any appeal rights as this effectively would impact Council’s ability to undertake logical strategic policy decisions.

Matters Requiring Further Attention

The Green Paper outlines a number of reforms that CHCC see as being areas where further refinement is required in the transition from the Green Paper to the White Paper (the Bill), these include:

- The need to establish clear decision making criteria and objective tests for development assessment and approval.

- Provision of detail of the mechanisms and the resources (from each level of Government) required to actively engage the community.
- The manner, given the above point, to ensure communities are not precluded from the decision making process by counter intuitive means of streamlining development assessment and approvals – detailing clear consultation and appeal rights.
- Ensuring that natural areas and existing character and amenity of localities are identified and protected avoiding inappropriate and/or incompatible development.
- Establish and implement appropriate quality design standards for all forms of residential development.
- Deliver a clear NSW Planning Policy with comprehensive mitigation and adaptation principles to engage and manage the risks associated with climate change.
- Develop a range of regulatory tools (including penalties) for Council's to address planning breaches and enforcement procedures that don't entail excessive levels of "Burden of Proof" to use.
- Determine the transitional arrangements that will be in place to assist Council's in the change from current policies procedures and practice to the ones envisaged under the proposals outlined in the Green paper.
- For the newly proposed Enterprise Zones; develop appropriate and adequate standards to determine thresholds to maintain and protect community and environmental values.
- Outline the process for Council's to follow to amend local plans if they are inconsistent with the other 3 layers of plans and policies.
- Clearly state the circumstances where concurrence and referrals will be required and the process to be applied in these cases.
- Outline clear decision making criteria and objective tests for development based assessments.
- Determine clear criteria to implement "an interim zoning for future use" and the process to enable it to be developed at some future time.
- Develop a clear process for providing greater certainty within suburban character zones while providing flexibility for future use.
- Clearly outline the mechanism to indicate what the zone is like and how it operates.
- While the concept of having three methods of assessing development (code assessment, code plus merit assessment and full merit assessment) is supported, there is the need to establish clear decision making criteria and objective tests for each development assessment type – especially the code plus merit assessment.
- Code plus merit assessment is a potential minefield. Very clear and concise parameters must be established in order to ensure that all participants (and most important the public) are fully conversant with the merit assessment limitations that would be applied to the determination of such applications.
- The proposal to bring JRPPs into the assessment process is confusing. JRPPs do not currently have an evaluation role in the application process, they are a determining body, similar to the elected Council. Involvement of a JRPP in application evaluation, including prelodgement and condition meetings may be counterproductive to the objects of JRPPs.
- The "amber light approach" to development application evaluation and decision making will not apply in every instance.

Other Factors

Financial Implications

Council's will now "have to go back to the drawing board" to resource and introduce the new planning instruments (Local Land Use Plans) in place of the "SiLEP movement". The cost to fund this process will be at the detriment to other community projects.

The preparation of Local Land Use Plans will require appropriate resourcing of local councils by the State Government to undertake these tasks.

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 low socio economic group
- the equity of making residents of new developments pay for community facilities that previously had been paid for by general revenue.

The Green Paper notes that recent caps on Section 94 contributions and a reduction in the scope of infrastructure funded through contributions have not addressed the fundamental flaws in the system.

The principal challenge appears to be the necessity and cost of new infrastructure versus housing affordability.

The Green Paper broadly identifies proposed changes to the current framework and processes for the application of what is now Section 94 contributions imposed on development for the provision of infrastructure. It provides little detail at this time, so a detailed analysis of probable financial outcomes to Council is difficult. The Green Paper outlines some key principals for how infrastructure should be funded in the future.

These include principles such as that the levy system:

- Should be based on the principle of contributing to cost recovery.
- Must be competitive with comparable markets in other jurisdictions.
- Must not compromise housing affordability or inhibit housing delivery.
- Should spread costs to the broadest base of beneficiaries, including over time.
- Should support contestability.

- Must provide a clear, transparent link between levy revenue collection and infrastructure programming and delivery.

The proposed changes include renaming contributions plans as Local Infrastructure Plans.

The option that is under strong consideration is a proposal for a 3 tier system. This involves a Local Infrastructure Plan developed by local councils for the provision of local roads, local drainage works, and land for community facilities. The second tier proposes a Regional Open Space Levy as a fixed percent per residential development to fund local and regional open space land, local and regional drainage land, and biodiversity conservation offsets. This levy could be formulated by either local Council or State Government. The third tier is contributions for Regional Infrastructure identified in Growth Infrastructure Plans formulated by the NSW Government. New Growth Infrastructure Plans will be prepared by the Dept of Planning and Infrastructure to support development in high growth areas of the state. This proposal is based on a fixed levy per residential development with contributions being towards the provision of new and upgraded regional roads, land for health and educational facilities, and land for emergency service facilities.

The following table provides a summary of the Green Paper's option for development contribution reform:

Infrastructure	Local Infrastructure Plan	Regional Open Space Fund	Growth Infrastructure Plan	Responsible Delivery Authority
Local Roads				Local Council
Local Drainage Works				Local Council
Land for Community Facilities (not open space or drainage)				Local Council
Local Open Space				Local Council
Local and Regional Drainage Land				Local Council
Regional Open Space				NSW Government
New and Upgraded regional Roads				NSW Government
Land for Health and Educational Facilities				NSW Government
Land for Emergency Service Facilities				NSW Government

The proposal appears to limit the types of infrastructure for which contributions can be levied at a local level. All tiers appear to direct all funding towards land acquisitions and make no or little provision for funding of infrastructure on those lands.

The Paper indicates that contributions will still be the subject of “capping”. It is unclear how infrastructure such as neighbourhood park equipment and active open space infrastructure can be provided via contributions.

Timing of payment of developer contributions is another issue being addressed in the Green Paper.

Early payment by developers results in increased holding costs which is seen as impacting on the overall affordability of housing. The Green Paper states that the new framework will provide for payment of levies as late as is practically achievable in the development process. Whilst this is an incentive for developers, it could have substantial ramifications on council funds and its ability to provide infrastructure to facilitate development. In the alternative developers would need to forward fund infrastructure to facilitate development.

In summary, the option presented in the Green Paper appears to indicate a reduction in the level of local infrastructure that can be funded via developer contributions.

Development Decision-making

There are various perceptions expressed by the community on how decisions should be made about individual development proposals.

CHCC acknowledges that there are some infrastructure and major projects that are large, complex or economically significant enough for decisions to be made at a regional or state level.

Level

There needs to be an established framework on how to identify what projects should be determined at a State level. Local Government should not be giving any endorsement responsibilities for such projects as this may cause conflict in the determination process.

The proposal to consider making determinations by independent expert panels needs to consider the additional cost and time implications of such approach. Council would prefer clear direction from the Paper on the delegations of decision making to council staff.

Certification

The concept of private certifiers being paid by applicants for providing certification raises the following concerns:

- The transparency of this process.
- The current inadequacy of compliance and enforcement provisions to address breaches or provide effective disincentives for breaches by certifiers and developers.
- The perception of the community is that the Council is the umpire and has some control over private certifiers and is there to make right any grievances between the community and the certifier or developer.

Consideration must be given for the ability of Council to recoup its costs for undertaking development compliance oversight. The introduction of private certification has resulted in Council being increasingly called upon to address and resolve development compliance matters. Consideration must be given to Council being adequately compensated to fund its compliance responsibilities through a separate fee or levy. Such would need to incorporate approvals associated with both the development application and Code assessable pathways.

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.

Periodic Review of Other Elements

CHCC would support regular reviews of statutory planning instruments – such as the current LEPs – 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 in to the planning system.

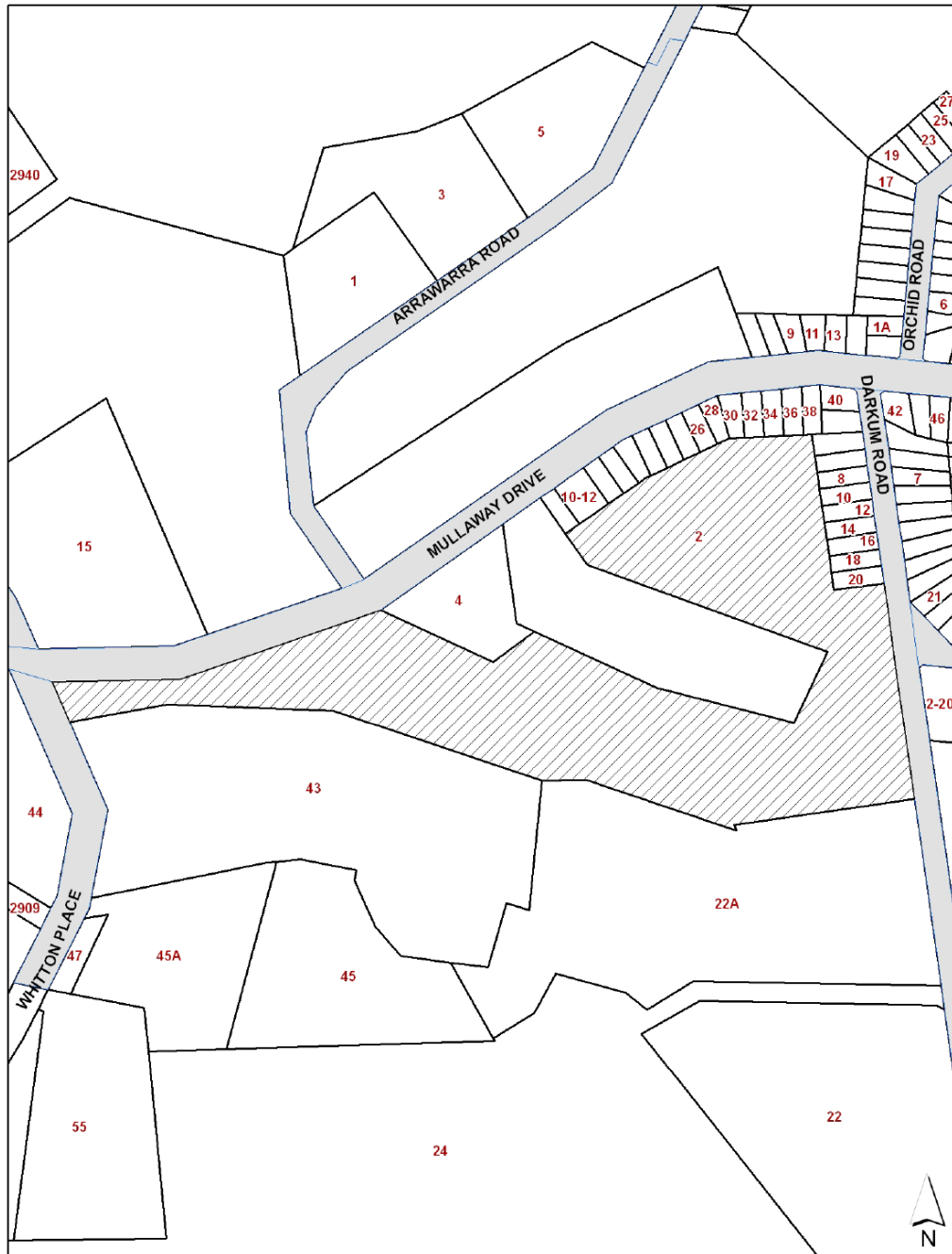
This would result in:

- 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 the proposed Local Land Use Plans and development assessment.

L12/25 DEVELOPMENT APPLICATION 0217/12 – RESTAURANT – LOT 1 DP 1128964, 2 MULLAWAY DRIVE, MULLAWAY

Purpose:

This report describes Development Application 0217/12 for a restaurant at Lot 1, DP 1128964, 2 Mullaway Drive, Mullaway.



**Location Map
2 Mullaway Drive - Mullaway**

This map produced by GIS Section
Coffs Harbour City Council




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Legend

-  Subject Lot
-  Land Parcels
-  Roads

Air Photo 2009

L12/25 - Development Application 0217 - Restaurant - Lot 1 DP 1128964, 2 Mullaway Drive, Mullaway (Cont'd)

At its meeting of 15 December 2005, Council resolved:

1. *That development applications for approval involving substantial aspects of the following elements be referred to Council for determination:*
 - *Significant public interest and community input;*
 - *Substantial non-compliance with relevant strategic controls;*
 - *Significant land use;*
 - *Major environmental issue(s);*

Accordingly this matter is reported to Council for determination due to significant public interest and community input.

Description of Item:

Development History

In February 1998, Council granted consent to an eco-tourism development, comprising of 10 cabins in the central section of the site (east of the proposed development). In June 1998, Council granted consent to a further five cabins in this area. This development has been commenced, but not completed. A cottage associated with this development has been constructed.

In 2012, Council received a development application for a seniors living development proposed to be located in the eastern section of the site. This development includes 34 dwellings (in-fill self care housing). This development is a biodiversity compliant development, subject to a Biobanking Statement issued by the NSW Office of Environment and Heritage. This application is currently undetermined.

Current Application

The subject lot is located to the west of Mullaway village. The site is surrounded by residential land and the Mullaway Public School to the north and east and rural agricultural land to the south and west. The site currently contains an existing cottage, located in the western portion of the site adjoining Mullaway Drive and a small dam located in the central portion of the site. The land is zoned 1A Agriculture under the Coffs Harbour City Local Environmental Plan 2000.

The proposed development is for a restaurant, with a gross floor area of 214.3m² and seating capacity of 70, to be located in the western portion of the site. The proposal includes the following:

- bistro and classic dining areas, including indoor seating and an outdoor terrace area;
- 21 carparking spaces, with vehicle access from Whitton Place;
- waste storage area;
- loading bay; and
- associated landscaping and signage.

It is proposed that the restaurant operate seven days per week from 7am to 11pm.

The Development Application file will be placed in the Councillor's room for perusal prior to consideration by Council and be available at the Council meeting.

Copies of the proposed plans are included in this report at Appendix B.

Sustainability Assessment:

- **Environment**

The development site, as identified in the submitted Ecological Assessment prepared by Benchmark Environmental Management, was subject to a detailed flora and fauna survey, undertaken in July and August 2011.

The survey identified a total of 55 native and 24 introduced species. No threatened flora species were recorded on the site. The study area consists of one vegetation type, being *blackbutt very tall open forest*, which is not representative of any Threatened Ecological Community currently listed on the *Threatened Species Conservation Act 1995* or the *Environmental Protection and Biodiversity Conservation Act 1999*.

The survey recorded a total of 40 vertebrate fauna species, consisting of three frog species, one mammal species and 26 bird species. A total of six threatened fauna species were recorded in the study area, being the powerful owl; squirrel glider, grey-headed flying-fox; hoary wattled bat; little betwing bat; and the eastern bentwing bat. The development site also contains potential habitat resources for another 13 threatened fauna species previously recorded or predicted to occur in the locality.

The development requires the removal of approximately 2050m² of modified moist open forest habitat, including 31 living trees and one dead tree.

The seven part threatened species assessment of significance concludes that the proposed development is unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.

The assessment recommends that the development include the preparation of a Vegetation Management Plan to minimise long-term impacts of the development on local flora and fauna populations and to contribute to the protection, management and restoration of koala habitat in the locality. A concept Vegetation Management Plan was provided with the application, which is considered satisfactory. A detailed Vegetation Management Plan will be required as part of any conditional consent granted to the application.

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.

It is anticipated that the proposed restaurant will provide for additional dining/recreational opportunities in Mullaway in a sustainable manner. Whilst it is recognised that the proposed development represents a significantly different land use for the site, the development is considered to be compatible with the existing and desired future character of the locality.

The development is not expected to result in any significant or unreasonable traffic and noise impacts in the locality. Conditions will be imposed on the development consent to ensure that potential amenity impacts during the construction phase are minimised.

- **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 proposal is consistent with the aims and objectives of the Coffs Harbour 2030 Community Strategic Plan, as it will produce a new service for the village of Mullaway while maintaining the unique coastal village character.

- **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 resulting from the proposal.

Consultation:

- **Community**

The application was advertised and notified to adjoining landowners between the 13 October and 3 November 2011 and 24 submissions were received. Nine of these submissions indicated support for the development. The remaining submissions primarily raised issues regarding: potential flora and fauna impacts; traffic/infrastructure impacts, social and economic impacts; noise impacts; and undesirable precedent.

The matters raised in those submissions are discussed in the Section 79C evaluation attached to this report.

- **Technical**

The application has been reviewed by Council's City Services (Engineering and Landscaping), Land Use Management, Health (noise, waste management and food considerations), Biodiversity and Finance (developer contributions) sections. The application was also reviewed by Coffs Water in relation to servicing and the NSW Rural Fire Service.

Related Policy and / or Precedents:

The development application is suitable for determination by Council having regard to the Premier & Cabinet Division of Local Government's Circular of 25 June 2012 Caretaker provisions. This Circular provides that Council, amongst other things, should not:

"Determining a controversial development application, except where failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made a submission by way of objection".

It is important to note:

- That whilst 24 submissions were received following exhibition of the application, 9 of those submissions support the development proposal.
- A deemed refusal arose before the commencement of the caretaker period and Council has been served with an appeal to the Land and Environment Court of NSW against the deemed refusal of the application. A call-over for the court proceedings is scheduled for the 23 August 2012.

Statutory Requirements:

- **Section 79C Evaluation:**

Section 79C of the Environmental Planning and Assessment 1979, specifies the matters which a consent authority must consider when determining a development application. 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 attached to this report and provides a detailed assessment of the application.

- **Relevant Statutory Instruments:**

- North Coast Regional Environmental Plan (deemed State Environmental Planning Policy);
- NSW Coastal Policy;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising Signage;
- State Environmental Planning Policy No. 71 – Coastal Protection;
- Off Street Carparking Development Control Plan;
- Signs Development Control Plan;
- Waste Management Development Control Plan;
- Access and Mobility Development Control Plan;
- Notification Development Control Plan.

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

Issues:

The development application has been assessed under Section 79C of the Environmental Planning and Assessment Act, 1979 as outlined in Appendix A. Following this assessment it is recommended that the application be approved, subject to conditions.

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 Development Application 0217/12 for a restaurant at Lot 1 DP 1128964 at 2 Mullaway Drive, Mullaway be approved subject to conditions attached to this report (Appendix C)**
- 2. That those persons who lodged submissions on this Development Application be informed of Council's decision.**

**Chris Chapman
Director
Land Use, Health & Development**

**Section 79C Assessment
Development Application 0217/12**

- a. the provisions of,
- i. any environmental planning instrument, and

• ***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 restaurant is consistent with the objectives outlined in the Strategy.

• ***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. Clauses of particular relevance are discussed further below:

Clause 12 – Impact of development on agricultural activities

The subject site is zoned 1A Agriculture and adjoins agricultural land to the south and west. The subject site and adjoining land does not constitute prime crop or pasture land. The development will not result in the loss of prime crop or pasture land.

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

The development includes two signs, being one flush wall sign on the western elevation of the building and one entry sign fronting Whitton Place.

Clause 8 of the SEPP requires that signs are consistent with the objectives of the Policy and that the signs satisfy the assessment criteria specified in Schedule 1.

The proposed signs are considered to be compatible with the desired amenity and visual character of the area and provide for effective communication in appropriate locations. The signs also meet the assessment criteria specified in Schedule 1.

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

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

Clause 7 – Application of Clause 8 Matters

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

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.

- The site is not subject to Aboriginal cultural heritage significance.
- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not impact upon the scenic quality of the surrounding locality.
- The site is not subject to any coastal hazards.
- The site is surrounded by residential land and Mullaway Public School to the north and east and agricultural land to the south and west. The proposed development, in terms of type location and design, is considered to be suitable.
- The proposal will not result in any significant impacts to flora and fauna present on the site. The most significant vegetation will be retained and an area of the site will be regenerated, as shown in the submitted concept Vegetation Management Plan.

Clause 16 – Stormwater

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

A concept stormwater management plan was provided with the application. In summary it is proposed that stormwater be managed in the following ways:

- The entire roof of the proposed development will be collected and stored in a 20 KL rainwater tank, adjacent to the development.
- Stormwater runoff from the carpark area will be directed to a small bio-retention area located in the north-western corner of the carpark.
- Runoff would then be directed to a detention basin located in the northern section of the site prior to being discharged to the Mullaway Drive drainage system.
- Minor drainage works will be required to divert runoff from the southern corner of the property around the carpark to the Mullaway drainage system.

The concept details provided are considered satisfactory. Details of the system will be required to be provided to and approved by Council prior to issue of a construction certificate.

- ***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 previously been used for grazing activities. Given the history of the site, investigations for agricultural chemical residues or other forms of contamination are not considered necessary.

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

Zoning

The site is zoned 1A Agriculture. The proposed development is defined as a 'restaurant', which is identified as permissible with consent in the 1A Agriculture zone.

Clause 12 – Koala Habitat

Parts of the site are mapped as secondary koala habitat. The proposed development is considered to meet the relevant objectives and management actions of the Coffs Harbour City Council Koala Plan of Management.

The proposed development would not require the removal of any preferred koala feed trees. Furthermore, the proposed development is not expected to affect the ability of koalas to utilise habitat resources on site or to move through the site to access adjacent areas of habitat.

Clause 14 – Services

It is proposed that the development be serviced by Council's reticulated sewer and water systems. With regards to sewerage, it will be necessary for the developer to provide a pump station on the site. Details of servicing will be required to be provided to and approved by Council prior to issue of the construction certificate.

Clause 23 – Environmental Hazards

The subject land is mapped as being Class 5 potential acid sulfate soils. As the proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land, which are likely to lower the watertable below 1 metre AHD, no further investigations into acid sulfate soils are required.

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)

• Off Street Carparking DCP

The development provides for 22 spaces on the site, which will be accessed from Whitton Place.

Council's Off Street Carparking DCP requires the provision of 1 space per 6.6m² of the Gross Floor Area (GFA). The development has a GFA of 214.3m², which requires the provision of 33 spaces, representing a shortfall of 11 spaces.

In support of the proposed variation the applicant contends that the required carparking rate is inappropriate, given the scale (70 seat capacity) and location of the restaurant outside the urban area. Further, it is intended that the restaurant will service the seniors living development currently proposed for the eastern section of the site. The proponent anticipates that many of these residents would walk to the restaurant rather than drive.

Whilst Council cannot support relying on the undetermined seniors living development as support for the proposed variation, it is considered that the justifications presented in relation to the development's scale and location are satisfactory. The proposed variation, therefore, is considered acceptable in this instance.

• Access and Mobility DCP

The development provides for appropriate access and facilities and is consistent with the requirements of the DCP.

- **Signs DCP**

As outlined above, the development includes two signs, being one flush wall sign on the western elevation of the building and one entry sign fronting Whitton Place.

The proposed signs are considered to be compatible with the rural setting in terms of size and location.

- **Waste Management DCP**

A Waste Management Plan was submitted with the application. The development provides for the appropriate management of waste. Details of the proposed waste storage area will be required to be provided to and approved by Council prior to issue of a construction certificate.

- **Notification DCP**

The development application was advertised and notified to adjoining landowners in accordance with the provisions of the Plan and twenty four submissions were 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. The development is consistent with the goals, objectives and strategic actions outlined in the Policy.

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 development site, as identified in the submitted Ecological Assessment prepared by Benchmark Environmental Management, was subject to a detailed flora and fauna survey, undertaken in July and August 2011.

The survey identified a total of 55 native and 24 introduced species. No threatened flora species were recorded on the site. The study area consists of one vegetation type, being *blackbutt very tall open forest*, which is not representative of any Threatened Ecological Community currently listed on the *Threatened Species Conservation Act 1995* or the Environmental Protection and *Biodiversity Conservation Act 1999*.

The survey recorded a total of 40 vertebrate fauna species, consisting of three frog species, one mammal species and 26 bird species. A total of six threatened fauna species were recorded in the study area, being the powerful owl; squirrel glider, grey-headed flying-fox; hoary wattled bat; little betwing bat; and the eastern bentwing bat. The development site also contains potential habitat resources for another 13 threatened fauna species previously recorded or predicted to occur in the locality.

The development requires the removal of approximately 2050m² of modified moist open forest habitat, including 31 living trees and one dead tree.

The seven part threatened species assessment of significance concludes that the proposed development is unlikely to have a significant effect on threatened species, populations or ecological communities or their habitats.

The assessment recommends that the development include the preparation of a Vegetation Management Plan to minimise long-term impacts of the development on local flora and fauna populations and to contribute to the protection, management and restoration of koala habitat in the locality. A concept Vegetation Management Plan was provided with the application, which is considered satisfactory. A detailed Vegetation Management Plan will be required as part of any conditional consent granted to the application.

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.

It is anticipated that the proposed restaurant will provide for additional dining/recreational opportunities in Mullaway in a sustainable manner. Whilst it is recognised that the proposed development represents a significantly different land use for the site, the development is considered to be compatible with the existing and desired future character of the locality.

The development is not expected to result in any significant or unreasonable traffic and noise impacts in the locality. Conditions will be imposed on the development consent to ensure that potential amenity impacts during the construction phase are minimised.

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 proposal meets the provisions of all relevant state environmental planning policies, development control plans and /Policies.

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

The application has been reviewed by Council's City Services (Engineering and Landscaping), Land Use Management, Health (noise, waste management and food considerations), Biodiversity and Finance (developer contributions) sections. The application was also reviewed by Coffs Water in relation to servicing and the NSW Rural Fire Service.

As outlined above, the application was advertised and notified to adjoining landowners and 24 submissions were received. Nine of these submissions indicated support for the development. The remaining submissions primarily raised issues regarding:

Potential impacts to flora and fauna

- Since 1998 vegetation has been cleared on the site without approval and the ecology has been irreparably damaged.

Comment:

This matter is unrelated to the current application and has been previously investigated by Council and the NSW Office of Environment and Heritage.

- More clearing will be undertaken without approval.

Comment:

This is speculative and outside the scope of this assessment.

- Previous conditions of consent in relation to burning of vegetation have not been complied with. In recent months all of the remaining hollow logs and ground habitat have been burnt so there is no ground cover remaining.

Comment:

Non compliance with previous conditions of development consent is unrelated to the current application.

- Noxious weeds should be removed from the property (Lantana and Crofton Weed).

Comment:

As outlined above, any development consent issued for the development will be subject to a Vegetation Management Plan, which will address weed removal, will be required to be submitted to and approved by Council prior to the issue of a construction certificate.

- A number of truck tyres have been dumped on the site within a tributary of Darkum Creek for erosion control and should be removed.

Comment:

This matter is unrelated to the current application and the subject site.

- The Department of Planning has noted some issues in relation to previous proposals for the land such as incompatibility with agricultural practices, diminished wildlife, unauthorised clearing, threats to the biodiversity of the local area and that the land is not adequately serviced.

Comment:

Issues relating to previous proposals are not relevant to the assessment of this application.

- The land contains (or did contain) habitat for 13 threatened species. Further, there is (or was) koala habitat on the land.

Comment:

The submitted ecological assessment indicates that the proposed development is unlikely to result in a significant effect on threatened species, populations or Endangered Ecological Communities or their communities.

- 31 trees and one dead tree are marked for removal. This land is a wildlife corridor to and from the Coastal Reserve and Garby Reserve. The proposed development will result in a wildlife barrier, particularly to koalas.

Comment:

The development is not expected to affect the ability of wildlife, including koalas to utilise habitat resources on site or to move through the site to access adjacent areas of habitat.

- The land is not conducive to development. The statement that the development will result in limited impacts is due to the ecology of the land having been damaged over years.

Comment:

The suitability of the proposed development is to be assessed based on the land's current state. Any unauthorised vegetation clearing undertaken previously is a separate matter.

Traffic/Infrastructure impacts

- The proposal will result in increased traffic demand on local roads and traffic safety issues near the School.

Comment:

The development is not expected to result in any adverse traffic or safety impacts in the locality.

- Mullaway Drive is narrow and has double lines adjoining the proposed site.

Comment:

The intersection of Mullaway Drive and Whitton Place will be required to be upgraded as part of the development. Mullaway Drive is able to satisfactorily accommodate the additional traffic generated by the development.

- The proposed development does not take into consideration traffic movements from the proposed seniors living development on the land.

Comment:

The seniors living development referred to is currently the subject of a separate undetermined development application. Consideration of the cumulative impacts of the seniors living development is outside the scope of this assessment. Such development may not be approved, or if approved may not be developed.

- Whitton Place is an unsealed dirt road which is maintained by the residents, including roadworks and drainage. Council does not maintain the road. Any additional traffic will make the condition of the road worse.

Comments:

Whitton Place will be required to be upgraded as part of the development. This upgrade will involve the full width construction of Whitton Place for the frontage of the site, including footpath on the eastern side linking up with the existing footpath on Mullaway Drive.

- The village does not have adequate infrastructure to support additional development.

Comment:

The development is able to be connected to Council's reticulated sewer and water systems. Power and telecommunications are available to the site. Road access to the development will be upgraded to Council's standards.

- The proposal will result in cumulative impacts when combined with an approval for 19 houses on the Mullaway Caravan Park site.

Comment:

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

Social/economic impacts

- The proposed development will result in limited financial gain via local employment at the expense of the environment.

Comment:

The potential environmental impact of the development has been appropriately addressed in the submitted ecological assessment. The proposal is not likely to result in any significant adverse environmental impacts.

- The social and environmental impacts of the proposed development are unacceptable.

Comment:

The development is not expected to result in adverse social impacts. See comments above in relation to potential environmental impacts.

- The proposed development will be a detriment to the lifestyles of the local residents who enjoy the benefits of the rural village atmosphere.

Comment:

The proposed land use is permissible in the zone and the development is not expected to result in any significant social/amenity impacts in the Mullaway village. It will add a service to the village (the restaurant) that is not currently available.

- Mullaway is a village and is suitably supported by an existing general store.

Comment:

The proposed restaurant is identified as a permissible land use within the 1A Agriculture zone. Commercial viability is not within the scope of this assessment. Its location and proximity to the Mullaway village supports its use by the residents and visitors of the village without impacting on the amenity of the locality.

- The area cannot support additional commercial development as it is characterised by seasonal holiday letting.

Comment:

The commercial viability of the proposed development is not within the scope of this assessment.

Noise

- The peace and quiet of the village will be interrupted from the proposed development.

Comment:

An acoustic assessment was submitted with the application, which assessed potential impacts resulting construction and operational noise. The report concluded that the development is not expected to result in any unreasonable noise impacts in the locality.

- The scale and hours of operation for the proposed restaurant are not supported.

Comment:

It is proposed that the restaurant operate between the hours of 7am to 11pm, seven days per week. The submitted acoustic assessment supports these hours.

Other

- The development provides an undesirable precedent for future development. There are plans for additional development on adjacent land which will lead to more development.

Comment:

The proposed development is permissible within the land use zone and complies with the relevant statutory planning controls, development control plans and policies. Any future development on the land or within the locality will be assessed in relation to permissibility and compliance with relevant controls.

- Adjacent land holders will be required to increase fire management to cater for the required 20m APZ.

Comment:

The application was referred to the NSW Rural Fire Service for review and comment. The RFS have issued a conditional Bushfire Safety Authority. One of the conditions requires that the development provide for an Asset Protection Zone, extending from the restaurant building to the northern, western and southern boundaries and 20 metres towards the eastern boundary. The required Asset Protection Zone will be accommodated on the site and will not extend onto any adjoining private property.

- The proposal is confusing as the plans for the site have changed many times.

Comment:

The plans for the proposed development have not been amended at any point during the assessment process. The *Environmental Planning and Assessment Act 1979* provides the ability for more than one development consent to apply to any one site.

- The proposal will alter the character of the village entrance. The location of the restaurant should be moved so it is not visible when entering the village.

Comment:

The development is not expected to negatively impact on the existing and desired future character of the village entrance. A concept landscaping plan was submitted with the application, which provides for appropriate screening of the development.

- Mullaway is a small coastal village surrounded by National Park and should not be developed.

Comment:

The future development of the village is determined, to a large extent, by the various land use zones applied to the area and the permissible land uses within each zone. As outlined above, the proposal is a permissible land use and the proposal is supported in terms of location, scale and compatibility with coastal village.

- The proposed development is not compatible with the rural zoning of the land. High density development and commercial development is not suitable for rural land.

Comment:

The proposed development is a permissible land use within the Rural 1A Agriculture zone. The application is supported in terms of use, location, scale, access, servicing and capability with the locality.

e. the public interest:

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

Draft Conditions

ADMINISTRATIVE CONDITIONS**Development Description:**

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

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. 217/12).

Plan No. / Supporting Document(s)	Version	Prepared by	Dated
Site Plan	C	Design Studio 22	17/10/2011
Floor Plan	C	Design Studio 22	17/10/2011
Roof Plan	C	Design Studio 22	17/10/2011
North East and South East Elevations Plan	B	Design Studio 22	23/6/2011
South West and South East Elevations Plan	B	Design Studio 22	23/6/2011
West and North West Elevations Plan	B	Design Studio 22	23/6/2011
Section and Sign Detail	C	Design Studio 22	17/10/2011
North West and South West Elevations Plan	C	Design Studio 22	17/10/2011
North East and North West Elevations Plan	C	Design Studio 22	17/10/2011
East and South Elevations Plan	C	Design Studio 22	17/10/2011
Statement of Environmental Effects	1	GHD	September 2011

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

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

Development in Accordance with Documents:

4. The development shall be undertaken in accordance with the following documents:

Planning Documentation:

- (1) *Statement of Environmental Effects, prepared by GHD and dated September 2011*

Environmental Assessment Documentation:

- (2) *Ecological Assessment prepared by Benchmark Environmental Management and dated September 2011.*

Inconsistency between Documents:

5. In the event of any inconsistency between:

- (1) The conditions of this approval and the drawings/documents referred to in conditions 3 and 4, the conditions of this approval prevail; and
(2) Any drawing/document listed in conditions 3 and 4 and any other drawing/document listed in conditions 3 and 4, the most recent document shall prevail to the extent of inconsistency.

Limit of Approval – Vegetation Removal:

6. Vegetation removal approved by this development consent is limited to removal of trees on Lot 1, DP 1128964 labelled as “*trees to be removed*” on the plan of GHD titled “*Concept VMP*” and dated May 2012.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate:

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

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Schedule of Conditions

Vegetation Management Plan:

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

The Vegetation Management Plan 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.

Landscape Plan:

9. A detailed landscaping plan for all parts of the site required for the development and asset protection zones being submitted to and approved by Council **prior to issue of the Construction Certificate**.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

Access and Facilities for persons with a disability:

10. The building is to be provided with access and facilities for people with disabilities.

The applicants' attention is directed to the Disability (Access to Premises - Buildings) Standards 2010 and the Building Code of Australia.

Details indicating compliance must be submitted and approved by the certifying authority **prior to the issue of a Construction Certificate**.

Stormwater and Drainage Works Design:

11. Stormwater being drained to Mullaway Drive via a detention system. Design details of the system being approved by Council **prior to issue of the Construction Certificate**.

The on-site drainage system is to be designed in such a way that the estimated peak flow rate from the site for the average recurrence interval (ARI) of the receiving system is no greater than that which would be expected from the existing development. Calculations showing the effect of the proposed development on design storm run-off flow rates and the efficacy of proposed measures to limit the flows as set out in this condition are to be submitted with the design details.

The design is to achieve where applicable, compliance with the Coffs Harbour City Council Water Sensitive Urban Design Policy Targets.

Schedule of Conditions

Road Design and Services:

12. The following works:

- a) Full width reconstruction of Whitton Place for the full frontage of the site, including footpath on the eastern side of Whitton Place.
- b) Street lighting adjacent to the driveway entrance in Whitton Place to Austroad Standards.
- c) Concrete lining of the southern table drain in Mullaway Drive of sufficient extent to ensure long-term stability of the drain.
- d) Provision of scour protection on the drain running under Mullaway Drive and the footpath of sufficient extent to ensure long-term stability of the drain.
- e) Upgrade of the Whitton Place and Mullaway Drive intersection to Austroads Standards.
- f) Water and sewer connection to the site.
- g) Private pump station.

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

Plans and specifications are to be submitted to Council and a separate Civil Works Construction Certificate issued **prior to the issue of a Construction Certificate for the building works**. 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.

Car Parking Plan:

13. A car parking plan providing for twenty-one (21) car parking spaces, designed in accordance with Council's Off Street Car Parking Development Control Plan and the provisions of Australian Standard 2890.1 "*Parking Facilities: Off-Street Car Parking*" **being submitted with the Construction Certificate Application**. The Plan is to include one accessible car space that complies with this standard.

Schedule of Conditions

Trade Waste:

14. An *Application for Approval to Discharge Liquid Trade Waste* under Section 68 of the Local Government Act, being submitted and approved by *Coffs Harbour Water* **prior to release of the Construction Certificate.**

All trade waste discharges are to conform with effluent acceptance criteria as stipulated in Coffs Harbour Water's Trade Waste Policy (Schedule A) and or any standards applied by the NSW Department of Environment, Climate Change and Water for the discharge.

Please Note: Depending upon your individual circumstances, some trade waste pre-treatment equipment may need to be incorporated into the building work.

Coffs Harbour Water (Trade Waste Section) should be contacted for the issue of a Liquid Trade Waste Application Form. Please note once all the relevant information has been supplied, up to 30 days is required for approval.

Erosion and Sedimentation Control:

15. 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.**

Bulk Waste Bins:

16. The bulk waste area is to be enclosed by a roofed and screened enclosure in accordance with the provisions of Council's Waste Development Control Plan. The enclosure is to accommodate a minimum of three (3) 660 litre bins (see DCP for dimensions). The enclosure is to be graded and drained to the sewer via a dry basket arrestor. A hose cock is to be provided in the enclosure. The design and materials of the enclosure are to be compatible with the development. Details of the enclosure being submitted and approved by Council **prior to issue of the Construction Certificate.**

Food Premises:

17. Food premises fitout details being submitted and approved by Council **prior to the issue of any Construction Certificate** to ensure compliance with the Food Act 2003 and National Food Safety Standard 3.2.2 (Food Premises and Equipment) and Australian Standard AS 4674-2004 (Design, Construction and Fitout of Food Premises).

Construction Noise Impacts – Construction Noise Plan:

18. A Construction noise plan which incorporates the community relation measures as specified in the recommended mitigation measures of the noise report of GHD titled "Report for Hannaford Restaurant; Noise Assessment" and dated April 2012 is to be submitted to Council and approved **prior to release of the Construction Certificate.**

Schedule of Conditions

Operational Noise Impacts - Further Report

19. A further acoustic assessment in regard to operational noise is to be submitted to Council and approved **prior to the issue of a Construction Certificate**. The report is to specify the design and selection of all mechanical equipment that will be installed into the development. All equipment selected should not exceed a cumulative sound power level of 83 dB(A) as specified in the noise report.

Water Management Act 2000:

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

The current contribution rate is:

	Amount/m ²	Total
	\$	\$
Works to satisfy increased demand within the area for 214.3 square metres of industrial/commercial development (Restaurant)		
Water	91.87	19,687.74
Sewer	87.86	18,828.40
TOTAL AMOUNT PAYABLE		38,516.14

Private Sewer Pump Station and Private Sewer Line:

21. The Private sewer pump station and private sewer line being designed by a hydraulic engineer with design details of the system being submitted to Coffs Harbour Water for approval **prior to issue of the relevant Construction Certificate**.

The private sewer pump station is to be:

- Provided with a holding well/tank that has a minimum storage capacity of 1 day estimated total effluent.
- Designed to prevent an odour nuisance.
- Fitted with an alarm system to indicate an electrical or pump failure. The alarm system shall comprise audible and visible alarms with a muting facility for the audible alarm. The muting facility shall reset to audible after 2 hours.
- The grinder pump in the sewer pump station shall be fitted with float and/or pressure switches to ensure small volumes of sewage are pumped at regular intervals. The small diameter pressure line to the sewer shall be fitted with a backflow prevention device.
- All metal fittings and components within the sewer pump station shall be of non-corroding material and shall have a service life of at least fifteen (15) years. All mechanical and electrical parts shall have a minimum service life of five (5) years and a minimum warranty period of twelve (12) months.

Schedule of Conditions

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

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

Erosion and Sediment Control:

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

Sanitary Plumbing and Draining:

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

Tree Protection Plan:

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

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

Protective Fencing:

26. Temporary protective fencing shall be provided for all protected vegetation during the construction phase. The fence shall extend from the critical root zone or 5 metres from the perimeter of existing indigenous vegetation. Protective fencing shall be installed prior to commencement of any works.

Protection of Drip Line:

27. The storage of any debris, materials or machinery is not to occur within the drip line of any protected vegetation.

Schedule of Conditions

Pre Clearing Procedures:

28. Prior to commencement of tree removal, a search for the presence of threatened fauna is to be conducted in the area before commencement of operations each day by a suitably qualified and experienced Ecologist.

Presence includes both physical presence within the proposed tree removal area and occurrence of fresh scat materials.

- a) All hollows shall be searched and all checks shall be carried out a minimum distance of 50m from the tree clearing area.
- b) Koala faecal pellets (scats) check is required within a three metres radius of the base of all Koala Feed Trees.
- c) If a threatened arboreal species is located, the tree must be identified (flagged with tape). No further action shall occur until the animal has moved on of its own accord. If after two nights the animal has not moved the NSW Department of Environment Climate Change and Water or Council should be contacted for further advice.
- d) Physical removal of the animal is not an option and shall not be attempted.
- e) All injured animals shall be reported to WIRES immediately. To secure any wildlife which may be accidentally injured during clearing process a blanket, heavy duty gloves and a large bin is required on-site (note the bin lid must have holes to permit air passage).

Note: In relation to Koalas such search should include both lower branches and upper canopy in all listed koala food species (Tallowood, Swamp Mahogany, Broad-leaved Paperbark, Flooded Gum, Blackbutt, Forest Red Gum, Small-fruited Grey Gum, Forest Oak).

DURING CONSTRUCTION

Approved Plans to be On-Site:

29. 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.

Impact of Sub- surface Works – Aboriginal Objects

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

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Dust Control Measures:

31. 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:

32. 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.

Noise Mitigation – During Construction

33. All recommended noise mitigation measures for construction noise as recommended in the noise assessment report of GHD titled "*Report for Hannaford Restaurant; Noise Assessment*" and dated April 2012 and the approved construction noise plan, being carried out during construction.

Bushfire Safety:

34. At the commencement of building works, and in perpetuity, the following specified areas of the site around the restaurant shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
- The area of the site extending from the proposed restaurant to the boundaries located to the North, West and South, and
 - The area of the site extending from the proposed restaurant 20 metres to the East.
35. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006'.
36. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

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37. All exposed/external timber used in the development shall be bushfire-resisting timber species as identified within AS3959-2009 Appendix F. These species include: Silvertop Ash, Blackbutt, River Red Gum, Spotted Gum, Red ironbark, Kwila (Merbau) and Turpentine.
38. Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall be non-combustible.
39. No brushwood fencing shall be used.
40. All new fencing shall be non-combustible.
41. Proposed bi-fold doors, french doors and the like on the northern and north eastern elevations shall incorporate, non combustible seals, and a design that does not permit gaps greater than 3mm in diameter to prevent the penetration of embers. Draught excluders, seals and door furniture shall be manufactured from materials having a "Flammability Index" no greater than 5.
42. New construction on the northern and western elevations shall comply with section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
43. New construction on the southern and eastern elevations shall comply with section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
44. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

Bushfire Safety:

45. An emergency and evacuation plan addressing 4.2.7 of 'Planning for Bush Fire Protection 2006' shall be prepared for the subject site. A copy of the plan shall be provided to the consent authority **prior to the issuing of an Occupation Certificate**.

Bushfire Safety Certification:

46. Certification, indicating that the bushfire safety works required by Conditions 33 -43 above have been completed, to be provided to the Principal Certifying Authority **prior to issue of an Occupation Certificate**.

Access Works:

47. Sealed driveways being constructed over the footpath at right angles to the road in accordance with Council's standard drawings. Any existing driveways which are not required for the development are to be removed and the footpath reinstated. All such work is subject to a separate driveway application, fees and approval by Council.

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

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Schedule of Conditions

Stormwater Management Certification:

48. **Prior to the issue of an Occupation Certificate** the consultant design engineer shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Landscaping Works:

49. **Prior to the issue of an Occupation Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all landscape works have been carried out in accordance with the approved plan.

Road Design and Services:

50. The following works:

- a) Full width reconstruction of Whitton Place for the full frontage of the site, including footpath on the eastern side of Whitton Place.
- b) Street lighting adjacent to the driveway entrance in Whitton Place to Austroad Standards.
- c) Concrete lining of the southern table drain in Mullaway Drive of sufficient extent to ensure the long-term stability of the drain.
- d) Provision of scour protection on the drain running under Mullaway Drive and the footpath of sufficient extent to ensure the long-term stability of the drain.
- e) Upgrade of the Whitton Place and Mullaway Drive intersection to Austroad Standards.
- f) Water and sewer connection to the site.
- g) Private sewer pumping station.

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

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

All work is to be at the developer's cost.

Car Parking Spaces:

51. Twenty-one car parking spaces as shown on (Site Plan, Revision C, prepared by Design Studio 22, dated 17/11/2012) being provided on the development site **prior to the issue of an Occupation Certificate**. All car parking and manoeuvring areas being constructed in accordance with Council's Off Street Car Parking Development Control Plan and the provisions of Australian Standard 2890.1 "Parking Facilities: Off-Street Car Parking". Car Parking areas are to be maintained in a serviceable condition at all times.

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Schedule of Conditions

Mitigation – Operational Noise:

52. Noise attenuation methods specified in the further acoustic report for operational noise being implemented in the development and the completed works subsequently certified by the acoustic consultant prior to the issue of an Occupation Certificate. A copy of the certification being referred to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

One month after the use has commenced a follow up report is to be submitted to the Principal Certifying Authority to assess noise emission from the development, the effectiveness of the noise attenuation methods and compliance with the appropriate maximum noise level.

Private Sewer Pump Station:

53. Application being made to Council (Health Section) **prior to issue of the relevant Occupation Certificate** to licence the private sewer pump station as an on-site sewage management system.
54. A certificate is to be submitted to the Principal Certifying Authority and to Council from the licensed plumber/installer/hydraulic engineer **prior to issue of the relevant Occupation Certificate** to the effect that the private sewer pump station has been installed in accordance with the approved plan.
55. The land owner or his representative is to enter into a 6 monthly service contract with the pump station supplier/agent, with a copy of this contract being submitted to Council (Health Section) and the Principal Certifying Authority **prior to issue of the relevant Occupation Certificate**.

OPERATIONAL MATTERS

Hours of Operation:

56. The hours of operation being limited to the following:
Monday to Sunday 7 am to 11 pm.

Car Parking During Operation:

57. Car Parking areas are to be maintained in a serviceable condition at all times.

Landscape Works:

58. Landscaping is to be maintained in accordance with the approved landscape plans at all times.

Noise:

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

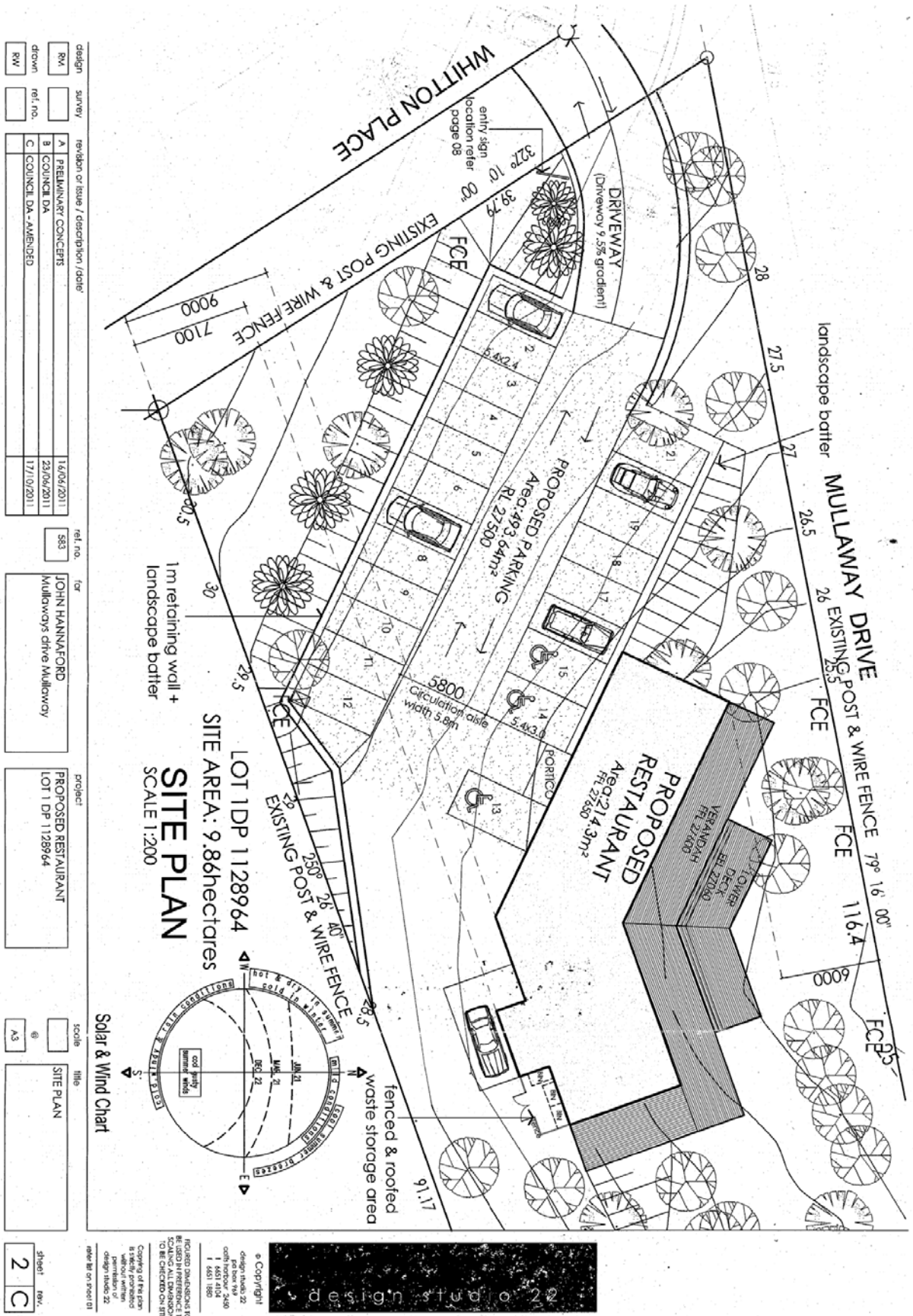
Development Application No. 217/12

Schedule of Conditions

Effluent Disposal:

- 60. A service record is to be maintained for the private sewer pump station, to detail servicing of the facility. The record is to be maintained and retained by the land owner or his representative.
- 61. A copy of the 6 monthly service records are to be forwarded to Council (Health Section) within 7 days following each service of the facility.

Proposed Plan



design	survey	revision or issue / description / date
RW		A PRELIMINARY CONCEPTS 16/04/2011
drawn	ref. no.	B COUNCIL DA 23/04/2011
RW		C COUNCIL DA - AMENDED 17/10/2011

ref. no.	for
583	JOHN HANNAFORD Mullaways drive Mullaway

project
PROPOSED RESTAURANT LOT 1 DP 1128964

scale	title
A3	SITE PLAN

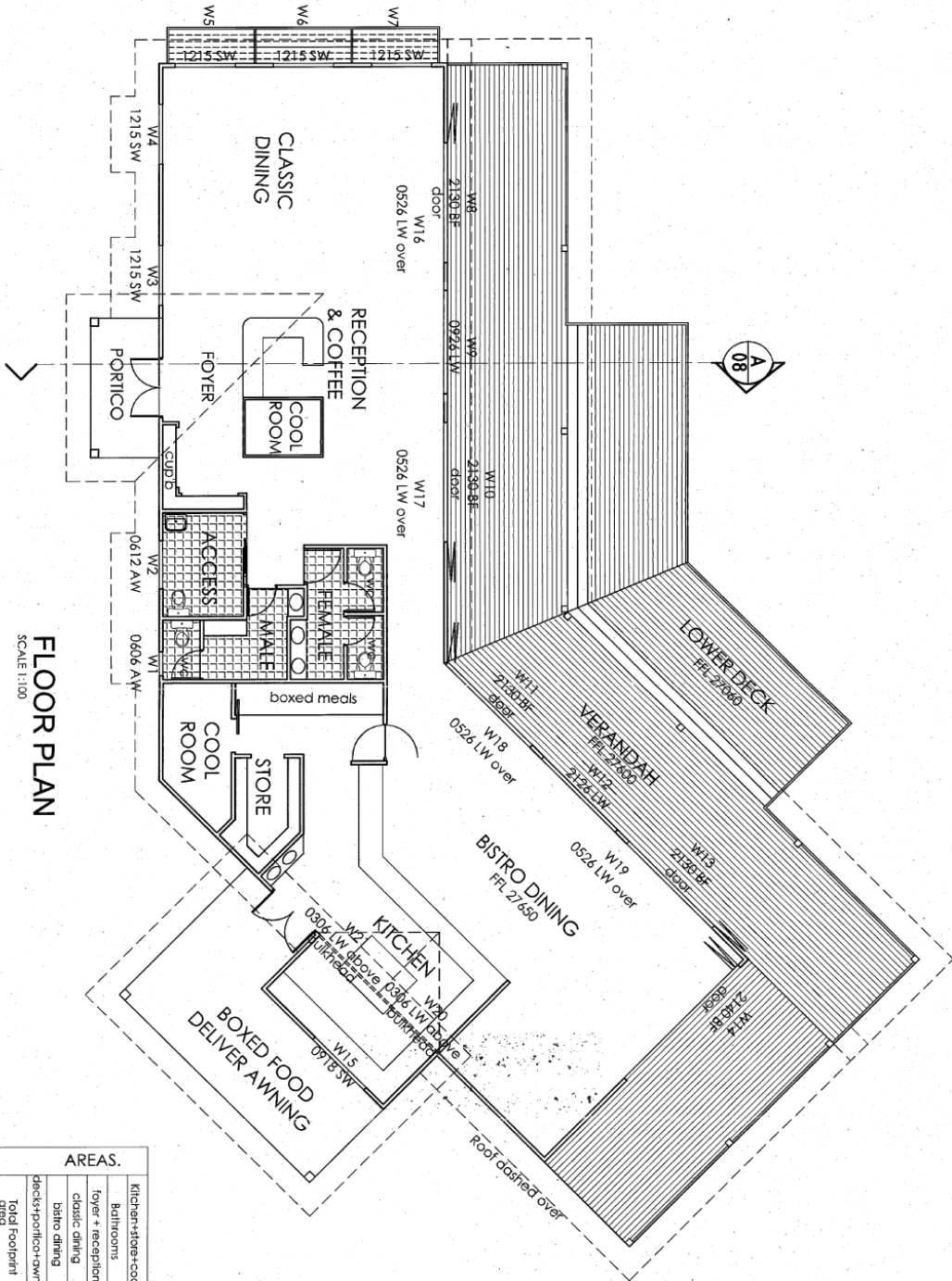
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FLOOR PLAN
SCALE 1:100

AREAS.

Kitchen+store+cool	46.1 m ²
Bathrooms	21.7 m ²
foyer + reception	21.4 m ²
classic dining	63.7 m ²
bistro dining	61.4 m ²
decks+portico+awning	170.1 m ²
Total Footprint	384.4m²

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RW		C COUNCIL DA - AMENDED
		16/06/2011
		23/06/2011
		17/10/2011

ref. no.	for
583	JOHN HANNAFORD
	Mullwoys drive Mullwoy

project
PROPOSED RESTAURANT
LOT 1 DP 1128964



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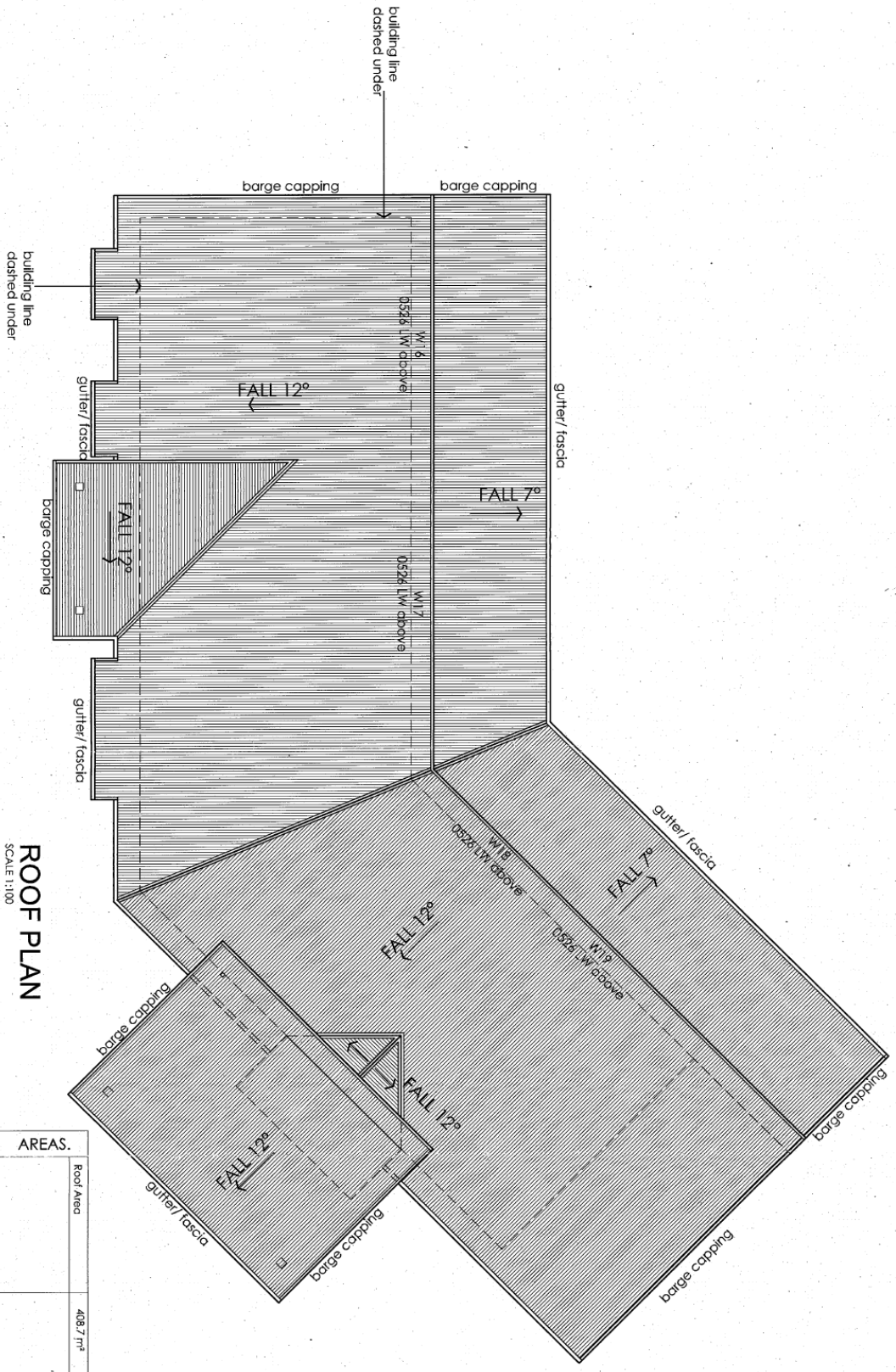
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JOHN HANNAFORD
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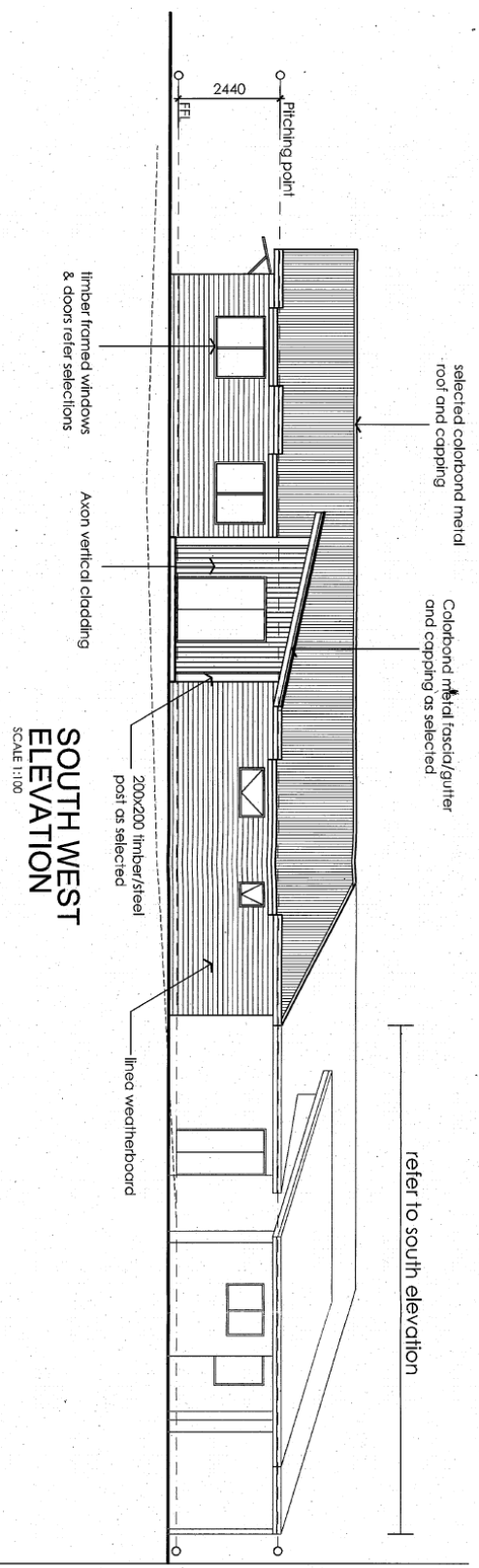
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Roof Area	408.7 m ²
Total Roof Area	408.7 m ²

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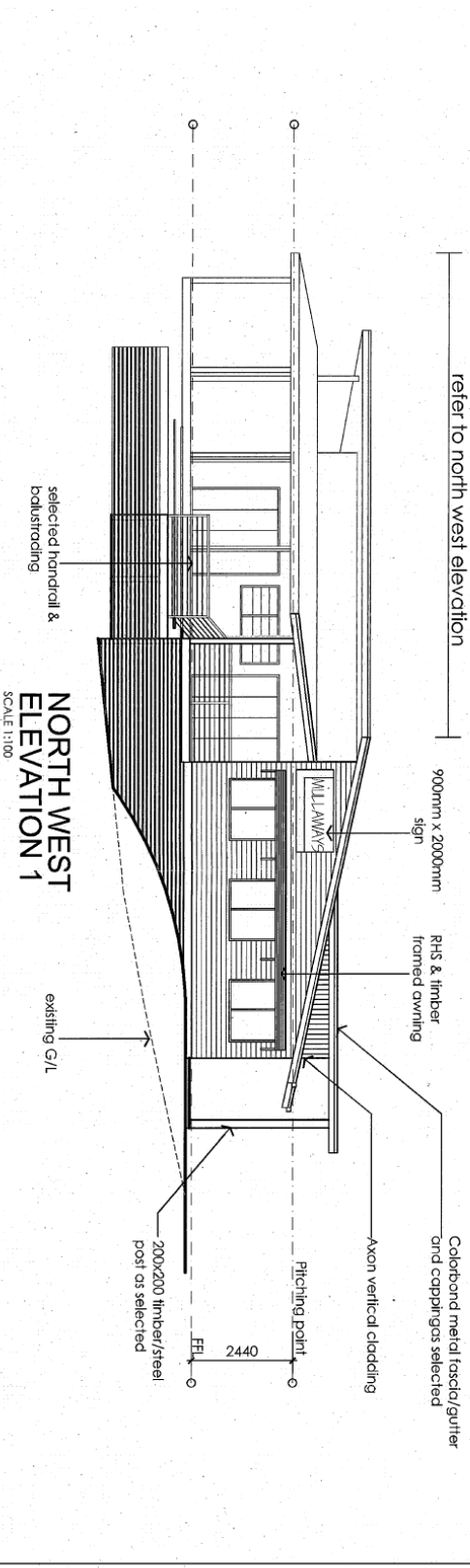
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SOUTH WEST ELEVATION
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NORTH WEST ELEVATION 1
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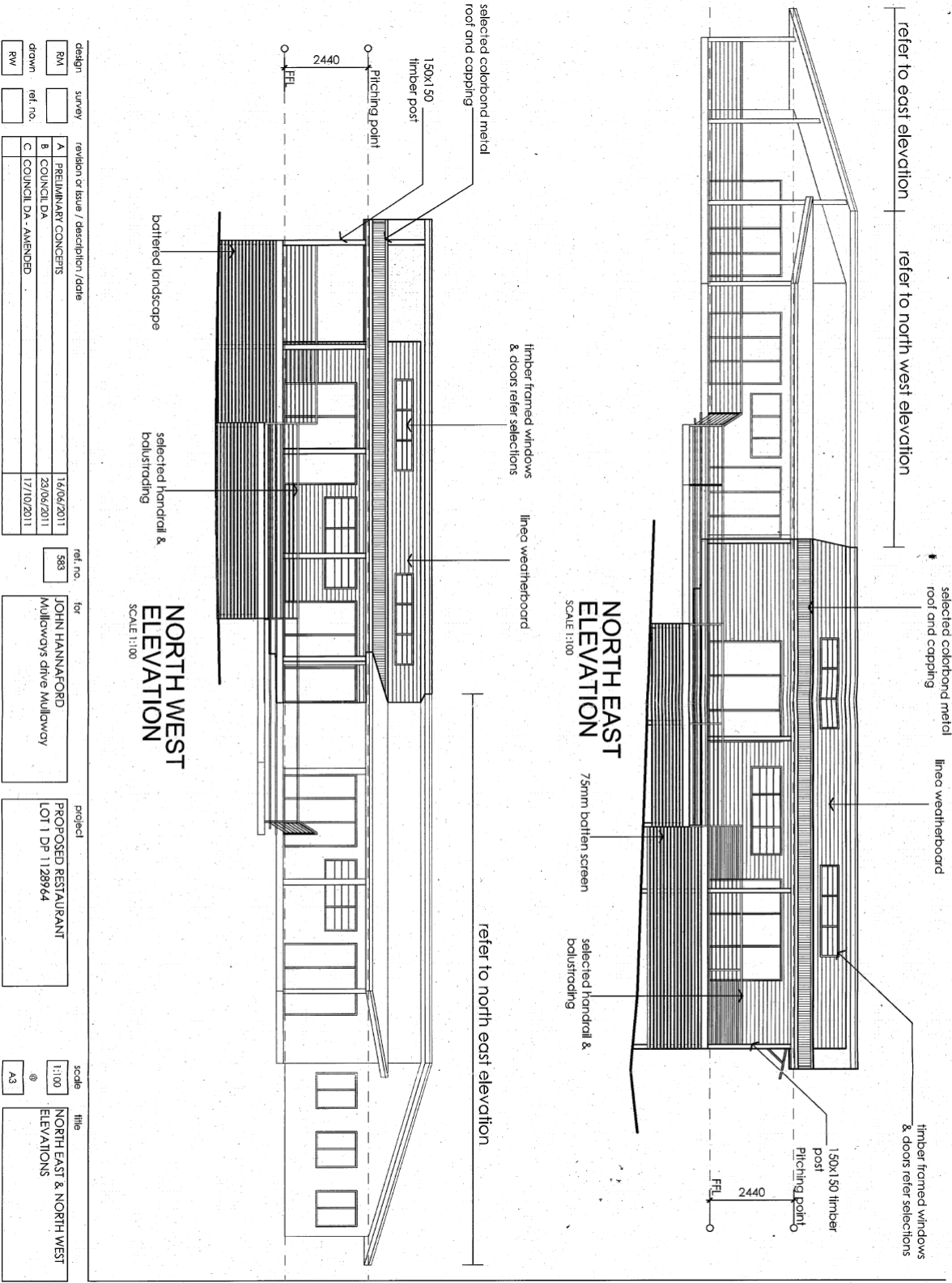
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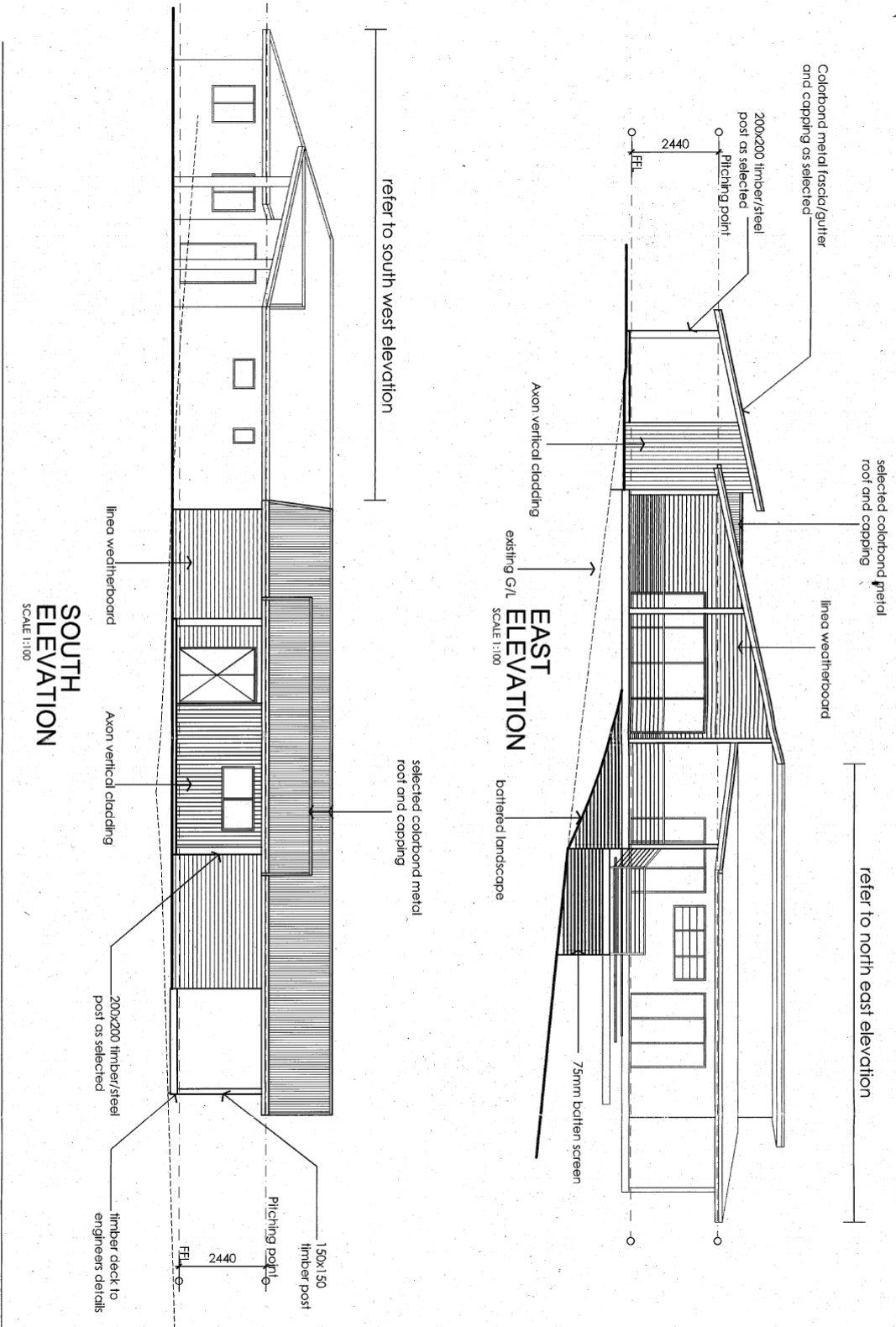
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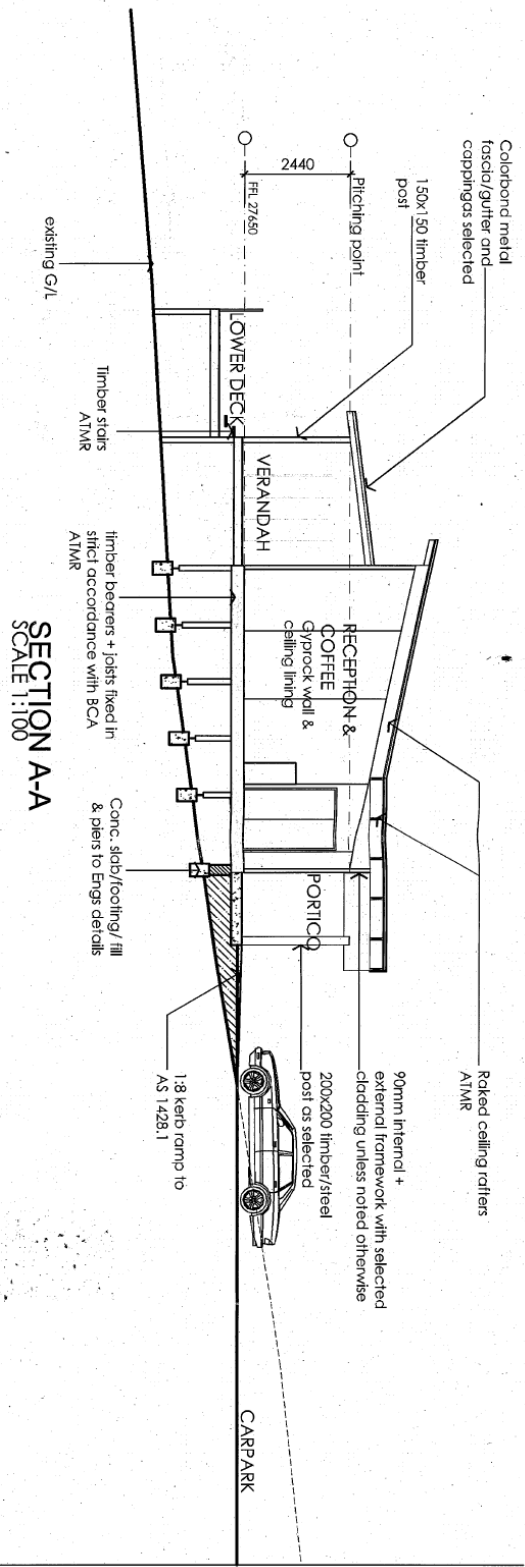
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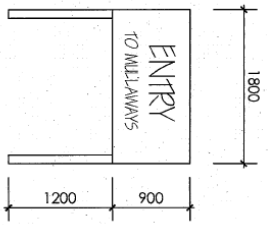
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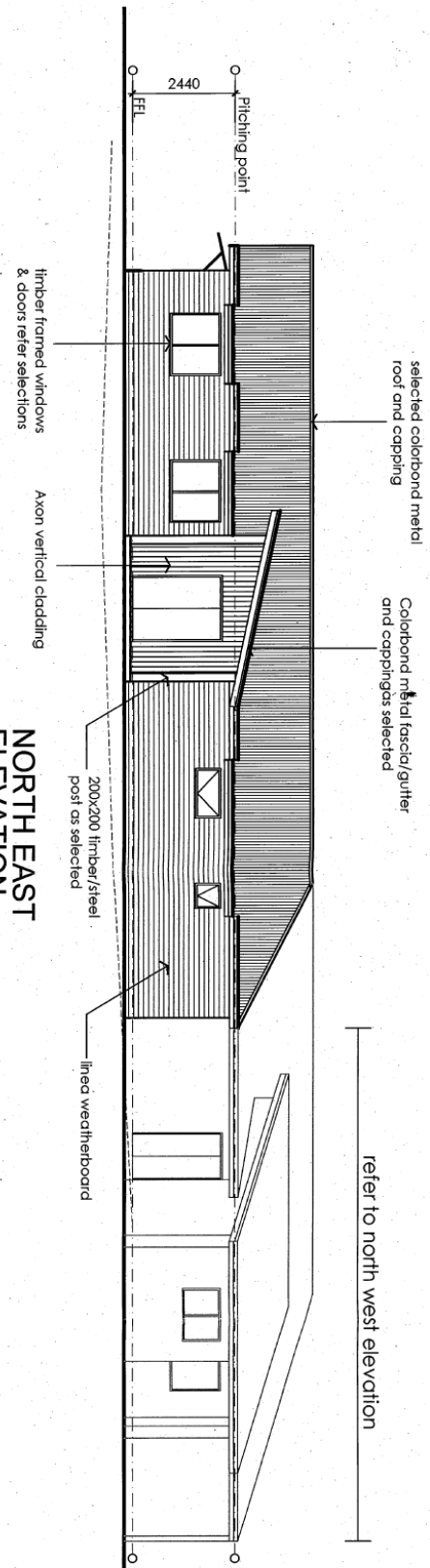
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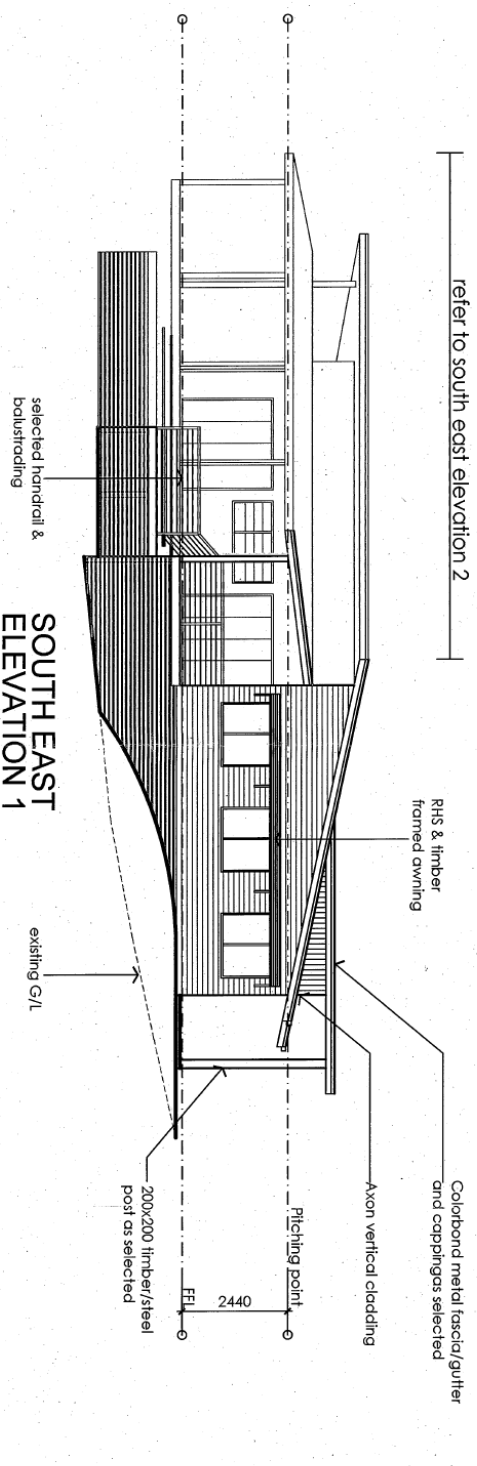
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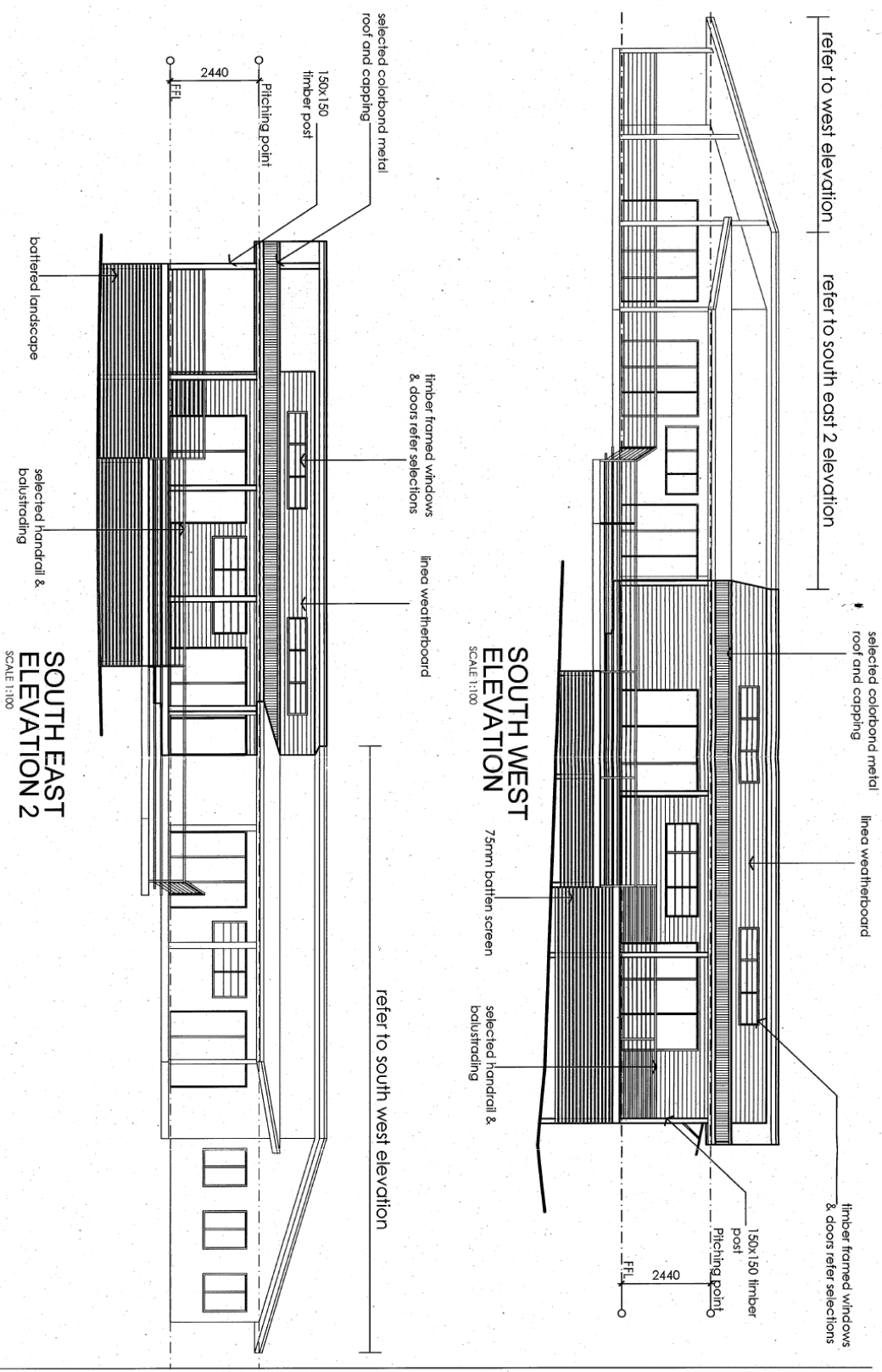
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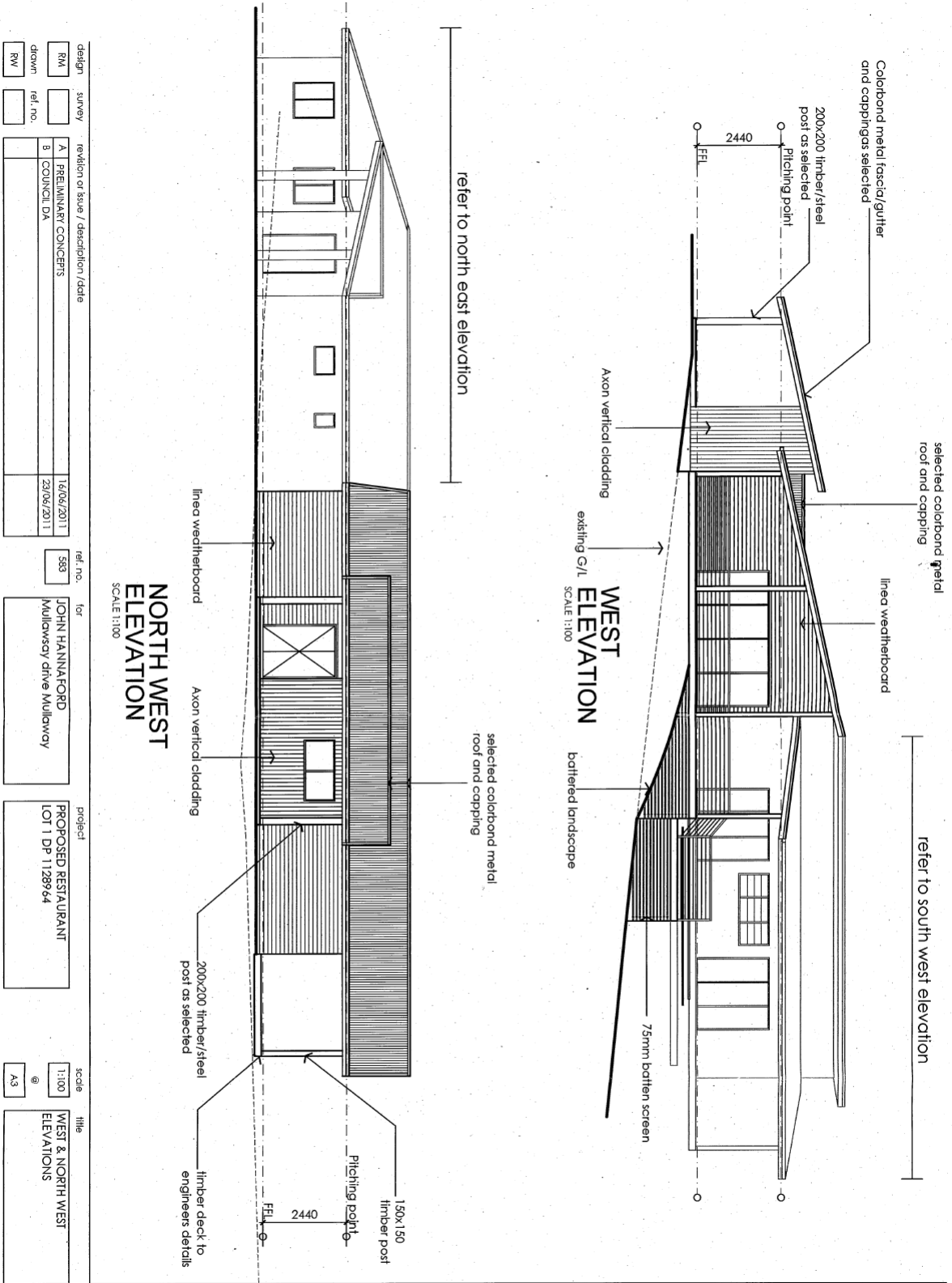
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CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/74 2012/13 FINANCIAL ASSISTANCE GRANT NEGATIVE ADJUSTMENT

Purpose:

The objective of this report is to advise Council of the reduction in the Financial Assistance Grant funds expected for the 2012/13 financial year.

Description of Item:

The NSW Local Government Grants Commission has recently advised council that there will be a significant negative adjustment to the Financial Assistance Grant for 2012/2013 based on the actual CPI figures and population numbers for the 2011/12 year. Correspondence from the Local Government Grants Commission advising the estimated grant details for 2012-13 is attached.

Sustainability Assessment:

- **Environment**

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

- **Social**

There are no social impacts as a result of the recommendations in this report.

- **Civic Leadership**

There are no civic leadership impacts as a result of the recommendations in this report.

- **Economic**

Broader Economic Implications

Council will need to make the necessary adjustment to its 10 year Long Term Financial Plan (LTFP) in line with this advice.

Delivery Program/Operational Plan Implications

A shortfall of \$277,936 to council's budget, made up of the Grants Commission CPI adjustment of \$159,157 plus the projected CPI increase applied in council's estimates for the current year, will have a significant effect in the current management plan. As Council budgeted for a deficit of \$308,365 for 2012/13 within its 2012-16 Delivery Program adopted on 24 May 2012 this additional burden of \$277,936 will place further pressure on Council's tight fiscal constraints.

At this stage of the year, it is too early to determine potential budget savings that may offset the projected deficit. The first opportunity will be the budget review to 30 September 2012 which is reported to Council in November 2012. In previous years there has been considerable success in reducing budget deficits by year end.

Consultation:

The Director Corporate Business and Executive Manager Finance were consulted during the preparation of this report.

Related Policy and / or Precedents:

This report is for Council's information only.

Statutory Requirements:

This report is for Council's information only.

Issues:

One of Council's major sources of revenue apart from general rates is the Commonwealth Government's Financial Assistance (FAG) Grant. This grant comprises a general purpose component and a local roads component. Council's 2012/2013 management plan estimated that this source of revenue would provide Council in total with \$7,070,400 based on a 3% increase to the 2011/12 grant allocation.

Council has received advice in a letter dated 13 July 2012 from the Local Government Grants Commission about the estimated grant details for the 2012-2013 year and particular mention is made to a significant negative adjustment for the 2011-2012 grant which will affect the entitlement for the current year. A copy of the Grants Commission letter is attached.

The Grants Commission advice states that each year's financial assistance grant recommendations are based on forward estimates of the consumer price index (CPI) and population shares across states. This is designed to reflect real increases in per capita terms. Each year an adjustment is required for the previous year's grant which takes into account variations in the actual CPI and population shares compared to the estimates used to determine that year's grant.

The Grants Commission advises further that, as a result of the actual CPI figures and population numbers being lower than the estimates used by the Commonwealth to determine the 2011-12 grants, a national overpayment in 2011-12 of \$52,875,758 occurred. The NSW share of this overpayment represents \$15,657,597 and Council's share of that amount is \$159,157. The revised 2012-13 estimated entitlement for this Council is \$6,951,621.

It is understood that the recommendations of the Grants Commission are still subject to final approval by the Minister and it is advised by the Commission that the details are provided in confidence and are not for media comment or publication.

Implementation Date / Priority:

This report is for Council's information only.

Recommendation:

- 1. That Council note the advice from the Local Government Grants Commission that the 2012/2013 Commonwealth Financial Assistance Grant is foreshadowed to be \$277,936 less than the projection contained in Council's 2012/13 Management Plan.**
- 2. That Council makes representations to the Commonwealth Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP, about the foreshadowed loss of revenue and its impact on this Council.**
- 3. That Council includes this adjustment in the budget review for the September quarter 2012. By this time Council will know its actual results for 2011/12.**

Attachments:



**Local Government
Grants Commission**

NSW Local Government Grants Commission
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A289082
YOUR REFERENCE:
CONTACT: Bruce Wright
(02) 4428 4132
bruce.wright@dlg.nsw.gov.au

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

13 July 2012

Dear Mr McGrath

I am writing about the 2012-13 financial assistance grants and in particular a significant **negative** adjustment for the 2011-12 grants.

Each year's financial assistance grant recommendations are based on forward estimates of the consumer price index (CPI) and population shares across states. The escalation factor each year is designed to reflect real per capita terms increases. Accordingly, each year an adjustment is required for the previous year's grants that takes into account variations in the actual CPI and population shares compared to the estimates used to determine that year's grants.

As a result of the actual CPI figures and population numbers being lower than the estimates used by the Commonwealth to determine the 2011-12 grants a national **overpayment** in 2011-12 of \$52,875,758 has occurred.

The NSW share of the national overpayment amounts to \$15,657,597, which is made up of \$10,942,936 for the general purpose component and \$4,714,661 for the local roads component.

Because of the significance of the 2011-12 adjustment the Commonwealth has provided the estimated grant details for budgeting purposes. However, Council is advised that the details are provided in confidence and are not for media comment or publication. Council is also advised that the final 2012-13 recommendations will be subject to approval by the Commonwealth Minister for Regional Australia, Regional Development and Local Government, the Hon Simon Crean MP.

The total national estimated entitlement for 2012-13 amounts to \$2,191,829,800, which represents a 4.4% increase on the 2011-12 adjusted amount. Of this \$1,117,780,000 was paid to local authorities as an advance on 12 June 2012.

T 02 4428 4132 F 02 4428 4199 TTY 02 4428 4209
E grants@dlg.nsw.gov.au W <http://www.dlg.nsw.gov.au> (follow the "Commissions & Tribunals" links)

The NSW general purpose component for 2012-13 is estimated to be \$489,438,862, an increase of 3.8%. The NSW share of the local roads component is estimated to be \$195,448,864, an increase of 4.4%. Overall the estimated entitlement to NSW for 2012-13 is expected to be \$684,887,726, an increase of 4% on the 2011-12 adjusted amount.

The estimated grant details for Coffs Harbour City Council are shown in the table below:

2012-13 Estimated Entitlement:

General Purpose Component:	\$5,084,667	
Local Roads Component:	<u>\$1,866,954</u>	<u>\$6,951,621</u>

LESS 2012-13 Advance (paid on 12 June 2012):

General Purpose Component:	\$2,609,458	
Local Roads Component:	<u>\$946,263</u>	<u>\$3,555,721</u>

LESS 2011-12 CPI/Population Share Adjustment:

General Purpose Component:	\$114,398	
Local Roads Component:	<u>\$44,759</u>	<u>\$159,157</u>

2012-13 Cash Payments:

General Purpose Component:	\$2,360,811	
Local Roads Component:	<u>\$875,932</u>	<u>\$3,236,743</u>

Council's estimated total cash payments for 2012-13 of \$3,236,743 will be paid as follows:

<u>Date</u>	<u>Amount</u>
Not before 16 August, 2012	: \$809,185.75
Not before 16 November, 2012	: \$809,185.75
Not before 18 February, 2013	: \$809,185.75
Not before 16 May, 2013	: \$809,185.75

If you have any questions please contact the Commission's Executive Officer, Bruce Wright, on (02) 4428 4132.

Yours sincerely



Grahame Gibbs
Deputy Chairperson

CB12/75 REVISED MASTER PLAN FOR WEST WOOLGOOLGA SPORTS COMPLEX AND COMMENCEMENT OF WORKS ON THE SITE

Purpose:

To seek endorsement of the revised West Woolgoolga Sports Complex field layout and Master Plan and to commence works associated with the first stage of the development.

Description of Item:

1. Master Plan and Sports Field Layout

Council considered a report on the proposed Northern Beaches Multi Purpose Centre at its meeting held on 27 October 2011 at which it resolved:

"That:

- 1. That Council notes the report on possible sites for the proposed Northern Beaches Multi Purpose Centre.*
- 2. That Council confirms that its preferred site for a Multi Purpose Centre to service the Northern Beaches is the West Woolgoolga site referred to in Council's Sports Facility Plan.*
- 3. The layout of the site be reviewed in conjunction with the determination of the most appropriate access point for the development of the land for sporting facilities and the Multi Purpose Centre."*

In relation to point 3, Council, in consultation with stakeholder groups from within the Woolgoolga and their associated Coffs Harbour District sporting associations, has revised the layout of the site and prepared a new Master plan (see attached Plans).

The key objectives of the revision were to maximize sporting opportunities, accommodate the proposed multi-purpose centre and to amend the road access point onto the site to a more cost effective solution. The revised layout will provide the following sporting opportunities when the facility is fully developed:

- 2 x Rugby Union/ League fields
- 1x Cricket oval with a turf wicket
- 1x Cricket oval with a synthetic wicket
- 7x Touch fields (winter layout), 9X Touch fields (summer layout)
- 1 x Cricket practice nets
- 1 x baseball bullpen
- 1 x multi purpose indoor centre
- Car parking for approximately 220 cars.

The revised layout and Master Plan has incorporated most of the proposed design modifications from the stakeholder groups, where practicable.

2. Proposed first stage development works

Council's adopted Coffs Harbour Regional, District and Neighbourhood Facilities and Services Developer Contribution Plan provides for the development of a district sporting complex on the West Woolgoolga site. Developer contributions funds have been levied for this purpose and \$721,000 is currently available for development of sporting facilities within the Northern District. The current Section 94 Plan will ultimately levy \$3.555 million for sports fields within the Northern District.

Councils adopted Sports Facility Plan (SFP) recommends proceeding with earthworks on the site as a short term (1-7 year) priority. This recommendation reflected the acknowledgement that the other sport grounds in the northern districts are approaching full capacity, with some showing signs of stress created through the current high levels of use they receive.

The SFP also noted other facilities in the northern districts sporting network require improvements to enhance their ability to cater for sport and increase their sustainable usage levels. While this is a real need, these facilities are not covered by the section 94 plan and therefore rely on other income streams from Council.

Council staff has examined a number of options in relation to expenditure of the available funds, with a view to creating a useable area of Open Space ready for additional improvements as further funds become available. Details of Council's preferred program of works are outlined within the Issues section of this Report.

It has been determined that for a range of reasons outlined later in this Report that the 12/13 financial year presents an opportune time to undertake these works.

Sustainability Assessment:

- **Environment**

The proposed layout represents an ecologically sustainable response to a highly constrained site, balancing the creation of multipurpose fields and shared facilities, available for use by a range of sports with protecting and enhancing the sites environmental values.

The proposed modified layout maximizes environmental outcomes on the site through retention and enhancement of the existing riparian buffer. Whilst there will be a loss of remnant re-growth vegetation to create the eastern fields, the project overall is proposing an environmental gain through restoration of 4.6 hectares of cleared exotic grassland on the western bank of Poundyard Creek to a mixture of Flooded Gum, Forest Gum and Blackbutt vegetation communities. These restoration works, undertaken over a 5 year period, will create a continuous corridor of vegetation from Wedding Bells State Forest to Woolgoolga Lake, enhancing local biodiversity outcomes and improving opportunities for the movement of wildlife.

All environmental issues associated with the vegetation clearing and earthworks have been addressed through the Part 5 Environmental Assessment process. Council is currently finalising the statutory "due diligence" process in relation to aboriginal heritage and will incorporate outcomes, if any, of this process within an amended Part 5 Assessment prior to works proceeding.

- **Social**

If the project proceeds there will be substantial positive social impacts across the community. Sports grounds are a valuable resource and are highly valued by the community partly because they provide a low cost recreation opportunity that is within the financial reach of a broad cross section of the community.

Participating in sport produces a range of benefits including improved physical fitness, enhanced mental health, skill development, increased self esteem, and opportunities for social networking. These benefits extend to not only players but officials and spectators, and provide opportunities to strengthen family units by encouraging families to spend time together.

Sports rely heavily on the assistance of many volunteers which provides the volunteers with social connection opportunities and enhanced self esteem.

Key initiatives of state and federal governments is development and support of programs and facilities that promote physical activity across all ages, in particular children, where increasing levels of obesity and type 2 diabetes are of growing concerns and add unnecessarily to the disease burden of the community.

- **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.
- 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

Upgrading existing sporting infrastructure and expanding the network of sporting facilities will enhance the liveability of Coffs Harbour and its attractiveness as a destination for new residents and encourage retention of existing residents.

Providing a range of sporting facilities at different levels delivers opportunities for participants to move along sporting pathways from novice to elite.

Opportunities to access such facilities can be a key determinant for people choosing where to live, particularly young families.

Attracting a younger demographic will bring economic benefits to Coffs Harbour and the region. Additionally, quality sporting facilities will attract sport service providers further boosting the supports industry and local economy.

The development and upgrading of regional and district sporting facilities will benefit Coffs Harbour's appeal as a tourist and sport destination and will enhance the city's capacity to attract and stage major events which will bring significant economic benefit to the city.

Conservative figures estimate that sporting events inject approximately \$30 million into the local economy each year. Upgrading facilities will increase the size and number of events being staged in the city.

Delivery Program/Operational Plan Implications

Adoption of the modified site layout and Master Plan will not, of itself have any financial impact on Council's budget.

The project is funded from Section 94 funds that have been levied for that purpose therefore proceeding with the first stage of the development will have no negative impact on Council's budget.

If the project proceeds, there will be ongoing operational costs associated with routine maintenance of the open space. These costs are estimated to be;

Year 1 and Year 2 \$ 10,872/year (mowing and wick wiping for weed control); Year 3 onwards \$ 7,965/year (mowing)

These operational costs will not be able to be absorbed within the existing Recreational Services budget. An additional allocation will be required from the 2013/14 Delivery Plan onwards.

CB12/75 Revised Master Plan for West Woolgoolga Sports Complex and Commencement of Works on the Site (Cont'd)

Consultation:

In relation to the revised layout Council has undertaken consultation with a range of stakeholders including:

- Northern Beaches Multi Purpose Centre Committee.
- Woolgoolga Sports Council.
- Woolgoolga Touch Association, NSW Touch Association.
- Coffs Harbour Baseball Association.
- Woolgoolga White Pointers Rugby Union Club and Australian Rugby Union.
- Woolgoolga Rugby League Club.
- Northern Districts Senior Cricket Club, Coffs Harbour and District Junior Cricket Association, Coffs Harbour and District Senior Cricket Association.

In relation to the revised layout and proceeding with the first stage of the development, internal consultation has occurred with:

- Design and Engineering Branch
- Property Branch
- Recreation Services
- Finance Branch
- Sports Unit
- Coffs Water
- Biodiversity

Related Policy and / or Precedents:

Council's *Sports Facility Plan* was adopted by Council in October 2010. It recognises the need for additional sports fields in Woolgoolga and for an indoor sports facility to service the Northern Beaches. This plan also supports centralising facilities within purpose built multi purpose venues, rather than developing smaller single use facilities. On 27 October 2011 Council resolved to support West Woolgoolga as the preferred location for the Multi-Purpose Centre. Council's *Coffs Harbour Regional, District and Neighbourhood Facilities and Services Developer Contribution Plan* provides for the development of a district sporting complex on the West Woolgoolga site.

At present the 2010 *Sports Facility Plan* indicates the West Woolgoolga Development to be medium term (8-13 years) with earthworks to be short term (1 -7 years).

Statutory Requirements:

The West Woolgoolga site is Community classified land managed under Council's *Sportsground Plan of Management* (POM). The proposed layout and works are consistent with the POM.

CB12/75 Revised Master Plan for West Woolgoolga Sports Complex and Commencement of Works on the Site (Cont'd)

Issues:

Funding

Council has undertaken detailed design of the proposed sports field layout and examined a range of options for proceeding with works. On this basis the available Sec 94 funds (\$721,000) will be utilized to create a useable area of open space across the eastern area of the site (Stage 1 in SFP), and shape and level the residue of the site, including the footprint for the proposed Multi Purpose Centre. This option presents a number of advantages including:

- Economies of scale of undertaking earthworks across the whole site at the one time
- Developing the eastern fields to a basic playable surface ready for installation of water, sewer and electrical infrastructure as further Section 94 and/or grant funds become available
- Creating a “spade” ready site for the development of the multipurpose centre pending grant funding.

Details of this option are provided below:

ITEM	COST
Compensatory planting and associated works	\$130,000 (over 5 years)
Relocation of electrical stay	\$22,000 (may not be required pending negotiation with Essential Energy)
Stripping/ vegetation removal	\$130,500
Earthworks	\$248,500
Access road	\$46,000
Gravel car park	\$ 48,000
Drainage infrastructure	\$ 135,000
Heritage assessment	\$ 5,000 (may not be required)
Project management	\$ 5,000
TOTAL	\$ 780,000

Whilst this option exceeds available funds (-\$59K) it needs to be noted that the compensatory planting works are to be scheduled over a 5 year period and only a portion of this amount will be required in Year 1 (\$50K). As further Section 94 funding is made available compensatory works will continue in Year's 2 - 5. Also, pending the outcome of the “due diligence” process and stay relocation negotiations the heritage assessment and stay relocation may not be required, further reducing the cost

Additionally it appears that there are opportunities to make significant savings on the cost of plant hire at this time due to the presence of large quantities of surplus plant sitting idle associated with the highway upgrade works e.g. scrapers and dozers. Also opportunities exist, at this time, to save on the high plant float charges associated with moving plant.

It is envisaged that Council would act as the Principal and contract hire as required. This would enable Council to realise the potential savings in plant discussed above. Council has successfully undertaken a number of major sports field developments in this manner including Coffs Coast Sport and Leisure Park and more recently, Richardson Park drainage.

Existing Vegetation:

The West Woolgoolga site was previously used for grazing however cessation of this activity has allowed re growth of vegetation across the eastern end of the site. Whilst this vegetation community is not currently listed as endangered there is a need to compensate for the removal of this vegetation to ensure compliance with Council's *Koala Plan of Management*. The proposed works have provided, through the Part 5 process, for the restoration of 4.2 hectares of vegetation, at a cost of \$130,000 over 5 years.

Delaying commencing works on the site will enable further regeneration of the vegetation with the flow on effect of significantly higher costs associated with its eventual removal and compensation, or, should legislation or the status of the vegetation change, a risk that works may not be able to proceed at all. Council is not in a financial position to purchase alternate lands to meet the sporting needs of the Northern Beaches should this situation arise.

Northern Beaches Multi Purpose Centre "Spade Readiness":

The Northern Beaches Multi Purpose Centre Committee have expressed a strong desire to seek funding through grant opportunities as they become available to develop the Multi -Purpose Centre. Grants are highly competitive and "spade readiness" is usually a strong consideration/requirement for a grant of the scale required for the Centre (\$5million plus). Adopting the revised layout and completing the first stage of the development will place the Committee in a stronger position should grant funding be on offer.

Large Outdoor Advertising Sign:

The large outdoor advertising sign, under lease from Council, situated on the South Eastern boundary will require relocation to enable earthworks to proceed. Under the lease terms, relocation is the responsibility of the lessee. If the project proceeds it is proposed to communicate with the lessee advising of the need to relocate the billboard, at their expense.

Road access from the Highway:

Permanent road access from the highway to the West Woolgoolga site will not be available until completion of the highway bypass expected in 2014. While this will not impede work undertaken, it will restrict public access to the site until the highway bypass has been opened.

Implementation Date / Priority:

Pending Council approval and finalisation of the "due diligence" process in relation to heritage, it is planned to commence the works late 2012 to take advantage of forecast drier weather conditions. Compensatory planting works will continue until 2017.

Recommendation:

- 1. That Council approve the modified West Woolgoolga Sports Complex layout and Master Plan and amend the Sports Facility Plan in accordance with the plans attached to the report.**
- 2. That Council approve commencement of the works associated with the first stage of the development utilizing available Section 94 funds as described in the report.**
- 3. That Council note the need to allocate \$11,000 for maintenance within the 2013/14 Delivery Plan.**

Purpose:

Report on the outcome of the public exhibition of the proposal to grant a three year licence (incorporating a further 12 month trial period) for Equestrian Club activities at the Bakker Drive Reserve.

Description of Item:

Council resolved in June 2012 to invite submissions to the proposed grant of a licence of part of the Bakker Drive Reserve to the Bonville Valley Equestrian Club for a term of three years and incorporating a further 12 months trial period.

The proposal was advertised in the Independent Newspaper (Council's Column) on Thursday 5 July 2012 with submissions closing on 10 August 2012.

Five submissions were received.

Two submissions objected to the grant of licence entirely, a third objected to the grant of a further two year licence and suggested that a further 12 month trial be conducted. The fourth submission referred to operational matters rather than the proposed licence and the final submission addressed land use issues around the licence area rather than the licence proposal to hand.

The issues raised in the submissions are addressed under the "issues" heading of this report.

Council, after substantial community consultation has previously considered the issues surrounding the licensing of the Reserve and on this basis resolved to grant a licence under a trial period for 12 months. The trial period has now lapsed. Due to adverse weather conditions, there have not been a sufficient number of equestrian events to determine the impact of Club events on the Reserve.

It should be noted that when Council first considered the licence proposal over 30 submissions were received (13 in support and 18 in oppositions).

The current proposal received only 5 submissions. The limited number of submissions received indicates that the recommended approach is largely acceptable.

Accordingly, it is recommended that the Council grant a licence to the Bonville Valley Equestrian Club on the terms detailed below.

Sustainability Assessment:

The sustainability assessment in respect to the proposed equestrian use is unchanged from the previous report which stated:

- **Environment**

The licence proposal provides for a maximum usage of 12 days per year, with no use permitted during periods of damp weather where the grounds are likely to be damaged by club use. Assessment of the proposal indicates that there will be no significant impact on the environment as a result of the activity.

The Environmental Management Plan (previously considered by Council) outlines environmental controls around manure management, wet weather use, divot formation, amenities, setbacks to riparian areas, noise, etc. The Plan will continue to form part of the licence conditions.

During the ongoing trial period regular reviews will continue to determine what, if any, impacts are occurring and to determine strategies to redress. Council proposes to inspect the Reserve at least every three months, or more frequently as may be deemed necessary.

- **Social**

Horse riding is a popular activity in the Bonville community, consistent with the rural and rural-residential character of the area. Horse riding produces a range of benefits, particularly for children and young people, including improved physical fitness, enhanced mental health, skill development, increased self esteem and opportunities for social networking. These are all key contributors to community health and well being.

The Reserve will still be available for broad community use. The grant of the licence will not preclude this. The Bonville Valley Equestrian Club would require use of part of the Reserve for organised events on average 8 to 12 times per year, with each event being at least 4 weeks apart.

Due to the size of the Reserve (approximately seven hectares), it is not anticipated that equestrian use will reduce the multi-use nature of the Reserve.

Equestrian events are by nature quiet, no amplification (loudspeakers, etc) is used, so there will be minimal noise impact on neighbours.

During the further trial period staff will continue to gauge the impacts on community amenity.

- **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:

- Develop inclusive community, sporting and recreational activities.
- Promote healthy living.
- Encourage the provision of facilities, services and resources which attract and support young people.
- Create opportunities for enhancement of the community's sense of well-being.

- **Economic**

Broader Economic Implications

Providing a local equestrian base will significantly reduce the fuel costs to local residents currently having to transport horses to Nana Glen for organised activities.

Delivery Program/Operational Plan Implications

The proposed change in use of Bakker Drive Reserve will have minimal impact on Council's Management Plan. Any support infrastructure needed at the grounds would be at the Club's expense. This will be negotiated through the licensing process and included as conditions of use.

Consultation:

- Bonville Valley Equestrian Club
- Executive Manager Engineering Services
- Manager Recreational Services
- Senior Technical Officer – Parks
- Council Risk Coordinator.

Related Policy and / or Precedents:

The site is currently managed under the Parkland Plan of Management, prepared under the provisions of the Local Government Act 1993. The equestrian proposal is considered to be consistent with this Plan of Management.

The outcomes of the proposed Licence are consistent with the community objectives of the community Vision 2030.

Statutory Requirements:

The leasing and licensing of Community land is controlled by the provision of section 46 and 47 of the Local Government Act.

Issues:

Council's previous consideration of this matter was subject to considerable community attention, attracting robust debate amongst groups with differing interests and objectives of and for the Bakker Drive Reserve. This report is premised on the resolution arising from Council's determination at the time, that being, that the proposed use was consistent with the relevant Management Plan as well as the land use classification.

Accordingly, Council resolved to grant a licence on a trial basis to determine:

- The impact of the licensee's activity on the Reserve; and,
- The impact on the amenity of the Reserve and the neighborhood

Weather during the trial period has been substantially wetter than usual and has limited the number of events otherwise proposed. It is noted that the excessive wet season has also affected many of Council's managed Reserves which has led to a reduced/delayed mowing regime causing restricted run off and lengthier dry out times for many fields.

General consensus is that there has not been a sufficient number of meets to be able to determine the trial period.

Section 46 and 47 of the Local Government Act requires that leasing and licensing of Community land be subject to public exhibition and a period where submission can be received. The consultation process has now been completed twice for this property. Noting that the number of submissions received for the current proposal is significantly less than the number submitted in the first instance.

Of the five submissions received for the current proposal, three objected to the licence on the basis the land is not suitable for horse riding (both organised and casual). Permissible land use is defined by the Plan of Management and in this instance Council has satisfied itself that horse riding falls within the Plan's scope. At issue is the impact of more intensive use under Club conditions. The issues raised in the submissions are tabulated at Annexure A herewith.

Based on the above and the initial advice from Council Parks & Garden staff that there has been no significant impact on the reserve for Club events, the term of the proposed licence has been set at three (3) years) to save the cost and resources of a further consultation period.

It should be underscored however, that the licence will only continue beyond 12 months if Council staff are satisfied that the Reserve is not damaged as a consequence of the Club's activities.

It is also submitted that any further consideration of the permissible land use (i.e horse riding) is more appropriately dealt with in a review of the Plan of Management of the land.

An underlying issue presented in the submissions is the use of the Reserve and Bakker Drive by horse riders generally. Specifically, residents object to horse riders leaving horse manure on the road, road verge and the Reserve.

The previous and proposed licence provides that the Licensee will comply with the requirements and provisions of the approved Environmental Management Plan in respect of the premises. More specifically the licensee acknowledges that under the provisions of the Protection of the Environment Operations Act 1997, owners of animals are responsible for the removal of waste deposited by the animals(s) in all public places, be it the Reserve or Road area and as such will ensure that the Club and its members will comply with these requirements.

It becomes problematic when riders not associated with the Club or with Club activities do not follow these guidelines. The Club has produced a flyer to educate its members of the obligations and responsibilities in the use of the reserve and public roads.

In summary the proposed licence will reflect largely the agreed terms and conditions of the previous licence and will be subject to and conditional upon:

1. Assessment of the impact of Club activities on the Reserve by Council Parks & Garden staff in the first 12 months.
2. Ongoing adherence to the terms and conditions of the licence agreement with default and termination rights reserved by Council in the event of a breach of any essential provision or consistent breach of non essential provisions.
3. An overarching condition providing for the termination of the licence in the event a review of the Plan of Management precludes horse riding in the future.

General terms and conditions of the proposed Licence Agreement are attached as Annexure B.

It is recommended that Council agree to grant a licence to the Bonville Valley Equestrian Club in respect of that section of Bakker Drive Reserve shown as Lot 1 on the plan attached to this report (Annexure C).

Implementation Date / Priority:

The licence document will be executed on behalf of Council following completion of drafting by Council's solicitor and subject to authority being granted by Council.

It is envisaged that the Bonville Valley Equestrian Club will re-commence club activities within a month of the grant of a new licence.

Recommendation:

- 1. That Council approve the grant of a licence in accordance with the general terms and conditions as indicated in the body of the report and the attachments to the Bonville Valley Equestrian Club in respect of Part Lot 35 DP 825229 (Bakker Drive Reserve) and being generally that area shown as Lot 1 on the plan attached to this report at Annexure C.**
- 2. That a précis of the outcome of the further trial 12 month period for the licence of Part Bakker Drive Reserve to the Bonville Valley Equestrian Club be e-mailed to Councilors for their information.**
- 3. That Council inform each party that made a submission of Council's decision.**

Attachments:

ANNEXURE A

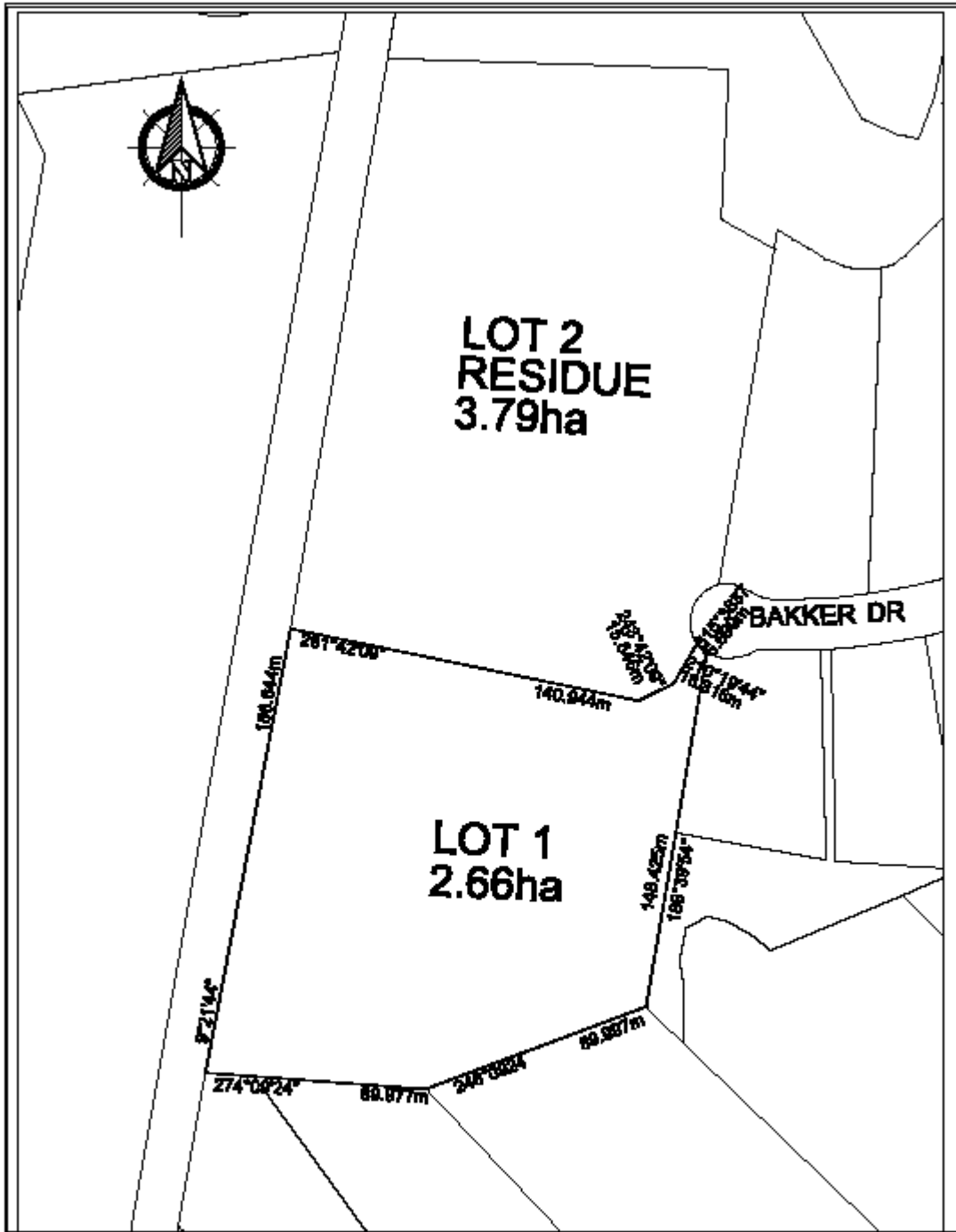
Issue No.	Issue Raised	Action/Comment
1	Ground is not suitable for equestrian activities	<p>Observation and assessment by Council Parks & Garden staff assess the impact of equestrian use as “ extremely Low”</p> <p>Ground surface suitability is equivalent to Nana Glen Equestrian Centre and the Coffs Harbour Show Ground Facility</p>
2	Bonville Valley Equestrian Club (BVEC) has breached Council conditions during the trial period	<p>There is no record of a breach of essential conditions that would have warranted the termination of the licence.</p> <p>Minor breaches were found during post event inspections and were raised with, and satisfactorily addressed b the BVEC.</p>
3	Disproportionate amount of funds and resources have been allocated to allow a handful of riders to use the area. (Money could have been used to improve the park overall)	Council is required to apply the provision of Section 47 of the Local Government Act when proposing licence agreement for the use of Community land. In some instances the consultation phase involves many and varied opinions which add to the overall cost of the process. The recommendation to extend a three year licence was made with regard to the costs incurred in the community consultation process. Under the proposed licence, if the trial period is successful the community need not undertake this exercise in 12 months.
4	BVEC has not contributed to the costs involved in improving the area	<p>Council records cannot substantiate this claim.</p> <p>There is no licence condition requiring the BVEC to contribute to the improvement of the Reserve.</p> <p>Any costs incurred by works undertaken directly and exclusively for the BVEC would have been addressed to the BVEC for payment.</p> <p>Ongoing and routine reserve operating costs are not a matter for the licensee.</p> <p>The trial period requires a greater level of inspection by Council staff. In the event an inspection is required out of normal operating hours, cost will be recovered by the Council where appropriate.</p> <p>Overall the extended trial period is in the interest of the Reserve generally and as such not attributable to a single entity.</p>


5	Equestrian use damages the soil	<p>Council staff note that horse damage was minimal and localised mostly on the southern side of the dividing tree screen. It is noted that the impact is not solely due to licence activities as it is permissible for casual riders to use the same area.</p> <p>Parks & Garden staff have recommended increasing the area of the licence to allow rotation of horse event riding areas to spread the wear and tear and allow maximum grass recovery between meets. This recommendation has not been pursued at this stage.</p>
6	BVEC parking and event areas are within a natural drainage areas	<p>The excessive wet season has affected many of Council's managed reserves with the water table being extremely high and hence water infiltration absorption very low resulting in ponding and an increase run off. This situation has been common on most councils reserves over the last 2 – 3 years.</p>
7	Horse manure left in Bakker Drive turning circle and in the licence area after BVEC events	<p>Regular and careful inspection of the grounds after events has not highlighted excessive manure droppings in the area. Some animal droppings were noted on occasions on the southern side of the licence area but this was found to be calf manure which indicates illegal grazing on the reserve . Overall staff do not consider horse manure to be an adverse issue at the Reserve.</p> <p>There are no records to confirm that manure droppings on the roadway were from BVEC activities. It is noted that casual riders also use the reserve and the road access to the reserve.</p> <p>In any event the proposed licence will include a condition ensuring that the club clean up any road way fouling which occurs during their club activities.</p>
8	Insufficient riders to warrant a licence (claim that an average of three riders attended BVEC events)	<p>It is noted that the trial period was adversely affected by inclement weather. The effect was that participation at BVEC events was below expectations.</p> <p>The issue of minimum patronage levels was not raised as a consideration or criteria in the trial period and has not been addressed in this proposal.</p>
9	Adverse weather has not allowed a genuine trial and therefore a further trial should be conducted before considering extended licence terms	<p>As above, It is noted that the trial period was adversely affected by inclement weather.</p> <p>The notion of extending the trial has merit and is therefore the precondition of the proposed licence.</p> <p>The licence period will only be extended beyond the first twelve months if Council grounds staff are satisfied that the use of the grounds is not having an adverse impact on the reserve.</p>
10	Local Equestrian Centres nearby which are more suitable than Bakker Drive	<p>This issue was considered during Council's initial assessment of the proposed licence.</p>

11	Concern that a satisfactory trial period will lead to an automatic continuance of the licence	Determination of the trial period means only that Council staff are satisfied that Club equestrian use does not have an adverse impact on the Reserve. As with most licence agreements the licensee must meet the terms of the licence to enjoy continuing tenure. Council reserve the right to terminate the licence if the provisions of the licence are breached.
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ANNEXURE B

Premises:	Part Lot 35 DP 825229 (Bakker Drive Reserve) and being described as Lot 1 on the attached plan marked as "C"
Licensee:	Bonville Valley Equestrian Club Incorporated
Incorporation No:	INC9889976
Licensee Address:	175C Crossmaglen Road, Crossmaglen 2441
Guarantor:	N/A
Licence Term:	3 years incorporating an trial term of 12 months
Commencement:	1 September 2012
Use:	Equestrian/horse riding activities of the Bonville Valley Equestrian Club
Rental:	Equivalent to the statutory minimum rent determine by the Crown Lands Act currently \$434.00 per annum (Plus GST)
GST:	Payable by the Licensee
Outgoings:	Payable by the Licensee
Insurances:	<p>Hold public liability insurance cover in a minimum amount of \$10 million (or such other amount as may be advised by Council from time to time), with Council being noted as an interested party.</p> <p>Hold Workers Compensation insurance cover in respect of any employees working at the premises.</p> <p>Hold Voluntary Workers Accident Insurance Cover in respect of any volunteers working at the premises.</p>
Licence Costs:	Payable by the Licensee
Other:	<ul style="list-style-type: none"> - Comply with the provisions of the approved Environmental Management Plan developed in respect of the site. - Ensure compliance with all relevant Council and statutory requirements relating to the operation and management of the Equestrian Club's activities on and use of the subject licence area. - Ensure compliance with noise control requirements and to not create a nuisance to neighbouring property owners. - Be responsible for all costs associated with the Equestrian Club's use of the land, including removal of horse manure after each use and any divot repair or remediation work necessary to the surface of the ground. - Be responsible for the costs associated with grounds inspection required outside of normal operating hours or in addition to the scheduled inspection regime. - Comply with Council's directions relating to the subject land arising from the regular inspection regime to be implemented to ensure appropriate use of the land and avoidance/remediation of potential ground surface damage. - Keep the licence area clean and tidy at all times, and ensure removal and disposal of all waste and rubbish after each use of the land. - Ensure membership of the Bonville Valley Equestrian Club is open to community member of good repute, and with a shared interest in the promotion of equestrian activities, within the Coffs Harbour local government area. - Any additional general terms or conditions as may be advised or required by Council's solicitor.



 <p>COFFS HARBOUR CITY COUNCIL CITY SERVICES</p> <p>Locked Bag 155 Coffs Harbour NSW 2450 Phone (02) 66484000 Fax (02) 66484477 www.coffs.nsw.gov.au email-coffs.council@coffs.nsw.gov.au</p>	SCALE: NTS	<p>Bakker Road Subdivision Equestrian Field Bonville</p>		
	DATE: JAN 2011			
	DESIGN: JK	DESIGN MANAGER	DATE	<p>PLAN No. 2110106</p>
	DRAWN: JK			

CB12/77 ACQUISITION OF LAND HOYS ROAD, MOONEE - PROCEDURAL AMENDMENT TO EXISTING RESOLUTION

Purpose:

To approve a minor procedural amendment to an existing Council resolution in relation to the proposed compulsory acquisition of land at Hoys Road, Moonee.

Description of Item:

At its meeting held on 28 June 2012, Council resolved (in part) as follows:

"That Council make application to the Department of Local Government seeking the Governor's consent to place an acquisition notice in the Gazette to acquire Lot 9 DP 1140702 Hoys Road, Moonee by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991."

The application has been made to the Department of Local Government who have advised that the resolution should have included a reference to seeking the Minister's approval to make a recommendation to the Governor for the Governor's consent to place an acquisition notice in the Gazette.

The sole purpose of this report is to seek approval to remedy this procedural matter.

Consultation:

The existing resolution was vetted and approved by Council's legal advisors in relation to the matter.

Recommendation:

That Council make application to the Department of Local Government seeking the Minister's approval to make a recommendation to the Governor for the Governor's consent to place an acquisition notice in the Gazette to acquire Lot 9 DP 1140702 Hoys Road, Moonee by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991.

CONFIDENTIAL ITEMS

CB12/78 TENDER: PROVISION OF CONSULTANCY SERVICES – COFFS HARBOUR CBD MASTER PLAN – CONTRACT NO RFT-548-TO

Purpose:

To report to Council on tenders received for the provision of consultancy services for the preparation of Coffs Harbour CBD Master Plan Contract RFT-548-TO, and to gain Council approval to accept a tender.

Description of Item:

Council called open tenders for the preparation of the CBD Master Plan that closed on Tuesday 31 July 2012 on the basis of a lump sum fee.

The desired outcomes from the Master Plan as described in the tender, are as follows:

- Strengthen the CBD precinct
- Improve pedestrian / traffic movements
- Bring vibrancy without social behavioural issues
- Improve urban form
- Build on the CBD's Regional status
- Is sustainable in the long term
- Balance mixed development
- Satisfy future demand for car parking
- Had broad community acceptance
- Is achievable

Tenders were received from the following:

Urbis Pty Limited	Insite Planning Services
Tract Consultants	GHD
Savills Project Management Pty Limited	Deicke Richards
RPS Asia Pacific	City Plan Urban Design
Roberts Day Pty Limited	Cardno (NSW/ACT) Pty Limited
Moir Landscape Architecture Pty Limited	Arup Pty Limited
McCormick Rankin Cagney Limited	AECOM Australia Pty Limited
LFA (Pacific) Pty Limited	King & Campbell Pty Limited
Lantz Marshall Pty Limited	

16 of the 17 tenders were conforming. Tenders were evaluated on the following headline criteria:

- Price
- Understanding of engagement
- Experience and capability
- Key personnel, including sub-consultants
- Methodology

Each criteria (except for price) was broken down into a number of sub-criteria to assist in accurately assessing the submissions.

The review panel that carried out the evaluation comprised the five external members of the CBD Master Plan Committee appointed by Council in July and relevant Council staff.

As a result of an initial review of the tenders, the Panel decided to invite two of the tenderers to make a presentation in support of their submissions. These presentations took place on 13 August 2012 after which the Panel convened to finalise their deliberations.

Sustainability Assessment:

- **Environment**

The appointment of a consultancy to prepare the CBD Master Plan does not of itself have any environmental impact. However, the implementation of the plan will have impacts which will be addressed at that time.

- **Social**

The appointment will again not have social impacts, however it is hoped that the resulting plan will have very positive social outcomes.

- **Civic Leadership**

The Coffs Harbour 2030 Plan is broken down into five themes identified by the Vision. All five themes contain objectives and strategies that are linked to the creation of an improved City Centre to enhance its livability for the benefit of the community.

- **Economic**

Broader Economic Implications

These implications will be as a result of implementing the plan, not the appointment of the consultant. One of the key outcomes of preparing the plan is to support an application for the continuation of the City Centre Business Rate, to fund a works program that is to be prepared by the consultant for Council's endorsement.

Delivery Program/Operational Plan Implications

Council received approval for an extension of the City Centre Business Rate for 2012/2013, which will provide more than sufficient funds to cover the cost of the preparation of the CBD Master Plan.

Consultation:

The preparation of the brief for the tender for the Master Plan was discussed with CBD Master Plan Committee members and Senior Council staff and has been evaluated in a similar way.

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, Part 7 Tendering.

Issues:

Assessment of tenders is contained in the confidential attachment.

Implementation Date / Priority:

A contract will be awarded immediately following Council's resolution to accept a tender.

The CBD Master Plan is to be completed by 1 February 2013.

Recommendation:

That Council considers tenders received for the Provision of Consultancy Services for the preparation of the Coffs Harbour CBD Master Plan Contract No RFT-548-TO and move the motion as detailed in the confidential attachment.

CB12/79 LEASE - WOOLGOOLGA ART GALLERY AT 73 TURON PARADE, WOOLGOOLGA TO THE WOOLGOOLGA ART GROUP INCORPORATED - EXECUTION OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking authority for the execution of a lease between Coffs Harbour City Council as the registered proprietor of the land known as 73 Turon Parade and more particularly as the Woolgoolga Art Gallery to the Woolgoolga Art Group under the common seal of Council.

Description of Item:

Council is the registered proprietor of Lot 682 in DP 618948 and Lot 683 in DP 703342.

The land is classified as community land and is subject to the provision of the Park Land Plan of Management 1996.

The property has been leased to the Woolgoolga Art Group Incorporated since 1992 with the previous lease operating on a continuing basis pending endorsement by Council of a new lease.

The Woolgoolga Art Group Incorporated has requested further long term tenure of the property to enable them to:

- Continue to provide a venue for arts and crafts education to the Woolgoolga community.
- Continue to provide a venue for charity activities.
- Hold the gallery's changing monthly exhibitions.
- Enable the possibility of future major arts exhibition in Woolgoolga.
- To grow the profile of the Woolgoolga Art Gallery and local artists.

The Woolgoolga Art Group is a community group operated on a volunteer basis to develop and foster art and artists in the local community. The Art Group activities include charity events, monthly changing exhibitions and the annual Lilli Pilli Art Exhibition. Generally the gallery activities return a moderate profit with all proceed being reinvested into the gallery operation.

Under the current lease Council supported the gallery with subsidised rental. Against this background the proposed commencing rent is recommended to be equivalent to the Crown Land statutory minimum, with rental to be reviewed periodically throughout the proposed lease term.

Sustainability Assessment:

- **Environment**

The recommendation does not give rise to any environmental issues.

- **Social**

A Coffs Harbour 2010-2015 delivery program objective is to (PL3.1.2) provide each village with the services and facilities needed to maintain a sense of local community.

CB12/79 - Lease - Woolgoolga Art Gallery at 73 Turon Parade, Woolgoolga to the Woolgoolga Art Group Incorporated - Execution of Lease Documents under Common Seal of Council (Cont'd)

Similarly the program provides for Council efforts to:

- (LC3.1.1) - promote local artistic and cultural expression.
- (LC3.1.2) - build a diverse range of opportunities for artistic and cultural growth.
- (LC3.1.3) - promote artistic and cultural entertainment opportunities.

The facilitator for these programs (Executive Manager of Cultural and Community Development) advises that the resources to provide alternative art services to the Woolgoolga Community are not otherwise available.

The proposed lease is an efficient and effective way to deliver on the plans objectives.

- **Civic Leadership**

The Coffs Harbour 2030 Community Strategic Plan objectives are supported by this proposal by:

- Supporting the Woolgoolga Art Group in promoting a culture of life long learning (LP3.2.1).
- By providing Woolgoolga with the services needed to maintain a sense of local community (PL3.1.2).

- **Economic**

The land is currently zoned 6(a) Public Recreation. Accordingly the opportunity for commercial rent return is limited.

Broader Economic Implications

The recommendation does not give rise to any adverse economic outcomes, noting that whilst the tenure is granted at a subsidised rate the responsibility for the ongoing maintenance and repair of the property rests with the lessee.

Delivery Program/Operational Plan Implications

Support of local bodies such as the Woolgoolga Art Group is in keeping with the 2030 Vision and delivery program for 2011 - 2015 to provide each village with the services and facilities needed to maintain a sense of local community.

Further the plan aims to promote local artistic and cultural expression, build a diverse range of opportunities for artistic and cultural growth and promote artistic and cultural entertainment opportunities.

Facilitation of the Woolgoolga Gallery lease to the Woolgoolga Art Gallery will work towards these operational goals.

CB12/79 - Lease - Woolgoolga Art Gallery at 73 Turon Parade, Woolgoolga to the Woolgoolga Art Group Incorporated - Execution of Lease Documents under Common Seal of Council (Cont'd)

Consultation:

Carried out with:

- Executive Manager of Cultural and Community Development.
- Woolgoolga Art Group.

Related Policy and / or Precedents:

In line with general leasing practices.

Statutory Requirements:

Regulation 400(2) Local Government (General) regulation 2005 applies with respect to execution of the lease documentation under Council seal.

Section 46 and 47 Local Government Act 1993 applies with respect to the leasing of Council land classified as "community".

The proposed lease was advertised for a period of 28 days and there were no adverse submissions received.

Issues:

The current gallery building encroaches onto the adjoining Crown Land Reserve which is in effect an unformed roadway. Staff have made previous efforts to close part of this roadway in an attempt to correct the encroachment issue by way of an appropriate boundary adjustment. To date the matter is unresolved.

These efforts have not been pursued at this stage as the cost of the process outweighs the risk exposure the encroachment presents.

The negotiated proposal includes the terms detailed in the attached confidential annexure.

Implementation Date / Priority:

The lease document will be executed under seal following completion of drafting by Council solicitor and subject to authority being granted by Council.

Recommendation:

1. That Council as registered proprietor of Lot 682 in DP 618948 and Lot 683 in DP 703342 known as the Woolgoolga Art Gallery (the demised premises) authorise the lease of the Demised Premises to the Woolgoolga Art Group Incorporated for a period of 10 years with an option for a further ten years and with a commencing rent not less than the Statutory Crown Minimum Rent.
2. That Council's seal be affixed to the lease of Lot 682 in DP 618948 and Lot 683 in DP 703342 and known as the Woolgoolga Art Gallery to the Woolgoolga Art Group Incorporated and all other documents required to give effect to the lease agreement.

CB12/80 LEASE - HANGAR SITE, 69 AVIATION DRIVE, COFFS HARBOUR AIRPORT, LOT 1 DP 747942 - EXECUTION OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking authority for the execution of a lease between Coffs Harbour City Council as the registered proprietor of the land known as 69 Aviation Drive Coffs Harbour Airport, being Lot 1 in DP 747942 to Alan Kneale Electrical Pty Limited under the Common Seal of Council.

Description of Item:

Council is the owner of 69 Aviation Drive Coffs Harbour.

The property is currently leased to Alan Kneale Electrical Pty Limited (the Lessee) under a lease which expired on 1 June 2012 and now continuing on a month to month basis. The current lessee has constructed an aircraft hangar on the land. This improvement remains the property of the lessee.

The Lessee has requested a renewal of the lease for a further period of 5 years with an option for a further five years.

Alan Kneale Electrical Pty Limited has been a good lessee with all rents paid on time and the property being adequately maintained. The proposed rent for the new lease has been set against a market rent assessment for similar leasehold. Accordingly there is no objection to granting a new lease term.

A precondition of a new lease, and in particular the exercise of option, will be that Council reserves the right to refuse the option if the Airport Development Subdivision has progressed to a stage that would require an alternative use of this land (including potential sale).

It is recommended that a new 5 (five) year lease agreement on largely the same terms as the current lease be pursued.

Sustainability Assessment:

- **Environment**

This lease proposal relates to an existing hangar site, which has been occupied and used for aviation related purposes for many years. The leasing proposal will continue this use. As such there will be no change to the environmental impact.

- **Social**

This lease proposal will continue an existing use of the subject premises and as such there is no perceived change in regard to social sustainability and impact. Having the land occupied and maintained for aviation purposes creates a positive image for the airport precinct, and is far better than rendering the land vacant and unproductive.

- **Civic Leadership**

The Coffs Harbour 2011-2015 delivery program objective is to (OC1.1.6.2) pursue corporate business opportunities to generate income to support Council programs. The proposed lease is consistent with this objective.

- **Economic**

Broader Economic Implications

Leasing the premises to Alan Kneale Electrical Pty Limited will continue to support the local economy.

Delivery Program/Operational Plan Implications

Leasing the premises to Alan Kneale Electrical Pty Limited at a current market rental will provide additional income for Council. If the site remains vacant then there are still holding costs for Council (rates, insurance, security services, maintenance and repair, etc). The grant of this lease will provide a gross income of approximately \$5,490 per annum.

Consultation:

Executive Manager Business Units, Corporate Business.

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

Where excess Council property is not required for current use for Council purposes, then numerous precedents have been set for leasing such premises or properties in order to obtain additional income and help to cover holding costs.

Statutory Requirements:

The property is classified as Operational Land in accordance with provisions of the Local Government Act 1993. Therefore, there are no impediments to pursuing this lease arrangement in accordance with normal leasing procedures and practices under the NSW Real Property Act 1900 and the Conveyancing Act 1919.

Regulation 400(2) Local Government (General) regulation 2005 applies with respect to execution of the lease documentation under Council seal.

Issues:

It is recommended that a condition of a new lease, and in particular the exercise of option, will be that Council reserves the right to refuse the option if the Airport Development Subdivision has progressed to a stage that would require an alternative use of this land.

The proposed lease terms are set out in the attached confidential annexure.

CB12/80 - Lease - Hangar Site, 69 Aviation Drive, Coffs Harbour Airport, Lot 1 DP 747942 - Execution of Lease Documents under Common Seal of Council (Cont'd)

Implementation Date / Priority:

The lease document will be executed under seal following completion of drafting by Council solicitor and subject to authority being granted by Council.

Recommendation:

- 1. The Council as registered proprietor of 69 Aviation Drive, Coffs Harbour Airport being Lot 1 in DP 747942 (the demised premises) authorize the lease of the demised premises to Alan Kneale Electrical Pty Limited for a period of 5 (five) years and an option for a further 5 (five) years and subject to the terms and conditions contained in this report and the attached confidential annexure.**
- 2. That any necessary documents required to give effect to the lease of 69 Aviation Drive, Coffs Harbour Airport being Lot 1 in DP 747942 to Alan Kneale Electrical Pty Limited be executed under the common seal of Council.**

CB12/81 CROWN LAND LICENCE - SAWTELL TENNIS COURTS, LYONS ROAD, SAWTELL BEING PART CROWN RESERVE 81703 TO SAWTELL TENNIS CLUB INCORPORATED - EXECUTION OF LICENCE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking authority for the execution of a Licence between Coffs Harbour City Council in its capacity as the Corporate Manager of the Coffs Coast State Park Trust of the land known as the Sawtell Tennis Club Complex and being part of Crown Reserve No 81703 for Public Recreation and Resting Place under the Common Seal of Council.

Description of Item:

Council is the Reserve Trust Manager of the Coffs Coast State Park which includes Crown Reserve 81703.

Part of the Reserve has been developed as the Sawtell Tennis Complex and has previously been leased to the Sawtell Tennis Club Incorporated.

The previous lease expired in December 2011 and has operated under the continuing provisions on a month to month basis.

The Club seeks to improve the complex by resurfacing two of the courts and requires loan funds to achieve this. Accordingly, the Club seeks more secure tenure to be able to obtain a loan and to realise their efforts.

The Reserve is the subject of an Aboriginal Land Claim and as such the Minister will not consent to lease tenure until the claim is finalised. It is recommended therefore that the Trust grant a licence for a period of five years on largely the same terms as the previous lease agreement.

Sustainability Assessment:

- **Environment**

The recommendations do not give rise to any adverse environmental issues.

- **Social**

This licence proposal will continue an existing use of the subject premises and as such there is no perceived change in regard to social sustainability and impact. The facility creates a positive image for the township of Sawtell and provides a valuable facility to help foster a sense of community and to promote healthy lifestyle choices. Specifically the Coffs Harbour 2030 Plan refers to:

PL 3.1 Our villages are revitalised and maintain their unique identities. The operational plan seeks to provide each village with the services and facilities needed to maintain a sense of local community.

LC3.3 We enjoy life together through a range of community events and recreational opportunities. The operational plan seeks to develop inclusive community, sporting and recreational activities.

CB12/81 - Crown Land Licence - Sawtell Tennis Courts, Lyons Road, Sawtell being Part Crown Reserve 81703 to Sawtell Tennis Club Incorporated - Execution of Licence Documents under Common Seal of Council (Cont'd)

- **Civic Leadership**

The Coffs Harbour 2011-2015 Delivery Program objective (LC2.3.2) is to create facilities and services that allow the community to reach its full development potential. The proposed licence is consistent with this objective.

- **Economic**

Broader Economic Implications

The recommendation does not give rise to any adverse economic outcomes, noting that whilst the tenure is granted at a subsidised rate, the responsibility for the ongoing maintenance and repair of the property rests with the lessee.

Further, the tenure is granted on the basis the Club commence and maintain a sinking fund with a minimum annual contribution of \$3,000 to be made part of the licence agreement.

Delivery Program/Operational Plan Implications

Support of local bodies such as the Sawtell Tennis Club is in keeping with the 2030 Vision and Delivery Program for 2011-2015 to provide each village with the services and facilities needed to maintain a sense of local community.

Further, the plan aims to develop inclusive community, sporting and recreational activities. Facilitation of the Sawtell Tennis Complex licence will work towards these operational goals.

Consultation:

Tennis NSW
Crown Lands (Grafton)
Coffs Harbour City Council Sports Development Officer

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

Statutory Requirements:

Regulations 400(2) Local Government (General) Regulation 2005 applies with respect to execution of the licence documentation under Council seal.

Crown Lands Act 1989 as to consent from the Minister.

Issues:

The Sawtell Tennis Courts were originally constructed by volunteers from the Sawtell Tennis Club in the late 1920's.

CB12/81 - Crown Land Licence - Sawtell Tennis Courts, Lyons Road, Sawtell being Part Crown Reserve 81703 to Sawtell Tennis Club Incorporated - Execution of Licence Documents under Common Seal of Council (Cont'd)

The Club has managed and expanded the facility to the present day complex which comprises twelve tournament grade courts.

Whilst the Club seeks a long term lease, the current Aboriginal Land Claim over the Reserve precludes the Minister from consenting to such tenure. Given the long history of the Club's management and development of the facility, it is in the Reserve Trust's interest to see the Sawtell Tennis Club continue with its management of this part of the Reserve.

The recommendations have had regard to the following Crown Land Management issues:

1. It is considered in the public interest to grant further tenure to the Sawtell Tennis Club as this facility has served the community for over 90 years.
2. The proposed use is compatible with the gazetted purpose of the Reserve.
3. The proposed licence constitutes the continuation of a long standing use. There are no foreseeable environmental impacts from the continuation of this use.
4. A Licence term of 5 years is considered appropriate to enable the Sawtell Tennis Club to continue its development and improvement of the courts.
5. It is not proposed to submit the tenure to public competition in this instance as the incumbent has demonstrated a long standing commitment to developing and improving the facility to the benefit of the broader community.
6. The overarching objective of the proposed rent arrangement is to ensure that sufficient funds are drawn from the facilities operation to enable the long term viability of the facility. Adequate contribution to a sinking fund is proposed as an essential condition to the licence.
7. The proposed licence agreement makes provision for not only rent review but also sinking fund contribution review.

Implementation Date / Priority:

The Licence document will be executed under seal following completion of drafting by Council's solicitor and subject to authority being granted by Council as the Reserve Trust Manager and Crown Lands.

Recommendation:

1. **That Council as the Corporate Manager of the Coffs Coast State Park Trust as Trustee of Reserve 81703 authorise the licence of Part Reserve 81703 being the Sawtell Tennis Complex, Lyons Road, Sawtell (the demised premises) to the Sawtell Tennis Club Incorporated Y0491233 for a period of five years and subject to the terms and conditions contained in this report and confidential annexure.**
2. **That any necessary documents required to give effect to the licence of Part Reserve 81703 being the Sawtell Tennis Complex of Lyons Road, the Sawtell Tennis Club Incorporated Y0491233, be executed under the common seal of Council.**

CB12/82 ASSIGNMENT OF LEASE - CONSENT TO ASSIGNMENT OF LEASE OF KIOSK B, CITY SQUARE, BEING LOT 14 IN DEPOSITED PLAN 1031722 AND EXECUTION OF DEED OF ASSIGNMENT OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking Council's consent to the assignment of the lease for the property known as Kiosk B in the City Square and more particularly described as Lot 14 in Deposited Plan 1031722 and for the execution of a Deed of Assignment of lease and ancillary documents under the Common Seal of Council.

Description of Item:

Council is the registered proprietor of Lot 14 in DP 1031722 known as Kiosk B in the City Square. The property trades as a takeaway food kiosk/cafe and is part of the vibrant city centre café quarter.

The property is currently leased for a term expiring on 30 June 2015. There is no option to renew.

The current tenant seeks to sell the business and accordingly has requested Council's consent to the transfer of the lease agreement to the prospective purchaser.

Provided all terms of the current lease are in order and an appropriate Deed of Assignment is agreed to by the incoming lessee there are no objections to the assignment and it is recommended that consent issue.

Sustainability Assessment:

- **Environment**

The recommendations do not give rise to any adverse environmental issues.

- **Social**

The assignment of the lease will continue an existing use of the premises and as such there is no perceived change in regard to social sustainability and impact. Having the Kiosk occupied and trading creates a positive image for the City Centre and more particularly the café quarter.

- **Civic Leadership**

The Coffs Harbour 2011-2015 delivery program objective (OC1.1.6.2) is to pursue corporate business opportunities to generate income to support Council programs. The continued lease is consistent with this objective.

- **Economic**

Broader Economic Implications

Continued operation of the café kiosk in the City Centre will contribute to the viability and vitality of the central retail sector.

Delivery Program/Operational Plan Implications

The assignment of the lease will have no impact on the current revenue budgets.

CB12/82 - Assignment of Lease - Consent to Assignment of Lease of Kiosk B, City Square, being Lot 14 in Deposited Plan 1031722 and Execution of Deed of Assignment of Lease Documents under Common Seal of Council (Cont'd)

Consultation:

Executive Manager Business Units, Corporate Business.

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

Statutory Requirements:

Regulation 400(2) Local Government (General) regulation 2005 applies with respect to execution of the lease documentation under Council seal.

Issues:

The current lessee seeks to sell the business for personal reasons.

The lessee may not transfer or assign the lease without the landlords approval, which may not be unreasonably be withheld or delayed. Staff have advised that a transfer of lease can only be effected if all terms and conditions of the lease have been met. In this regard a condition of the assignment is that all rent and rates up to and including the date of transfer are paid in full.

The lease also provides for the incoming lessee to enter into a contract relating to the transfer in a form reasonably required by the landlord. To this end staff have instructed Council solicitors to prepare a Deed of Assignment detailing the terms and conditions that will apply to the transfer and ongoing operation of the lease.

The current lease agreement includes the terms set out in the attached confidential annexure.

Implementation Date / Priority:

The assignment of lease document will be executed under seal following completion of drafting by Council solicitor and subject to authority being granted by Council.

Recommendation:

- 1. The Council as registered proprietor of Kiosk B being Lot 14 in DP 1031722 (the demised premises) consent to the assignment of registered lease AE670508 subject to the provisions of the lease agreement and the terms and conditions contained in this report and the confidential attachment.**
- 2. That any necessary documents required to give effect to the assignment of registered lease AE670508 of Kiosk B being Lot 14 in DP 1031722 be executed under the common seal of Council.**

Craig Milburn
Director, Corporate Business