



Coffs Harbour City Council

06 July 2016

ORDINARY MEETING

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

THURSDAY, 14 JULY 2016

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

AGENDA

1. Opening of Ordinary Meeting
2. Acknowledgment of Country
3. Disclosure of Interest
4. Apologies
5. Public Addresses / Public Forum
6. Mayoral Minute
7. Mayoral Actions under Delegated Authority
8. Confirmation of Minutes of Ordinary Meeting – 23 June 2016
9. Rescission Motion
10. Notices of Motion - General
11. General Manager's Reports
12. Notices of Motion – Business Services
13. Directorate Reports – Business Services
14. Notices of Motion – Sustainable Communities
15. Directorate Reports – Sustainable Communities
16. Notices of Motion – Sustainable Infrastructure
17. Directorate Reports – Sustainable Infrastructure
18. Trust Reports
19. Requests for Leave of Absence
20. Questions On Notice
21. Matters of an Urgent Nature
22. Consideration of Confidential Items (if any)
23. Close of Ordinary Meeting.

Steve McGrath
General Manager



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
14 JULY 2016

Contents

ITEM DESCRIPTION

GENERAL MANAGER'S REPORTS

GM16/10 LOCAL GOVERNMENT REFORM - JOINT ORGANISATIONS UPDATE

GM16/11 LOCAL GOVERNMENT ELECTIONS CARETAKER PERIOD POLICY

BUSINESS SERVICES NOTICE OF MOTION

NOM16/18 ENVIRONMENTAL LEVY REVIEW

BUSINESS SERVICES DEPARTMENT REPORTS

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

BS16/26 CONTRACT NO RFT-755-TO SUPPLY OF ELECTRICAL PRODUCTS AND FITTINGS

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

SUSTAINABLE COMMUNITIES NOTICE OF MOTION

NOM16/15 SEAWALL WOOLGOOLGA

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

SC16/42 LOCAL GROWTH MANAGEMENT STRATEGY REVIEW - COFFS HARBOUR
RURAL LANDS STRATEGY PHASE 1 - DRAFT ISSUES AND OPTIONS
DISCUSSION PAPER

SC16/43 COMPLIANCE AND ENFORCEMENT POLICY

SC16/44 COMMUNITY CAPITAL INFRASTRUCTURE 2016-2017 GRANTS PROGRAM

SC16/45 COMMITTEE MEMBERSHIP APPLICATION – MULTICULTURAL
REFERENCE GROUP ADVISORY COMMITTEE

TRUST REPORT

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

T16/7 NORTH COAST REGIONAL BOTANIC GARDEN STRATEGIC PLAN 2017-
2020

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

(a) personnel matters concerning particular individuals (other than
councillors),



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

23 June 2016

Present: Councillors D Knight (Mayor), N Cowling, R Degens, K Rhoades, M Sultana and S Townley

Staff: General Manager, Director Sustainable Infrastructure, Director Sustainable Communities, Director Business Services and Executive Assistant

The meeting commenced at 5.00 pm with the Mayor, Cr D Knight in the chair.

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

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

DISCLOSURES OF INTEREST

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

Councillor	Item	Type of Interest
Cr Cowling	BS16/23 Granting of Voluntary Pension Rebates for 2016-2017	Pecuniary Interest – Cr Cowling is a pensioner.

APOLOGY

- 127** **RESOLVED** (Degens/Townley) that an apology received from Councillor Arkan for unavoidable absence be received and accepted.

The Motion on being put to the meeting was carried unanimously.

- 128** **RESOLVED** (Rhoades/Degens) that leave of absence as requested from Councillor Innes be approved.

The Motion on being put to the meeting was carried unanimously.

PUBLIC FORUM

No public forum.

PUBLIC ADDRESS

No public address.

CONFIRMATION AND ADOPTION OF MINUTES

- 129** **RESOLVED** (Sultana/Degens) that the minutes of the Ordinary meeting held on 9 June 2016 be confirmed as a true and correct record of proceedings.

The Motion on being put to the meeting was carried unanimously.

RESCISSION MOTION

**RM16/2 2016/17 ENVIRONMENTAL LEVY PROJECT SCHEDULE -
RESCISSION MOTION**

Councillors Townley, Sultana and Arkan have given their intention to move:

MOVED (Townley/Sultana):

That the following Resolution number 119 of the Ordinary Meeting of 9 June 2016 be rescinded.

That Council approve the inclusion of the following projects in the 2016/2017 Delivery Program and Operational Plan:

*To be allocated from the 2016/2017 Environmental Levy Program
Recommended Allocation*

<i>Bushland Regeneration</i>	<i>\$210,732</i>
<i>Environmental Weeds Program</i>	<i>\$107,681</i>
<i>Conservation and Sustainable Management of Biodiversity</i>	<i>\$218,500</i>
<i>Grants Administration Officer</i>	<i>\$64,340</i>
<i>Supporting Community Action in the Coffs Harbour LGA</i>	<i>\$160,000</i>
<i>Orara River Rehabilitation Project</i>	<i>\$200,000</i>
<i>Restore the Natural Environment of the Jetty Foreshores</i>	<i>\$20,000</i>
<i>Koala / Wildlife Corridor Bakker Drive Reserve STAGE 4</i>	<i>\$9,975</i>
<i>Restore the Natural Environment of Boambee Beach North</i>	<i>\$20,000</i>
<i>Incentives & Training for Environmental Sustainability in Horticulture</i>	<i>\$25,000</i>
<i>Community Sustainable Living Program</i>	<i>\$93,000</i>
<i>North Coast Regional Botanic Garden Education Officer</i>	<i>\$16,000</i>
<i>Non-lethal Management of Coffs Harbour Kangaroos by Fertility Control</i>	<i>\$35,000</i>
<i>Water quality assessment of Bucca Bucca Creek</i>	<i>\$55,000</i>
<i>Community Awareness, Education and Engagement about Kangaroos</i>	<i>\$15,000</i>
<i>Renewable Energy for a Sustainable Future: Education and Generation</i>	<i>\$4,925</i>
<i>Matching Grant funds allowance/Environmental Levy Policy up to \$50k p.a.</i>	<i>\$30,585</i>

The **MOTION** on being put to the meeting resulted in a tied vote.

VOTED FOR	VOTED AGAINST
Cr Townley	Cr Rhoades
Cr Sultana	Cr Degens
Cr Cowling	Cr Knight

The Mayor used her casting vote and the **MOTION** was declared **LOST**.

GENERAL MANAGER'S REPORTS

GM16/9 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

Executive Summary

To advise Council of the determination by the Local Government Remuneration Tribunal of fees for Councillors and Mayors for 2016/2017.

130 RESOLVED (Rhoades/Townley) that Council:

1. Pursuant to the provisions of Sections 248 and 249 of the Local Government Act 1993, the annual fee for Councillors be fixed at \$18,840 for the 2016/17 financial year.
2. Set an additional annual fee for the position of Mayor at \$41,090 for the 2016/17 financial year.

The Motion on being put to the meeting was carried unanimously.

NOTICE OF MOTION - SUSTAINABLE COMMUNITIES

NOM16/15 SEAWALL WOOLGOOLGA

"That chcc staff prepare a report outlining the costs and benefits associated with building a wall along the Woolgoolga beach reserve at the main beach. From the boat ramp to say Holfmier close.

Detailing available technology and materials available to build such a wall."

131 RESOLVED (Knight/Townley) that under Clause 8.2 of the Code of Meeting Practice the Notice of Motion be deferred to the next meeting.

The Motion on being put to the meeting was carried unanimously.

SUSTAINABLE COMMUNITIES DEPARTMENT REPORTS

SC16/32 DELIVERY PROGRAM 2016-2020 AND OPERATIONAL PLAN 2016/17 INCLUDING FEES AND CHARGES 2016/17

Executive Summary

Council adopted the Draft Delivery Program 2016-2020, Draft Operational Plan 2016/17, Draft Delivery Program Budgets 2016-2020 and Draft Fees and Charges 2016/17 on 28 April 2016 for public exhibition. The draft documents were placed on public exhibition for 28 days, the exhibition was publicised and the community was encouraged to provide feedback. A total of 58 submissions relating to five issues were received and considered in Council's review of the draft documents.

No substantive changes to the Draft Delivery Program 2016-2020, Draft Operational Plan 2016/17, Draft Delivery Program Budgets 2016-2020; and Draft Fees and Charges 2016/17 are proposed as a consequence of the submissions received. A number of minor amendments have been made to Service and Function descriptions in the Delivery Program. Also, a Fund Income Statement 2016/17 and Consolidated Statement of Cash Flows 2016/17 have been added to the Delivery Program Budgets to provide a more comprehensive suite of accrual based financial statements.

The budget for 2016/17 results in an estimated underlying deficit, that is; before capital revenue, of \$5.777 million. This is comprised of estimated results of \$0.559 million deficit for the General Fund, \$2.351 million deficit for the Water Fund and \$2.867 million deficit for the Sewerage Fund.

The revised Delivery Program, Operational Plan, Budgets and Fees and Charges are presented for consideration, and if adopted, will be implemented from 1 July 2016.

MOVED (Cowling/Sultana) that Council:

1. Adopt the revised Delivery Program 2016-2020, Operational Plan 2016-17, Delivery Program Budgets 2016-2020, and Fees and Charges 2016-17 except that the Museum charges be changed to Child under 5 years be No charge.
2. Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.

AMENDMENT

132 RESOLVED (Degens/Rhoades):

That Council:

1. Adopt the revised Delivery Program 2016-2020, Operational Plan 2016/17, Delivery Program Budgets 2016-2020 and Fees and Charges 2016/17; and
2. Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.

Cont'd...

SC16/32 Delivery Program 2016-2020 and Operational Plan 2016/17 Including Fees and Charges 2016/17 ...(Cont'd)

The **AMENDMENT** on being put to the meeting resulted in a tied vote.

VOTED FOR	VOTED AGAINST
Cr Rhoades	Cr Degens
Cr Townley	Cr Sultana
Cr Knight	Cr Cowling

The Mayor used her casting vote and the **AMENDMENT** was declared **CARRIED**. It then became the **MOTION** and on being put to the meeting was declared carried unanimously.

SC16/33 ARTS AND CULTURAL DEVELOPMENT GRANTS PROGRAM 2016/17

Executive Summary

In the 2016/17 Operational Plan an amount of \$35,000 was made available to fund the Arts and Cultural Development Grant Program.

Council sought applications from the community for projects and activities, with financial support between \$2,000 and \$5,000 being offered to applicants.

Ten applications were endorsed by the assessment panel, with another four considered not compliant, or providing insufficient community benefit.

133 RESOLVED (Townley/Sultana) that Council approves the allocation of Arts and Cultural Development Grants totalling \$34,970 as follows:

Woolgoolga and Northern Beaches Chamber of Commerce	\$2,500
Woolgoolga Art Group	\$1,800
Orara High School	\$2,500
Bunker Cartoon Gallery	\$4,870
Screenwave Inc.	\$5,000
Coffs Harbour High School	\$2,500
Boambee East Community Centre Inc.	\$1,800
Community Media CHY Limited	\$5,000
Warrina Domestic and Family Violence Specialist Services	\$4,000
Cooperative Ltd	\$5,000
Julie Ross Dance Studio	\$5,000

The Motion on being put to the meeting was carried unanimously.

**SC16/34 CULTURAL FACILITY DEVELOPMENT - LIBRARY AND GALLERY
SITE SELECTION AND SCOPE**

Executive Summary

The Library and Gallery Planning Advisory Group (LGPAG) and Council project team have undertaken an assessment of eleven sites for a new central library and regional gallery in the central business district (CBD).

A site analysis was undertaken of the top three ranked sites via selection criteria, site visits and advice from professional staff.

The recommended site for further concept planning and detailed research for a new central library and regional gallery is 23-31 Gordon Street, Coffs Harbour.

The LGPAG recommended that Council:

- Consider this site as a key civic precinct and urban renewal opportunity whilst not losing the momentum behind developing an urgently needed new library and regional gallery.
- Investigate additional options to maximise the use of this important central CBD site, to further activate the site and precinct and to offset the ongoing operating costs of the library and gallery facilities.
- Undertake a precinct analysis that includes identifying activation opportunities and pedestrian access to and surrounding the 23-31 Gordon Street site

134 RESOLVED (Townley/Degens) that Council:

1. Endorses 23-31 Gordon Street as the site for a new Harry Bailey Memorial Library and the new Coffs Harbour Regional Gallery.
2. Undertake a precinct analysis that includes identifying activation opportunities and pedestrian access to and surrounding the 23-31 Gordon Street site.
3. Investigate mixed use and civic (includes Council office accommodation) development in addition to a new central library and regional gallery on the 23-31 Gordon Street site, in order to maximise urban renewal and activation outcomes consistent with the CBD Masterplan.
4. Considers a future report which details the precinct analysis, mixed use and civic investigation and any corresponding impact on the scope, budget and timing of the library and gallery project.

The Motion on being put to the meeting was carried unanimously.

**SC16/35 COMMITTEE MEMBERSHIP TOORMINA COMMUNITY CENTRE
FACILITY MANAGEMENT COMMITTEE**

Executive Summary

To recommend to Council the appointment of a community member to the facility management committee.

- 135 RESOLVED** (Townley/Sultana) that Council appoint the following committee member nominee, Jean Clayton, to the Toormina Community Centre Facility Management Committee.

The Motion on being put to the meeting was carried unanimously.

SC16/36 BIODIVERSITY REFORMS - SUBMISSION

Executive Summary

The objective of this report is to provide Council with:

- an overview of the Biodiversity Reforms as exhibited by the NSW Government; and
- a submission on the Biodiversity Reforms for lodgment with the State Government (see Attachment 1).

The NSW Government is transforming the way biodiversity is managed and protected through the introduction of a new Biodiversity Conservation Act and amendments to the *Local Land Services Act 2013*. If adopted, it will replace the *Threatened Species Conservation Act 1995*, the *National Parks and Wildlife Act 1974*, the *Native Vegetation Act 2003*, and the *Native Conservation Trust Act 2001*. The reform package is currently on display for public consultation until 28 June 2016. The documents on display include the draft Biodiversity Conservation Bill, the draft Local Land Services Amendment Bill, and a range of fact sheets and supporting documentation.

This report provides details of the contents of the reform package, as well as a submission to be lodged with the State Government in response to the public consultation process.

Cont'd...

SC16/36 Biodiversity Reforms - Submission ...(Cont'd)

- 136 RESOLVED** (Townley/Degens) That Council endorses the attached submission (Attachment 1) to the NSW Government regarding the Biodiversity Reforms, subject to the following amendment to the first sentence of the third paragraph within the submission:

"Notwithstanding this, Council recognises the need for improved regulation of offsets applied to vegetation clearing across the state. However....."

The Motion on being put to the meeting was carried unanimously.

SC16/37 PLANNING PROPOSAL - BONVILLE CARAVAN PARK - 369 PINE CREEK WAY, BONVILLE (LOT 1 DP 1208609)

Executive Summary

The purpose of this report is to present a Planning Proposal (PP) for Council's consideration that will affect the Bonville Caravan Park located at 369 Pine Creek Way, Bonville. The PP involves an amendment to Schedule 1 (Additional Permitted Uses) of Coffs Harbour City Local Environmental Plan 2013 (LEP 2013) by way of an additional "use of certain land" for the purpose of a caravan park and an associated 5 year sunset clause.

The report recommends that Council seek a Gateway Determination from NSW Planning and Environment (P&E) to place the PP on public exhibition. The report also recommends that a further report on this matter is considered by Council following exhibition of the PP. The PP is included as Attachment 1 to this report.

- 137 RESOLVED** (Cowling/Townley) that Council:
1. Endorses and forwards the subject Planning Proposal to NSW Planning and Environment, seeking a "gateway determination" for the amendment of Coffs Harbour Local Environmental Plan 2013, as shown in Attachment 1 of this report.
 2. Request that the Secretary of NSW Planning and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 59 of the Environmental Planning and Assessment Act in respect of the Planning Proposal.
 3. Resolve to publicly exhibit the Planning Proposal following the gateway determination by NSW Planning and Environment.
 4. Consider a further report following the public exhibition.

The Motion on being put to the meeting was carried unanimously.

SC16/38 LOCAL GROWTH MANAGEMENT STRATEGY REVIEW - COFFS HARBOUR RESIDENTIAL STRATEGY PHASE 1 NEXT STEPS

Executive Summary

Council engaged consultants AECOM to prepare the *Coffs Harbour Residential Strategy Phase 1 - Issues and Options Discussion Paper* (Phase 1 Discussion Paper), as part of its Local Growth Management Strategy Review. Phase 1 involved engagement with the wider community as well as the development industry, architects, planners and other building professionals who utilise Council's policies and administrative documents.

This report advises that no submissions were received to the Phase 1 Discussion Paper when it was exhibited in March 2016; and proposes that Council endorse the final document (Attachment 1).

This report also proposes to commence Phase 2 of the project, being the preparation of the Draft Coffs Harbour Residential Strategy, following the recommendations of the Phase 1 Discussion Paper and using a Project Scope previously endorsed by Council and as outlined in Attachment 3. This work is proposed to be undertaken by consultants engaged through a procurement process.

138 RESOLVED (Sultana/Townley) that Council:

1. Endorse the *Coffs Harbour Residential Strategy Phase 1 – Final Issues and Options Paper* (Attachment 1).
2. Note the findings of the *Coffs Harbour Residential Strategy Phase 1 – Workshop Notes* (Attachment 2).
3. Undertake a procurement process to select appropriately qualified consultants to prepare Phase 2 - Draft Coffs Harbour Residential Strategy in accordance with the Project Scope (Attachment 3).

The Motion on being put to the meeting was carried unanimously.

SC16/39 DEVELOPMENT APPLICATION NO. 0761/16 - BUSINESS IDENTIFICATION SIGN - LOT 1, DP 1015730, 252 PACIFIC HIGHWAY, COFFS HARBOUR

Executive Summary

This report provides an assessment of Development Application 0761/16 for the erection of a 17m high free standing business identification sign at Lot 1, DP 1015730, No. 252 Pacific Highway, Coffs Harbour. The sign is to replace two existing signs in the same location. The application was advertised and notified to adjoining land owners. Three submissions in support were received in response to the public notification process. It is recommended that the application be approved subject to a number of conditions.

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

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

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

Accordingly, this matter is reported to Council for determination due to substantial non-compliance with Clause 4.3(2) 'Height of Buildings' of Coffs Harbour Local Environmental Plan 2013 (exceeds specified height limit by 6m).

139 RESOLVED (Sultana/Rhoades) that Council:

1. Approve the request made under Development Application No. 0761/16 to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum building height under Clause 4.3(2) of Coffs Harbour Local Environmental Plan 2013.
2. Approve Development Application No. 0761/16 for a 17m high business identification sign at Lot 1, DP 1015730, No. 252 Pacific Highway, Coffs Harbour, subject to the conditions provided in Attachment 3.

The Motion on being put to the meeting was carried unanimously.

**SC16/40 JRPP ASSESSMENT REPORT FOR APPLICATION TO MODIFY
DEVELOPMENT CONSENT 0085/16DM LOT 13 DP 1161416, 215
RANDALLS ROAD BUCCA**

Executive Summary

To advise that a development assessment report, prepared by Council, for Application to Modify Development Consent 0085/16DM, has been lodged with the Joint Regional Planning Panel (Northern Region).

The application is for modification of a development consent previously granted by the panel in August 2012 (Development Consent 0259/12). The modifications sought satisfy the requirements of Section 96(2) of the *Environmental Planning and Assessment Act*. Under *State Environmental Planning Policy (State and Regional Development) 2011*, applications for this type of modification, are required to be determined by the Joint Regional Planning Panel (Northern Region) and not Council.

A copy of the development assessment report that has been provided to the Panel is appended to this report. It is recommended that the content of this report be noted.

140 RESOLVED (Rhoades/Degens) that Council note the report.

The Motion on being put to the meeting was carried unanimously.

SC16/41 COFFS HARBOUR EVENTS STRATEGY 2020

Executive Summary

The *Coffs Harbour Events Strategy 2020* reflects the needs of a diverse and growing regional city. It will help increase the capacity of the region to hold events, driving visitation, tourism and investment, and delivering increasing economic and socio-cultural value and benefits back to the community.

Coffs Harbour strives to be a vibrant, forward-thinking city dedicated to driving economic outcomes through year-round events. In 2015, Coffs Harbour won a globally-acclaimed *International Festivals and Events Association (IFEA) World Festival and Event City Award*, gaining recognition alongside major global cities.

This strategy aims to cement that recognition and further grow our reputation as a premier event friendly regional city.

Cont'd...

SC16/41 Coffs Harbour Events Strategy 2020 ...(Cont'd)

Considerable stakeholder consultation occurred while the draft plan was on public exhibition for four weeks.

The final plan is now presented to Council for adoption.

141 RESOLVED (Rhoades/Sultana) that Council:

1. Adopt the *Coffs Harbour Events Strategy 2020* (Attachment 1).
2. Write to those who made a submission advising them of the outcome of their submission, and the status of the *Coffs Harbour Events Strategy 2020*

The Motion on being put to the meeting was carried unanimously.

BUSINESS SERVICES DEPARTMENT REPORTS

BS16/20 MONTHLY FINANCIAL PERFORMANCE REPORT FOR MAY 2016

Executive Summary

The purpose of this report is to seek Council's endorsement of the monthly financial performance report for 31 May 2016. This report provides information on the actual to budget position at the financial statement level along with detailed functional financial performance at the program level and capital expenditure reports for the current financial year. The report is also to provide a summary of the proposed budget adjustments for the month and to report on the estimated budget position as at 31 May 2016 and to report on Council's Bank Balances and Investments as at 31 May 2016.

142 RESOLVED (Rhoades/Degens) that Council:

1. Note the monthly financial performance report for 31 May 2016.
2. Approve the recommended budget adjustments and note the current budget position.

Cont'd...

BS16/20 Monthly Financial Performance Report for May 2016 ...(Cont'd)

Estimated Budget Position as at 31 May 2016:

	General Account	Water Account	Sewer Account
	\$	\$	\$
Original Budget adopted 11 June 2015	(1,884) (S)	1,810,139 (D)	1,913,132 (D)
Approved Variations to 30 April 2016	381,668 (D)	Nil	Nil
Recommended variations for May 2016	Nil	Nil	Nil
Estimated result as at 31 May 2016	379,784 (D)	1,810,139 (D)	1,913,132 (D)

3. Note the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) \$164,609,534 as at 31 May 2016.
4. Note the general fund unrestricted cash and investments totaling \$1,315,291 as at 31 May 2016.

The Motion on being put to the meeting was carried unanimously.

BS16/21 REMOVAL OF DEVELOPER CONTRIBUTIONS FOR SECONDARY DWELLINGS - STATUS REPORT

Executive Summary

This report provides Council with a status update on the effects of the reduction of developer contributions applicable for secondary dwelling developments of 60 square metres or less. Secondary dwellings or 'granny flats' are covered by the NSW Department of Planning and Environment's State Environmental Planning Policy (SEPP) for Affordable Rental Housing which aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

Since the implementation of the reduced contributions in July 2015, which has resulted in the applicable contribution amount now being either \$2,068 or \$1,951 depending on the specific area the proposal relates to, Council has approved 35 secondary dwellings with all but three consents being acted upon to date in the current 2015/16 financial year.

Cont'd...

BS16/21 Removal of Developer Contributions for Secondary Dwellings - Status Report ...(Cont'd)

The net financial effect for Council has been water and sewer contributions forgone of \$193,285 and Section 94 contributions forgone of \$35,948.

143 RESOLVED (Sultana/Townley) that Council note the report.

The Motion on being put to the meeting was carried unanimously.

BS16/22 MAKING OF RATES AND CHARGES FOR 2016-2017

Executive Summary

The rates and annual charges for 2016/2017 have to be formally 'made' under Section 535 of the Local Government Act, 1993, by Council resolution. The rates and charges are required to be made by 1 August each year.

Council's 2016/2017 Operational Plan provides for the implementation of an 7.75% increase in 'General Income' (income from ordinary and special rates), which includes both the allowable 1.8% rate peg increase announced for 2016/2017 and the proposed Ordinary Rate increase approved by IPART. The Operational Plan also allows for a price freeze in water and sewer annual charges, a reduction in the increase for the water and sewer usage charges and reduced inspection fees for onsite septic systems in rural areas for 2016/2017. Council has previously resolved that these compensatry measures also continue for 2017/2018.

144 RESOLVED (Sultana/Degens) that Council:

1. Make an Ordinary Rate - Residential, pursuant to Section 494 of the Local Government Act, for 2016/2017 of (0.42920 cents) in the dollar with a Base Amount of \$385.00 for all rateable land in the Coffs Harbour LGA categorised as 'Residential'.
2. Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2016/2017 of (1.02545 cents) in the dollar with a minimum rate of \$647.00 for all rateable land in the Coffs Harbour LGA categorised as 'Business' EXCEPT land under the sub-category of Business named 'City Centre Business'.
3. Make an Ordinary Rate – City Centre Business, pursuant to Section 494 of the Local Government Act, for 2016/2017 of (1.45125 cents) in the dollar with a minimum rate of \$629.00 for all rateable land in the Coffs Harbour LGA sub-categorised as 'City Centre Business'.

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

4. Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2016/2017 of (0.42920 cents) in the dollar and a Base Amount of \$385.00 for all rateable land in the Coffs Harbour LGA categorised as 'Farmland'.
5. Make a Special Rate – Environmental, pursuant to Section 495 of the Local Government Act, for 2016/2017 on all rateable land in the Coffs Harbour LGA of (0.01096 cents) in the dollar with a Base Amount of \$21.25.
6. Make an Annual Charge for Domestic Waste Service – Occupied, pursuant to Section 496 of the Local Government Act, for 2016/2017 on all occupied rateable land, categorised Residential or Farmland, to which a domestic waste service is (or able to be) provided.

The amount of the annual charge will be the amount derived by applying the formula: $C = S \times UD$.

Where 'C' equals the annual charge, 'S' equals the number of general waste bins provided to the parcel of land or lot in a strata plan for collection or the number of separate occupations, or one (1), whichever is the greater, and 'UD' (Unit Price Domestic Waste) is \$636.00.

Subsidiary (or extra) Domestic Waste Services pursuant to Section 501 of the Local Government Act, for 2016/2017 will incur the following annual charges per service:

- 6.1. Domestic General Waste Service - \$270.00
 - 6.2. Domestic Recycling Service - \$100.00
 - 6.3. Domestic Recycle Upgrade Service - \$36.00
 - 6.4. Domestic Organic Waste Service - \$170.00.
7. Make an Annual Charge for Domestic Waste – Vacant Land, pursuant to Section 496 of the Local Government Act, for 2016/2017 of \$159.00, on all vacant rateable land categorised Residential and Farmland, to which a domestic waste service is available.
 8. Make an Annual Charge for Non-Rateable (Non-Domestic) Waste Service, pursuant to Section 496(2) of the Local Government Act, for 2016/2017 on all occupied non-rateable properties to which a waste collection service is provided.

The amount of the annual charge will be the amount derived by applying the formula $C = S \times UN$, where 'C' equals the annual charge, 'S' equals the number of general waste bins provided for collection or the number of separate occupations, or one (1) whichever is the greater and 'UN' (Unit Price Non-Rateable) is \$636.00.

Subsidiary (or extra) Non-Rateable (Non-Domestic) Waste Services pursuant to Section 501 of the Local Government Act, for 2016/2017 will incur the following annual charges per service:

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

- 8.1. Non-Rateable General Waste Service - \$270.00
- 8.2. Non-Rateable Recycling Service - \$100.00
- 8.3. Non-Rateable Recycle Upgrade Service - \$36.00
- 8.4. Non-Rateable Organic Waste Service - \$170.00
9. Make an Annual Charge for Non-Domestic Waste – Occupied, pursuant to Section 501 of the Local Government Act for 2016/2017 on all occupied rateable land categorised Business or sub-categorised City Centre Business, to which a waste collection service is provided (or is able to be provided).

The amount of the annual charge will be the amount derived by applying the formula $C = S \times UB$, where 'C' equals the annual charge, 'S' equals the number of general waste bins provided to the parcel of land or lot in a strata plan for collection or the number of separate occupations, or one (1) whichever is the greater and 'UB' (Unit Price - Non Domestic) is \$636.00.

Subsidiary (or extra) Non-Domestic Waste Services pursuant to Section 501 of the Local Government Act, for 2016/2017 will incur the following annual charges per service:

 - 9.1. Non-Domestic General Waste Service - \$270.00
 - 9.2. Non-Domestic Recycling Service - \$100.00
 - 9.3. Non-Domestic Recycle Upgrade Service - \$36.00
 - 9.4. Non-Domestic Organic Waste Service - \$170.00
10. Make an Annual Charge for Non-Domestic Waste – Vacant Land, pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$159.00, on all vacant rateable land categorised Business or sub-categorised City Centre Business to which a non-domestic waste service is available.
11. Make an Annual Charge – Sewerage Access Charge, pursuant to Section 501 of the Local Government Act, for 2016/2017 on all rateable land categorised Residential or Farmland, EXCEPT land prescribed under Section 552 (3) (a) and (b) of the Local Government Act.

The amount of the annual charge will be \$806.00 per occupation or \$556.00 for vacant land.
12. Make an Annual Charge – Private Sewer Pump Station Management Charge, pursuant to Section 501 of the Local Government Act, for 2016/2017 on all rateable land.

The amount of the annual charge will be \$125.00 per private sewer pump station.
13. Make an Annual Charge – Sewerage Access Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 on all rateable land categorised Business or within the Business subcategory 'City Centre Business' EXCEPT land prescribed under Section 552(3) (a) and (b) of the Local Government Act.

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

The amount of the annual charge will be:

For vacant land - \$556.00.

For occupied land the charge will be calculated using the formula:

SDF x MF x AC factor (with a minimum charge of \$556.00).

Where: SDF = Sewer Discharge Factor
 MF = Meter Factor (refer to table 1 below)
 AC factor = \$789.00 (charge for 2016/2017).

Where no Council water service is installed on an occupied property (and able to be connected to the sewerage system) a Meter Factor (MF) equal to one (1) and a Sewer Discharge Factor (SDF) equal to 95% will be assumed for the calculation of the annual sewer access charge (i.e. 1 x 95% x \$789.00 = \$749.55).

Table 1 - Meter Charge Factors - Annual Sewer Access Charge (Non-Residential)

Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor
15	1.00	40	4.00	100	25.00
20	1.00	50	6.30	150	56.30
25	1.60	65	10.60	200	100.00
32	2.60	80	16.00	Fire Service	Nil

14. Make an Annual Fee for On-site Sewage Administration (low risk systems), pursuant to Section 608 of the Local Government Act for 2016/2017 on each property on which an on-site sewage management system(s) is installed.

The amount of the fee will be the amount derived by applying the formula

$C = OS \times UPL$ where 'C' equals the annual fee, 'OS' equals the number of on-site sewage management systems and 'UPL' (Unit Price) is \$16.00 for low risk on-site sewage systems.

15. Make an Annual Fee for On-site Sewage Administration (medium risk systems), pursuant to Section 608 of the Local Government Act for 2016/2017 on each property on which an on-site sewage management system is installed.

The amount of the fee will be the amount derived by applying the formula:

$C = OS \times UPM$ where 'C' equals the annual fee, 'OS' equals the number of on-site sewage management systems and 'UPM' (Unit Price) is \$47.00 for medium risk on-site sewage systems.

16. Make an Annual Fee for On-site Sewage Administration (high risk systems), pursuant to Section 608 of the Local Government Act for 2016/2017 on each property on which an on-site sewage management system is installed.

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

The amount of the fee will be the amount derived by applying the formula

$C = OS \times UPH$ where 'C' equals the annual fee, 'OS' equals the number of on-site sewage management systems and 'UPH' (Unit Price) is \$171.00 for high risk on-site sewage systems.

17. Make an Annual Charge – Water Access Charge, pursuant to Section 501 of the Local Government Act, for 2016/2017 on all rateable land categorised Residential or Farmland EXCEPT: Land prescribed under Section 552(2) of the Local Government Act (or) Farmland rated properties using water for a commercial farming purpose.

The amounts of the annual charge will be:

17.1. For vacant land or land comprising a single residential dwelling or a lot within a strata plan - \$143.00.

17.2. For land on which is erected a building or buildings adapted for two or more separate occupations, including (but not limited to) a dual occupancy or residential flat building(s) not being part of a strata plan, the amount derived by applying the formula $AC = T \times \$143.00$ where 'AC' equals the Annual Charge, 'T' equals the number of separate occupations.

18. Make an Annual Charge – Water Access Charges, pursuant to Section 501 of the Local Government Act, for 2016/2017 on all rateable land categorised Business (and sub-category City Centre Business) or Farmland EXCEPT: Land prescribed under Section 552(2) of the Local Government Act (or) Farmland rated properties using water for a residential purpose.

The amount of the annual charges will be:

18.1. For vacant land or occupied land that is not connected to the water supply - \$143.00.

18.2. For land not included in (1) above the amount is derived by applying the formula $AC = MF \times \$143.00$ where 'AC' equals the Annual Charge, 'MF' equals the aggregate of the charge factors for all meters on the property (see table 2 below for charge factors), and \$143.00 is the unit price.

Table 2 – Meter Charge Factors - Water Access Charge (Non-Residential)

Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor
15	1.00	40	4.00	100	25.00
20	1.00	50	6.30	150	56.30
25	1.60	65	10.60	200	100.00
32	2.60	80	16.00	Fire Service	1.00

19. Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$15.50 per testable backflow device on rateable properties under the category of Residential or Farmland in respect of land prescribed under Section 552(1).

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

- 20. Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$62.00 for the first testable backflow device and \$15.50 for any additional testable backflow device(s) on rateable properties under the category of Business or sub-category of City Centre Business in respect of land prescribed under Section 552(1).
- 21. Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$468.00 for each system able to be connected to the sewerage system (properties with this charge applied may also be charged an annual sewer access charge).
- 22. Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$468.00 for each system not yet on Council's subsidised pump-out service and not able to be connected to the sewerage system.
- 23. Make an Annual Charge for Effluent Removal (Special), pursuant to Section 501 of the Local Government Act, for 2016/2017 of \$806.00 for each system not able to be connected to the sewerage system. A subsidised effluent pump-out service is provided with this charge.
- 24. Make an Annual Charge for Trade Waste, pursuant to Section 501 of the Local Government Act, for 2016/2017. This annual charge is based on the number of trade waste generators at each property.

Table three shows the annual charge applicable for a particular number of trade waste generators at a property.

Table 3 – Annual Charge for Trade Waste

Number of Trade Waste Generators	Annual Trade Waste Charge
1	\$200.00
2 to 4	\$400.00
5 to 9	\$950.00
10 to 14	\$1,850.00
15 to 19	\$2,750.00
20 to 24	\$3,600.00
25 to 29	\$4,400.00
30 to 34	\$5,200.00
>34	\$5,820.00

- 25. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$2.71 per kilolitre for each kilolitre of water registered, up to a daily average of one (1) kilolitre per occupation for the period read, this is to be known as the Tier 1 (or Step 1) water usage charge.
- 26. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$4.07 per kilolitre for each kilolitre of water registered, over a daily average of one (1) kilolitre per occupation for the period read, this is to be known as the Tier 2 (or Step 2) water usage charge.

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

27. Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$1.36 per kilolitre for each kilolitre of water registered, up to a daily average of one (1) kilolitre per occupation supplied for the period read, this is to be known as the Tier 1 (or Step 1) raw water usage charge.
28. Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$2.03 per kilolitre for each kilolitre of water registered, over a daily average of one (1) kilolitre per occupation supplied for the period read, this is to be known as the Tier 2 (or Step 2) raw water usage charge.
29. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$2.71 per kilolitre for each kilolitre of water registered on any meter fitted to any Non-Residential property.
30. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$8.13 per kilolitre for each kilolitre of water registered on any meter fitted for providing a fire service at a property.
31. Make a Sewer Usage Charge, pursuant to Section 502 of the Local Government Act, for 2016/2017 of \$2.12 per kilolitre. Sewerage discharge is based on water usage and varies depending on Sewer Discharge Factors (SDF) allocated to individual water meters on individual properties. Usage is generally determined with the use of meters, which in certain circumstances may not be directly connected to Council's water supply.
32. Make a Trade Usage Charge (for compliant trade waste discharge – Charge Category 2 generators), pursuant to Section 502 of the Local Government Act, for the 2016/2017 charge period of \$1.70 per kilolitre.
33. Make a Trade Usage Charge (for non-compliant trade waste discharge – Charge Category 1 generators), pursuant to Section 502 of the Local Government Act, for the 2016/2017 charge period of \$1.70 per kilolitre.
34. Make a Trade Usage Charge (for non-compliant trade waste discharge – Charge Category 2 generators), pursuant to Section 502 of the Local Government Act, for the 2016/2017 charge period of \$15.60 per kilolitre.
35. Make an Annual Stormwater Management Service Charge, pursuant to Section 496A of the Local Government Act, for 2016/2017, to be applied against rateable properties categorised as Business or Residential within Council's stormwater catchments. The amount of the annual charges will be:
 - 35.1. Residential properties (not being strata units) - a flat charge of \$25.00 will apply.
 - 35.2. For Residential Strata Units - a flat charge of \$12.50 will apply.
 - 35.3. For Business properties (not being strata units) the charge is based on total (estimated) impervious land area using the following criteria:

Divide the total impervious land area by 350 square metres. This will result in an amount which, (rounded up to the nearest whole number) is multiplied by \$25.00.

Cont'd...

BS16/22 Making of Rates and Charges for 2016-2017 ...(Cont'd)

This annual charge will therefore be an amount divisible by \$25.00 with the minimum charge being \$25.00 for properties having a land area of 350 square metres or less.

- 35.4. For Business Strata Units (in a complex containing only business units) - the charge is determined by a method similar to that detailed in point (III) above, except that the total land area charge for the strata complex (being a multiple of the \$25.00 charge) is further apportioned to individual strata units within the complex using the unit entitlement recorded for each unit. A minimum charge of \$5.00 per strata unit applies to calculated charges less than this amount.
- 35.5. For Business Strata Units (in a mixed complex containing residential units) – the charge for these units will be the same as residential strata units being a flat charge of \$12.50.
36. Make an Interest Charge of 8.0%, pursuant to Section 566 of the Local Government Act, for 2016/2017 being the maximum amount determined by the Minister for Local Government; calculated daily on a simple basis, on overdue rates and charges (EXCEPT water, sewer and trade waste usage charges).

The Motion on being put to the meeting was carried unanimously.

BS16/23 GRANTING OF VOLUNTARY PENSION REBATES FOR 2016-2017

Executive Summary

The Local Government Act 1993, (the Act) provides that the Council must grant a mandatory rebate to eligible pensioners for rates and charges. Council is then reimbursed by subsidy payment for a proportion of the amount rebated. Section 582 of the Act provides that Council may grant an additional voluntary pensioner rebate which this report outlines.

Since 2002 Council has granted additional voluntary pensioner rebates to eligible pensioners in respect of the Environmental Levy and Domestic Waste Charges. The granting of these additional rebates is resolved by Council on an annual basis and is provided for in the 2016/2017 budget at a cost of \$640,000.

Cr Cowling left the meeting, the time being 5.57pm.

Cont'd...

BS16/23 Granting of Voluntary Pension Rebates for 2016-2017 ...(Cont'd)

145 RESOLVED (Townley/Rhoades) that Council:

1. Grants a voluntary rebate under Section 582 of the Local Government Act in 2016/2017 to eligible pensioners in respect of the Environmental Levy and Domestic Waste charges. The level of rebate to be:
 - 1.1. In the case of the Environmental Levy – the amount that is the difference between 50% of the ad valorem rate and 50% of the Base Amount and the mandatory rebate to be applied under Section 575 of the Local Government Act.
 - 1.2. In the case of the Domestic Waste Charge – the amount that is the difference between \$87.50 and the mandatory rebate to be applied under Section 575 of the Local Government Act.
2. Notes the provision of \$640,000 in the 2016/2017 budget to meet the cost of providing voluntary pension rebates.

The Motion on being put to the meeting was carried unanimously.

Cr Cowling returned to the meeting, the time being 5.59pm.

The Mayor advised Cr Cowling of the resolution.

BS16/24 RESTRICTED EQUITY REALLOCATION

Executive Summary

The purpose is to report is to provide information to Council in relation to Council's Restricted Equity (Internal and External Reserves). This includes estimated balances for the quarter ended 31 March 2016 and the consideration of consolidation and simplification of several reserves. Information is provided to clarify the original purpose, funding source and adequacy of each reserve and to make a recommendation in relation to Councils restricted equity into the future. Existing reserves have been reviewed and recommendations are included to simplify and align the remaining reserve funds to Council's current strategic direction aimed at sustainable service delivery and infrastructure renewal and to preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

Cont'd...

BS16/24 Restricted Equity Reallocation (Cont'd)

146 RESOLVED (Townley/Rhoades) that Council:

1. Receive and note the Reserve balances at 31 March 2016 as outlined in the report;
2. Rename the Airport Reserve the Coffs Harbour Regional Airport Business Unit Reserve.
3. Finalise the EDP Reserve as at 30 June 2016 and the resulting balance of approximately \$101,029 be transferred into the Infrastructure Assets Renewal Reserve;
4. Finalise the Open Space Land Reserve as at 30 June 2016 and the resulting balance of approximately \$47,265 be transferred into the Infrastructure Assets Renewal Reserve;
5. Finalise the Jetty Maintenance and Repairs reserve as at 30 June 2016 and the resulting balance of approximately \$250,596 be transferred into the Infrastructure Assets Renewal Reserve;
6. Finalise the Asset Replacement/Maintenance reserve as at 30 June 2016 and the resulting balance of approximately \$580,104 be transferred into the Infrastructure Assets Renewal Reserve;
7. Finalise the State Highway 10 (SH10) – Garden Works reserve as at 30 June 2016 and the resulting balance of approximately \$49,540 be transferred into the Infrastructure Assets Renewal Reserve;
8. Rename the Future Fund/Strategic Initiatives Reserve the Strategic Initiatives Reserve;
9. Create a Jetty4shores Recreation Hub Reserve to hold matching funding for the National Stronger Regions Fund Round 2 grant program.
10. Finalise the Private Works Projects Reserve as at 30 June 2016 and the balance of approximately \$3,563,118 is allocated to the Jetty4shores Recreation Hub Reserve;
11. Finalise the Business Development Reserve as at 30 June 2016 and the amount of \$1,528,004 is allocated to Jetty4shores Recreation Hub Reserve & the remaining balance of approximately \$848,914 be transferred into the Infrastructure Assets Renewal Reserve;
12. Rename the Project Contingency/Coastal Works Reserve the Coastal Works Business Unit Reserve to commence as at 1 July 2016 with an opening balance of \$1,000,000 and the remaining balance of approximately \$233,602 be transferred into the Infrastructure Assets Renewal Reserve;
13. Rename the Laboratory Equipment & Infrastructure Reserve the Environmental Laboratory Business Unit Reserve;
14. Finalise the Future Road Network Reserve as at 30 June 2016 and the resulting balance of approximately \$2,575,418 be transferred into the Infrastructure Assets Renewal Reserve with this component segmented for the Hogbin Drive extension works and form part of the broader strategic asset management planning;

Cont'd...

BS16/24 Restricted Equity Reallocation ...(Cont'd)

15. Rename the Technology Group Reserve the New Technology Group Business Unit Reserve;
16. Rename the Future Works and Services Reserve the Infrastructure Assets Renewal Reserve for the Water Supply Fund;
17. Rename the Future Works and Services Reserve the Infrastructure Assets Renewal Reserve for the Sewerage Fund;
18. Finalise the Plant Replacement (Alpha Laval Centrifuge) Reserve as at 30 June 2016 and the resulting balance of approximately \$1,790,252 be transferred into the Infrastructure Assets Renewal Reserve for the Sewerage Fund.

The Motion on being put to the meeting was carried unanimously.

BS16/25 CUSTOMER SERVICE CHARTER AND CUSTOMER SERVICE STRATEGY 2016-2018

Executive Summary

Council recognises that it is in the service industry with the aim to create a positive experience for all our customers and the wider community. We want to be recognised as an organisation with the customer at the heart of everything we do.

The Customer Service Charter and Customer Service Strategy informs both customers and staff about the key focus areas to improve Council's current levels of customer service over the next three years.

The strategy also supports a number of 'Performance Indicators and Outcomes' in Council's Target Operating Model – which describes the 'future state' of Coffs Harbour City Council.

This report recommends that the documents now be adopted after being placed on public exhibition.

- 147 RESOLVED** (Degens/Sultana) that Council adopt the Customer Service Charter and Customer Service Strategy 2016-2018 as attached.

The Motion on being put to the meeting was carried unanimously.

NOTICE OF MOTION - SUSTAINABLE INFRASTRUCTURE

NOM16/16 CAMPING AREA FOR SELF SUSTAINABLE & RV VEHICLES

Cr Sultana requested the wording be amended to include the following:

"Council bring back a report on the viability of designating a camping area for "self sustainable" vehicles and RVs at the end of Phil Hawthorn Drive (land opposite the go-cart and motorbike track and next to the hockey fields).

Could Council also report on the viability of moving the dump point to this location, perhaps in consultation with the CMCA".

The Mayor asked Councillors if they had any objection to the change to the original motion.

No objections were received, the proposed variation was adopted into the original motion.

148 RESOLVED (Sultana/Cowling) that "Council bring back a report on the viability of designating a camping area for "self sustainable" vehicles and RVs at the end of Phil Hawthorn Drive (land opposite the go-cart and motorbike track and next to the hockey fields).

Could Council also report on the viability of moving the dump point to this location, perhaps in consultation with the CMCA".

The Motion on being put to the meeting was carried unanimously.

NOM16/17 INVESTIGATION INTO COASTAL WORKS/CITYWORKS

MOVED (Townley/Sultana) that:

"Council seek an independent investigation by the Office of Local Government to investigate whether Council have deployed best practice in establishment, scope, governance, management and reporting with regard to Coastal Works/City Works."

The **MOTION** on being put to the meeting resulted in a tied vote.

VOTED FOR	VOTED AGAINST
Cr Townley	Cr Rhoades
Cr Sultana	Cr Degens
Cr Cowling	Cr Knight

The Mayor used her casting vote and the **MOTION** was declared **LOST**.

SUSTAINABLE INFRASTRUCTURE DEPARTMENT REPORTS

SI16/28 TRAFFIC COMMITTEE NO. 3-2016

Executive Summary

To confirm Minutes of the informal Traffic Committee Meeting 3/2016 held on 8 June 2016.

149 RESOLVED (Cowling/Sultana) that:

T.- 40 No Stopping opposite bus bay, Mary Help of Christians School Eungella Street, Toormina

That approval be given to install a yellow no stopping line and no stopping signs joining up the existing zones and removing 15m of unrestricted parking on Eungella Street North from the western side of the children's crossing to Amaroo Crescent (75m), Toormina, as per plan T. 40- 2016.

T.- 41 Parking - Beach Way Sapphire Beach IR 5905088

That approval be given to remove the existing no stopping zone and replace with marked parking bays on the western side of Beach Way and to install a no stopping zone on the Eastern side of Beach Way, Sapphire Beach, as per plan T.41- 2016.

T. - 42 Heavy Vehicles - Butlers Road Bonville R. 500540

Approval for 12 tonne load limit to be installed in Butlers Road Bonville for the full extent of the road as per plan T.42 – 2016.

T. - 43 Signage - Gardiner Ave cul-de-sac Coffs Harbour R.504570 6031423

Approval to install a timed no stopping zone from 9.00am – 11.00am, Thursdays in Gardiner Avenue (to the Combine Street intersection) Coffs Harbour, as per plan T.43-2016.

T. - 44 Duke Street, Coffs Harbour- Duke Street extension signs and line marking

Approval to install the lines as marked on the Duke Street, Coffs Harbour bypass plan including:

- A left in left out intersection at Duke Street and Harbour Drive
- No right turn from the Duke Street extension into Duke Street north
- A vehicle length limit of 12.5m from Vernon Street (East) to the Duke Street / Harbour Drive intersection
- A vehicle length limit of 8.8m from the Duke Street/Harbour Drive intersection to the Vernon Street (East) / Gordon Street intersection and the Gordon/Coff Street intersection to the Duke Street / Vernon Street (East) intersection
- No stopping zones to be installed as yellow lines.

Cont'd...

SI16/28 Traffic Committee No. 3-2016 ...(Cont'd)

T. – 45 Adventurethon Coffs Harbour - 20 & 21 August 2016.

That approval be given to hold the annual Adventurethon from 20th–21st August 2016 subject to the following conditions:

1. A current insurance Certificate of Currency for a minimum insured amount of \$20,000,000 and noting the Coffs Harbour City Council as an interested party for the event be submitted by 1st August 2016.
2. NSW Police approval is obtained by 1st August 2016.
3. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein.
4. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s.
 - a. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
5. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner.
6. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event.
7. Community and affected business consultation including adequate response/action to any raised concerns.
8. Arrangements made for private property access and egress affected by the event.
9. The event organiser notifies local community of the impact of the event/s by advertising in the Coffs Coast Advocate a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
10. That the applicant organise for the events to be listed on Coffs Harbour City Council website.

T. - 46 No Parking / Stopping - Fiddaman Road Emerald

That approval be given to install a no stopping zone for 147m on the southern side of the 14m wide road as part of the Emerald Village residential subdivision for bushfire protection, as per plan

T. – 47 Linemarking – Orlando Street /Hogbin Drive Coffs Harbour

Deferred pending further investigation of options.

Cont'd...

SI16/28 Traffic Committee No. 3-2016 ...(Cont'd)

T. - 48 Linemarking - Park Beach Road / Pacific Highway Coffs Harbour

That approval be given to modify the line marking and turn arrows at Park Beach Road on approach to the Pacific Highway Hwy intersection Coffs Harbour, to two dedicated left turn lanes and a right turn slip lane for approximately 40m prior to the intersection, as per plan T.48 -2016.

T. - 49 Coffs Harbour City Centre Rejuvenation – Shared Zones

Deferred pending advice from CBD committee.

T. – 50 Temporary Road Closure – Woolgoolga Curryfest 2016 5987595

Request to close Market Street, Woolgoolga for the Woolgoolga Curryfest has been withdrawn.

T. - 51 Korora School Traffic Management

That approval be given for:

1. Korora School Road, Korora: A 5m No Stopping zone (yellow line) is to be installed south of the childrens crossing in Korora School Road, Korora and a timed No Parking 8.00-9.30am and 2.30pm – 4.00pm school days for 44m south of the crossing as a drop off zone as per plan T.51a-2016.
Parking on the west side of the road to be realigned to 60 degree angle and line marking to delineate a single narrow traffic lane.
2. The intersection of Korora School Road and James Small Drive, Korora to be linemarked to narrow the intersection and give way lines and sign to be installed as per plan T.51b-2016.

T. – 52 Coffs Harbour Public School, Salamander Street, Coffs Harbour traffic management

Deferred for further investigation.

T. – 53 Coffs Harbour arterial roads load limits

Deferred pending further investigations.

T.- 54 North Coast Road Running Championships 5954289

That approval be given for the North Coast Road Running Championships to be held on Sunday 26 June 2016 including 3 events:

1. 15km from the Corindi Public School car park to Red Rock and return along Red Rock Road, commencing 8am.
2. 5km from Corindi Public School along Corindi Park Drive and back via the southern access road, commencing 9:40am.
3. 2km from Corindi Public School along Corindi Park Drive and return, commencing 10:20am.

Cont'd...

SI16/28 Traffic Committee No. 3-2016 ...(Cont'd)

Approval is subject to the following conditions:

1. Valid public liability insurance being held by the event organiser.
2. NSW Police approval is obtained.
3. A Traffic Management Plan and risk management plan to be submitted by 20 June
 - a. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
4. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed.
5. Community and affected business consultation including adequate response/action to any raised concerns.
6. Arrangements made for private property access and egress affected by the event.

T.- 55 Carlton Mid 2016 Coffs Harbour Gold Cup Day 4th August - Howard Street, Coffs Harbour Temporary Road Closure R. 503110

That approval be given for the temporary road closure of Howard Street, Coffs Harbour, on Thursday, 4 August 2016, between 9.00am and 6.30pm for Coffs Harbour Gold Cup 2016 subject to the following conditions:

1. A current insurance certificate of currency for a minimum insured amount of \$20 000 000 and noting the Coffs Harbour City Council as an interested party for the event be submitted by 1st July 2016.
2. NSW Police approval is obtained to be submitted by 1st July 2016.
3. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein.
4. Traffic management plan to include a Risk Management Plan and Traffic Control Plan/s with map indicating any alternative routes required for traffic detours. This includes the following conditions;
 - a. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites.
 - b. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
 - c. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police.

Cont'd...

SI16/28 Traffic Committee No. 3-2016 ...(Cont'd)

- d. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons.
5. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed.
6. Consultation with taxi and bus operators and arrangements made for provision of services during conduct of the event.
7. Community and affected business consultation including adequate response/action to any raised concerns.
8. Arrangements made for private property access and egress affected by the event.

T.- 56 Traffic Management for Coffs Coast 4WD Caravan & Camping Show

That approval be given for the Coffs Coast 4WD Caravan and Camping Show traffic management plan for the event to be held at the Coffs Racing Club, Howard Street, Coffs Harbour on 18 – 19 June, 2016, subject to the following conditions:

1. A current insurance certificate of currency for a minimum insured amount of \$20 000 000 and noting the Coffs Harbour City Council as an interested party for the event be submitted ASAP.
2. NSW Police approval is obtained to be submitted ASAP.
3. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein.
4. Traffic management plan to include a Risk Management Plan and Traffic Control Plan/s with map indicating any alternative routes required for traffic detours. This includes the following conditions;
 - a. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites.
 - b. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event.
 - c. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police.
 - d. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons.
5. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed.

Cont'd...

SI16/28 Traffic Committee No. 3-2016 ...(Cont'd)

6. Consultation with taxi and bus operators and arrangements made for provision of services during conduct of the event.
7. Community and affected business consultation including adequate response/action to any raised concerns.
8. Arrangements made for private property access and egress affected by the event.
9. Future event applications be submitted 3 months prior to the event date or the event will not be approved.

T.- 57 No Stopping Treador Motel - 31 Grafton Street, Coffs Harbour

Approval to install yellow no stopping line to replace no parking zone adjacent to the Treador Motel, 31 Grafton Street, Coffs Harbour as per plan T.57 - 2016.

The Motion on being put to the meeting was carried unanimously.

SI16/29 BOAMBEE EAST COMMUNITY RESERVE PLAN OF MANAGEMENT

Executive Summary

The purpose of this report is to:

- Detail the outcome of community consultation in relation to the exhibition of the draft Boambee East Community Reserve Plan of Management (PoM); and
- Seek approval from Council for adoption of the Boambee East Community Reserve PoM; and
- Approve the granting of a licence to the South Coffs Community Garden Incorporated.

Council prepared the draft PoM to meet the legislative requirements of the Local Government Act 1993 and to guide current and future use and management of the reserve for the next five to ten years. The draft PoM was placed on exhibition for six weeks. One community workshop was held during the exhibition period attended by twenty-five people. One submission was received.

The proposal to grant a five year licence to establish a community garden on the site was also advertised during the PoM exhibition period. As the land is classified as 'Community Land' under the Local Government Act 1993, the licence proposal was advertised in accordance with provisions of the Act. No submissions were received.

Cont'd...

**SI16/29 Boambee East Community Reserve Plan of Management
...(Cont'd)**

150 RESOLVED (Sultana/Cowling) that Council:

1. Adopt the Boambee East Plan of Management as appended and
2. Enter into a Licence Agreement with the South Coffs Community Garden Incorporated for that part of Lot 204 DP 828816 identified as Community Garden in the Boambee East Plan of Management for a term of five years with any necessary documents to be executed under the Common Seal of Council.

The Motion on being put to the meeting was carried unanimously.

**SI16/30 CONTRACT NO. RFT-751-TO SEWER MAIN UPGRADE - FIDDAMAN
ROAD, EMERALD BEACH**

Executive Summary

Council is replacing an existing section of 150dia sewer gravity main which runs in a narrow strip of Crown Land behind residential properties in Fiddaman Road, Emerald Beach. The original main was constructed by directional drilling in 2000, which resulted in high and low point within the line. The existing mains grade is not self-cleansing which results in sewer blockages and overflows at this location.

The purpose of this report is to gain Council approval to accept a tender for the construction of new 225dia and 150dia gravity sewer mains by trenchless and conventional methods to replace the existing 150dia gravity sewer main.

This project has been identified as necessary works in the Coffs Harbour Sewerage Strategy and is required in order to alleviate sewer chokes and possible environmental overflows into Fiddaman Creek. The project also comes under Sewer Infrastructure Works as part of the 2015/2016 Operational Plan.

151 RESOLVED (Rhoades/Cowling):

1. That Council accept the tender of Ledonne Constructions Pty Ltd, ABN 68 003 117 717, for the part Lump Sum of \$326,661.50 inclusive of GST on the basis that:
 - a) The tender is the most advantageous tender following the application of Council's Tender Value Selection System
 - b) The Tenderer has the necessary experience in similar works and its ability and performance are satisfactory

Cont'd...

SI16/30 Contract No. RFT-751-TO Sewer Main Upgrade - Fiddaman Road, Emerald Beach ...(Cont'd)

- c) The Tenderer's financial capacity is acceptable
- 2. That the contract documents be executed under the Seal of Council.

The Motion on being put to the meeting was carried unanimously.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

QUESTIONS ON NOTICE

No questions on notice.

MATTERS OF AN URGENT NATURE

MUN16/6 Draft Regional Botanic Gardens Strategic Plan - License

Cr Townley queried the status of the license for the Friends of the Botanical Gardens. Director Sustainable Infrastructure gave an update and advised Council that a further update will be provided once more information has been clarified.

This concluded the business and the meeting closed at 6.31pm.

Confirmed: 14 July 2016

.....
Denise Knight
Mayor



REPORT TO ORDINARY COUNCIL MEETING

LOCAL GOVERNMENT REFORM - JOINT ORGANISATIONS UPDATE

REPORTING OFFICER:	Director Business Systems
DIRECTOR:	General Manager
COFFS HARBOUR 2030:	LC3.1 – Council support the delivery of high quality, sustainable outcomes for Coffs Harbour
ATTACHMENTS:	ATT1 Joint Organisations - Towards a New Model for Regional Collaboration - June 2016 ATT2 Background Paper - Joint Organisations - Towards a New Model for Regional Collaboration - June 2016

Recommendation:

That Council:

1. **Receives and notes the report; and**
 2. **Provides a brief submission supporting the proposed Joint Organisation model as outlined in the Background Paper**
-

EXECUTIVE SUMMARY

On 8 June the Minister for Local Government, the Hon. Paul Toole issued an Overview (attachment 1) and Background Paper (attachment 2) detailing the proposed operational arrangements for Joint Organisations, seeking feedback by 15 July 2016.

Also, Coffs Harbour City Council, in conjunction with the other member Councils of the proposed North Coast Joint Organisation (JO), Bellingen Shire, Nambucca Shire and Clarence Valley Councils, since late 2013 have been pursuing participation in the Pilot JO Program. Council last considered progress on the proposed North Coast JO at its meeting on 11 February 2016, at which time it endorsed the intent of an updated Expression of Interest for submission to the Minister for Local Government when the next opportunity arises.

This report provides an overview of the JOs discussion paper and proposes Council's support of the proposed JO model.

REPORT

Description of Item:

The State Government's Fit for the Future Reform process included the establishment of pilot Joint Organisations (JOs) of Councils in late 2014. JOs are seen by the State Government as a key part of achieving strong modern local government, to provide a forum for local councils and the state to work together on key issues that cut across traditional council boundaries such as jobs, education, roads and transport.

A mid pilot report was released in July 2015 which anticipated an evaluation report and final JO model in early 2016 to inform government decision making and legislative processes in the second quarter of 2016, with implementation planned from the start of the next local government term, from September 2016.

On 8 June the Minister for Local Government, the Hon. Paul Toole issued an Overview (attachment 1) and Background Paper (attachment 2) detailing the proposed operational arrangements for JOs, seeking feedback by 15 July 2016.

The information released by government included the following:

The NSW Government is inviting feedback on the proposed Joint Organisation framework which will "transform the way state and local governments collaborate".

The Minister for Local Government has said, "Joint Organisations are a crucial part of the NSW Government's plan to revitalise and strengthen regional NSW by improving the way councils and the government plan and deliver on key regional priorities such as jobs, education, transport and water supplies".

"Through the proposed model, Joint Organisations will also help councils provide better services and infrastructure to their communities by sharing resources, lowering costs and reducing red tape."

"Across the state, pilot Joint Organisations are already improving freight transport in the Riverina, tackling youth unemployment in the Illawarra, attracting agricultural investment in the Namoi, prioritising infrastructure investment in Central NSW and growing the tourism industry in the Hunter".

"The pilots have been so successful that, in response to demand, the NSW Government will soon call for Expressions of Interest for two early starter Joint Organisations that will support the wider implementation of the model across regional NSW".

Also, Coffs Harbour City Council, in conjunction with the other member Councils of the proposed North Coast JO, Bellingen Shire, Nambucca Shire and Clarence Valley Councils, since late 2013 have been pursuing participation in the Pilot JO Program. Council last considered progress on the proposed North Coast JO at its meeting on 11 February 2016, at which time it endorsed the intent of an updated Expression of Interest for submission to the Minister for Local Government when the next opportunity arises.

The Expression of Interest focuses on the key State Government strategic objectives for JOs as well as the Councils' agreed strategic priorities. Therefore, the initial priorities of the work plan are:

- Ten Year Regional Community Strategic Plan
- Strategic Regional and Sub-Regional Land Use Planning Framework
- Regional Voice - Intergovernmental Relations and Regional Advocacy

- Strategic Regional Waste Management Planning
- Regional Alliance of Local Government Water Utilities
- Regional Infrastructure Planning and Management
- Assessment Framework for Potential Shared Service Provision

This report provides an overview of the JOs discussion paper and proposes Council's support of the proposed JO model.

Issues:

From the Background Paper the key provisions of the JO proposed model are as follows:

1. JO core functions will be embedded in legislation and include strategic planning and priority setting, intergovernmental collaboration, and regional leadership and advocacy.
2. JOs can have optional functions such as service delivery and capacity building. These will be enabled but not prescribed by legislation.
3. Mayors of member councils will sit on the JO Board for their term of office.
4. General Managers of member councils will advise and contribute to the JO Board.
5. The JO Board will appoint its own Chair
6. There will be equal voting rights between members and no casting vote for the Chair
7. Additional councillors may be appointed to the JO Board, provided representation remains equal among councils.
8. The NSW Government representative (Regional Coordinator of the Department of Premier & Cabinet) will be an associate (non-voting) member
9. Other organisations such as county councils and cross-border partners may be associate (non-voting) members.
10. In terms of boundaries the JOs will be established by proclamation and demonstrate a strong community of interest between member councils and will be based around a regional centre, where possible, and big enough to form strong partnerships.
11. The JOs will each receive \$300,000 seed funding from the NSW Government and will employ an Executive Officer under a standard contract and other staff under the Local Government (State) Award. JOs will be able to apply for grants and generate income to help fund ongoing operations.

The Background Paper also clarifies the relationship between the JO and the member councils. For instance:

1. Notwithstanding the nominated JO core functions, member councils will still undertake local strategic planning, collaboration, leadership and advocacy and may have individual relationships with the State on all of these matters.
2. As separate legal entities, JOs will be able to carry out functions such as tendering, entering into contracts, applying for grants, employing staff and undertaking regulatory functions on behalf of member councils.
3. JO Board members will not be paid sitting fees. Instead, to recognise the important role of Mayors on JO Boards, it is proposed that a one-off increase to the Mayoral fee be considered as part of the councillor remuneration review.
4. In terms of financing JOs it is proposed that member councils fund the ongoing core functions of the JO with contributions based on a formula negotiated by each JO.

The proposed JO model has been developed through consultation, feedback and pilot JO operation and evaluation. It appears to be a sound model for Local Government and State Government collaboration and therefore it is recommended that Council express its support.

Options:

Council's options in relation to the recommendations in this report are:

1. Adopt the recommendation provided by Council and therefore provide its support for the proposed JO model outlined in the Background Paper.
2. Amend the recommendation provided to Council and then adopt. Council may wish to identify specific aspects of the proposed JO model on which it would like to provide comment for inclusion in its submission.
3. Reject the recommendation provided to Council and therefore not provide a submission on the proposed JO model.

Sustainability Assessment:

• **Environment**

Council's support of JO and its proactive involvement in the proposed North Coast JO will assist in ensuring that Council can continue to provide levels of service required to sustainably manage the local environment.

• **Social**

Council's support of JO and its proactive involvement in the proposed North Coast JO will assist in ensuring that Council can continue to provide levels of service required by and that support its community.

• **Civic Leadership**

Council's support of JOs and its proactive pursuit of a North Coast JO with its neighbours demonstrates broader regional leadership.

• **Economic**

Broader Economic Implications

The formation of a North Coast JO will provide increased regional strategic capacity and collaboration which are expected to yield positive economic benefits over time.

Delivery Program/Operational Plan Implications

There are no budgetary implications in relation to this report. The ongoing costs of a North Coast JO will be known once the model and funding base are confirmed by the State Government, which will include the cost of executive support.

Risk Analysis:

There are no budgetary implications in relation to this report. The ongoing costs of a North Coast JO will be known once the model and funding base are confirmed by the State Government, which will include the cost of executive support.

Consultation:

The proposed model JO builds on the work previously undertaken, including consultation by Council with the members of the proposed North Coast JO and relevant internal stakeholders.

Related Policy, Precedents and / or Statutory Requirements:

The proposed JO model is part of the NSW State Government's Local Government Reform Agenda known as the Fit for the Future Program.

Implementation Date / Priority:

If the recommendation is adopted, a brief submission will be provided by the deadline of 15 July 2016.

Conclusion:

This report provides an overview of the JOs discussion paper and proposes Council's support of the proposed JO model.

Attachment 1

Fit for the Future 



Joint Organisations

Towards a new model for regional collaboration

JUNE 2016



Office of
Local Government

Delivering Joint Organisations for regional NSW



Joint Organisations (JOs) will provide a forum for local councils and the State to work together on issues of regional strategic priority and deliver the things that matter most to regional communities.

The NSW Government is committed to building stronger communities supported by stronger local councils.

Joint Organisations are a crucial part of the NSW Government's plan to revitalise and strengthen regional NSW.



The Hon Paul Toole MP
Minister for Local Government

Joint Organisations will change the way that councils and State Government work together on regional planning and help to provide better services and infrastructure for regional communities through sharing resources, lowering costs and reducing red tape.

They are already delivering real outcomes for regional NSW: improving freight transport, tackling youth unemployment and attracting investment in regional economies and infrastructure.

The NSW Government is investing \$5.3 million in seed funding for this important initiative. We are now ready to finalise the model and recognise through legislation the role that Joint Organisations will play in regional planning, collaboration, leadership and advocacy.

Pilot JOs are already:

- ✓ Improving freight transport in the Riverina
- ✓ Increasing youth employment in the Illawarra
- ✓ Attracting agricultural investment in the Namoi
- ✓ Prioritising infrastructure investment in Central NSW
- ✓ Growing the tourism industry in the Hunter.

What have we achieved so far?

The NSW Government has listened to regional communities and JOs are a direct response to their calls for stronger and more effective regional planning and collaboration.

Throughout 2015 we piloted different JO models in five regions—Central NSW, Hunter, Illawarra, Namoi and Riverina—to test and reflect the different working relationships and priorities of each area.

The JO pilot successfully brought policy development 'into the field', encouraging active participation from the local government sector and NSW Government agencies.

The independent evaluation has found the JO pilot was a success and that JOs can really work for regional communities.

How will Joint Organisations work?

JOs will be strong enough to drive consistent regional planning and collaboration, but flexible enough to recognise and support the unique differences of each region.

They will transform the way that the State and local government collaborate, plan, set priorities and deliver important projects—such as jobs, education, transport and secure water supplies—to strengthen regional communities across council boundaries.

A clear set of principles has guided the development of JOs so they:

- 1 Feature a consistent core with flexible elements
- 2 Are run, owned by and accountable to member councils
- 3 Create minimal red tape, cost and risk
- 4 Protect council staff entitlements
- 5 Enable significant projects and initiatives—and associated funding and assets—to be managed regionally
- 6 Serve the best interest of regions and their communities.

Overview of the proposed JO model

A summary of the proposed JO model is provided below. For a more detailed explanation, refer to the detailed [background paper](#)



LEGAL ENTITY

- JOs will be proclaimed as bodies corporate in the Local Government Act



FUNCTIONS

Core functions

- JO core functions will be embedded in legislation and include strategic planning and priority setting, intergovernmental collaboration, and regional leadership and advocacy
- All JOs will perform these core functions

Optional functions

- JO optional functions—such as service delivery and capacity building—will be enabled but not prescribed by legislation
- JOs can select which of these functions, if any, they will carry out



MEMBERSHIP

- Mayors of member councils will sit on the JO Board for their term of office
- The JO Board will appoint its own Chair
- There will be equal voting rights between members and no casting vote for the Chair
- Additional councillors may be appointed to the JO Board, provided representation remains equal among councils
- General Managers of member councils will advise and contribute to the JO Board
- The NSW Government representative will be an associate (non-voting) member
- Other organisations—such as county councils and cross-border partners—may be associate (non-voting) members



BOUNDARIES

- JO boundaries will be set by Proclamation. All councils in regional and rural NSW will be a voting member of one JO
- JO boundaries will be aligned with, or nest within, State Government Regional Plan boundaries
- JOs will demonstrate a strong community of interest between member councils
- JOs will be based around a regional centre, where possible, and big enough to form strong partnerships



RESOURCING

Funding

- JOs will each receive \$300,000 seed funding from the NSW Government
- JOs will be able to apply for grants and generate income to help fund their ongoing operations

Staffing

- JOs will employ an Executive Officer with appropriate skills under a flexible standard contract
- JOs will employ staff under the Local Government (State) Award



SERVICE SHARING AND CAPACITY BUILDING

- Once the core JO model is established, JOs will be able to carry out optional functions such as shared service delivery through JO-formed corporations or other entities. This will be enabled after the core JO model is established
- JOs may choose to carry out optional functions directly or through member councils

Making it happen

There are exciting possibilities ahead as the JO Pilot program has shown the proposed JO model to be both practical and effective.

We will be working hard over the next 12 months to get the model right, make any final adjustments required, agree boundaries and ensure these important changes are embedded in legislation and ready for roll-out from 2017.

The NSW Government is committed to the future of regional NSW and the pivotal role JOs will play in making our regions stronger and will:

- ✓ Provide seed funding of \$5.3 million to help establish JOs
- ✓ Support JOs through a central State Agency Advisory Group and Regional Leadership Groups to help connect JOs with relevant State agencies and planning and funding opportunities
- ✓ Work with JOs to support them on their journey, share lessons learned, and help develop useful tools and resources to support their operations and roll out
- ✓ Amend legislation to remove existing barriers and pave the way for more effective and efficient regional collaboration, service provision and procurement.

Get involved

Consultation with key stakeholders so far shows great support for JOs from a range of councils, pilot JOs, Regional Organisations of Councils, NSW Government agencies and others.

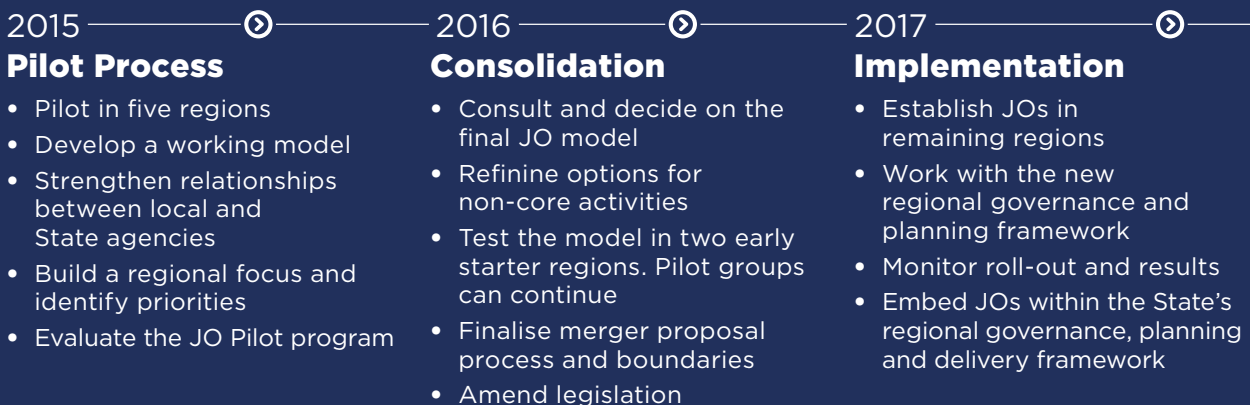
Now we would like your feedback on the proposed JO model. The timeline below shows where we are in the process, and next steps for recruiting early-starter JOs and implementing the required legislative changes.



We want your feedback!

- 1 Read the detailed background paper [here](#).
- 2 Complete the online questionnaire [here](#) or visit the NSW Government [Have Your Say site](#).
- 3 Submissions close at 5pm on Friday 15 July 2016.

Program Stages



For more information visit:
www.fitforthefuture.nsw.gov.au
 and follow the link to Joint Organisations

Fit for the Future **Attachment 2**



BACKGROUND PAPER **Joint Organisations**

Towards a new model for regional collaboration

June 2016



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www.fitforthefuture.nsw.gov.au

A new model for regional collaboration

Joint Organisations are a vital part of the NSW Government's plan to revitalise and strengthen regional NSW. They will change the way that councils and State Government work together on regional planning and help to provide better services and infrastructure for regional communities through sharing resources, lowering costs and reducing red tape.

This paper outlines our model for Joint Organisations and how we are establishing a network of Joint Organisations to help provide the jobs, housing, transport and infrastructure that regional NSW needs



This initiative is the result of a collaborative partnership during 2015 between the State Government and councils in five pilot regions - Central NSW, Illawarra, Hunter, Namoi and Riverina.

Participants in these Pilot Joint Organisations have worked hard to help us test and shape the Joint Organisations model.

We have learnt from some of the best at regional strategic planning and collaboration and had valuable input from peak sector organisations through the Ministerial Advisory Group's ongoing interest and support for this project. I thank all involved for their hard work and commitment.

Feedback on our *Joint Organisations Emerging Directions Paper* released during the pilot process has also helped refine and enhance the model.

The network of robust, connected Joint Organisations across regional and rural NSW will be strong enough to support consistent regional planning and collaboration but flexible enough to recognise the unique differences of each region.

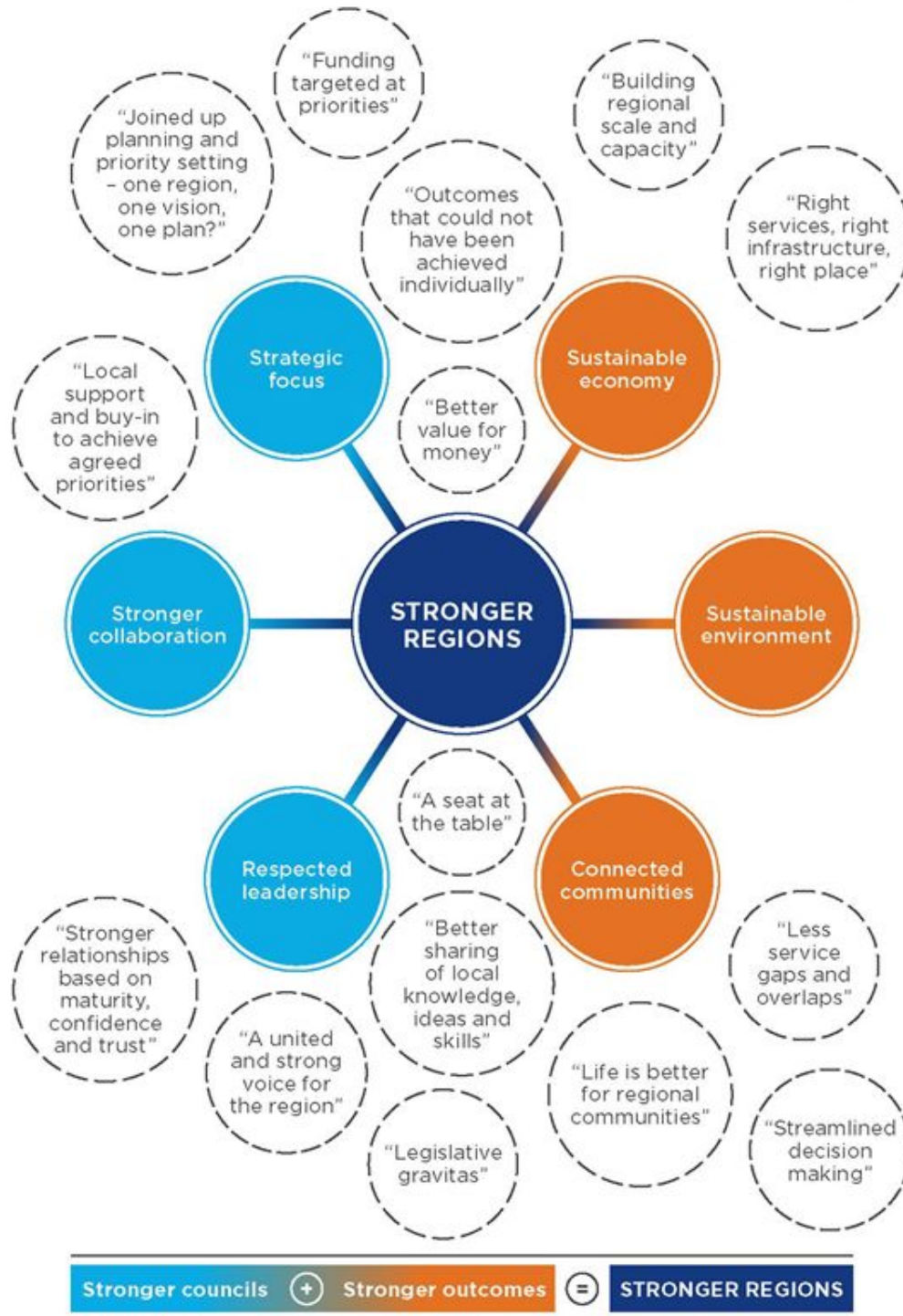
Joint Organisations will play a key role in achieving our vision for every council in NSW to be *Fit for the Future* and will support stronger councils and stronger communities.

I welcome your views to help us to finalise the Joint Organisation model.

A handwritten signature in black ink that reads "Paul Toole".

The Hon Paul Toole MP
Minister for Local Government

Joint Organisations: What will success look like in 10 years?



Summary of proposed Joint Organisation (JO) model

Principles

JOs should:

- have legal status
- be enabled through the Local Government Act and recognised in other relevant laws
- be owned by, and accountable to, member councils rather than be a 'fourth tier' of government
- not impose significant red tape, cost or risks and ensure benefits outweigh costs and risks
- embed collaborative relationships between local government and the State Government, as well as a wide range of other stakeholders and partners
- have a consistent core model with flexible elements
- protect entitlements for council staff through the Local Government (State) Award
- enable significant projects and initiatives, and associated funding and assets, to be managed regionally
- ensure good governance
- serve the best interests of the region and its communities.

Core functions

- Regional strategic planning and priority setting
- Intergovernmental collaboration
- Regional leadership and advocacy.

Optional functions

Optional functions will be enabled, but not defined, by the legislation. These may include regional service delivery or capacity building activities. JOs should determine the best vehicle to undertake optional functions.

A new entity

JOs will be bodies corporate established by proclamation under the Local Government Act. The proclamations will designate JO regions. All general purpose councils within each designated region must be a member of the JO.

The State Government will be an associate member of each JO Board. The legislation will also provide the option for other associate, non-voting members to be on the JO Board such as councils from other JO areas, cross border partners or county councils, where appropriate.

The JO Board must appoint an Executive Officer with appropriate skills based on a flexible standard contract. The JO may also employ additional staff under the Local Government (State) Award.

Representation and operation of the Board

There will be core requirements for a number of key governance aspects to ensure robust, transparent and effective decision making and operation of the Board.

The requirements for membership and operation of the JO Board will be that:

- the Mayor will be the legislated member council representative on the JO, with the JO enabled to appoint additional elected representatives as long as representation remains equal. General Managers will participate in JO Board meetings in an advisory capacity
- an alternate representative, preferably the Deputy Mayor where there is one, may be appointed in certain circumstances where the Mayor cannot be represented, for example, due to illness or leave
- remote or proxy voting may occur in circumstances where it is impractical for the representative to attend in person
- the relevant Department of Premier and Cabinet (DPC) Regional Coordinator will represent the State Government on the Board in an associate, non-voting capacity
- the Board members will be appointed for a two year term, with the Chair chosen by voting representatives of the Board
- the role of Board members and Chair will be modelled on relevant roles of a councillor and mayor in the Local Government Act, plus the need to act in the best interests of the region as a whole.
- all member councils will have equal voting rights
- a simple majority at a meeting at which a quorum is present will be required for a decision to be made. The Chair of the JO will not have a casting vote
- Board members will not be paid sitting fees. However, a one-off increase to the Mayoral fee will be considered as part of the councillor remuneration review to commence in the coming months.

Planning and reporting

JOs will be required to prepare succinct strategic priorities and work plans and produce succinct annual performance reports.

Financial resourcing

The State Government will provide seed funding of \$300,000 per JO. Member councils will fund the ongoing functions of the JO. These contributions will be worked out by each JO using a regionally negotiated formula.

JOs will have a range of other funding opportunities, including the ability to apply for grants and generate income from activities they undertake.

JO formed corporations and other entities

JOs will be enabled to undertake optional functions directly, through member councils and through corporations and/or other entities.

An emerging direction to inform an appropriate model for JOs to form corporations and other entities has been developed and is included for feedback.

Acronyms

DPC – Department of Premier and Cabinet

DPE – Department of Planning and Environment

IP&R – Integrated Planning and Reporting

JO – Joint Organisation

KPIs – Key Performance Indicators

LG Professionals, NSW – Local Government Professionals Australia, NSW Branch

LGNSW – Local Government Association of NSW

MoU – Memorandum of Understanding

OLG – Office of Local Government

PSC – Public Service Commission

RDA – Regional Development Australia

RLG – Regional Leadership Group

ROC – Regional Organisation of Councils

USU – United Services Union



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1. Introduction

Enabling stronger collaboration

Joint Organisations (JOs) are a key part of the State Government's local government reform program to support regional and rural councils to become *Fit for the Future*.

JOs will enable councils to play a more active role in regional planning and work in new ways with each other, the State Government and others to achieve better progress against community priorities such as better access to jobs, housing and transport.

Building Joint Organisations

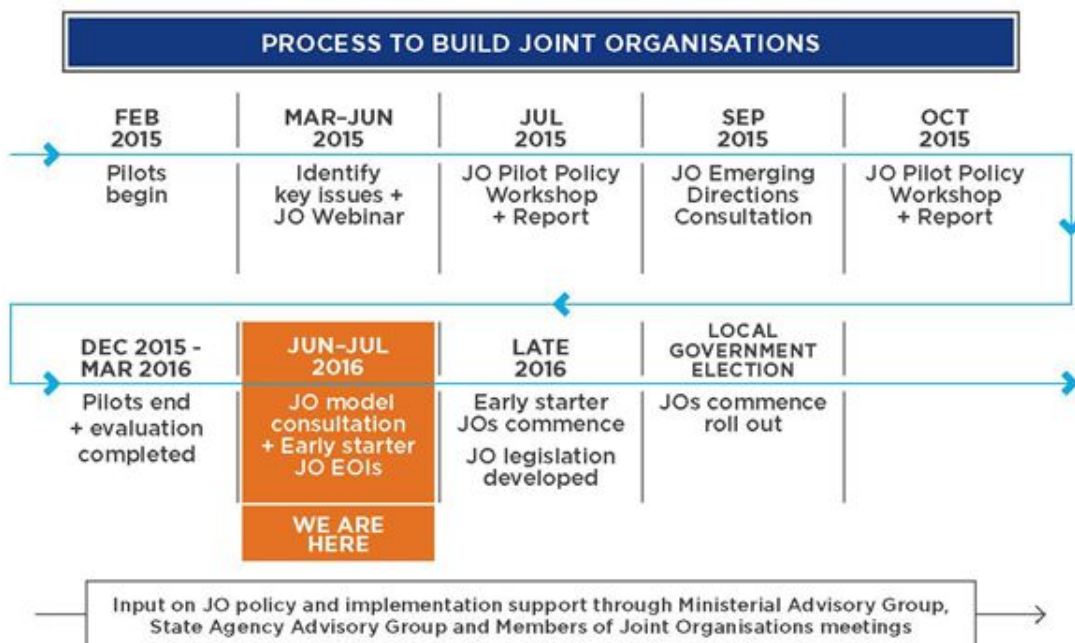


Throughout 2015 JOs have been piloted in different ways in five separate regions: Central NSW, Hunter, Illawarra, Namoi and Riverina. Each region has piloted a slightly different model to test and reflect the different working relationships and priorities of their region.

Case studies highlighting the achievements of the Pilot regions are included throughout the document.

The process for building the JO model is shown in Figure 1.

Figure 1 - Process to build the JO model



Attachment 2

Stakeholder input was provided regularly during the pilot period through:

- **Ministerial Advisory Group** – provided expert input from key stakeholders including Local Government NSW (LGNSW), Local Government Professionals Australia, NSW Branch (LG Professionals, NSW) and the United Services Union (USU)
- **Members of JOs** – members of JO pilot regions shared experiences, models and good practice
- **State Agency Advisory Group** –guided State government input and ensured agency readiness to work with and support JOs
- **Key stakeholder policy workshops** –focused input to guide development of the JO model from representatives from Pilot JOs, State agencies, LGNSW, LG Professionals NSW and USU
- **Regular pilot teleconferences** – between Pilot JO Executive Officers and Office of Local Government (the OLG) staff to discuss pilot progress, issues and policy matters.

This paper consolidates the experiences of the pilot conducted in 2015, consultation feedback and early evaluation findings to confirm and further define key elements of the core JO model.

Acknowledgements

As the pilot process draws to a close, the Minister and the OLG acknowledge the considerable work undertaken by the Pilot JOs. The OLG would particularly like to thank Mayors, Councillors and General Managers from all member councils, Executive Officers of the Pilot JOs and Regional Coordinators from the Department of Premier and Cabinet (DPC) for their significant contribution to the development of the JO model. The OLG also thanks members of the State Agency Advisory Group for their guidance and input. Finally, the OLG acknowledges the professional work and expertise provided by Elton Consulting in facilitating a series of key stakeholder workshops to initiate the Pilot JOs and to discuss and refine the JO model.



Have your say

The NSW Government would like to hear what you think about the ideas outlined in this paper.

This paper provides detail about key elements of the JO model to supplement an overview paper, *Joint Organisations: Towards a new model for regional collaboration*. It also contains information about how implementation will be supported, including tools to support collaboration and build councils' capacity to participate as regional partners in a JO.

Finally, the paper proposes how JOs might establish corporations or other 'JO-formed entities', to carry out optional functions, such as service delivery, should member councils want this option.



How to give your feedback

Submissions can be made using an online feedback form by 5pm on **Friday 15 July 2016**.

Go to www.fitforthefuture.nsw.gov.au and follow the link to the Joint Organisations webpage. The JO webpage also contains the short overview paper and other information about JOs and the JO Pilots.

Alternatively go to the NSW Government's Have Your Say website at www.haveyoursay.nsw.gov.au and follow the link to the JO documents.

Written submissions containing additional information can be attached to the online feedback form.

Next steps

Feedback on this paper and the outcomes of an independent evaluation of the effectiveness of the pilots will inform the JO model to be finalised in 2016. We will then develop legislation, guidance and tools to support implementation from the next local government elections.

Further information

For further information please contact the Joint Organisations Team in the Office of Local Government on 02 4428 4100 or via email to jointorganisations@olg.nsw.gov.au.

Consultation feedback

A *Joint Organisations Emerging Directions Paper* was released in September 2015 seeking stakeholder views on emerging directions for core elements of the JO model.

Who did we hear from?

The Office received 56 submissions on the paper. Most (75%) were from a diverse mix of councils, Pilot JOs and Regional Organisations of Councils (ROCs) across all regions anticipated to form a JO.

Submissions were also received from industry peak bodies, metropolitan councils and others.

Organisations providing a submission are listed in Appendix 1. These submissions are available on the JO webpage at www.fitforthefuture.nsw.gov.au.

What did we hear?

There was general support for the purpose of JOs and the emerging directions for core elements of the model expressed in three quarters (75%) of submissions. These identified the potential for JOs to significantly improve the way the three different levels of government and others work together on shared priorities to achieve better community outcomes. While supportive, some asked for more detail or had concerns about timeframes or a few specific governance or resourcing directions.

"LGNSW sees JOs as a positive collaborative model to assist councils to achieve strategic capacity, to improve relations between State and Local Government and to increase planning and advocacy for issues which cross council boundaries".
Local Government NSW

Of the rest, most sought clarification or asked questions about the proposed model, such as more detail about the core functions or about the nature of the relationship between the JOs and member councils.

Only five submissions did not support either the reason for establishing JOs or key emerging directions. These submissions expressed concerns about the potential impact on local council functions, creating unnecessary red tape or a 'fourth tier' of government, or the emerging

"In the short amount of time that the pilot regions have been in operation and the unknown recommendations yet to be considered from the local government reform process; it is difficult to offer a carefully considered and comprehensive response to this entire discussion paper." **ORANA ROC**

direction for how the entity will be enabled by legislation.

Consultation and evaluation feedback to date has helped to shape key elements of the JO model.

Specific feedback on each of the elements of the JO model is in the sections below, together with a proposed way forward. This includes further detail or, where required, a suggested modification to the JO model.

2. Purpose of Joint Organisations

Stronger councils, stronger communities

JOs are a key component of the State Government's commitment to achieve strong, modern local government in NSW. JOs will provide a forum for local councils, the State and others to work together on regional strategic priorities.

JOs will make it easier to initiate and manage projects across council boundaries – projects in important areas such as jobs, education, housing, roads, infrastructure and other facilities and services that regional and rural communities need.

The Government recognises that one size does not fit all for regional communities, so JOs are being built with a core model to foster consistent collaboration, with flexible elements to meet individual community needs. Importantly, they will operate with minimal cost and red tape.

"JOs have a strong ability to assist the State, Federal and Local government to truly align priorities, funding and responsibilities to achieve far more strategic outcomes."
Urana Shire Council

JOs will build on the successes of the past, including the valuable role played by a number of ROCs over many years. While the main focus for JOs is on regional collaboration, strategic planning and advocacy, councils in a region may decide that JOs are also the best vehicle to build member councils' organisational capacity and deliver shared services.

The key enabling features of JOs in comparison to ROCs are shown in Table 1.

Case study

Regional growth planning

To guide NSW regions to sustainable growth over the next 20 years, the Department of Planning and Environment (DPE) has been leading work to develop Regional Plans across regional NSW. The Plans provide a strong framework for sustainable growth across the regions over the next 20 years, including delivery of housing, jobs, transport and infrastructure needed to support investment in the regions.

Most Pilot JOs worked with DPE during the pilot process on developing these plans as a strategic priority for their JO and region.

Work has included setting KPIs for collaboration, establishing working groups and technical committees in the JO, identifying and agreeing key priorities, as well as developing actions and lead responsibilities to deliver on these.

The Regional Plans are at various stages of development. The process has provided valuable insights and lessons to inform process design, approaches to collaboration, negotiation of shared priorities, actions and delegations.

An example of the important role played by JOs in this process is found in the Illawarra Shoalhaven region. The Illawarra Shoalhaven Regional Plan has recently been released, with delivery of the plans to be overseen by a Coordination Monitoring Committee including representatives of key State agencies and JOs. This joint committee approach is being made possible by the establishment of JOs.

Table 1 Key enabling features of JOs in comparison to ROCs

	ROCs	JOs
Legal status	<ul style="list-style-type: none"> Lack legal status and recognition Legal impediments to working regionally Variable entity types and operating environments 	<ul style="list-style-type: none"> Have legal status and strong credibility to partner with State/others Legislative powers to undertake functions on behalf of member councils regionally, where decided Consistent body corporate entity and operating environment through <i>Local Government Act 1993</i>
Functions	<ul style="list-style-type: none"> Variable, can change over time Based on local and regional priorities 	<ul style="list-style-type: none"> Consistent core functions Flexible optional functions Based on shared regional priorities
Inter-governmental collaboration	<ul style="list-style-type: none"> Occurs on an ad hoc basis Varies between regions 	<ul style="list-style-type: none"> Structured and consistent across regions Strong commitment from both local and State Government to collaborate Embedded in legislation
Boundaries	<ul style="list-style-type: none"> Fluid Based on council interest in membership over time 	<ul style="list-style-type: none"> Defined Align with/nest within State Government strategic planning boundaries
Membership	<ul style="list-style-type: none"> Councils may opt in and out based on interest and need 	<ul style="list-style-type: none"> All councils are members of one JO for core functions Flexibility for associate membership for important partners and/or to facilitate optional functions that occur across boundaries
Finance and assets	<ul style="list-style-type: none"> May be unable to tender, employ staff or apply for grants regionally May have limits on income, expenditure, staffing and asset ownership 	<ul style="list-style-type: none"> Enabled to tender, employ staff and apply for grants regionally Enabled to manage income, expenditure, staff and assets, potentially through JO-formed corporations or other entities
Planning, priority setting and reporting	<ul style="list-style-type: none"> Variable, depending on legal status May include separate corporate reporting requirements 	<ul style="list-style-type: none"> Streamlined planning, priority setting and reporting integrated within local government IP&R framework

Integrating regional strategic planning

Local and State Government both have a vital role to play in regional strategic planning.

JOs will provide a new opportunity to establish a shared regional governance and planning framework effectively joining up State and local government priorities, as shown in **Figure 2** on the following page.

This figure demonstrates how the State Government will continue to progress State and Premier's Priorities regionally and how other State planning and priority setting strategies will be coordinated and driven through Regional Leadership Groups (RLGs).

It also shows how JOs will strengthen the regional platform for local government by elevating shared local priorities - identified in the Community Strategic Plans (CSPs) of member councils - into a regional vision and core strategic priorities shared by all member councils of a JO.

To better connect the two levels of Government, the JO model provides for DPC Regional Coordinators to attend JO Board meetings in a non-voting capacity and help JOs identify which top regional priorities for the JO align with those of the State Government. JO Executive Officers, as members of RLGs, will also attend and be part of important RLG discussions.

Beyond this, the pilot process and consultation feedback identified a need to more fundamentally transform the way that all levels of government work together regionally.

Figure 2 also shows an option for a new, facilitated 'Regional Strategic Planning Table' at which local government, the State Government and others come together as equals to identify common priorities and discuss how these shared priorities may best be achieved. The State Government regional forum and plans are shown to the left of the figure (dark blue), local government to the right (orange) and the proposed joint forum and plan to the bottom (aqua).

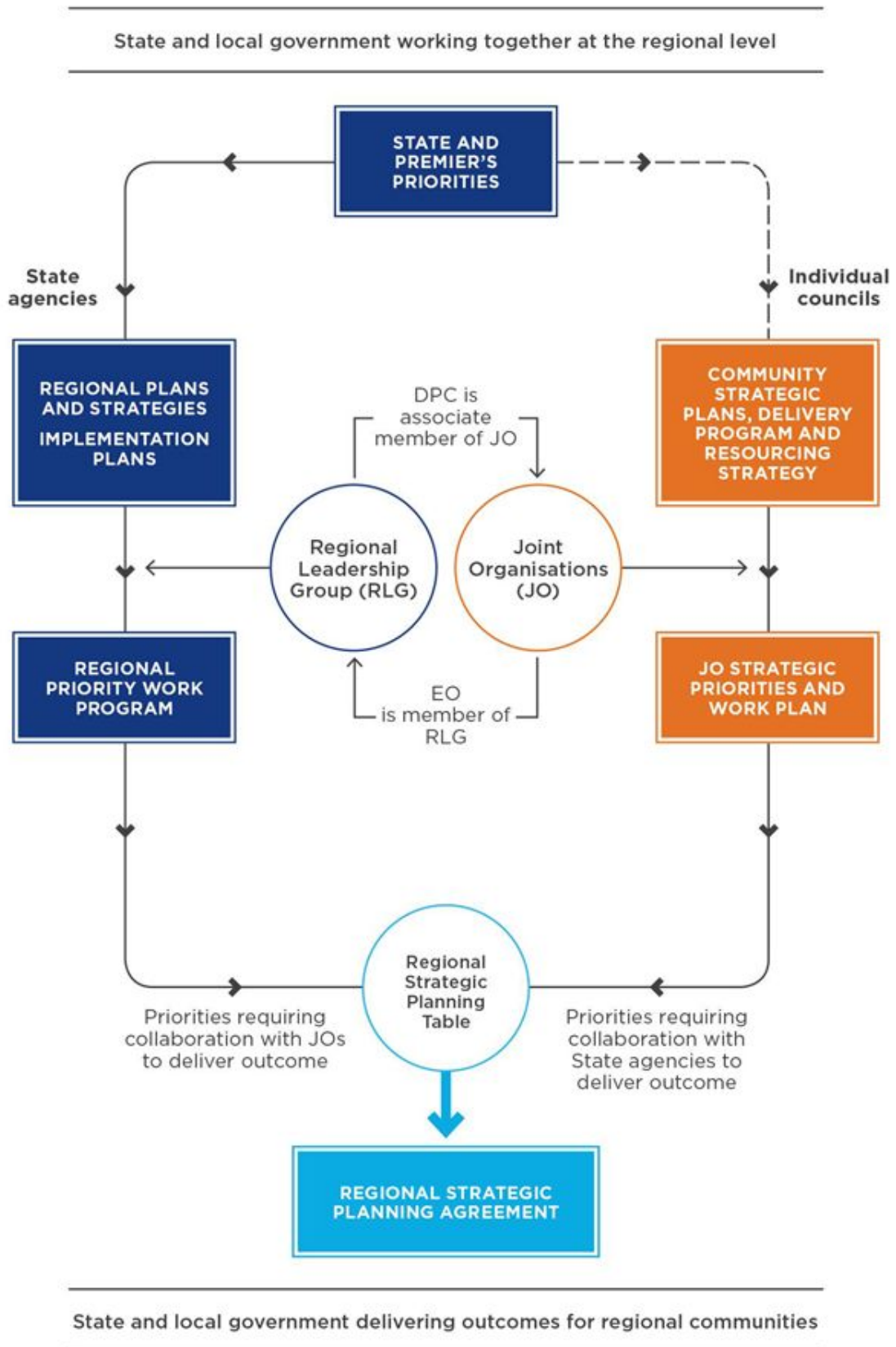
While further development work is required, outcomes could be a Regional Strategic Planning Agreement, which could be jointly signed by a senior representative of the State Government and the Chair of the JO, committing agencies and the JO to action on agreed regional priorities within specified timeframes.

Further information about the way in which State Government representatives will work closely with JOs is contained in Sections 4 and 7 of this paper.

Key questions	<p>This is the first time that a consistent, formal process for integrating regional strategic planning across levels of government has been proposed.</p> <p>What benefits can you see from a Regional Strategic Planning Agreement signed jointly by the NSW Government and the Chair of the JO?</p>
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Attachment 2

Figure 2 Shared regional governance and planning framework for State and local government



3. Guiding principles

What did the Emerging Directions Paper say?

The Emerging Directions Paper proposed some principles to guide the establishment and operation of JOs. These principles had been refined through discussions with Pilot JOs.

What was the feedback?

Most (90%) responses strongly supported the proposed principles. Most strongly supported were principles to ensure a flexible model, ensure accountability to member councils and ensure JOs are not a 'fourth tier' of government.

Most also agreed that member councils need to maintain independent status and control of their JOs, and that councils should still be able to deal directly with agencies. Further, councils felt strongly that JOs should not simply become vehicles for State service delivery.

What is the proposed way forward?

The proposed principles have been refined to capture the key ideas expressed in feedback.

The model reflects the feedback from councils that JOs need to be directed by, and accountable to, their member councils, and makes explicit the concept of 'ownership'. A change from the original proposal has also been made to reflect feedback that the principles should include the need to manage risks potentially arising from JOs, such as major cost overruns, loss of council sovereignty or focussing on optional service functions at the expense of core strategic functions.

A number of councils emphasised the principle that the benefits of JOs need to be over and above those provided by existing collaboration but noted that this could be difficult to measure. Some responses also suggested changes to original wording or clarify issues of importance, such as protecting staff entitlements.

The refined principles clarify these matters, with refined elements in bold. These principles are that JOs should:

- have legal status
- be enabled through the Local Government Act and recognised in other relevant laws
- be **owned by, and accountable to, member councils** rather than a 'fourth tier' of government
- not impose significant red tape, cost **or risks** and ensure benefits outweigh costs **and risks**
- embed collaborative relationships between local government and the State Government, as well as a wide range of other stakeholders and partners
- have a consistent core with flexible elements
- protect entitlements for council staff **through the Local Government (State) Award**
- enable significant projects and initiatives, and associated funding and assets, to be managed regionally
- ensure good governance
- serve the best interests of the region **and its communities**.

The principles will be reflected in the new Local Government Act provisions on JOs.

4. Core Functions

What did the Emerging Directions Paper say?

The Emerging Directions Paper proposed three core functions for JOs:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy.

These functions are consistent with relevant recommendations of the Independent Local Government Review Panel (the Panel).

They have also been sufficiently tested through the pilot process to ensure appropriate scope and flexibility for the JOs to partner effectively with the State.

What was the feedback?

There was strong support for the emerging directions for core functions in most (80%) submissions, including from all regions in which JOs are to be implemented.

A number of submissions asked for more information on core functions, including:

- defining core functions
- how councils refer an issue to a JO
- tools to support core functions
- tools to assist State agency work with JOs.

Several councils were concerned that the core functions may not necessarily build member councils' capacity for financial sustainability or service delivery.

What is the proposed way forward?

The core functions of JOs will remain:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy.

To underpin their importance, the core functions will be embedded in the Local Government Act. This will ensure all JOs have clear responsibility for the core functions. Optional functions will be enabled so that JOs may build member council capacity to help address financial sustainability issues (see Section 5 of this paper).

"[The core functions]...are not only consistent with the recommendations of the ILGRP, but have also been sufficiently tested through the pilot process to possess both appropriate scope and flexibility for the JOs to partner effectively with the State."
Albury City Council

"The overwhelming issue for Mid North Coast councils is financial sustainability. The JO model's nominated core functions do not directly respond to this priority."

"JOs should be enabled to undertake regional water and sewerage planning where tangible benefits can be demonstrated"
Water Directorate

Member councils will still undertake local strategic planning, collaboration, leadership and advocacy and may have individual relationships with the State on all of these matters.

Further information on each core function is in the following sub-sections. Definitions and guidance materials will be further developed, in consultation with the sector, during the implementation planning in 2016.

Case Study

Namoi Councils Pilot JO – Namoi Regional Investment Prospectus

Attracting job growth and private investment into the Namoi region is a critical issue but research was lacking about which industries and markets to target and the potential economic growth that could be achieved.

To address this issue, Namoi Councils JO, in partnership with RDA Northern Inland, began work on developing an Investment Prospectus, with input from DPC and the Department of Industry.

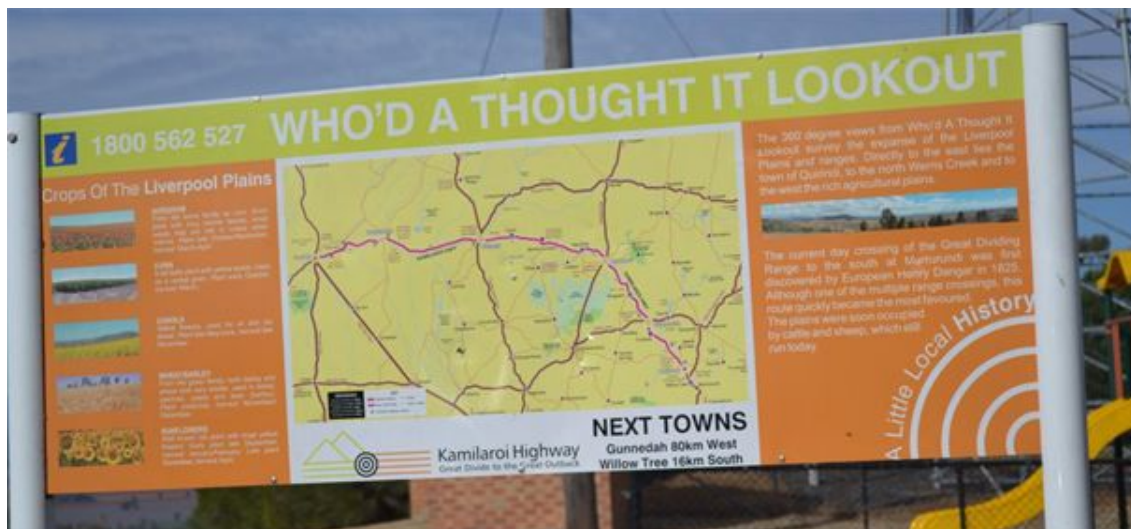
As a first step, a case study on *Shaping the Future in the Namoi* was undertaken by the Regional Australia Institute using JO Pilot seed funding provided by the NSW Government. The case study:

- identified six key ‘future factors’ that will have the greatest influence on the region
- provided scenario modelling results to help the JO articulate the importance of these factors to the future of the region, and
- concluded that direct intervention will expand the regional economy by an additional \$900 million by 2030 on top of potential likely economic growth of approximately \$2 billion, and provided a strategy for the JO to lead a response on factors the JO and others can proactively influence.

Based on this groundwork the Investment Prospectus, due for completion by mid-2016, will highlight the competitive advantages of the region, primarily in agriculture, as well as business strengths and opportunities in the supply chain for future investors.

The Prospectus will focus on new markets in China to improve Namoi’s competitive advantage in primary production and lead to new global trade. It will also engage beef, lamb and grain primary producers directly with nominated Chinese provinces to direct supply these products.

This work has real potential to boost the economy of the Namoi region to the benefit of the entire community.



Regional strategic planning and priority setting

What did the Emerging Directions Paper say?

Regional strategic planning was identified as one of the core functions of a JO from the beginning of the pilot process. The Emerging Directions Paper explicitly added 'priority setting' to this core function.

What was the feedback?

The pilot process and feedback to date has highlighted that planning and priority setting for JOs needs to focus on issues of the highest strategic importance for a region. Examples include stimulating jobs growth, securing a safe and sustainable drinking water supply or improving freight transport routes.

It must also provide a stronger link between the work of councils and State agencies without 'reinventing the wheel' or creating red tape.

"Need more information on regional planning and priority setting around how a council's decision making is impacted by JOs."
Port-Macquarie Hastings Council

What do we mean by regional strategic planning and priority setting?

Definition **Regional strategic planning and priority setting for JOs is about developing a regional vision and the top regional priorities to achieve that vision, supported by a clear set of strategies to deliver the vision in collaboration with others.**

This function is *not* about developing a new and detailed regional strategic plan. Regional priorities are likely to already exist in various strategic planning documents. Nor is it about developing a regional land use plan or a list of regional infrastructure projects, as some have suggested.

"To optimise regional planning and priority setting, structures need to be put in place that seat both Local and State Government at the same table"
Central NSW Pilot JO

This function *is* about JOs drawing their top regional priorities together, for the first time, into one place and providing a consistent way to work with key partners across levels of government to achieve them.

Agreed priorities are likely to be those elevated from existing plans already based on significant planning, consultation and a deep knowledge of the region. These may include CSPs of member councils and other key documents such as Regional Plans and

Regional Transport Plans.

Why is this an important function for Joint Organisations?

Regional planning and priority setting will support member councils' planning and help connect local plans with those undertaken by other levels of government, which usually occurs regionally. Many Commonwealth Government projects are delivered regionally through Regional Development Australia (RDA) Boards.

The State Government has 30 State Priorities, including 12 Premier's Priorities, which replace the State Plan NSW 2021 based on five key areas: strong economy and budget; infrastructure; protecting the vulnerable; better service delivery; and community safety. Work is also progressing in DPC to link regional targets to the State and Premier's Priorities, where appropriate.

Planning regionally will provide earlier intergovernmental engagement and help to identify important service and infrastructure gaps and overlaps, align priorities and better coordinate effort to achieve better community outcomes. It will also provide member councils with a stronger platform from which to secure partnerships and funding to deliver their top priorities.

What tools will support regional strategic planning and priority setting?

The pilot JOs trialed a simple planning and priority setting tool, a 'Statement of Regional Strategic Priorities'. The Statements were based on an audit of CSPs, other plans for the region and targeted stakeholder workshops. They draw top JO priorities together in one place in a succinct and clear way. They are published at: <http://www.fitforthefuture.nsw.gov.au/joint-organisations>.

Pilot JO feedback is that preparing the Statements was useful in developing and talking to others about their strategic work plan and program but their format should be flexible to suit regional needs.

Figure 3 - Regional strategic planning and priority setting cycle



Pilot JOs also found the following regional strategic planning tools useful:

- **Scenario planning tools** – forecast and prepare responses to impacts of growth and change
- **Multi criteria analysis tools** – enable evidence based prioritisation of regional infrastructure
- **Cost-benefit analyses** –support business cases for projects.

What is the way proposed forward?

JOs will be prepare a **strategic priorities and work plan**, based on a modified Statement of Regional Strategic Priorities, with consistent elements but flexible enough to suit the needs of each JO. These will provide a snapshot of the JO’s vision for the region and how the JO plans to achieve it. The planning process will integrate with existing council IP&R processes following a four year cycle. Documentation requirements will be minimal. JOs may develop other plans and strategies to support the strategic priorities and work plans.

JOs will not usually be responsible for delivering priorities alone. While the strategic priorities and work plan will belong to the JO, it should be based on consultation. This will provide a strong foundation for agreement on a priority-by-priority basis about how priorities will be resourced and achieved together.

Further development of useful tools that build an evidence base to support effective regional strategic planning and prioritisation will be undertaken during the JO implementation planning phase.

Key questions

- Do you have any comments on the definition of regional strategic planning and priority setting for JOs?**
- What guidance and tools will be helpful for JOs when preparing strategic priorities and work plans?**

Case study

Central NSW Pilot JO - Prioritising infrastructure in Central NSW

How to prioritise important infrastructure projects and where best to target limited funds is a key concern for all NSW regions and one that the Central NSW Pilot JO decided to address during the pilot.

The aim was to develop a structured, evidence based way to prioritise transport, water, community, energy and telecommunications infrastructure projects across local government areas in the Central NSW region.

A key benefit was to be able to clearly align infrastructure priorities to the economic needs of the region. This also enables Central NSW councils to more proactively participate in State and Commonwealth infrastructure planning and funding processes in a strategic and targeted manner to attract government funding to the region.

The Central NSW Pilot JO and RDA Central West developed a Multi-Criteria Analysis (MCA) tool that ranked priority for the five key infrastructure tranches using consultation support and pilot JO seed funding from the NSW Government to fast track the process.

Each council provides advice on local and regional priority infrastructure projects which is fed into a spreadsheet that ranks the projects in a priority order informed by criteria from State and Commonwealth funding programs.

State agencies involved in developing the MCA tool included DPC, Roads and Maritime Services, Office of Environment and Heritage, Department of Planning and the NSW Treasury. The criteria being used to assess infrastructure priority is closely aligned with the Infrastructure NSW assessment criteria.

This important work should lead to improved outcomes for investment in infrastructure and delivery of the highest priority projects for the region that drive economic growth to the benefit of the community.

The methodology has been gifted to all NSW councils. For further information contact jenny.bennett@centroc.com.au or to view an output visit www.centroc.com.au/wp-content/uploads/MATRIX_MWH.pdf.



Intergovernmental collaboration

What did the Emerging Directions Paper say?

“The Pilot JOs have improved collaboration and engagement between councils and State agencies”
Evaluation survey feedback

Intergovernmental collaboration has been consistently identified as a core JO function throughout the pilot process and was a key issue raised in feedback.

What was the feedback?

Emerging Directions Paper and evaluation feedback to date has identified that including State Government associate membership on each JO in the legislative model is a good first step to support stronger intergovernmental collaboration. However, a legislative

model, by itself, was not seen as a guarantee of good collaboration.

Submissions asked for more information on how a shared understanding of collaboration would be developed, what the role of the State Government in JOs would be and how key relationships would work in practice.

“Emerging Directions hasn't taken cross-jurisdiction collaboration into account.”
Canberra Regional Joint Organisation (CBRJO)

Submissions suggested the development of tools to support key relationships such as a collaboration toolkit, memoranda of understanding (MoU) templates, guidance to State agency representatives and KPIs for collaboration.

What do we mean by intergovernmental collaboration?

Definition **Intergovernmental collaboration in its broadest sense is about all levels of government working together on policy development, service design or service delivery, including infrastructure priority setting, to benefit the community.**

Successful collaboration will require a fundamental cultural shift in how relationships are approached by both State Government and local government. It will need mature relationships based on shared information and a culture of collaboration, negotiation and trust.

At a key stakeholder policy workshop in October 2015, participants understood collaboration to be on a spectrum from low intensity approaches, such as the provision of information, through to high intensity approaches, such as partnerships. This was seen to vary depending on the purpose, relationships and timeframes for collaboration.

Why is this an important function for Joint Organisations?

“JOs must not preclude individual council interaction with the State and Federal Government and other investment partners.” **Bathurst Regional Council**

Important strategic priorities for communities such as roads, jobs and planning for growth cross council and sometimes state boundaries. Achieving these priorities requires collaboration and a cooperative effort from all levels of government, as well as other partners.

Good collaboration enhances understanding of each other's roles and functions, provides a basis for sharing information and expertise and creates opportunities to work better together.

What is the proposed way forward?

Intergovernmental collaboration will remain a core function of a JO as embedded in legislation.

Attachment 2

As indicated in Section 2 and discussed further in Section 7, the State Government will be an associate member of each JO. The relevant Regional Coordinator from the DPC will be the representative attending JO Board meetings in a non-voting capacity as they have the appropriate skills, experience and relationships. Regional Coordinators will support JOs as they identify and refine strategic regional priorities and ensure the right State agencies engage with JOs to progress and deliver supported priorities.

To further support intergovernmental collaboration, the Executive Officer of the JO will also be a member of the relevant Regional Leadership Group (RLG), facilitated by DPC. The Executive Officer should bring a deep knowledge of the region and council priorities to the RLG table.

As indicated in Section 2, work will also progress to develop a shared regional governance and planning framework based on the work of the JO and the RLG.

These and other actions for State agencies are being progressed through a State Agency Advisory Group that is considering how best to support and work with JOs in future.

While the local and State Government partnership is important and JOs are local government bodies, JOs will also provide a new platform for councils to partner with others, including the Commonwealth Government, business, tertiary institutions and cross border partners. Joint projects with a number of RDAs and a university have already commenced in some pilot JO regions.



What tools will support intergovernmental collaboration?

While some regions already benefit from successful relationships, feedback from the pilot process identified the need for the development of tools to help build collaborative working relationships more quickly. Tools suggested by feedback to date include:

- a collaboration toolkit based on the Public Service Commission's (PSC) Collaboration Blueprint, available at www.psc.nsw.gov.au
- guidance for recruiting Executive Officers
- guidance and training to support all JO participants, including State Government representatives, Executive Officers and Board representatives
- KPIs for collaborative participation for senior staff of both JOs and State agencies
- portals and networks to share information, data and advice
- new technology to connect and work together virtually
- Model MoUs or agreements.

Some pilot JO regions have expressed interest in the development of a high level MoU between the JO and the State Government. This may include a shared vision for the region and how the JO and State Government would work together to support positive outcomes.

The need for MoUs or agreements for specific projects would be up to each JO and relevant agency to determine and negotiate, as currently occurs. These may include roles, responsibilities, actions, resource commitments, timelines, monitoring, reporting and KPIs to measure success.

The OLG will develop a collaboration toolkit, in consultation with the sector, during the JO implementation planning phase. It will draw on feedback and be based on the PSC's Collaboration Blueprint. The toolkit will aim to build capacity to collaborate in State agencies (both at central and regional offices) and local government.

Key questions

Do you have any comments on the definition of intergovernmental collaboration?
Are there any additional tools which would help support intergovernmental collaboration?

Case study

Illawarra Pilot JO - Illawarra Youth Employment Action Plan

The Illawarra and Shoalhaven region has for a long time had a higher than average youth unemployment rate.

The Illawarra Pilot JO is partnering with the NSW and Commonwealth Governments to deliver a Youth Employment Action Plan. This is a critical issue for the region which has significantly higher than average youth unemployment.

This was identified as a shared priority early in the pilot process through matching a key strategic priorities in member councils' Community Strategic Plans, the (then) Southern Council Group (SCG) strategies and the (then) draft Illawarra Regional Growth and Infrastructure Plan.

A strategic approach to address the issue was collaboratively developed by the JO and DPC and a joint tender process was undertaken to develop the Youth Employment Action Plan to develop and deliver the plan.

The University of Technology Sydney Centre for Local Government Excellence was appointed to work with key stakeholders in the region to develop an action plan and broker commitments to address youth unemployment across region.

The project is developing and delivering a collaborative, regional approach of coordinated activity that will result in skills qualifications and jobs for youth to benefit the entire Illawarra and Shoalhaven region.

Leadership and advocacy

What did the Emerging Directions Paper say?

Leadership and advocacy has consistently been identified as one of the core functions of a JO throughout the pilot process. The term 'leadership' was added to the concept of 'advocacy' early in the process. Feedback on this function was sought in the Emerging Directions Paper.

What was the feedback?

Feedback on the paper suggested there may be challenges for JOs where there are different and potentially conflicting advocacy priorities at the local and regional level.

Other submissions noted that leadership and advocacy is a traditional role of ROCs and a critical role for JOs. Leadership and advocacy will occur in different regions in different ways.

"Leadership and Advocacy may be a challenge at regional scale - need more opportunities for action planning as per initiation workshops."
Local Government NSW

What do we mean by leadership and advocacy?

Definition	Leadership and advocacy for a JO is about being a 'voice for the region' on behalf of member councils. It is about understanding current and future regional and operational environments, identifying emerging opportunities and challenges and developing priorities that align with the regional vision of the JO and needs of member councils.
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What is the proposed way forward?

Leadership and advocacy will remain an important function for JOs. It will ensure that the vision and long term strategic plans for the region are promoted, as well as the needs of member councils. Leadership and advocacy will provide a strong, collective, regional voice for member councils to the State and Commonwealth Governments about their regional priorities.

What does leadership and advocacy look like in practice?

Some Pilot JOs identified priorities related to leadership and advocacy in their Statements of Regional Strategic Priorities. These included roads they consider to be crucial to support economic growth in their region that are not currently identified as priorities in relevant State Government strategic plans.

"Advocacy is not effective with compulsion and where all members don't agree."
More Shire

While there is no guarantee State Government agencies can address all regional priorities, it is important for JOs to continue to work with partners to build strong business cases and be strong advocates for their region.

Key questions	Do you have any comments on the definition of leadership and advocacy? Are there any additional tools which would help support regional leadership and advocacy?
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Case study

Namoi Pilot JO – Advocacy to fund Manilla to Boggabri Rangari Road

Funding of the Main Road 357 Manilla to Boggabri Rangari Road, which passes through three of the seven member council areas, was identified as a priority for the Namoi Pilot JO to link better access to employment, services and markets in the region and beyond.

As this road was not identified as a funding priority in State Government strategic plans for the region, it was included as a ‘Leadership and Advocacy’ priority in the JO’s Statement of Strategic Regional Priorities.

Namoi Pilot JO worked during 2015 with the RDA Northern Inland to undertake a cost benefit analysis that would inform a business case for the Pilot JO to advocate for funding for the road.

The results to date appear to indicate that the cost of the upgrade will exceed the benefit.

While not the anticipated result, this work highlights the importance of building an evidence base to support the work of the JO. This work will be useful in informing further decision making by the Pilot JO on progression of this priority.



Case study

Hunter Pilot JO - Intergovernmental collaboration in emergency management

The Hunter Pilot JO is founded on the depth of experience of Hunter Councils, formed after the 1955 floods and has a long history of cooperation between member councils, and working collaboratively with the State Government to manage emergency events.

This collaboration was tested and strengthened during the April 2015 storm event in the Hunter when the Pilot JO facilitated cooperation and support among member councils, and collaborated seamlessly with state agencies in both the emergency response and recovery phases of the storm event. The Pilot JO accommodated the regional Recovery Coordinator and other Ministry of Police and Emergency Services staff during the event and hosted emergency management and disaster recovery meetings.

5. Optional functions

Providing regional flexibility

What did the Emerging Directions Paper say?

The Paper emphasised that JOs must be enabled under legislation to undertake a range of 'regionally defined' or optional functions. JOs will have choices about how they undertake regionally defined functions, including through the 'core' JO or a JO-formed entity.

What was the feedback?

Most (89%) respondents strongly supported JOs being able to undertake optional, 'regionally defined' functions as resolved by member councils, particularly in rural areas.

Many submissions emphasised the need for flexibility, so that JOs can choose the best vehicle to deliver optional functions.

"JO-formed entities [need to] include any entity appropriate for the task being undertaken, including council formed entities."
Cootamundra Shire

"It is important that the core strategic functions are effectively enabled and these are the first priority."
LG Professionals

Some submissions expressed concern that the optional functions may overshadow the effective implementation of core functions. Some proposed a cap on optional functions undertaken directly by a JO.

The need to prevent potential conflict with member councils over functions was also raised in submissions.

What is the proposed way forward?

It is proposed that JOs have flexibility to undertake a range of optional functions on behalf of member councils. Optional functions will need to reflect regional priorities and existing relationships and help put into practice strategic decisions of the JO.

Optional functions would be enabled, but not defined by the legislation. They could include:

- building capacity and supporting councils
- shared service delivery
- other functions that meet the needs of member councils or the region.

JOs would be free to determine the best vehicle to undertake optional functions. They could be delivered:

- directly through the JO
- through 'lead' member council/s
- through other regional service delivery bodies such as county councils or other entities formed by JOs under the Local Government Act (see section 9).

Should optional functions be delivered directly through the JO, it is proposed that operational decisions would be delegated by the Board, potentially to the Executive Officer or a subcommittee, such as a General Managers Advisory Committee.

Further information on optional functions is in the following sub-sections. Guidance materials will be developed further, in consultation with the sector, during the implementation planning phase in 2016.

Building capacity and supporting councils

What was the feedback?

Emerging Directions Paper feedback indicated that the core functions of JOs should build capacity and support member councils **strategically** to achieve beneficial community outcomes.

Feedback indicated that optional functions are vital in supporting member councils **operationally**. Benefits discussed included creating efficiencies and supporting financial sustainability for members.

What do we mean by building capacity and supporting councils?

Definition Capacity building and supporting councils through optional functions means JOs providing and/or facilitating shared data, systems, staff, services, tools and other expertise on behalf of member councils.

When deciding to undertake these functions, consideration should be given to:

- capacity and resources of the JO
- member council need
- a sound business case
- how best to undertake or facilitate this function.

The State Government is committed to working with councils to build their strategic capacity. The Office and key partners, such as LG NSW and LG Professionals, are undertaking a range of sector-wide and targeted activities to support councils.

How will JOs build capacity and support councils, including rural councils?

Feedback suggests that councils will look to JOs to support them to become and remain *Fit for the Future*. As a regional body with a line of sight over member councils, JOs will be in a strong position to identify where strength and capacity lie, and where gaps and needs exist.

Further, as separate legal entities, JOs will be able to carry out functions such as tendering, entering into contracts, applying for grants, employing staff and undertaking regulatory functions on behalf of member councils.

"The challenge will be to ensure we get this balance right...[to] not conflict with existing functions already being provided by member councils."
Queanbeyan City Council

Each JO will work with its member councils to determine the most appropriate approach for building member council capacity.

"Many councils based FFTF proposals on the expectation that JOs will assist in providing the scale and capacity that they require to stand alone...[including] shared services, staffing and procurement."
Local Government NSW

In considering the relationship between JOs and rural councils, participants at the key stakeholder policy workshop in October 2015 overwhelmingly expressed the view that rural councils do not require a different approach to capacity building. Rural councils were seen as innovative and able to contribute to capacity building across the region, including for much larger councils.

Some suggested JO functions to enhance member council capacity identified through the *Fit for the Future* submissions and JO consultation are outlined below.

Attachment 2

JOs could do:	JOs could facilitate:
<ul style="list-style-type: none"> • Analyse skills and infrastructure gaps • Employ or contract professional services (eg. financial services) • Employ or contract 'back office' functions (eg. IT and HR) • Undertake group purchasing and procurement • Manage projects and grants • Undertake regional planning and reporting (eg. IP&R) • Add regional value to existing council services (eg. illegal dumping programs) • Develop a 'Centre of Excellence' or data hub to share best practice • Promote robust standard operational policies and templates (eg probity, asset management, skills development) • Undertake or foster research 	<ul style="list-style-type: none"> • Benchmarking • Shared professional staff and services (eg engineering, environment, accounting, arts, tourism, economic development) • Shared 'back office' administration (eg. WHS, payroll, IT, HR) • Joint procurement (eg. waste management contracts) • Shared asset management and inter-council hire (eg. plant and equipment) • Shared service delivery (eg. library) • Professional networks, development and peer review • Emergency management coordination • Common governance policies

How will shared services be delivered?

It is proposed that, optional functions, including shared service delivery, may occur through a JO, a member council, a JO-formed entity or in other ways.

Where shared services are provided directly by a JO, it is expected that this be done in a limited way so that delivery of core strategic functions is not adversely affected and so that there is adequate separation of strategic and operational functions. This applies particularly to commercial services.

As shared service delivery catchments do not necessarily align with JO boundaries, associate membership will allow flexibility for councils within and outside the JO to opt in and out of shared services on a negotiated basis.

Shared services delivery should be based on a business case that considers need, level of service and how the service can be best delivered.

It is proposed that the Local Government (State) Award would apply. Beyond this, governance and resourcing for shared services should be negotiated. Arrangements should be subject to monitoring and review, as determined by the JO and participating members, to ensure value for money.

Work on developing JO-formed corporations and other entities under the Local Government Act is discussed in Section 9.

Key questions	<p>Do you have any comments on the definition of capacity building in relation to <u>optional</u> functions?</p> <p>What optional functions do you think should be undertaken by JOs?</p> <p>What tools will be helpful to support JOs in building capacity and supporting councils to undertake <u>optional</u> functions?</p>
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6. A new entity

What did the Emerging Directions Paper say?

The paper explored four options for the legislative model for JOs:

1. Do nothing
2. Body Corporate in the Local Government Act (Prescriptive)
3. Hybrid Statutory Corporation
4. Body Corporate in the Local Government Act (Enabling).

"The preferred option is embedded in the Local Government Act; protected from changes outside the Act; less 'messy' than the hybrid; most enabling and flexible: able to define core functions; protects staff under award; facilitates secondments from councils to JO; attracts staff from industry; less expensive to manage administratively; less onerous in terms of reporting; less likely to result in liability issues such as for company directors under the Corporations Act; consistent with philosophy, paradigm and framework of JOs."
Local Government Professionals

The preferred option from feedback on the paper was that JOs be bodies corporate, established by proclamation under the Local Government Act with enabling provisions and the flexibility to carry out regionally defined, optional functions.

This option creates separate legal status enabling JOs to directly enter contracts, employ staff and hold assets, where necessary.

What was the feedback?

The majority (84%) of responses to Emerging Directions Paper preferred that JOs be created as entities under the Local Government Act with the status of bodies corporate. This aligned with strong feedback from the pilot process.

Councils and peak bodies supporting this option considered it to be the simplest, most flexible model with the least administrative and resource burden. It was thought that this will ensure JOs do not become a 'fourth tier of government' - a key principle for the model.

Some councils and ROCs which preferred this option recommended that legal provisions be drafted carefully to ensure

the JO model achieves these objectives and – in particular – allows member councils to form a 'lean' structure with minimal cost and liability.

Several responses emphasised that the structure of the JO entity should not be overly formal and should be a matter for member councils to determine. Further discussion on the governance of JOs is contained later in this paper.

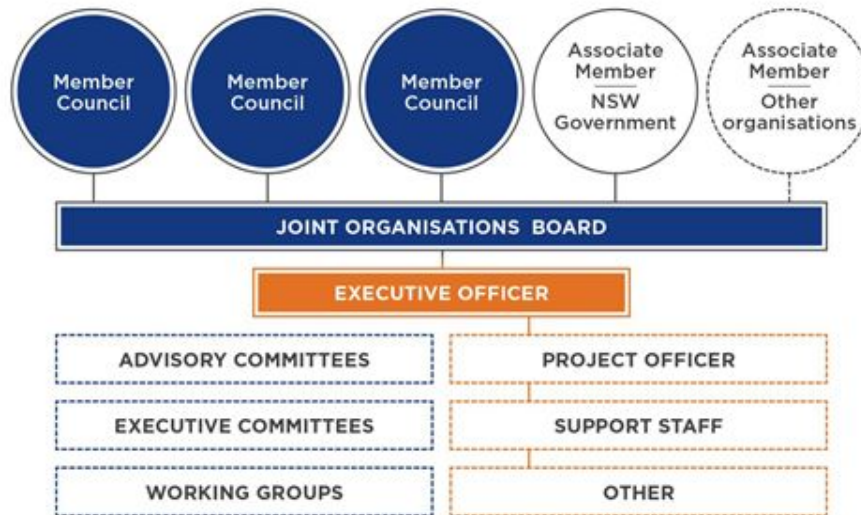
Several responses favoured a hybrid statutory corporation to enable a fuller partnership with other entities.

What is the proposed way forward?

Figure 4 shows the proposed entity model. It is proposed that JOs be bodies corporate established by proclamation under the Local Government Act. It is important that JOs as legal structures are comprised of full members who have the same status and are subject to the same legislation.

"Due to the proximity of the ACT we are in a unique situation and we strongly support Option 3, the "Hybrid Statutory Corporation" as the governance model to create a company limited by guarantee...that allows the ACT Government to be a full partner with us as a member of the JO."
CBRJO

Figure 4 - Proposed entity model for JOs



Proclamations would declare JO regions. All general purpose councils within each designated region would be a member of the JO. Councils would be full members of one JO only. This creates a focused commitment to achieving outcomes regionally.

The State Government would be an associate member of the JO Board to promote intergovernmental collaboration and alignment between JO and State Government priorities.

The legislation would also provide for other associate, non-voting members to be on the JO. This would recognise cross border relationships, relationships with surrounding councils and other strategic partnerships. This model has been trialled successfully during the pilot.

While the JO could remain fairly 'lean' to minimise cost and red tape, the JO Board would need to appoint an Executive Officer with appropriate skills to administer Board meetings and implement Board decisions. If appropriate, the JO may employ staff under the Local Government (State) Award.

The JO may also form sub committees, such as advisory committees comprised of General Managers, working groups or expert panels to advise or implement the decisions of the Board.

Importantly, this approach will not limit important partnerships, such as cross-border relationships. It enables associate memberships, advisory groups and/or joint establishment of JO-formed entities.

Benefit of preferred option	
<ul style="list-style-type: none"> ✓ protection from changes to other legislation ✓ simpler and clearer than other options ✓ consistent with agreed principles ✓ remains within local government industry 	<ul style="list-style-type: none"> ✓ maximises regional flexibility ✓ lower cost and red tape ✓ fewer liability and other risks ✓ able to attract and retain staff

Key question **How can sub committees and working groups be used to support the JO Board, including in delivering optional functions?**

7. Governance and accountability

Representation and operation of the Board

What did the Emerging Directions Paper say?

The Emerging Direction Paper suggested a range of requirements for a number of key aspects of the JO Board in relation to representation of the JO Board, the Chair of the JO Board, the role of JO Board members, voting and decision making on the JO Board and sitting fees.

What was the feedback?

Overwhelmingly, Emerging Directions Paper feedback supported low level prescription for governance matters and, where necessary, for a core or 'minimum' set of standards to apply.

There was **generally strong support** for the following proposals:

- the **Mayor to be the representative** of the member council on the JO Board (over 70% of responses supported this) as the most appropriate representative to make decisions on behalf of the council. There was minimal support for General Managers to be voting representatives on the Board. The Board role was seen to align better with that of a councillor in setting strategy and policy. Others were concerned about the potential for conflict between Mayors and General Managers if both voted on regional issues
- member councils to have **one representative** on the Board (56% support). Others supported an additional representative where this would promote more robust decision making, for example, in JOs with fewer members
- the **State Government to be an associate**, non-voting membership of the Board (80% support), with some calling for this to be enshrined in legislation
- **two-year appointment** to the Board (79% support)
- the **Chair** of the JO to be chosen by the Board (86% support)
- The **role** of voting Board representatives and the Chair should generally be modelled on the relevant respective roles of a councillor and the Mayor (over 75% support). Concern was raised about the potential for conflict in the roles as a representative on the JO Board and the role as a councillor
- Equal **voting rights** on the Board (69% support). This was seen as fundamental to the success of JOs for member councils to be equal partners
- The Chair should *not* have a **casting vote** (71% support) as this would undermine equal voting on issues of regional strategic importance and may result in decisions that were not strongly supported
- Appropriate authority for core regional functions should be delegated to the JO (71% support). Responses qualified that the representative to the JO Board will automatically be **authorised** by their councils to make appropriate decisions on their behalf about the legislated core functions.

"There is no clear explanation as to how a Councillor who is voted in by the people of a particular local government area is supposed to now automatically represent a region as opposed to working towards the best benefit for the specific community that elected them."

Port Macquarie Hastings Council

There was **mixed support** for:

- the proposed **75% majority vote** to make a decision. While the need for a strongly supported decision was recognised, a fixed percentage was not seen as appropriate due to regional variation. Other common feedback was that ROCs have typically operated by consensus basis. However, it was acknowledged that this does not guarantee clear decisions. A simple majority was preferred by approximately half (49%) of responses.

"We agree that the proposal for an absolute majority rather than a simple majority should be used to determine decisions. [It is a] matter for JO members to determine what figure to use to determine absolute majority"

REROC

Attachment 2

A proposal that was **generally not supported** was:

- the payment of **sitting fees** to Board representatives was *not* supported in over half (56%) of responses. This was mostly because a one-off increase to the Mayoral fee was seen as a better alternative to pay representatives. Others were of the view that participation on a JO was part of the normal role of a Mayor and/or payment could create inappropriate incentives to participate.

Other matters raised in submissions related to support for voting by proxy, remote voting and the need for a defined quorum. Some also suggested the option for an independent, non-voting Chair to act in the regional interest. The independent Chair would be a Mayor, with the member council then able to appoint a second, voting representative to the Board, potentially the Deputy Mayor where there is one.

What is the proposed way forward?

In response to submissions and other policy work in stakeholder workshops, it is proposed that:

Representation

- the Mayor be the legislated member council representative on the JO. This recognises the authority of the Mayor to lead and make decisions that reflect the council's policies
- the Deputy Mayor, or another councillor where there is no Deputy Mayor, be the alternative representative at a Board meeting in certain instances, such as illness or leave
- additional elected representatives may be appointed to the Board, so long as representation remains equal and supports effective decision making
- General Managers participate in JO meetings in an advisory capacity and may form a General Managers Advisory Committees to the Board. This recognises the valuable contribution that General Managers make to debate and in providing advice on implementing a JO's decision
- the State Government is represented on each JO Board as an associate (non-voting) member
- other associate, non-voting members may be represented on the JO to recognise cross border and other important relationships, such as with county councils (see Section 10).

Board Term

- JO Board members will be appointed for a two year term which aligns with the proposed Mayoral term. Popularly elected Mayors will sit on JO Boards for the term of their office.

Chair

- the Chair of the JO will be a Mayor chosen by the Board for a period of two years. It is not proposed that there be a limit on the number of consecutive terms a Chair can hold
- JOs will be enabled, but not required, to have an independent, non-voting Chair who is the Mayor of one of the member councils. The relevant council would then appoint an additional voting representative to make decisions on behalf of that member council.

Role

- the role of voting Board members and the Chair will be generally modelled on the respective roles of a councillor (in their capacity as a member of the governing body, not in their elected capacity) and the Mayor in the Local Government
- the role will additionally require representatives to act in the interests of the region as a whole. While concerns about potential conflict between a councillor's local and regional roles are recognised, this is not new for councillors balancing their governing and elected role.

Voting and decision making

- there be equal voting rights for all full member councils within a JO on legislated core functions recognising feedback that it is fundamental for the success of JOs for member councils to be equal partners. As the legislated representative to the JO, the Mayor will be authorised to vote on behalf of the council

Attachment 2

- that a simple majority at which a quorum is present at a meeting will be needed for a decision to be made. This aligns with council voting requirements.
- where the JO deems it appropriate, a matter may be referred to member councils for consideration. For instance, it would most likely be appropriate to put decisions relating to funding commitments back to member councils
- that the quorum for councils partially applies to JOs. That is, a quorum applies where the majority of the councillors who hold office for the time being are present at the meeting. However, where a representative to the JO is suspended or the position is otherwise vacant, an alternative representative to the JO must be appointed by the member council
- proxy and remote voting should be enabled for JOs to counteract the impact of travel to attend meetings in regional areas. This could occur potentially via videoconferencing and in circumstances that make it impractical for the representative to attend in person. Whether these options are taken up it would be a matter for individual JOs to determine
- voting structures for optional functions, such as shared service delivery, be determined by the JO recognising that different resourcing, governance arrangements and membership arrangements may apply.

Sitting fees

- JO Board members will not be paid sitting fees. Instead, to recognise the important role of Mayors on JO Boards, it is proposed that a one-off increase to the Mayoral fee be considered as part of the councillor remuneration review. This also enables Deputy Mayors attending on behalf of a Mayor unable to attend to potentially be paid a portion of the Mayoral fee.

How will governance on JOs be supported?

Guidelines on core governance standards will be developed by the Office, in consultation with the sector, during the implementation planning phase. This will draw on mechanisms in place for councils under the Local Government Act. For example, the Model Code of Conduct.

Other guidance materials and training to support better practice governance beyond the standards set will also be developed during this time.

Key questions

**Are there any other tools which will help support good governance?
How should the governance tools be developed and who should participate in their development?**

Planning and reporting

What did the Emerging Directions Paper say?

The Emerging Directions Paper proposed that JOs be required to develop succinct work plans, drawn from existing local and regional plans, in collaboration with the State Government and other partners, supported by KPIs. As discussed in Section 4, Pilot JOs prepared succinct Statements of Regional Strategic Priorities which they found useful in maintaining guidance and focus.

It was also proposed that JOs be required to produce succinct annual performance statements, including reporting on KPIs.

Requirements in the Local Government Act for financial reporting and accounting for councils were also expected to apply to JOs.

What was the feedback?

There was strong (93%) support from responses that JOs must develop succinct strategic work plans, identify KPIs and report against the indicators in an annual performance statement or report. Feedback emphasised the need to minimise red tape, recognise regional differences and link JO planning and reporting to existing IP&R frameworks. Mandatory financial reporting by JOs was also strongly (92%) supported.

What is the proposed way forward?

In response to submissions and other policy work in key stakeholder workshops, it is proposed to keep planning and reporting requirements minimal and aligned to IP&R. It is proposed that:

- JOs prepare succinct **strategic priorities and work plans**, based on a refined version of the Statements of Regional Strategic Priorities prepared by the pilot JOs and aligned with IP&R, as discussed in Section 4
- JOs produce succinct **annual performance reports** to show how the JO has delivered against its priorities according to the KPIs identified in the strategic priorities and work plans
- JO **financial reporting** complies with the Australian Accounting Standards and the Local Government Code of Accounting Practice and Financial Reporting Guidelines.

How will JO planning and reporting be supported?

Guidelines on core planning and reporting requirements will be developed, in consultation with the sector, during the implementation planning phase. It is not currently proposed that JOs be required to use standard templates. Guidance materials will, however, be developed.

Key question

What tools or guidance will be most helpful in supporting JOs to develop strategic priorities and work plans and annual performance reports?

8. Resourcing

Financial resourcing

What did the Emerging Directions Paper say?

The State Government has committed to providing seed funding of \$300,000 per JO to assist with establishment when they are implemented following the next local government elections.

The paper proposed that member councils fund ongoing administration and regional priorities from available sources, based on contributions from member councils using a locally negotiated formula.

What was the feedback?

The pilot process and Emerging Directions feedback indicated mixed views and concern about resourcing for JOs.

Over half (54%) of responses supported member councils funding the ongoing costs of JOs. Just over a third (36%) supported ongoing State Government funding for core JO functions based on the view that the State receives a mutual

“Being at the behest of State Government for funding does not encourage greater regional strategic responsibility”
Lake Macquarie City Council

benefit and is an equal partner in a JO.

“Some level of State funding appropriately negotiated on a region by region basis....[This] would cement the concept that State and Local Government are equal partners in delivering regional outcomes”
Queanbeyan City Council

A number of submissions opposed ongoing State funding on the basis that JOs should maintain their independence and autonomy and not be accountable to the State Government.

Some feedback indicated that the costs of running a lean JO will be minimal or no more than for a ROC. Others raised concerns that JOs will substantially increase costs to member councils.

There was strong support for JOs to be able to receive grants and derive income streams to contribute to JO running costs.

What is the proposed way forward?

Based on the principle that JOs are owned by the voting member councils and support a core leadership and advocacy function, it is proposed that member councils fund the ongoing core functions of the JO with contributions based on a formula negotiated by each JO.

JOs must also have a range of other funding options available, including the ability to apply for grants and generate income.

While many see the potential significant benefits of JOs in building strategic capacity of member councils, these benefits are hard to quantify. Potential costs are a concern for some regions.

“The final legislation needs to facilitate a range of options for funding of the Joint Organisation’s activities. State funding is not supported”
Hunter Councils

Future resourcing of JOs beyond the seed funding provided by the State Government is something that will require further consideration during implementation planning, particularly to support JO regions with member councils with financial sustainability issues.

Key question

What tools could support JOs to understand the costs and benefits to support resourcing decisions?

Staffing

What did the Emerging Directions Paper say?

The Paper proposed that JO staff be employed under the Local Government (State) Award. The paper also proposed that JOs employ an Executive Officer with the equivalent capabilities - and at an equivalent level to - a General Manager, senior staff member in a council or Regional Coordinator.

What was the feedback?

Most (74%) responses supported JO staff and the staff of JO-formed corporations or other entities being employed under the Local Government (State) Award.

However, many (71%) responses opposed a requirement for JOs to employ an Executive Officer at an equivalent level to a General Manager, senior staff member or Regional Coordinator. However, opposition was largely due to concerns about cost and prescribing a 'level'. There was still support to require JOs to appoint an Executive Officer *based on skills and capacity rather than at a certain level*.

"While the Union supports Council's desire to maintain flexibility through enabling legislation in the *Local Government Act 1993* (NSW), it is imperative that any entity created by Council under the Act, or by any other mechanism, remains a non-national system employer and continues to operate under the Local Government (State) Award 2014.
USU

What is the way forward?

JOs will employ staff exclusively under the Local Government (State) Award as will any JO-formed corporations or other entity established by a JO. This will protect entitlements for staff and facilitate staff transfers between member councils and the JO.

It is proposed that JOs be required to appoint an Executive Officer with appropriate skills and capabilities to undertake this crucial role based on a standard contract. This will ensure consistency and certainty for the JO Board and the Executive Officer, as well as transparency and accountability. It will also allow flexibility around duration of appointment, structure and level of the remuneration package and performance-based requirements.

While experience from the pilot process suggests that the Executive Officer role will need to be full time - and this is strongly preferred to support the JO to effectively carry out core functions - JOs will be able to determine and set resourcing requirements beyond this core standard.

Discussions with the Pilot JO Executive Officers and DPC Regional Coordinators has helped to identify skills and capabilities for an Executive Officer. These include some similarities to the capabilities required for Regional Coordinators in the NSW Public Sector Capability Framework.

Essential skills for Executive Officers	Desirable skills and knowledge
<ul style="list-style-type: none"> ✓ communication and collaboration ✓ strategic planning ✓ leadership and advocacy ✓ project management and procurement, including financial/contract management. 	<ul style="list-style-type: none"> ✓ media, marketing and promotion ✓ research ✓ knowledge of government processes and of the region.

Key questions

What are your views on the use of a standard contract for JO Executive Officers?

Are there any additional or alternate skills or capabilities which would be desirable for Executive Officers to have?

Case study

Riverina Pilot JO – Enhancing freight transport planning and industrial land development

Regional Freight Transport Plan

This project built on earlier work by REROC in response to a critical need for a mapping solution to help the region cope with the 41 million tonnes of freight passing through on its roads each year.

The Riverina JO Pilot enhanced its comprehensive Regional Freight Transport Plan, underpinned by an interactive mapping platform.

The Plan identifies major freight transport road and rail routes in the region as well as modal points and obstacles that impact on efficient and effective freight transport.

The work aimed to:

- increase the volume and value of data in the Plan in relation to grain, livestock and timber freight
- make the Multi-criteria Assessment Matrix used to prioritise more robust and to include the Roads and Maritime Services (RMS) benefit-cost ratio process; and
- upgrade the interactive mapping that supports the project and make it accessible to the public.

REROC worked with RMS, Department of Industry and DPC on the project. The interactive mapping for the project, prepared by Coolamon Shire Council, can be viewed at www.reroc.giscloud.com by clicking on the REROC transport map from the drop down menu. The project was presented at the ALGA National Transport and Roads Congress in November 2015.

Regional Industrial Land Mapping Project

Building on the success of the Transport Plan, and responding to a need for better, centralised information about industrial land across the region identified by the NSW Department of Industry, a regional industrial land mapping project was also started. The project uses the data gathered for the Freight Transport Plan and combines it with information from each member council on their industrial land.

The industrial land has been mapped and includes information on the street location, lot and DP, services available, size of the land and whether or not the land has been developed. Users are able to choose the land they are interested in and the information on each parcel appears once the land is highlighted.

Users are also able to access all the data held in the Regional Transport Plan and overlay this information on the Industrial Map to show all the transport routes and modal points accessible to the chosen land parcel.

Riverina JO Pilot worked with the Department of Industry and the DPC on the project. It can be viewed at www.reroc.giscloud.com by clicking on the Industrial Land Map from the drop down menu.

Member councils believe that these projects to provide centralised mapping information provide the Riverina region with a significant edge in harnessing economic development opportunities.

9. Regional flexibility for corporations and other JO-formed entities

What did the Emerging Directions Paper say?

Enabling JOs to form corporations and other entities to carry out optional functions to suit different needs of member councils across the region, such as service delivery, is an important supplement to the JO model.

The Emerging Directions Paper indicated that JO-formed entities would be explored in this JO Draft Model Paper.

What was the feedback?

A quarter of submissions provided early comment on the formation

“Cost of major regional waste infrastructure or major regional contract for managing waste would trigger the need for a JO formed or Council formed entity or contracted council arrangement.”
Illawarra Pilot JO

of corporations and other entities. Most reiterated that JOs and member councils should choose the best vehicle to provide services to suit their needs.

“Need to consider whether councils can opt in and out of these subsidiary JO formed entities. If wrapped into the role of the JO body corporate, this would considerably limit the flexibility required to respond”
IPWEA

Some noted that high cost, complex or commercial services are better delivered through corporations and other entities.

Others commented that care is needed to ensure governance and accountability frameworks adequately manage higher risk activities, such as companies over which control is limited.

Some stakeholders emphasised the importance of protecting employment rights under the Local Government (State) Award.

JO-formed entity issues were explored with stakeholders at the October key stakeholder policy workshop. Risks and benefits discussed are below.

Benefits of JO-formed entities	Risks of JO-formed entities
<ul style="list-style-type: none"> • JO Board may focus on core strategic functions rather than operational services which occur separately • JO can remain lean • Greater flexibility for different membership, governance and resourcing from within or beyond the JO • Minimises liability and financial risk to JO and members as services and assets are managed at ‘arm’s length’ • Greater innovation may result from JO-formed entities formed in partnership with private or not-for-profit sectors. 	<ul style="list-style-type: none"> • Loss of appropriate control; JO-formed entity could be become too independent and not responsive to needs • Could engender parochialism about a fear of loss of existing contracts • Length of time to set up if requiring Ministerial consent • Cost of operation and reporting burden, particularly for smaller JOs • Flexible membership may dilute the sense of JO ownership.

What is a way forward?

The development of a robust model for JOs to form corporations and other entities should integrate with the existing framework for councils to do so under section 358 of the Local Government Act and consider other local government entities such as county councils.

It also needs to consider what other types of entities may be formed and how they interact with the Act. Some examples may include joint ventures, partnerships, public private partnerships and corporations under the Corporations Act 2001 (Cth).

“Legislation should simply provide JO with flexibility to determine the most appropriate manner in which specific functions will be carried out”
RAMROC

The Local Government Acts Taskforce noted council concerns about requiring ministerial consent to form corporations. The Taskforce also saw that provisions in the Act to establish corporations or other entities should continue to ensure adequate scrutiny and accountability. However, the Taskforce acknowledged that the provisions should be reviewed based on structural reforms (such as JOs) arising from the work of the Panel.

Feedback and policy work to date in key stakeholder workshops has informed an emerging direction to inform the development of a robust model that could apply to both councils and JOs. This is contained in **Table 2** on the following page.

This will require further consultation and may result in the framework for JOs to establish corporations or other entities being enabled after the core JO model is established.

Key question **Do you have any comments on the emerging direction for JO-formed entities shown in Table 2 or issues you would like to raise?**

Case study

Hunter Pilot JO – Regional tourism

Tourism is a vital industry for the Hunter region. The Hunter Pilot JO has recognised this and agreed to develop a sustainable regional tourism model as one of its key strategic priorities during the pilot.

DPC, the Hunter Pilot JO and Tourism Hunter as the Regional Tourism Organisation for the Hunter collaborated on the issues and factors challenging the sustainability of the current regional tourism model in the Hunter and NSW. They drew on the experiences of the Hunter in having developed the Visitor Economy Hunter model for regional tourism as an alternative to the current model.

The Hunter’s experiences were reviewed and relied on by the agencies and the Pilot JO to inform and provide an agreed regional position, and submissions, to the Regional Tourism Review of the structures and operations of Regional Tourism Organisations in NSW conducted by Destination NSW in 2015.

Further work will continue on this initiative to grow the Hunter’s visitor economy and deliver greater economic benefit to the region.

Table 2 Emerging direction for JO-formed entities, including corporations

<p>JOs should:</p> <ul style="list-style-type: none"> • be enabled to undertake optional functions directly, through member councils and through corporations and other entities • have appropriate controls, including possibly a financial cap, on undertaking optional functions directly • choose the most appropriate vehicle to deliver optional functions • delegate the operation of optional functions to the Executive Officer or General Managers • not own significant assets • be subject to the same regulatory controls as councils and relevant partners, where applicable, for delivering commercial activities. <p>Corporations and other entities formed by JOs should:</p> <ul style="list-style-type: none"> • only be approved based on clear oversight and criteria, as for corporations and other entities set up by councils • be at least 50% owned by councils, allowing sufficient control and flexibility for partnership with the private sector and others • not be subject to competitive tendering to deliver projects for the JO to and on behalf of member councils • be able to establish membership, resourcing and governance based on need and appropriate core regulatory standards • be able to own assets. <p>The process to set up corporations and other entities formed by JOs should:</p> <ul style="list-style-type: none"> • be developed in tandem with a review of the process for councils to form corporations and other entities under the Local Government Act • vary for the type of entity being formed in terms of requirements or allowable functions • be based on clear criteria to be developed, potentially including that the entity: <ul style="list-style-type: none"> – employs staff under the Local Government (State) Award – demonstrates member interest and public interest tests – limits activities to not-for-profit or require profits to be spent on public services – demonstrates a sound business case and financial viability – provides legal, financial and governance separation to address liability risk and manage stakeholder expectations – undertakes community consultation in certain circumstances, if appropriate. <p>Options to control JO-formed entities, once established, may include:</p> <ul style="list-style-type: none"> • requiring approval to change the activities of the JO-formed entity • suspending JO-formed entity activities, board members and/or to wind up JO-formed entities in certain circumstances, such as maladministration, corruption or inappropriate activity. <p>Agreements between the JO and the JO-formed entity and participating councils may include:</p> <ul style="list-style-type: none"> • annual agreement with the JO governing body to ensure activities and priorities align and monitor performance • commitment from councils to participate for a period of time, to ensure stability.
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10. Other considerations

JO boundaries

What did the Emerging Directions Paper say?

When JOs were first contemplated by the Independent Local Government Review Panel, it developed a map suggesting future JO boundaries.

While many councils have previously said they support these boundaries, others have proposed changes.

JO boundary modifications may be needed to accommodate new councils.

There has been consultation through the pilot process about the criteria which should be applied to determine final JO boundaries.

“[JOs should be of] sufficient size to enable resourcing and fit with other JOs. Determined by local government where possible and concurrent with other boundaries, eg. planning”
Central NSW

The Emerging Directions Paper proposed boundary criteria that a JO:

- align with/nest within strategic growth planning boundaries
- demonstrate a clear community of interest between member councils
- not adversely impact on other councils or JOs
- be based around a strong regional centre, where possible
- be of appropriate scale and capacity to partner with the State and Commonwealth Government and other investment partners.

What was the feedback?

Councils had strong views about optimal JO boundaries. About two-thirds (69%) of Emerging Directions responses supported the above proposed criteria. The remaining responses either did not support the criteria or did not support the Panel’s map for JO boundaries.

Key issues raised were:

- whether JO boundaries should align to State regional growth planning boundaries or on existing cooperative groupings, noting that these overlap
- whether proposed JOs are large enough to be viable but still workable
- whether an optimal solution for some areas might lie in sub regions or having a number of regional centres within the same JO.

What is the proposed way forward?

The NSW Government will consult on proposed JO boundaries in the coming months. JO boundaries will be based on feedback on the above criteria and reflect changes to council boundaries.

Key question

Do you have any comments about the JO boundary criteria?

Regional service delivery and county councils

What did the Emerging Directions Paper say?

Regional organisations, including county councils, play an important service delivery role in regional, rural and remote communities across NSW and may have catchments and assets that cross JO boundaries. It is therefore important that there is a clear understanding of the current and future relationship between JOs, county councils and other regional service delivery bodies in relation to managing important issues such as water security, weeds and flooding.

The Emerging Directions Paper noted that the relationship between JOs and county councils would be explored in this JO Draft Model Paper.

What was the feedback?

There were seven submissions to the Emerging Directions Paper commenting on the relationship between JOs and county councils. Some councils expressed support for county councils continuing in their current form. Others felt that county councils should become part of a JO, potentially as an associate member. One ROC suggested JOs could provide strategic direction for county councils.

What is the proposed way forward?

The NSW Government plans to review the current regional service delivery models, including the relationship of JOs to county councils, as flagged in the Government's response to the Panel. This will help to determine the most appropriate means to undertake regional service delivery in the future.

Meanwhile, the current proposal is that existing county councils be associate (non-voting) members of JO Board/s relevant to their catchments, which may nest within a JO or cross JO boundaries. This recognises the valuable contribution county councils make to strategic discussions relevant to their scope of operation and their potential interest in more than one JO region. It also preserves the balance of equal voting rights of JO member councils.

“[It is] imperative that existing CCs and LWUs can continue to serve needs of their local communities. CCs may be able to be incorporated under the JO model of RDFs [regionally defined functions] or, alternatively, continue in current form.”
Local Government NSW

What role should JOs play in regional service delivery?

Key questions

How could the service delivery functions provided by county councils link to the regional strategic planning and priority setting function of JOs?

Regulatory functions under other legislation

What did the Emerging Directions Paper say?

The Emerging Directions Paper indicated that JOs will open up new opportunities and ways of working together. It did not explicitly discuss regulatory functions.

What was the feedback?

Some submissions supported JOs removing barriers to working together, including enabling them to undertake regulatory functions on behalf of member councils.

Councils, ROCs and agencies have already begun turning their minds to changes that could be made to other NSW legislation to ensure JOs are a success and expand the opportunities available to them in future.

What is the proposed way forward?

Consultation is currently occurring on proposed Phase 1 Local Government Act amendments that include a proposal for councils to be able to delegate regulatory functions to a JO, if deemed appropriate to do so by the member councils. JOs may then choose to undertake these functions directly or potentially through JO-formed entities, once an appropriate framework is established.

To enable JOs to carry out regulatory functions, other legislation would also need to be amended, for example, environmental management under the *Environmental Planning and Assessment Act 1979* to enable authorised officers of JOs to be delegated regulatory functions by member councils.

Given the specialist skills required to undertake regulatory functions, delegation of regulatory functions to a JO would need to be supported through adequate guidance and training provided by the delegating member councils and others. Importantly, member councils will retain responsibility to ensure those regulatory functions are carried out effectively by the JO.

The Office would like all councils and State agencies to consider what changes might be made. State agencies have begun doing this, including through the work of the State Agency Advisory Group. Any important changes will need to be enabled during the drafting process next year.

Key questions

Do you think JOs should be enabled to undertake regulatory functions on behalf of member councils?

What legislation will need to be amended to enable this?

Should there be any limits placed on the regulatory functions which JOs can undertake?

What tools and guidance are needed to support JOs wishing to undertake regulatory functions?

Liability and oversight

What did the Emerging Directions Paper say?

Liability and oversight were not explicitly discussed in the Emerging Directions Paper.

What was the feedback?

Several submissions noted the need for liability and oversight issues to be addressed in the JO model.

What is the proposed way forward?

As for councils and other organisations spending public funds, local communities expect accountability through transparent reporting and oversight. At the same time, JO member councils and staff should be protected from liability where they have carried out functions properly and in good faith.

It is proposed that appropriate protections from **liability** are provided for JOs, members and individuals acting for JOs. Drawing on the existing liability regime in the Act would protect JOs, JO members, Board representatives and staff for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

Duties of individual Board members and officers that could expose them to liability risk will also be limited, and separately governed JO-formed entities may quarantine members from the potential additional liabilities and risks of optional functions.

JOs as public local government bodies should meet the standards of conduct and good governance expected of councils and councillors to protect the public interest.

“The roll out of JOs needs to consider degree to which any future legislation can impact on influence or manage risk activities such as companies over which OLG has little control.”
Maitland City Council

It is proposed that independent **oversight** be provided for JOs, drawing on oversight mechanisms in place for councils under the Local Government Act and other laws. This would apply to JO representatives and staff as individuals acting on behalf of JOs. These may include a Ministerial power to issue directions and take other actions through inquiries, investigations, performance improvement orders and suspensions.

An oversight framework for JOs would also draw on frameworks for corruption (Independent Commission Against Corruption), administrative processes (eg. the NSW Ombudsman) privacy and access to public information. Safeguards would also apply to individuals for conduct, dispute resolution and public interest disclosures to make sure community members have confidence in their JOs.

Representatives of member councils (councillors) will have obligations under their council's Code of Conduct as they represent their council on the JO. A separate Code of Conduct would be adopted by the JO based on the Model Code to deal with staff conduct matters managed by the Executive Officer.

The outcomes of any misconduct investigation of a councillor who is a representative on a JO Board would affect their role on the JO and on the council. A suspended councillor would no longer represent their council on a JO. They would be replaced by the alternate representative to ensure member input.

This oversight framework will act as a 'safety net' to deal with governance issues, conduct issues, corruption and maladministration.

Key question **Do you have any comments on the liability and oversight frameworks proposed for JOs?**

Appendix: Submissions received

<p>Central NSW</p> <p>CENTROC (Central NSW Pilot JO) Bathurst Regional Council Blayney Shire Council Cowra Shire Council Orange City Council</p> <p>Hunter</p> <p>Hunter Councils Pilot JO Cessnock City Council Lake Macquarie City Council Maitland City Council Port Stephens Council Singleton Council Upper Hunter County Council</p> <p>Illawarra</p> <p>Illawarra Pilot JO Kiama Municipal Council Shellharbour City Council Shoalhaven City Council Wollongong City Council</p> <p>New England</p> <p>Inverell Shire Council New England Group of Councils Tenterfield Shire Council</p> <p>North Coast</p> <p>Bellingen Shire Council Nambucca Shire Council Port Macquarie-Hastings Council</p> <p>Murray and Murrumbidgee</p> <p>Albury City Council Leeton Shire Council Riverina and Murray Regional Organisation of Councils (RAMROC) Urana Shire Council (Riverina Pilot JO)</p> <p>Namoi</p> <p>Moree Plains Shire Council Namoi Councils Pilot JO</p>	<p>Northern Rivers</p> <p>Lismore City Council Northern Rivers Regional Organisation of Councils (NOROC)</p> <p>Orana</p> <p>Orana Regional Organisation of Councils (OROC)</p> <p>Riverina</p> <p>Riverina Eastern Regional Organisation of Councils (REROC/Riverina Pilot JO) Bland Shire Council Coolamon Shire Council Cootamundra Shire Council Tumut Shire Council</p> <p>South East</p> <p>Bega Valley Shire Council Eurobodalla Shire Council Queanbeyan City Council</p> <p>Tablelands</p> <p>Canberra Region JO (CBRJO) Goulburn Mulwaree Council Wingecarribee Shire Council</p> <p>Metropolitan Sydney</p> <p>Marrickville Council Mosman Municipal Council Warringah Council Western Sydney Regional Organisation of Councils (WSROC)</p> <p>Industry peak bodies</p> <p>Institute of Public Works Engineering Australasia (IPWEA) Local Government NSW (LGNSW) Local Government Professionals, NSW Branch (LG Professionals, NSW) Regional Networks for effective Waste Management (RENEW NSW) United Services Union (USU) Urban Taskforce Water Directorate</p> <p>State agency</p> <p>Food Authority</p>
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REPORT TO ORDINARY COUNCIL MEETING

LOCAL GOVERNMENT ELECTIONS CARETAKER PERIOD POLICY

REPORTING OFFICER: Group Leader Governance Services
DIRECTOR: General Manager
COFFS HARBOUR 2030: LC 3.1 COUNCIL SUPPORTS THE DELIVERY OF HIGH QUALITY, SUSTAINABLE OUTCOMES FOR COFFS HARBOUR
ATTACHMENTS: ATT1 Local Government Elections Caretaker Period Policy
ATT2 Office of Local Government Circulars 16-20 and 16-18

Recommendation:

That Council adopts the Local Government Elections Caretaker Period Policy.

EXECUTIVE SUMMARY

The primary purpose of the Policy is to avoid the Council making major decisions prior to the election that would bind an incoming Council, prevent use of public resources in ways that are seen as advantageous to or promoting the current elected members who are seeking re-election and ensures that council officers act impartially in relation to all candidates.

Implementation of a Caretaker Election Period Policy would provide for better decision-making and greater transparency and accountability in Council as prescribed by s393B *Local Government (General) Regulations 2005*.

REPORT

Description of Item:

This policy has been developed to ensure that the functions and responsibilities of Coffs Harbour and of the Councillors, who are candidates in local government elections, are undertaken in a manner that supports a high standard of integrity during local government election periods.

Issues:

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins.

The General Manager may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to the Council. The General Manager is to have regard to a number of circumstances, including but not limited to:

- a) Whether the decision is 'significant';
- b) The urgency of the issue (that is - can it wait until after the election);
- c) The possibility of legal and/or financial repercussions if it is deferred;
- d) Whether the decision is likely to be controversial; and
- e) The best interests of the Coffs Harbour area

Options:

1. Adopt the recommendation provided to Council.
2. Amend the recommendation provided to Council and then adopt the revised recommendation.
3. Reject the recommendation provided to Council.

It should be noted that the provisions of the *Local Government (General) Regulations 2005* cannot be overridden. This means that the Caretaker period will be applied regardless. This policy has been developed to give some guidance to the Caretaker period.

Sustainability Assessment:

- **Environment**

This is not applicable to this report.

- **Social**

This is not applicable to this report.

- **Civic Leadership**

The purpose of Council policies is to ensure transparency and accountability in local government. The implementation of policy enables Council to identify and respond the community. This is consistent with the *Coffs Harbour 2030* Community Strategic Plan.

- **Economic**

Broader Economic Implications

There are no broad economic impacts associated with the implementation of the recommendations.

Delivery Program/Operational Plan Implications

There are no delivery program/operational plan implications as a result of this report.

Risk Analysis:

Not applicable to this report.

Consultation:

Consultation has occurred with relevant internal stakeholders.

Related Policy, Precedents and / or Statutory Requirements:

Local Government (General) Regulations 2005.
Office of Local Government Circular no. 16-18
Office of Local Government Circular no. 16-20

Implementation Date / Priority:

Immediate.

The content of the policy itself would only be implemented upon the commencement of the Caretaker Period or 40 days prior in relation the 'Electoral Matter'.

Conclusion:

Council will continue to meet during the caretaker period for the purpose of making decisions in the public interest. However, Council will defer making any major or significant decisions during the caretaker period. The 'Local Government Elections Caretaker Period Policy' outlines the types of decisions and activities that are restricted during the lead up to the Local Government Elections.

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Attachment 1



Local Government Elections Caretaker Period Policy

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1. Purpose of the Policy

Council staff and Councillors must observe specific legislative and governance requirements during the period leading up to an election.

The purpose of this policy is to ensure that the:

- Council, community and staff are aware of what can and cannot be done during the election (caretaker) period;
- Council complies with the election period (caretaker) provisions of the Local Government (General) Regulation 2005 (the Reg); and
- Council continues to provide high standards of service to the community.

This Policy also commits Council during the caretaker period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

2. Legislative requirements

Under section 393B of the Reg a Council is precluded from undertaking certain functions during the caretaker period however Council can apply to the Minister for an exemption in extraordinary circumstances.

Whilst not a requirement of the Reg, it is considered good governance to prepare, adopt and maintain a caretaker period policy in relation to procedures to be applied by Council during the caretaker period for a general election.

The Reg states that the following functions of a council must not be exercised by the council during a caretaker period:

- entering a contract or undertaking involving significant expenditure as set out in the Reg; and/or
- determining a controversial development application except in certain circumstances as set out in the Reg; and/or
- the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than in circumstances set out in the Reg.

Once again, whilst not a requirement of the Reg, it is further considered to be good

governance for Council to take a position on the following matters as part of this Policy:

- Procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the caretaker period before a general election.
- Limits on public consultation and the scheduling of Council events.
- Procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

This Policy also provides a framework to prevent Council from publishing or distributing material likely to influence voting at the election during the caretaker period. The General Manager must certify publications during this period that they are not electoral material. Certain statutory documents and normal day to day services such as rate notices, parking fines, food premises registrations etc. are exempt from certification.

Circular No. 16-20 June 2016 is appended to this policy. It gives examples of frequently asked questions regarding 'electoral matter'.

3. The Caretaker Period

The caretaker period as defined by the Regs is the period of 4 weeks preceding the date of an ordinary election. For the 2016 election the caretaker period commences on midnight Friday 12 August and ends on Saturday 10 September.

4. Responsible Officers

The responsible executive officers for this policy include the General Manager and Executive Leadership Team. The responsible policy owner is the Group Leader Governance Services.

5. Policy Statement

During the caretaker period the business of Council continues and ordinary matters of administration still need to be addressed. The policy establishes a series of caretaker period practices which aim to ensure Council meets legislative requirements and upholds good governance principles.

6. Policy scope and topics

1. Decision making
2. Council resources
3. Community consultation
4. Events and meetings
5. Publishing and communications
6. Council information

6.1 Decision Making

As required by section 393B of the Reg, Council is precluded from undertaking certain functions during the caretaker period. In particular the following functions of a council must not be exercised during the caretaker period:

- to enter into a contract or undertaking the total value of which exceeds one per cent of Council's revenue from general purpose rates levied in the 2015-2016 financial year, currently circa \$307,000
- determining a controversial development application, except where:
 - a failure to make such a determination would give rise to a deemed refusal under section 82 of the Environmental Planning and Assessment Act 1979, or
 - such a deemed refusal arose before the commencement of the caretaker period
- the appointment or reappointment of a person as the council's general manager (or the removal of a person from that position), other than:
 - an appointment of a person to act as general manager under section 336(1) of the Act, or
 - a temporary appointment of a person as general manager under section 351(1) of the Act.

Council makes decisions in the following ways:

- Council meeting resolutions
- Officers acting under delegated authority from Council
- Special Committees acting under delegated authority from Council

In the pursuit of good governance, this Policy establishes the following procedures to ensure that Council does not make inappropriate decisions during the caretaker period.

6.1.1 Council meeting or officers acting under delegated authority

Council meetings will be held during the caretaker period however the following decisions will not be made during the caretaker period by Council or an officer acting under delegation:

- Acquisition of land
- Adoption or amendment of the Coffs Harbour LEP 2013
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption or amendment of the Community Strategic Plan or Council's Delivery Plan
- Adoption of a revised budget
- Allocation of grants or awards to individuals or organisations

Attachment 1

- Appointing representatives to Council committees
- Endorsing submissions to government or public bodies
- Entering into a contract or entrepreneurial agreements exceeding \$307,000
- Entering into agreements (excluding the Coffs Harbour City Council Enterprise Agreement), deeds or leases
- Hearing of submissions or deputations from the community
- Naming or re-naming of roads, reserves or features
- Reviewing of programs or service provision
- Any other decision that the General Manager considers may affect voting at the election or is a decision that can be made outside of the caretaker period.

Decisions made prior to the caretaker period by Council or by an officer under delegation can be implemented during the caretaker period.

6.1.2 Ordinary Council meeting procedures

To assist Council comply with its legislative and Policy requirements, it is critical that the agenda for any Council meeting to be held during the caretaker period will (as per normal practice) be signed off by the General Manager to ensure that no reports are presented to Council that may give rise to a decision that may affect voting or that could have been made outside of the caretaker period.

The standard agenda for Council meetings contains topics that may give rise to the discussion of election issues. Therefore the standard agenda for any Council meeting held during the caretaker period will be modified so that the following agenda items will not be considered by Council:

- Petitions, joint letters and deputations
- Public Forum
- Questions on Notice
- Notices of Motion
- Mayoral Minute
- Reports by Councillor delegates
- Matters of an Urgent Nature.

6.1.3 Councillor briefings

Regular Councillor Briefings scheduled the Monday before a Council meeting are a forum for information sharing, not decision making. Councillor briefings will be held during the caretaker period however Councillor briefing material will relate only to factual matters or to existing Council services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

The General Manager will have the final approval of topics presented at Councillor Briefings during the caretaker period.

6.2 Council Resources

In the pursuit of good governance, this Policy establishes that Council resources, including offices, support staff, hospitality services, equipment and stationery should be used exclusively for normal Council business during the caretaker period and should not be used in connection with an election.

- Councillors can only make operational requests through the Request Management system covering issues such as but not limited to roads, footpaths, trees, waste management and general amenity. Such requests will be administered as community requests.
- Photocopying for election campaigning purposes by Councillors or staff on office machines is not permitted.
- Data-bases and mailing lists held by the organisation remain the property of the Council and are subject to the requirements of the Privacy legislation, and are therefore not available to members of the public, candidates or to Councillors.
- The organisation will not prepare or produce any materials associated with a Councillor's individual election campaign.
- No Council logos, letterheads, or other Council branding should be used for, or linked in any way to, a candidate's election campaign.
- Councillors will not use Council issued mobile phones and email addresses for election campaigning purposes.
- The use of Council's internet or intranet sites for any activity to do with election campaigning is prohibited. There will be no links from the Council's website to a candidate's private website.
- The organisation will continue to provide support to Councillors with respect to their normal day to day council business. Out-of-pocket expenses paid by Councillors during the caretaker period for necessary costs incurred in the performance of their duties, which do not relate to any election campaign, will be reimbursed as normal.
- No election campaigning material is to be distributed from or displayed in or on Council land, facilities, libraries or community noticeboards.
- Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the caretaker period will be let at the same rate to all hirers.

6.3 Community Consultation and/or Engagement

In accordance with good governance principles, the following are procedures to ensure that Council limits public consultation and/or engagement during the caretaker period.

Community consultation and/or engagement involves inviting stakeholders (individuals, groups, organisations or the public generally) to a public consultation/engagement process to receive feedback on a project, issue or policy. Some of the topics of community consultation/engagement may have the potential to be an election issue. For this reason no community consultation and/or engagement will take place during the caretaker period involving election issues, major developments or policy issues. This exclusion does not apply to consultation required by the Local Government Act 1993 or the Environmental Planning and Assessment Act 1979.

As previously stated in this policy Technical Liaison Committee meetings (Planning matters) can be held during the caretaker period. Therefore regular statutory planning consultations/engagement involving Council staff, Councillors and interested persons can also be held. Discussions at these planning meetings are not to involve election issues or significant community consultation on major developments, strategy or policy issues.

6.3.1 Community Reference Panel

Council currently has a database (Panel) containing some 800 email addresses which has been collated on a random basis during the conduct of the past two random telephone community surveys. This Panel is irregularly utilised to participate in surveys on particular issues from time to time. This Panel survey process could potentially be asked to comment on potential election issues so consequently this Panel will not be engaged during the caretaker period.

6.4 Events and Meetings

In accordance with good governance principles, the following are procedures to ensure that Council limits the scheduling of Council events during the caretaker period.

6.4.1 Council events and meetings

Events and meetings that are held during the caretaker period can raise election issues that then can involve Councillors in the discussion. Therefore no internally run public Council events should be held during the caretaker period. However events such as statewide events/festivals or the like (normally coordinated on an annual basis) that must be held over a specific time period which coincides with the caretaker period can be attended by Councillors. For these events Councillors must not use this opportunity for electioneering. There will be no Council officer support for administering attendance, preparing briefing notes or speeches.

6.4.2 External events

In addition Councillors from time to time will be invited to externally organised events such as

business breakfasts, Annual General Meetings, launches, openings and exhibitions. Councillors can attend these externally organised events however officers will not provide Councillors with administering attendance, briefing notes or speech writing for external events.

6.5 Publishing and Communications

In accordance with good governance principles, the following are procedures to ensure that Council does not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the caretaker period unless the advertisement, handbill, pamphlet or notice has been certified in writing by the General Manager.

The General Manager must have final sign-off on all publications produced and distributed by the Council during the caretaker period. The General Manager must certify that the publication does not contain electoral matter, i.e. any matter that is *"intended or likely to affect voting in an election"*.

This should be broadly interpreted to refer to documents that are produced for the purpose of communicating with the community including:

- Council newsletters
- Advertisements and notices
- Media releases and responses to media enquiries
- Leaflets, brochures, stickers etc.
- Mail outs to multiple addresses
- Social media content

Documents exempted from General Manager certification are:

- Publications that were published prior to the commencement of the caretaker period.
- Publications that are required to be published in accordance with any Act or Regulation.

Apart from hard copy publications this Policy also applies to publication of such material on the Internet.

6.5.1 General Manager certification process of publications

The Group Leader Governance Services is the designated staff member to vet all Council publications before they are recommended to be certified by the General Manager as suitable

for printing, publishing or distributing during the caretaker period.

General Manager wording when certifying material:

"I certify that the attached material is suitable for printing, publishing or distributing on behalf of Coffs Harbour City Council in accordance with Council's Caretaker Period Policy".

Once a determination has been made by the General Manager staff will be advised of the outcome of the request for certification process and a record of all certified publications will be kept via Council's document management system.

6.5.2 "Coffs Harbour City Council News" newsletter

The "Coffs Harbour City Council News" newsletter will not be published or distributed during the caretaker period.

6.5.3 Annual Report and Financial Statements

The Local Government Act 1993 requires the annual report and financial statements to be submitted to the Minister by 30 November annually. The Act also requires the Council to consider the annual report at a Council meeting prior to the submission to the Minister. The annual report may be made publicly available during the caretaker period and the information within the report will be restricted to what is required by the legislation. The annual report does not require certification by the General Manager.

6.5.4 Coffs Harbour City Council websites

During the caretaker period, Coffs Harbour City websites will continue to provide information to the community about accessing and the provision of Council services.

Councillor profile pages will be limited to names, contact details, date elected and membership of committees. There will be no photographs, biographies or policy statements.

Any reference to the election on the website will be restricted to process only.

New pages or new content can only be added to the website, or content updated, if the content does not refer to election candidates, including current Councillors, or issues before the voters in an election.

Old pages predating the caretaker period will not be deleted but will not be featured through links to the home page during the caretaker period.

6.5.5 Media

The General Manager has final sign-off and certification on all media releases and media responses.

Where it is necessary to identify a spokesperson in relation to an issue the General Manager will determine the appropriate person.

Media releases and media responses may be issued to inform Council's services and activities, but not if the service is likely to be an election issue. Media releases must not refer to Councillors or any candidate. It is expected that fewer media releases than usual will be published during the caretaker period.

Media enquiries will be channeled through the General Manager (or delegate to the General Manager) who will determine who the appropriate spokesperson will be. The General Manager will take on the role as spokesperson of the Council where the issue relates to electoral matters including issues before the voters if necessary.

During the caretaker period, public comment on behalf of the organisation will be provided by the General Manager or a Council officer nominated by the General Manager. Councillors must not use their position as elected representatives to gain media attention specifically in support of their election campaign.

6.5.6 Social Media

Council has a number of social media sites including several Twitter feeds, Facebook pages, Instagram accounts, YouTube, Vimeo and Pinterest. Council's Communications Officers monitor social media sites between the hours of 8.30 am and 4.30 pm on weekdays (excluding public holidays). Pages and accounts managed by other directorates are similarly monitored during business hours.

During the caretaker period Council managed social media sites must not be used for election campaigning. Any publication of comments or new content on social media sites (that are auspiced by Council) will generally require certification by the General Manager during the caretaker period.

The ability for members of the public to post comments on Council's social media sites will continue during the caretaker period. The Communications Officers and Governance Services will monitor and have editing access to remove any comments that reference election candidates or the 2016 election.

Where it is necessary to identify a spokesperson in relation to any issue and deemed necessary for comment on Council's social media channels, the General Manager will determine the spokesperson and certify commentary.

6.6 Council Information

The following are procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the caretaker period.

Councillors will continue to receive information necessary to fulfill their existing roles as a Councillor during the caretaker period.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns.

Council staff when carrying out their duties, should not offer comment to members of the public about any Councillors or candidates, except to provide contact details for current Councillors.

No other information other than what would normally be made available to any member of the general public on request will be provided to a Councillor or a candidate.

6.6.1 Information Requests – process, record and access

All candidate requests for information relating to electoral matters and non-routine requests will be processed by the Governance Services Group. A record of requests will be maintained by the Governance Services Group. A copy of the request and the officer response will be made available to all candidates via an email database.

Enquiries from Councillors, candidates and the public about the election process will be referred to the Returning Officer for the election so that a consistent response is maintained.

7. Policy review

The Local Government Elections Caretaker Period Policy will be reviewed in the lead up to each Ordinary election of Council

Circular Details	Circular No 16-20 / 27 June 2016 / A489192
Previous Circular	12-20
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team - 4428 4100 – olg@olg.nsw.gov.au
Action required	Information / Response to OLG / Council to Implement

“Electoral matter” and use of council resources prior to local government elections

What’s new or changing

- Council officials must not use council resources, property (including intellectual property), and facilities for the purposes of assisting their election campaign or the election campaign of others unless the use is lawfully authorised and proper payment is made where appropriate.
- In the 40 days preceding the election, councils need to consider whether their publications could amount to an “electoral matter”.

What this will mean for your council

- Council officials must use council resources lawfully, ethically, effectively and carefully keeping in mind the council’s code of conduct and other policies such as the policy on the payment of expenses and the provision of facilities to mayors and councillors.
- “Electoral matter” for the purposes of the *Local Government (General) Regulation 2005* broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate fall within the definition of “electoral matter”.
- Council publications that promote the achievements of the council may also potentially fall within the definition of “electoral matter”.

Key points

- Under the Model Code of Conduct, the following **must not** be used for the purpose of assisting anyone’s election campaign:
 - council resources, property or facilities (unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility); and
 - council letterhead, council crests and other information that could give the appearance it is official council material.
- Breaches of a council’s code of conduct may result in disciplinary action.
- Councils and council officials should be mindful of the need to maintain community confidence in the integrity of the performance of the council’s functions and activities in the lead-up to elections. Councils should be mindful of how the community may perceive any of their activities or actions during this time.

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Where to go for further information

- For further clarification on “electoral matter”, refer to “Frequently Asked Questions” attached to the Circular.
- For further information, contact the Office’s Council Governance Team on 4428 4100.



Tim Hurst
Acting Chief Executive

Frequently Asked Questions

Q. What is “electoral matter”?

“Electoral matter” for the purposes of the *Local Government (General) Regulation 2005* (the Regulation) broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate also fall within the definition of electoral matter.

The regulatory requirements that relate to “electoral matter” and “electoral material” under Regulation apply in the 40 days preceding the election.

Q. Can council publications be “electoral matter”?

A council publication that makes no reference to councillors and does not carry their images or statements would not constitute electoral matter if it is not intended or likely to affect voting at the election.

However, council publications that promote the achievements of the council may potentially have this effect and therefore may constitute “electoral matter” even if they do not carry the images or statements of councillors. This potentially includes end-of-term reports. More information on this is provided below.

Ultimately whether a council publication constitutes “electoral matter” is an assessment that needs to be made by each council on a case-by-case basis. If a council is in doubt, then it should defer issuing the publication until after the election.

Q. Does the Mayoral column constitute “electoral matter”?

Yes. Because the Mayoral column carries the Mayor’s image and name, it will constitute electoral matter. Councils should instead consider publishing the Mayoral column in the 40 days preceding the election as a generic council column.

Q. Does the end-of term report constitute “electoral matter”?

Because the end of term report identifies the achievements of the council over its preceding term it may potentially constitute “electoral matter” because of its potential to impact on voting at the election.

Q. Can the end of term report be reported to council during caretaker period?

Yes. The end-of-term report *must* be presented to the final meeting of an outgoing council. The provisions in the Regulation relating to “electoral material” do not prevent the end-of-term report being presented to the council or from being made available on a council’s website as part of the business papers of the meeting.

4

However, because the final meeting of the outgoing council will normally fall within the 40 day “regulated period” preceding the election, councils should refrain from publishing the end-of-term report as a separate publication until after 10 September elections. The end-of-term report should be appended to that year’s annual report.

Q. Can councillors attend council-arranged or community events?

Nothing in this circular should be interpreted as preventing councillors from attending or presiding over council-arranged or community events in the lead up to the election.

Q. Can councillors make “political statements” at council-arranged events?

Councillors must not use council arranged events that they attend in an official capacity to actively campaign for re-election. However, nothing under the Model Code would serve to preclude a councillor from expressing their political views or making political statements at such events.

Q. Can councillors make comments in the media?

This circular does not seek to prevent councillors from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

Circular Details	Circular No 16-18/ 27 June 2016 / A489192
Previous Circular	12-19
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 4428 4100
Action required	Information/ Council to Implement

Council decision-making prior to the September 2016 local government elections

What's new or changing

- Clause 393B of the *Local Government (General) Regulation 2005* limits councils' ability to exercise some of their functions in the four weeks preceding the date of an ordinary local government election (the caretaker period).

What this will mean for your council

- Councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.
- Councils, the general manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:
 - Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger);
 - Determining a "controversial development application", except where a 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;
 - Appointing or reappointing the council's general manager (except for temporary appointments).
- In certain circumstances, these functions may be exercised with the approval of the Minister.

Key points

- "Controversial development application" means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under section 79(5) of that Act by way of objection.
- The caretaker period for the September 2016 ordinary local government elections commences on Friday 12 August 2016 and ends on Saturday 10 September 2016.

Where to go for further information

- For further information, contact the Office's Council Governance Team on 4428 4100.



Tim Hurst
Acting Chief Executive



NOTICE OF MOTION TO ORDINARY COUNCIL MEETING

ENVIRONMENTAL LEVY REVIEW

Motion:

Councillor Knight has given notice of her intention to move the following:

“That council conduct a full review of the environmental levy program. That a report be brought back to a full council detailing a full review”.

Staff Comment:

A full review of the Environmental Levy Program can be conducted and a report brought back to Council for consideration.

The Environmental Levy Working Group met on 30 June 2016 and as part of their deliberations also agreed a review of the Program was required. The Working Group identified the following questions to be included in a review; however, this is not an exhaustive list:

1. What is the role of the Committee?
2. What should the composition be? I.e. who should be on the Committee?
3. What should the funds be used for?
4. What is the best way to maximise community involvement after the application form was changed to electronic format, e.g. one workshop for greater engagement?
5. Should there be specific funds for internal and external projects and if so what split?



REPORT TO ORDINARY COUNCIL MEETING

CONTRACT NO RFT-755-TO SUPPLY OF ELECTRICAL PRODUCTS AND FITTINGS

REPORTING OFFICER: Manager Telecommunications & New Technologies
DIRECTOR: Director Business Services
COFFS HARBOUR 2030: LC3.1 Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour
ATTACHMENTS: ATT Confidential Tender Assessment RFT-755-TO

Recommendation:

That Council considers the tenders received for the Supply and Delivery of Electrical Goods and Fittings, Contract No. RFT-755-TO, and move the motion as detailed in the confidential attachment.

EXECUTIVE SUMMARY

Council called tenders for the Supply and Delivery of Electrical Goods and Fittings Contract No-RFT-755-TO that closed on Tuesday 31 May 2016.

The tender was advertised for a three (3) year period commencing 18 July 2016 to 17 July 2019 with a further twelve (12) months option based on satisfactory supplier performance.

Prospective tenderers were advised that it was Council's preference to award the tender as a single source supplier or alternatively as a panel supplier contract, but Council simultaneously reserved the right to award sections of the contract to individual tenderers.

REPORT

Description of Item:

Council called tenders for the Supply and Delivery of Electrical Goods & Fittings, Tender No RFT-755-TO that closed on Tuesday 31 May 2016.

Tenders were evaluated on the following criteria:

- Schedule of Rates
- Product Technical Knowledge & Experience
- Warehouse Facility local (for easy reconciliation of returns and product quality and quantity checks)

Conforming Tenders

Conforming tenders were received from the following:

1. CNW Pty Ltd
2. MM Electrical Merchandising t/as TLE Electrical

Issues:

The assessment panel identified the following two issues to consider:

- Tenderers were advised that Council reserved the right to appoint a Panel of Tenderers or
- Alternatively award the tender to a single source contractor

Options:

The options available to Council with respect to this report are:

1. Recommend approval of a panel of tenderers based on the application of Council's tender evaluation process.
2. Recommend approval of a single source supplier.

Sustainability Assessment:

- **Environment**

There are no major environmental issues to consider in respect of this tender, as all deliveries will be undertaken in Council work hours.

Council has an environmental officer on call for all after-hours issues and the approved tenderers will be provided with a daily/weekly list of names of which to contact in regards to environmental problems that may need to be addressed.

- **Social**

There are no adverse social implications involved in this contract.

- **Civic Leadership**

The tender is consistent with the Coffs Harbour 2030 Community Strategic Plan. As referenced above, item *LC3.1 Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour.*

Council illustrates strong leadership in encouraging local business participation, resulting in permanent and casual employment for Coffs Harbour residents.

- **Economic**

Broader Economic Implications

Council has demonstrated due diligence in going out to tender and testing the market place for the supply of these goods and fittings.

Based on the tenders received for the Supply and Delivery of Electrical Goods & Fittings it is anticipated that if approval is given to the recommendation outlined in the confidential attachment that there will be approximate saving variances of between 3% - 5%.

Delivery Program/Operational Plan Implications

The majority of all Electrical Goods and Fittings will be purchased from Council's Telecommunications & Technology Business Unit which does not operate on any planned budgeting to deliver operational outcomes. The other major user of this contract is the Mechanical & Electrical Services section where funds are budgeted and an account job number used on a need only basis, with a purchase order raised for the goods and fittings.

It is highly unlikely that other departmental sections will access this contract but if there is a requirement then costs will also be allocated from a budgeted account job number on a need only basis.

Risk Analysis:

All risks have been considered and outlined in the attached Confidential Report.

Consultation:

Consultation was undertaken with relevant internal stakeholders.

Related Policy, Precedents and / or Statutory Requirements:

Tendering procedures were carried out in accordance with Council's own policy and procedures as well as meeting statutory obligations under the Local Government (General) Regulation 2005 - Part 7 Tendering Division 1 Preliminary 163 Section 55.

Implementation Date / Priority:

The advertised contract is for a three (3) year period with a further one (1) year option.

Conclusion:

Council should consider the recommendation as outlined in the confidential attachment.



NOTICE OF MOTION TO ORDINARY COUNCIL MEETING

SEAWALL WOOLGOOLGA

Motion:

(The Motion on being put to the meeting of 23 June 2016 was deferred to the next meeting.)

Cr Arkan has given notice of his intention to move the follow:

"That chcc staff prepare a report outlining the costs and benefits associated with building a wall along the Woolgoolga beach reserve at the main beach. From the boat ramp to say Holfmier close.

Detailing available technology and materials available to build such a wall."

Rationale:

"The last rain event (June 4th and 5th 2016) has highlighted the dangers associated with erosion of beaches in NSW.

Council need to be informed of costs so as to be prepared if indeed there needs to be a wall build."

Staff Comment:

A report can be brought back to Council.



REPORT TO ORDINARY COUNCIL MEETING

LOCAL GROWTH MANAGEMENT STRATEGY REVIEW - COFFS HARBOUR RURAL LANDS STRATEGY PHASE 1 - DRAFT ISSUES AND OPTIONS DISCUSSION PAPER

REPORTING OFFICER:	Senior Planner / Urban Designer
DIRECTOR:	Director Sustainable Communities
COFFS HARBOUR 2030:	LP2 We have a strong and diverse economy. LP4 We are recognised as a model of sustainable living. LC1 Coffs Harbour is a strong, safe and adaptable community
ATTACHMENTS:	ATT1 Coffs Harbour Rural Lands Strategy Phase 1 - Draft Issues and Options Discussion Paper ATT2 Coffs Harbour Rural Lands Strategy Phase 1 – Background Report ATT3 Coffs Harbour Rural Lands Strategy Phase 1 – Community Workshop Outcomes

Recommendation:

That Council:

1. **Endorse the attached *Coffs Harbour Rural Lands Strategy Phase 1 – Draft Issues and Options Discussion Paper, Background Report and Community Workshop Outcomes* and place on public exhibition for a period of 28 days.**
 2. **Receive a report back on the *Coffs Harbour Rural Lands Strategy Phase 1 – Draft Issues and Options Discussion Paper*, following the exhibition period.**
-

EXECUTIVE SUMMARY

The objective of this report is to seek Council's approval of a draft Issues and Options Discussion Paper (the Discussion Paper) (Attachment 1) for public exhibition. The Discussion Paper will form the basis of Phase 1 of the Coffs Harbour Rural Lands Strategy. Phase 1 involves intensive engagement with the wider community and key stakeholders to better understand the relevant issues for each group and to ensure all matters of interest have been captured.

REPORT

Description of Item:

Council at its Ordinary Meeting of 28 May 2015, resolved as follows with respect to reviewing and updating its Local Growth Management Strategy (LGMS):

1. *That Council endorse the Stage 2 Local Growth Management Strategy Review - Coffs Harbour Residential Strategy 2015 Project Plan (Attachment 1) and endorse the Consultant Brief Request for Quotation for the Coffs Harbour Residential Strategy 2015 Phase 1 – Issues and Options Paper (Attachment 2).*
2. *That Council endorse the Stage 3 Local Growth Management Strategy Review - Coffs Harbour Rural Lands Strategy 2015 Project Plan (Attachment 3) and endorse the Consultant Brief Request for Quotations for the Coffs Harbour Rural Lands Strategy 2015 Phase 1 – Issues and Options Paper (Attachment 4).*
3. *That Council engage appropriately qualified consultants to prepare both the draft Coffs Harbour Rural Lands Strategy 2015 Phase 1 – Issues and Options Paper and the draft Coffs Harbour Residential Lands Strategy 2015 Phase 1 – Issues and Options Paper.*
4. *That a further report be presented to Council prior to exhibition of the draft Issues and Options Papers for both the Residential Strategy 2015 and the Rural Lands Strategy 2015.*

This report addresses Resolution 4 above. Resolution 3 has already been addressed in accordance with Council's Procurement Policy with the engagement of Edge Land Planning to prepare the draft Issues and Options Discussion Paper for Phase 1 of the Coffs Harbour Rural Lands Strategy (CHRLS).

Issues:

The Stage 1 LGMS Review undertaken in 2014 identified that there were certain issues which needed resolution during the preparation of the CHRLS for the Local Government Area (LGA). Four key issues have been identified as being significant and need to be addressed in the preparation of the CHRLS, being:

1. **Facilitating a productive and economically sustainable long-term future for rural lands.** There appears to be a shift in the local economy's reliance on tourism to newer emerging industries such as blueberries. This could include mechanisms for planning controls and economic development strategies, to address:
 - identification and conservation of the productive potential of agricultural land;
 - food security and support for local food production;
 - potential for supporting agricultural/horticultural uses, particularly innovative and diverse farming enterprises;
 - encouragement for rural-based tourism as a value-adding opportunity for primary producers;
 - challenges and opportunities for diversifying the rural economy whilst retaining scenic landscapes; and
 - employment issues and opportunities.
2. **Addressing the changing face of the community and character of our rural lands in terms of social and cultural considerations.** Council needs to ensure our planning provisions can provide for our ageing rural population and pressure for land use changes. The Strategy will need to address options and possible mechanisms for:
 - providing for a range of rural lifestyle opportunities;
 - protecting and conserving cultural landscape values;

- changing demographic profile in rural areas; and
- pressure for land use change (i.e. subdivision and development).

3. **Recognising and managing the opportunities and challenges presented by the environmental values of the area.** It is important to undertake a broad-scale strategic analysis of whether the existing planning controls for rural lands are achieving their original intended purpose and whether updates are necessary, including mechanisms for:

- protection and conservation of areas of environmental significance;
- provision for climate change considerations;
- consideration of ecosystem services i.e. clean water, fresh air;
- protection and conservation of natural resources and promotion of sustainable resource use;
- consideration of any impacts in relation to biodiversity reforms;
- protection of scenic landscapes; and
- resolution of land use conflicts (e.g. chemical use, water storage, water quality, riparian zones, waterways and wetlands).

4. **Assisting rural production by ensuring outcomes are overseen by good governance.** Council needs to ensure our planning policies and provisions are legible, transparent to minimize bureaucratic processes in relation to:

- development and implementation of policies and strategies;
- a robust and easily understood regulatory framework; and
- community engagement.

Phase 1 of the CHRLS involves consultation with the community and industry stakeholders during preparation of the draft Issues and Options Discussion Paper, so as to better understand the issues identified to date; to identify additional issues that have not yet been noted; and to identify outcomes for resolution in the final Strategy. The Background Report (Attachment 2) provides an analysis of the current rural landscape of the Coffs Harbour LGA and recognises the significance of the abovementioned issues. As a result, the Background Report will be publicly exhibited as part of the community consultation process.

Options:

Council has several options to progress this matter. Option 1 is recommended:

1. **Adopt the recommendation** that seeks to adopt the Coffs Harbour Rural Lands Strategy Phase 1 - Draft Issues and Options Discussion Paper (Attachment 1) and Background Report (Attachment 2) for community engagement through public exhibition of the documents.
2. **Reject the recommendation** and modify the CHRLS Phase 1 documents (Attachment 1 and 2) prior to community engagement.
3. **Reject the recommendation** and not proceed with Phase 1 of the Coffs Harbour Rural Lands Strategy.

Sustainability Assessment:

• **Environment**

There are no environmental issues as a result of this report. This reflects Council's long term strategic vision for the City as endorsed in the Our Living City (OLC) Settlement Strategy and Coffs Harbour 2030 Plan.

- **Social**

The draft Issues and Options Discussion Paper for the CHRLS addresses social impacts associated with the rural populations. This reflects Council's long term strategic vision for the City as endorsed in the OLC Settlement Strategy and Coffs Harbour 2030 Plan.

- **Civic Leadership**

Over the course of the project, Council and its consultants will work closely with the community, stakeholders, government authorities, landowners and the development industry to understand the issues relating to rural land uses.

- **Economic**

Broader Economic Implications

The draft Rural Lands Strategy aims to address facilitation of a productive and economically sustainable long-term future for rural lands within the LGA.

Delivery Program/Operational Plan Implications

\$50,000 in funds was allocated in the 2014/2015 Operational Plan to prepare Phase 1 of the CHRLS.

Risk Analysis:

Council does not have a current Rural Lands Strategy in place. Without this document, it is difficult to deliver an integrated strategic policy for rural lands development throughout the LGA. Council has already experienced court action in response to some of its planning controls in rural areas. The completion of the CHRLS will form part of the LGMS Review, which may provide recommendations for amendments to planning controls to provide more certainty to the rural sector and the community alike. This is considered an important component of Coffs Harbour's growth, employment and income generation. Should Council reject the recommendation and not proceed with the draft Discussion Paper which incorporates a significant community consultation framework (part of which has already been completed), Council may continue to face legal challenges and uncertainty in its planning processes.

The project risk is reduced by breaking the CHRLS into two phases, allowing issues to be fully scoped with the community prior to preparation of the draft Strategy.

Consultation:

A comprehensive community engagement framework is a key component of Phase 1 of the CHRLS. The purpose of the stakeholder and community engagement sessions was to facilitate proactive consultation activities to ensure all relevant stakeholders were given the opportunity to provide input into the preparation of the CHRLS.

To date, the community engagement process has been primarily facilitated by Edge Land Planning and has included six workshops being held in three locations (ie Coramba, Woolgoolga and Bonville) in the Coffs Harbour LGA. The first workshop identified key issues relevant to the particular rural area whereas the second workshop identified possible options to these key issues.

Workshop one was held from 1 - 3 March 2016 in the abovementioned locations and included the following components:

1. **LAND Analysis** - This involved facilitating a discussion using butchers paper to identify the Liabilities, Assets, Needs and Dreams (LAND) of the rural lands. This technique is similar to a SWOT analysis and has allowed for the identification of the main issues/themes that will need to be addressed in the future for the rural areas.
2. **Photo Board Session** - A number of photos that have been taken of the LGA were placed on large pieces of paper and the participants were asked to write down what they thought of the photo.

The outcomes of the LAND analysis and photo board sessions can be viewed in Attachment 3 of this report.

Workshop two was held again in the same locations as workshop one from 15 – 17 March 2016. This workshop involved the refining of the issues from workshop one into a number of actions for the future by first identifying the constraints to achieving the issue and then working out the action needed. The responsible authorities were also identified. Finally, the issues were prioritised using three 'dots' with each participant being asked to put one dot next to their top three key issues/themes.

The outcome of the community workshops has been the formulation of the draft Issues and Options Discussion Paper. To gauge wider community perspective on rural land issues and options, it is recommended that Council approve public exhibition of the draft Discussion Paper for a period of 28 days.

Community feedback obtained during this consultation period will be incorporated into the final Issues and Options Discussion Paper to form the basis for Phase 2 of the CHRLS.

Related Policy, Precedents and / or Statutory Requirements:

Whilst Coffs Harbour City Council does not have an adopted Rural Lands Strategy, the objectives and desired outcomes of this strategy will be to ensure compliance and consistency with the Mid North Coast Regional Strategy 2009.

Implementation Date / Priority:

Phase 1 of the CHRLS commenced in September 2015 and is proposed to be completed later in 2016. Phase 2 will commence shortly thereafter and be completed in late 2017/early 2018.

Conclusion:

This report has provided Council with a project update on Phase 1 of the CHRLS and seeks the approval of the draft Issues and Options Discussion Paper for public exhibition for a period of 28 days. It is imperative at this stage that all the issues are captured, interrogated and discussed with the community and stakeholders and thoroughly understood by Council prior to proceeding to strategy preparation as part of Phase 2.



Coffs Harbour Rural Lands Strategy

Draft Issues and Options Discussion Paper



Coffs Harbour Rural Lands Strategy
Draft Issues and Options Discussion Paper

Prepared for Coffs Harbour City Council
by



Rural and Environmental
Planning Consultants

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Allambie Heights, NSW, 2100
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June 2016

Coffs Harbour Rural Strategy

Draft Issues and Options Discussion Paper

1. Project Background

In 2014, Council commenced a review of its Local Growth Management Strategy. One of the outcomes of this review was to prepare a Rural Lands Strategy to resolve issues associated with rural land uses in the Coffs Harbour Local Government Area (LGA).

In recent decades, continual pressure to change land uses and develop rural land for urban, large lot residential and horticulture has seen a significant shift in how it is being used, leading to land use conflict and uncertainty about the future of rural land.

The aim of a Rural Lands Strategy (RLS) is to take such pressures and associated impacts on traditional farming, rural communities and related industries into consideration. The RLS will also guide the future of rural land in the Coffs Harbour LGA.

The first stage of this project is to prepare a draft Issues and Options Discussion Paper to identify key trends and issues relating to the management and utilisation of rural lands. Edge Land Planning are the consultants who have been engaged to prepare this.

A Background Report has been prepared which has identified the issues affecting the rural lands in the LGA. This has included the following components:

- Land use survey of all rural lands
- Analysis of the ownership patterns and size of holdings
- Demographic analysis of the rural area comparing it to the urban areas.

A series of community workshops were held in Bonville, Coramba and

Woolgoolga to identify the key issues as well as the constraints and possible options to address these issues. The outcomes of these workshops and the Background Report can be found on council's website at the following address: <http://www.coffsharbour.nsw.gov.au/places-for-living/land-use/Pages/Draft-Rural-Lands-Strategy.aspx>

About this Discussion Paper

This draft Issues and Options Discussion Paper is a summary of the key issues affecting the rural lands of Coffs Harbour. These have been identified by the community during the consultation sessions. More detail about the issues can be found in the Background Report as well as the community consultation outcomes discussed above.

The paper also presents a range of possible options for consideration by the community. It should be noted that these possible options are not the views of Coffs Harbour City Council rather they are possible options presented by the consultant which have arisen from knowledge of the issues as well as discussions with the community during the consultations.

The key issues have been grouped into the following categories:

1. The future of farming
2. A changing rural community
3. Important environmental values
4. Governance

Each of these will be briefly discussed followed by a section detailing what the community said during the consultations and some possible options which were suggested by the community.

Coffs Harbour Rural Strategy

Draft Issues and Options Discussion Paper

2. The Future of Farming

2.1. Importance of farming to the economy

Farming in the Coffs Harbour rural areas is a key contributor to the economy of the entire LGA. Traditionally the area was a grazing landscape and then it moved to bananas being grown on the steep lands around the Coffs Harbour urban area and on land to the north and south along the coastal strip. This has now changed to Coffs Harbour LGA becoming a significant blueberry production area with 81% of Australians blueberry production emanating from the Coffs Harbour LGA. Bananas are still grown but are not as significant as in the past. The importance of farming was one of the highest priorities identified in the community workshops. Photo 1 shows the banana lands and blueberry production in the Sandy Beach area.



Photo 1: Banana and Blueberry production

A land use survey has been carried out as part of the Background Report and this has shown that the majority of the rural land use is categorised as rural residential which falls into two categories:

- *Large Lot Residential:* estate type development which has lots of 3,000 m² to 2 ha. This has been previously called 'rural residential' and which is now called large lot residential as shown in Photo 2.
- *Rural living:* scattered throughout the landscape on sizes of 1 ha to 40 ha and larger. These people may do some farming, but do so on part-time basis but do not gain the majority of their income from agriculture and rely on an off-farm source. An example of this can be seen from photo 3.

The land use survey found that the rural residential (i.e. rural living and large lot residential) land use accounted for 73% with horticulture (bananas and berries) being the second largest at 10% followed by extensive agriculture.

There are also a number of other uses such as private forestry which, along with the State Forests, has led to the introduction of a number of sawmills in the rural area. A number of non-agricultural land uses exist in the rural area including tourist uses and home businesses associated with the rural residential use.



Photo 2: Large Lot Residential development at Boambee

Coffs Harbour Rural Strategy

Draft Issues and Options Discussion Paper



Photo 3: Rural living development at Nana Glen

The blueberry industry is currently valued at \$140 million (in 2011 it was valued at \$67.2 million) and it is expected to continue to grow, with overseas export markets currently being investigated. There were 22 farms in 2001, 29 in 2006, 54 in 2011 and today it is estimated that there are 127 growers. It currently employs 6,000 to 7,000 casual employees and approximately 2,000 permanent employees. The high casual workforce creates some problems for the accommodation. Some farms provide accommodation on farms which is often substandard and lacks basic facilities. The majority of the remainder of the workforce is housed in urban areas from Woolgoolga to Coffs Harbour which becomes expensive as the peak of the harvest season coincides with the Christmas holiday season.

One issue associated with farming that arose during the community workshops is that the general public are not aware of where food comes from. This is due in part to the dominance of the major supermarkets in the selling of fresh fruit and vegetables.

There is a growers market in Coffs Harbour where a number of local

growers sell the produce that they grow.

The importance of farming and its value as an economic driver was one of the highest priorities mentioned by the community at the workshops.

What the Community Said

- *Agricultural land is taken over by other non-agricultural developments*
- *There is a lack of knowledge in the community of food and where it comes from*
- *There is a need for acceptance from the local community that farming is important*
- *The Council is too interested in tourism and not farming*
- *People think their food comes from supermarkets*

One key point that was raised was that farming is important but the community does not see it that way.

The importance of farming was also given high priority by the community

Options

The options that can be considered to address this issue are:

- Promote local farming and food growing in the local area
- Use zoning to give priority to agriculture
- Promote farmers markets to all growers
- Assess the capacity of the land for food production
- Educate the community about the value of farming
- Allow the construction of temporary accommodation

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(manufactured homes) on farms as well as promoting guesthouse like accommodation in urban areas.

- Use social media to find accommodation for farm workers in the local area.
- There is a potential to lease land from rural living properties for growing food.
- Encourage agri-tourism
- Encourage schools to tour farms – especially infants and primary schools.
- Zone the productive land and existing horticulture operations to Primary Production with the remainder of the rural land to be zoned as a mixture of rural landscape and environmental zones as exists at present.

2.2. Land Use Conflict

Rural land use conflict is one of the most significant issues facing food production. The presence of agriculture and non-rural land use in the one location can often generate conflict due to their potential incompatibility. This is particularly evident with intensive agriculture such as bananas and blueberries. Agriculture can affect adjoining non-rural uses, such as rural living and large lot residential uses via noise, air and water pollution from the agriculture activities. Similarly, the presence of rural living and large lot residential uses creates an adverse impact on the continued operation of the agricultural enterprise.

The main cause of land use conflict is the pollution from the use but it is also caused by lack of understanding and lack of communication between both the resident and the polluting use. Examples of this were raised at the

community workshops where it was said that residents don't understand farming and that people don't talk to their neighbours anymore.

The environmental legislation governing pollution is based on an urban situation and one that assumes that all pollution can be contained within the boundaries of the land. If the neighbour complains, the local Council can require the farmer to reduce the pollution. This can often force farming operations to be restricted to certain hours, thus reducing the intensity and duration of the nuisance. But such restrictions can in turn force farmers either to move to another location or to cease farming, which accelerates the conversion of land to rural residential purposes. It could be perceived that the legislation benefits the complainant and not the producer because its target levels have been set for an urban situation, not a rural one.

In the Coffs Harbour LGA, unlike a number of other Council areas around NSW, horticulture (which includes bananas and blueberries) does not require any development consent from the Council. This does not allow the Council to control the impacts or location of them on adjoining land uses. It also needs to be noted that in a lot of cases, blueberry farms have been converted from former banana plantations. Photo 4 shows the proximity of blueberry farms to Woolgoolga.

One issue about land use conflict in Coffs Harbour is the netting for blueberries and the colour. It has been reported that the expanses of white netting is an issue that causes problems with the landscape and amenity of the general community.

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Photo 4: Blueberry production close to Woolgoolga

What the Community Said

- *Residents who are not farmers don't understand farming.*
- *We don't talk to our neighbours much anymore.*
- *There is a misunderstanding about farming in the community.*

Land use conflict was given a high priority by the community at the workshops.

Options

- Produce a new landowner's kit to educate people about the issues of land use conflict
- Provide buffers between new housing and farmland
- Use zoning and best practice farm management to deal with complaints
- Require development consent for horticulture (which includes blueberries)
- Investigate the potential of changing from white to black netting for blueberry crops
- Use zoning certificates to advise people about farming.

2.3. Minimum Lot Size

The minimum lot size for a dwelling is one issue that affects both the inland grazing and coastal horticultural sectors. This was one of the highest priorities from the workshops and it is related to the ability to farm sustainably as well as providing for more rural living opportunities so that people can enjoy the idyllic lifestyle of living on a small lot surrounded by the rural landscape. However, any contemplation of lowering the minimum lot size needs to consider the impact of this on the environment through effluent disposal, standards of roads and traffic generation; it being noted that a lot of these people will drive to work off the property each day.

Council has had a different minimum size for banana growing enterprises in the past, but this is no longer an option in the current LEP. It may be appropriate to consider introducing a reduced minimum for blueberry farming; it being noted that blueberry production can be sustainable on two to three hectares.

Another issue that is related to the minimum lot size is the restriction on detached dual occupancies in the rural areas. Currently, if someone wants a family member to live on their land, the dwelling has to be attached to their existing house. This is different to the urban and large lot residential zones.

What the Community Said

- *The current minimum lot size of 40 ha is too high and there is a desire for one to 2 ha lots in some areas.*
- *You don't need 40 ha to make good money out of blueberries.*

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Reducing the minimum lot size for subdivision in rural land was one of the highest priorities identified during the community consultation. Note Clause 4.2 of Coffs Harbour LEP 2013 allows for Rural Subdivision for primary production regardless of the minimum lot size, but does not allow for generate a dwelling entitlement on the resultant parcel.

Options

- Allow for a minimum lot size of 1 and 2 ha in certain areas (which would be zoned as large lot residential) with specific performance criteria related to the constraints of the land, ecological principles and the capability of the land (slope, proximity to waterways and native vegetation, etc).
- Review the minimum lot size for blueberry farms to a minimum of around 10 hectares, based on 3 ha of berry production and allow for rotation of spent crops 3 times and 6 ha of berry production at any one time. This would only be permissible on land zoned as primary production.
- Review the dual occupancy provisions to allow for detached dual occupancies to be permitted in rural zones.

2.4. Water for Farming

Farming in Coffs Harbour uses water for irrigation – especially horticulture. This is mostly irrigated from dams that are used to collect water from the property. The NSW Farm Dams Policy controls the size of the dam which is based on a calculation using the property size and runoff with the farmer being able to

capture 10% of the runoff. This is called the 'harvestable right' for constructing dams. However, the blueberry and banana industry has reported that the policy does not enable sufficient water to be captured to enable enough water for to irrigate their crops. The blueberry farms are not large enough to allow for a sufficiently sized dam. A typical blueberry farm only requires 2 – 3 ha of production and if a farm has a total size of 5 – 10 ha this does not allow for the creation of an adequately large enough dam using the harvestable right calculations under the Farm Dams Policy. This policy is administered by the NSW Office of Water and comment will need to be sought from the Office of Water.

The downstream impact of water harvesting has to be considered. If more water is used for irrigation with larger dams, this could have an impact on the amount of water available to downstream users.

It should be noted that any review of the Farm Dams Policy will have to lead to sustainable outcome for the environment as well as the farming sector.

There is the potential to use reclaimed water from the various sewerage treatment plants (STP) to water the blueberries; it being note that this irrigation practice uses drippers that only water the roots.

What the Community Said

- *There is not much history of irrigation practices and no water licensing for irrigation in the Coffs Harbour area.*
- *The harvestable rights (Farm Dams) policy does not take into*

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consideration the local rainfall and size of property.

- *The harvestable rights is different on the coast from the inland areas of NSW.*

The ability to harvest an adequate amount of water for irrigation was an issue raised at the community workshops.

Options

- Request the Office of Water to review the Farm Dams Policy to allow for irrigation on small holdings such as horticultural crops.
- Allow for reclaimed water to be piped to irrigate blueberry farms in an environmentally sustainable manner.

2.5. Weeds

Weeds are a common problem in rural areas and their control causes a large cost to the farming sector nationally. This is an issue in both the coastal and inland parts of the rural lands. In a lot of cases, people who move onto rural living lots do not control weeds.

It has been reported that weeds are not controlled in National Parks and State Forests and that they have the potential to escape into surrounding farmland. It must be recognised, however that the agencies do control weeds within the limited resources allocated.

This was mentioned by the community as a priority during the community workshops.

What the Community Said

- *Weeds are not contained because people don't maintain their land.*

- *It is considered to be a farmer's problem, not an urban one as well.*
- *Weeds are growing in the State Forests and have the potential to escape into surrounding farmland.*

The issue of weed control on private and State Government owned land was an issue raised at the community workshops.

Options

- Educate the community about the impact of weeds on farmland.
- Work with State Forests and National Parks to effectively control weeds within the boundaries of the State Forest and National Parks.

3. A changing rural community

3.1. Changing Landscape

The landscape of the Coffs Harbour rural area is made up of a number of diverse land uses which have been changing. The majority of the rural lands are in ownerships with less than 40 ha. The Land Use Survey and Holdings Analysis has shown that 93% of all land ownerships are less than 42 ha and 63% are less than 3 ha. The size of these Holdings is not sufficient to gain a suitable income unless the use is intensified. As such the community has been changing to a more residential nature as well as some intensive farming uses. These intensive uses have also been changing from banana growing to blueberry production.

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3.2. Demography

One significant issue that should be noted is that the rural community is not ageing as much as other parts of the State. The median age of the rural population is 38 which is lower than the urban areas and similar to the Mid North Coast and New South Wales, however it is slightly older than the Australian median age which is 37 years.

The rural-urban mix of the population has been changing with the rural population making up 19% of the total population in 2011. This has increased slightly from 2006 when it was 17%. However in 2001 this was 30%. It should be noted however that the decrease in this has not been due to a lower number of people in the rural area, but an increase in the proportion of people living in the urban areas. The occupancy rates for the rural areas are the same as the urban areas which is 2.4 people per house.

The demographic profile has also shown that there are more people in the rural areas aged from 0 to 49 but from 50 and above there are more people living in the urban areas. There are more people in the working age population in the rural areas than in the urban areas. The rural areas have more people who are married and people who have achieved year 12 or higher level of school education. There are more children and teenagers attending school in the rural areas than the urban areas. Weekly family income in the rural areas is \$1,045 per week, which is higher than the urban areas at \$902 per week. There are more people in the rural areas who earn more than \$2,000 a week. More households have an internet connection in the rural areas

than the urban areas. There are less people living at a different address one year ago than five years ago in the rural areas. The workforce participation is higher in the rural areas than the urban areas. The top five industry sectors of employment for people living in the rural areas are: healthcare and social assistance (14%), retail trade (12%), construction (11%), education and training (9%) and agriculture, forestry and fishing at 8%. It is significant to note that agriculture is not the number one employment sector which also indicates a residential use of the land rather than an agricultural use. However, in the blueberry and banana growing areas, the proportion of people working in agriculture is higher than the LGA average. Another significant component of the rural sector is the number of people who work from home and this is 4% in the rural areas as opposed to 2% in the urban area.

This demographic analysis shows that the people who live in and are moving into the rural areas for both farming and lifestyle opportunities are younger than the urban parts of the LGA. Employment in agriculture is also a significant indicator of the land use and this shows that the high areas of employment in agriculture correspond with the areas where a lot of blueberry production is occurring and the inland areas do not have a high employment in agriculture. This suggests that the farmers in this area are part-time and have a residential use of the rural lands rather than a productive agricultural use. This is not to say that they do not gain any income from the farm but they also have an off farm source of income.

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3.3. Sense of Community and Lifestyle

The demographic profile and land use survey has shown that a significant proportion of the community have moved to the rural lands for lifestyle and the amenity of living in a landscape that comprises hilly to undulating land with scattered to dense vegetation and views of the surrounding land and coastline.

The sense of community and lifestyle was mentioned as a priority by a number of residents during the workshops. It should be noted that this could be placed under threat if more subdivision is allowed for rural living opportunities because of the increased number of houses, potential impact on the environment and traffic generation.

A number of the people who live on rural living lots farm on a part-time basis such as cattle, alpacas, or vegetables. This can be used to supplement their incomes but does not provide sufficient funds so they need to have another source of income (which provides the bulk of the household's income). Some of them sell the vegetables at the local farmers market.

One of the impacts of this desire for a rural lifestyle has been an increase in the value of the land.

The residents and farmers in the rural areas both reported that they have a strong sense of community and peace and well-being in the rural areas

What the Community Said

- *We are losing a sense of community.*

- *The cost of land in the inland parts is not conducive to agriculture for full time income.*
- *The size of the grazing farms is small and the value of the land is not for farming but for residential use.*

Options

- Investigate the potential for shopping facilities such as a general store or pub in some rural localities to create a sense of place and community.

3.4. More Large Lot Residential Zones

Large lot residential is the zone name that covers the rural fringe style of rural residential development and it used to be known as the Rural 1(B) Living zone under the Coffs Harbour LEP 2000, and was referred to as rural residential development.

Council prepared a Rural Residential Strategy (RRS) in 2009 which found that there was 12 years supply of land available in the current Large Lot Residential zones. It also identified five areas for investigation around Nana Glen; Coramba and Karangi; Bonville; Corindi Beach as well as Korora, Moonee and West Sapphire. Only the Bonville and the Korora, Moonee and West Sapphire areas have progressed to Planning Proposals in accordance with the RRS release program. The Bonville Planning Proposal has recently been on exhibition and environmental studies are currently being finalised for the Korora, Moonee and West Sapphire areas.

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This issue was not seen as a high priority by the community who attended the workshops.

What the Community Said

- *We don't want large lot residential development on farming land because it is reducing land available for farming.*
- *We don't need this type of development in the blueberry farming areas.*
- *Allow large lot residential development to be supplied in other parts of the LGA.*

Options

- Review the current supply and demand for large lot residential development.
- Don't provide for more large lot residential development near banana and blueberry production areas.

3.5. Infrastructure

As a general statement it can be said that people who live in rural areas don't enjoy the same access to services and facilities as their urban dwelling counterparts. This includes roads, garbage services, sporting facilities, schools, hospitals as well as mobile phone coverage and broadband internet.

What the Community Said

- *There is a potential for increased impact on infrastructure from new developments.*
- *Dust causes problems with the processing of blueberries because they can't be washed*

before packing resulting in dust staying on the berries.

Options

- Council to provide more infrastructure in the rural areas especially for roads and community services / facilities
- Provide for more local shopping opportunities such as general stores.

4. Important environmental values

The Coffs Harbour LGA has a number of important environmental values relating to vegetation, koalas and topography. This creates a significant number of biophysical constraints to any development within the rural areas.

4.1. Native Vegetation and Biodiversity

The native vegetation of the LGA is an important resource that is essential to ecological and land management as well as contributing to the visual landscape of the LGA. It is an important component of the LGA because it provides habitat for native flora and fauna as well as being a landscape and visual feature.

There are a significant number of Endangered Ecological Communities (EECs) in the LGA. There are also a number of endangered fauna, the most significant being the Koala. The Background Report has mapped these EECs and the extent of koala habitat. This habitat is under threat from urban expansion, rural living and large lot residential use as well as agricultural pursuits. Other threats emanate from hunting by feral and domestic

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predators, introduced diseases from domestic animals, road kill and through the construction of barriers which limit the koala's ability to move to other habitat areas.

Council has zoned the most important areas of koala habitat as E2 Environmental Conservation zone. Removal of vegetation in this zone requires development consent and there are additional provisions in Council's Development Control Plan to protect this threatened species.

Clearing of native vegetation is currently controlled by the Native Vegetation Act which requires consent to be obtained from the Local Land Services. In the Coffs Harbour LGA, if the landowner is in the E2 Environmental Conservation zone consent is also required from Council under the provisions of the LEP and DCP as well as Local Land Services (LLS). This effectively creates a 'dual consent' requirement with the possibility of consent being given from the LLS but not from Council.

It should be noted that the NSW Government has recently exhibited reforms to the clearing of Native Vegetation. The aim of the legislation is to allow farmers to undertake land legitimate land clearing and improve agricultural productivity. It should be noted, however that this will require a new Biodiversity Act to be prepared and adopted by the Government.

There has been a number of instances of illegal clearing of native vegetation for blueberry production. Photo 5 shows some land that has been cleared for blueberry production.

There is also concern that the zoning of some land for E2 Environmental Conservation has disallowed landowners to continue private forestry in accordance with permits already issued, because they have had to apply for consent.

It should be pointed out that the dual consent issue can also be made to work better if it is implemented in a more consultative and fairer manner than perhaps it has in the past.



Photo 5: Clearing of Native Vegetation

What the Community Said

- *There is a dual consent requirement for land in the E2 Environmental Conservation zone which is a duplication of red tape.*
- *Rezoning of land for Large Lot Residential development has taken land that once grew blueberries but there isn't any ability to clear land to compensate for this loss.*

The issue of Council having additional restrictions on land clearing was an issue that was raised as being of high priority at all of the community workshops

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Options

- Remove the requirement for consent for clearing of native vegetation in the E2 Environmental Conservation zone. It should be noted, however that this is contrary to the zone objectives.
- Review the current environmental zoning throughout the LGA
- Allow for the continuation of private forestry in the Environmental Conservation zone

Topography

The topography of the Coffs Harbour LGA varies from steep to undulating to the west to flat along the coastal strip. The steep land comes to the western edge of the urban area of Coffs Harbour.

The topography of an area is important because land with a slope can become unstable and when the soil is disturbed, can lead to erosion. A lot of sloping land is also heavily vegetated which becomes an important consideration for the future use of the land. Traditionally, bananas have been grown on the hilly land around the Coffs Harbour urban area and to the north, however this is now being replaced by blueberries. The bananas have caused erosion in the past and this is still an issue for the growing of blueberries. Photo 6 shows rural living and large lot residential development and horticulture development on steep land at Korora.



Photo 6: Rural Living and Large Lot Residential development and Horticulture on steep land at Korora

What the Community Said

- *Topography constrains growth*

Options

- *Don't allow horticulture or dwelling houses on land with a slope of greater than 20% or in 5.*

5. Governance

Governance is the process or system of making decisions about an issue and how that decision is implemented. In relation to the rural lands of Coffs Harbour, governance refers to the ways that the Council and Government Agencies relate to the rural community.

Good governance is about the process for making and implementing decisions, it is not just about making the correct decision. Rather, it is about the best possible process for making that decision. Good governance has a number of key characteristics as follows:

- Accountable
- Transparent

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- Responsive
- Equitable and inclusive
- Efficient
- Participatory
- Follows laws and policies

Good governance is an important aspect of any strategic planning exercise and its effectiveness is ultimately in the development of transparent and relevant policies and strategies for the rural lands of the Coffs Harbour LGA.

Good governance is also about ensuring that policies and strategies that are developed are sustainable and allow for a range of uses to exist in harmony with each other and the environment. Thus the Council has a duty of care to ensure that development does not harm the environment or causes land use conflict and loss of amenity by existing residents. For this reason, calls from some parts of the community to get rid of red tape for the sake of development expediency need to be treated with caution.

Good governance requires that Council decisions have a net community benefit by considering social, economic and environmental aspects and not be swayed by vocal and frequent calls for change, but by those with the most merit to the community as a whole.

Good governance also requires Council to demonstrate a 'duty of care' to ensure its policies and decisions are well justified and safe for residents now and in the future.

What the Community Said

- *Regulation and red tape from Council are a constraint to development.*

- *Inequity in dual consent for native vegetation from Government Agencies and Council.*
- *Growers market impedes growers from selling food. Fruit and vegetable can only be sold by two stallholders. So things like beans can only be sold by two stalls.*

Options

- *Streamline the processes, particularly for clearing of native vegetation.*
- *Council should be supportive in providing advice about how to do things and not telling customers they can't proceed or do it.*



Coffs Harbour Rural Lands Strategy Issues and Options Background Report



June 2016

Coffs Harbour Rural Lands Strategy
Issues and Options Background Report

Prepared for Coffs Harbour City Council
by



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Chapter 1: Introduction

1.1. Introduction

The Coffs Harbour Local Government Area (LGA) is located on the north coast of NSW and has an area of 1,173.7 square kilometres. The Pacific Highway traverses the LGA from north to south. There are two distinct landscapes within the LGA which are the highlands and the coastal strip and these contribute to its land use pattern.

The LGA is known as a significant agricultural area with horticulture (bananas and berries) and cattle grazing being the major uses. Agri-tourism is an emerging rural land use. Agriculture provides a significant contribution to the LGA's economy.

The population of the LGA is 72,382 in 2014 which has grown by 0.9% per annum since 2004 when there was a population of 65,448. (ABS, 2015)

The land within the LGA provides an important resource, both for the City of Coffs Harbour and the wider region. This resource consists of a number of components:

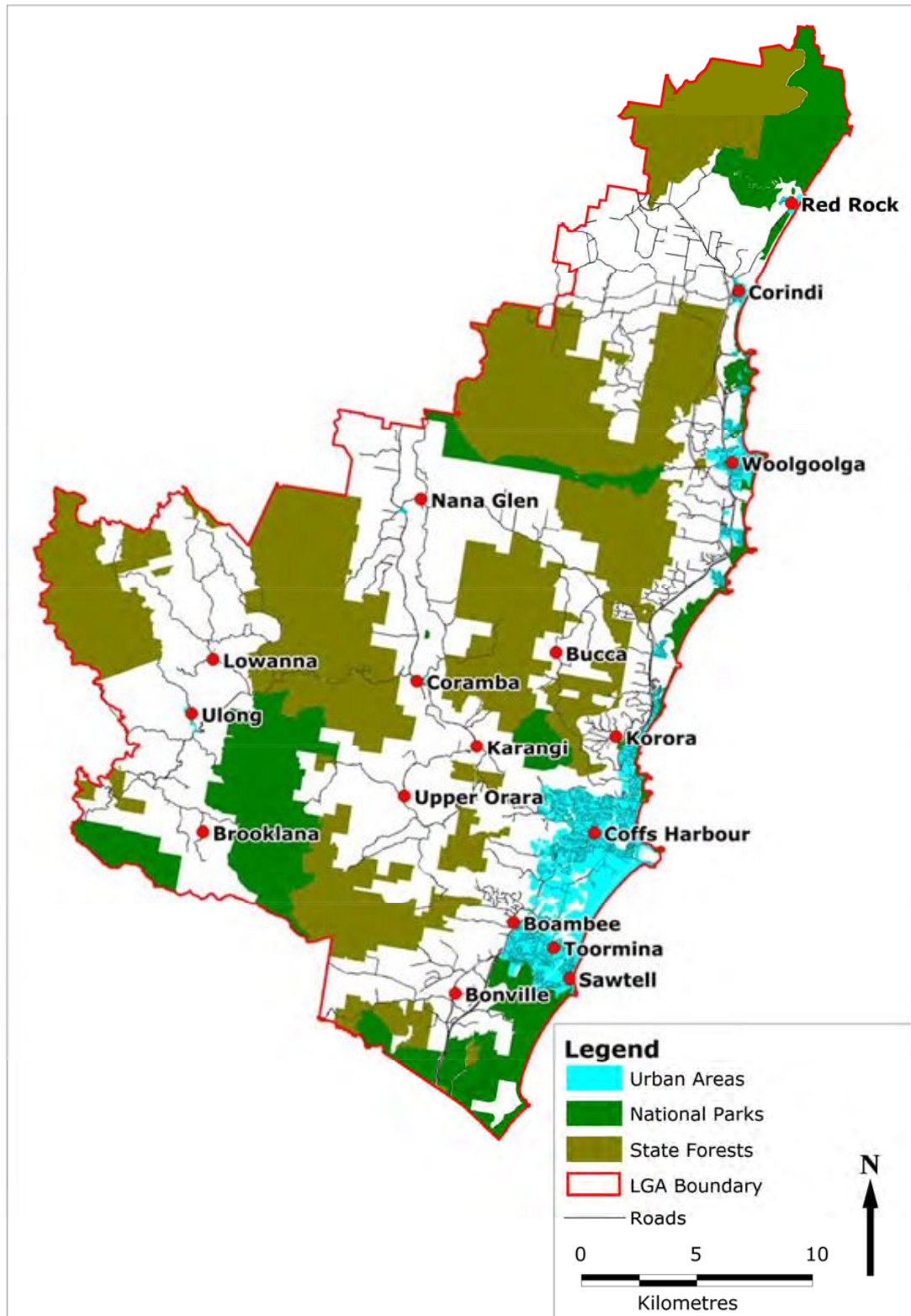
- productive agriculture
- industry
- community facilities and services
- towns and villages
- cultural heritage
- rural landscapes
- waterways and native vegetation including national parks and nature reserves

This Background Report has provided the baseline data for the Issues and Options Paper which has been prepared after a series of workshops held within the community in March 2016.

1.2. Location and Study Area

Coffs Harbour is located on the North Coast of NSW. The study area for the Issues and Options Strategy is the whole LGA in general and specifically the existing rural and large lot residential zoned areas (which were previously known as the rural residential zone). It does not cover the urban areas. The study area is shown on map 1.1.

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Map 1.1: Coffs Harbour LGA

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1.3. Methodology

This Background Report has been prepared in accordance with the brief issued by Coffs Harbour City Council.

The document has been prepared by the consultant based on discussions held with Council Officers, Government Departments and the community.

Data was gathered based on secondary information with the exception of a detailed land use survey and lot and holding size analysis, which was carried out by the consultant. The land use survey was carried out in 2015. It entailed utilising aerial photography to gain an appreciation of the land use, which was then field checked by a survey of all roads and properties in the LGA. This information was then coded and entered into Councils property database, which enabled it to be mapped using a Geographical Information System (GIS). The holding sizes within the LGA were categorised and mapped. A detailed description of the methodology for the land use survey is contained in Appendix 1.

A detailed literature review has been carried out of studies and issues relevant to local and regional planning. Discussions were held with various Council Officers covering the areas of planning, environmental science, engineering and social services.

Australian Bureau of Statistics census information was used to provide a population and demographic profile of the LGA.

Input has been given by the State Government Departments through formal and informal discussions.

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Chapter 2: Development and Planning Issues

2.1. Introduction

The issues, which have to be considered when we discuss the future of Coffs Harbour LGA rural lands, can be grouped into two broad headings of:

- Social and Economic Factors
- Environmental Opportunities and Constraints

There are a number of uses and issues which influence the settlement pattern of Coffs Harbour LGA. The resources necessary to use the land are finite and need to be conserved. There are a number of constraints to the use of the land and the resource.

Underlying all of the issues are the philosophies of Ecologically Sustainable Development (ESD) and Catchment Management (CM). It is shown graphically in Figure 2.1. The figure illustrates the interconnectedness of the issues and the fact they all must be considered in relation to each other and cannot be considered in isolation.

ESD embodies the three concepts of:

- social equity
- economic prosperity
- environmental conservation

All three are interrelated and have to be considered as such. The environment in which we live has to be treated carefully so we can ensure it is left in a good state for the future generations. However, for there to be future generations, we must have settlements in which to live – be they urban areas or rural residential use or in houses scattered throughout the countryside. If we are going to live in an area, there also must be a market economy. There is a need to find the balance between these three so we can have a sustainable future and can leave an intact environment to the future generations.

The philosophy of CM is one that should underlie all planning for rural land and settlements. As such, it is an issue which is very important to this project.

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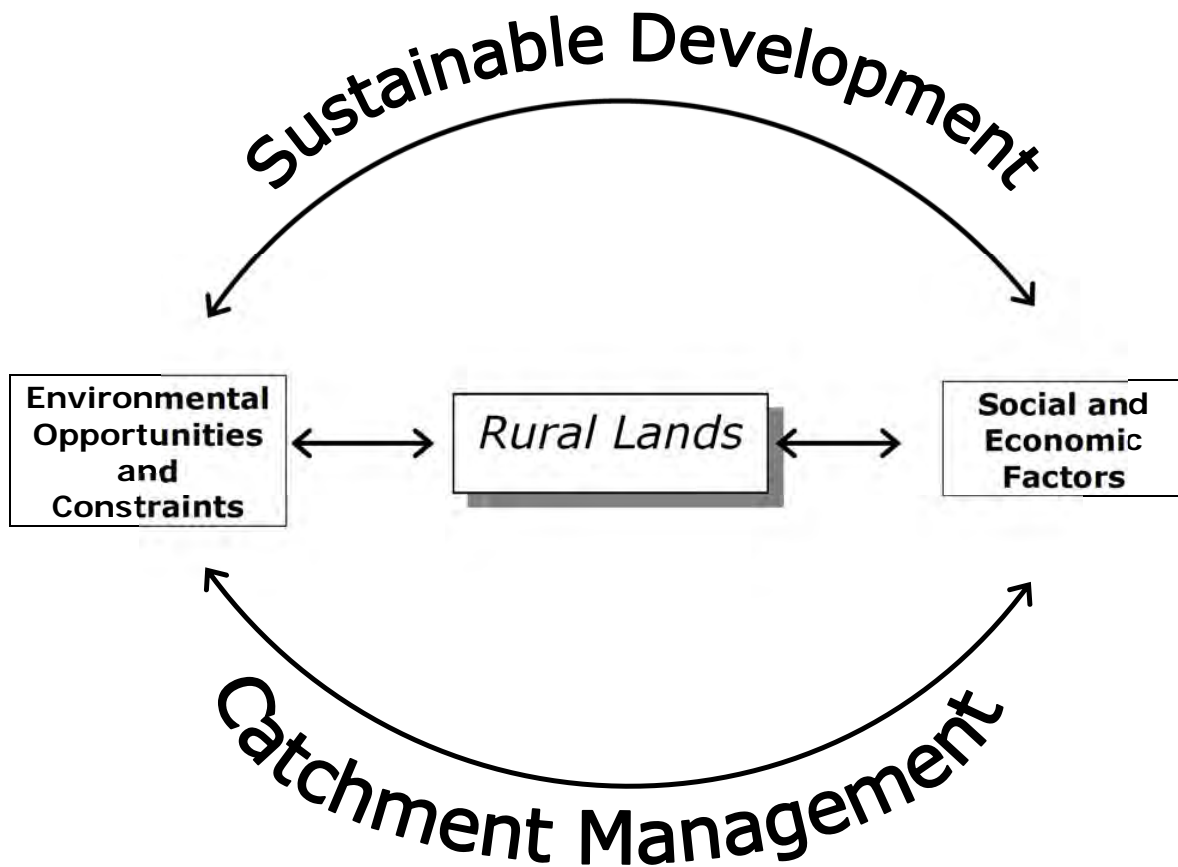


Figure 2.1: Issues and Themes for the Rural Strategy
 Source: Sinclair 2002a

2.2. Social and Economic Factors

The interaction of humans with the environment is an important component of any strategy dealing with the future of the Coffs Harbour rural lands.

2.2.1. Rural Land Uses

There are a variety of land uses within the LGA. They include urban, agricultural, native vegetation, rural residential (rural living and large lot residential), extractive industries, commercial and light industrial uses. They all have an impact on each other as well as the environment. Finding the balance between these often competing desires is the key to planning for rural land uses.

There are basically two forms of land use within the rural areas of the LGA – ones based on agriculture and ones that do not have an agricultural base.

Agricultural Uses

The uses, which are based on agriculture, include the following:

- Horticulture

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- ⇒ bananas
- ⇒ blueberries
- ⇒ raspberries
- ⇒ avocado orchards
- ⇒ pecan orchards
- ⇒ macadamia nut orchards
- Grazing animals
 - ⇒ cattle, sheep, alpacas, goats
- Intensive Animals
 - ⇒ aquaculture
 - ⇒ dairy
 - ⇒ horse stud

All of these uses have an impact on each other and the environment. The main land uses which are of note are agriculture and rural residential. This is an important issue and the resultant rural land use conflict from these is perhaps one of the most important issues to be addressed by this Issues and Options Paper. Finding the balance between these often competing desires for rural land is the key to planning for rural areas.

Photos 2.1 to 2.6 show photos of these agricultural uses.



Photo 2.1: Banana Growing

Date of Photo: October 2015

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Photo 2.2: Blueberries
Date of Photo: October 2015



Photo 2.3: Raspberries
Date of Photo: October 2015

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Photo 2.4: Avocado Orchard
Date of Photo: October 2015



Photo 2.5: Cattle Grazing
Date of Photo: October 2015

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Photo 2.6: Dairy

Date of Photo: October 2015

Non-Agricultural Uses

Uses that do not have an agricultural base include the following:

- rural residential – rural living and large lot residential
- rural residential home businesses
- tourist related uses
- light industrial uses

Photos 2.7 to 2.10 show photos of these non-agricultural uses.



Photo 2.7: Rural living

Date of Photo: October 2015

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Photo 2.8: Rural Residential Home Business

Date of Photo: October 2015



Photo 2.9: Tourist Use

Date of Photo: October 2015

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Photo 2.10: Sawmill

Date of Photo: October 2015

Land Use Survey

A detailed land use survey has been carried out of the rural lands of the LGA. Its purpose is to give an understanding of the land use pattern within the rural areas so that appropriate decisions can be made having regard to the mixture of land uses throughout the area as well as to identify those localities that have a predominance of a particular land use in terms of the number of uses. The survey counted the number of lots that were used and these were amalgamated into holdings which have been counted to provide the details below. This survey was carried out in October 2015. A detailed description of the methodology used for the land use survey is contained in Appendix 1. The land uses were categorised into the following land use types which also have been defined in Appendix 1:

- rural residential (rural living and large lot residential)
- intensive plants
- intensive animals
- extensive agriculture
- vacant cleared (large lot residential)
- native vegetation
- extractive industries
- public use

Within each of these categories there are a number of sub categories relating to the specific use of the land. These are also outlined in Appendix 1. It should be pointed out that the land use survey categorised the primary use of the property and where a property had a number of uses, the dominant use was chosen.

It is important to note that the rural residential category covers the traditional estate type (which used to be referred to as the rural 1(b) Living zone but which is now called the large lot residential zone) as well as the rural living category which is discussed in more detail later in this section.

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There are a total of 5,451 uses within the rural lands that were counted in the land use survey. The overall land use for the rural lands are shown in Table 2.1 which lists the total number of uses and the percentages and is shown graphically in Figure 2.1. Figure 2.2 shows the area that is taken up by each of the rural land uses. Map 2.1 shows the land use in broad terms.

Table 2.1: Number of Primary Land Uses in the Shire

<i>Uses</i>	<i>Count</i>	<i>% of Total</i>	<i>Area</i>	<i>% of Total</i>
Commercial	88	1.6	874.3	2.0
Extensive Agriculture	419	7.7	10,340.7	24.2
Extractive Industry	8	0.1	191.8	0.4
Intensive Animals	5	0.1	301.2	0.7
Irrigated Plants	497	9.1	3,999.8	9.4
Public Uses	146	2.7	807.6	1.9
Rural Residential (including rural living and large lot residential)	3,923	72.0	25,199.5	59.0
Vacant large lot residential	365	6.7	986.9	2.3
Total	5,451	100.0	42,701.8	100.0

Source: Coffs Harbour Rural Land Use Survey

It can be seen rural residential (which includes both rural living and large lot residential) is the highest use with 72.0% of the uses followed by intensive plants at 9.1% (this is mostly bananas and berries) extensive agriculture at 7.7% and large lot residential vacant at 6.7%, then public uses (2.7%), commercial uses (1.6%), extractive industries (0.1%) and intensive animals (0.1%).

One aspect of rural residential land use that will be discussed in detail in the next chapter is that it is not just small lots – when the area of land taken up by each use is totalled it can be seen from figure 2.2 that rural residential use takes up 59.0 % of the total area of the rural lands and this is mostly the rural living category. This is followed by extensive agriculture (24.2%) and irrigated plants (9.4%).

The rural lands of Coffs Harbour LGA are dominated by rural living and large lot residential development and not agriculture as might be expected. The land use survey showed that only 921 or 16.9% of the land uses are agriculture and more than half (497 / 9.1%) are irrigated plants.

One trend in land use over the past 20 or so years is the change in land use from bananas to blueberries and vegetables. Map 2.2 shows the land around Woolgoolga where it can be seen that a large amount of former banana growing land has changed to blueberries but a similar amount of land has stayed growing bananas. It is also noted that some former banana land has changed to urban use. Map 2.3 shows the land from Korora to Boambee where a significant amount of land has changed land use and some has stayed growing bananas. It is also noted that some former banana land has changed to urban use. Map 2.4 shows the land from Boambee to Bonville where a number of lots has changed to berries. One significant thing to note about all three maps is the

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significant amount of former banana land that has changed to rural residential development. Photo 2.11 shows the changing landscape in the Sandy Beach area.

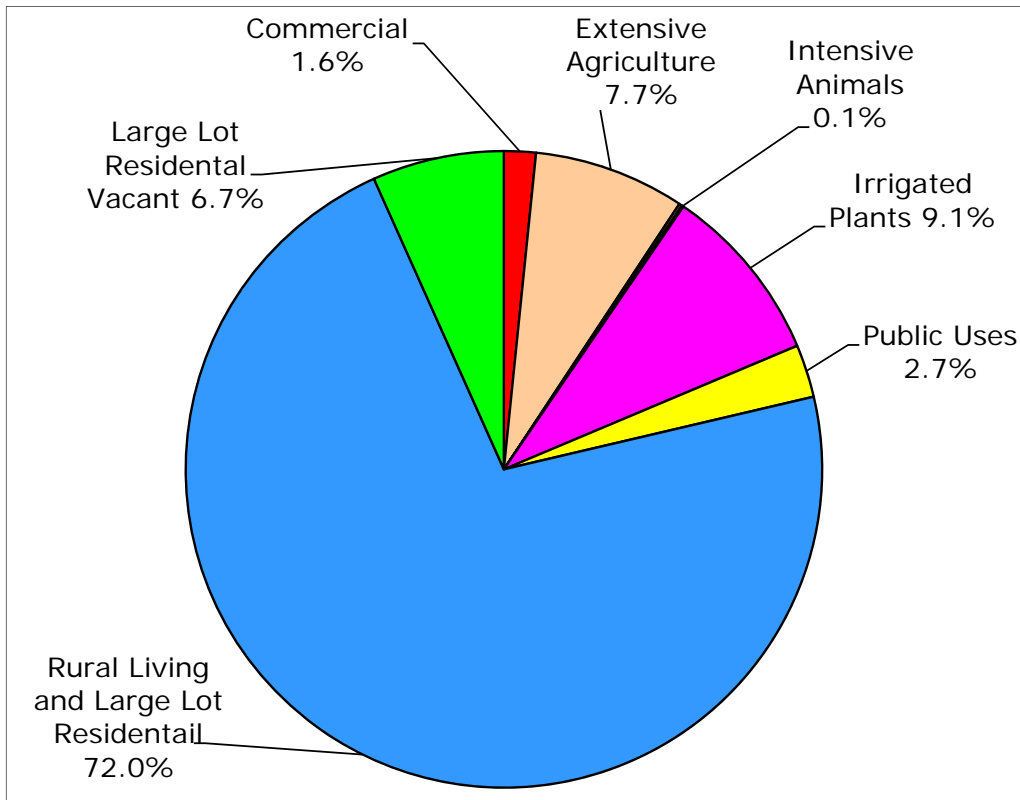


Figure 2.2: Rural Land Use
 Source: Coffs Harbour Land Use Survey

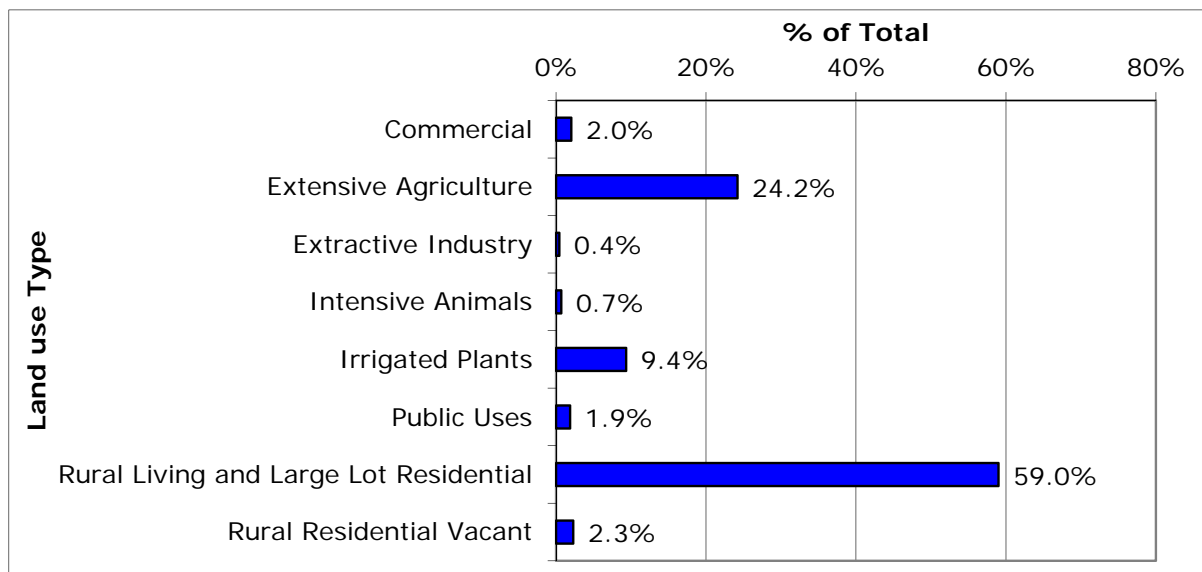
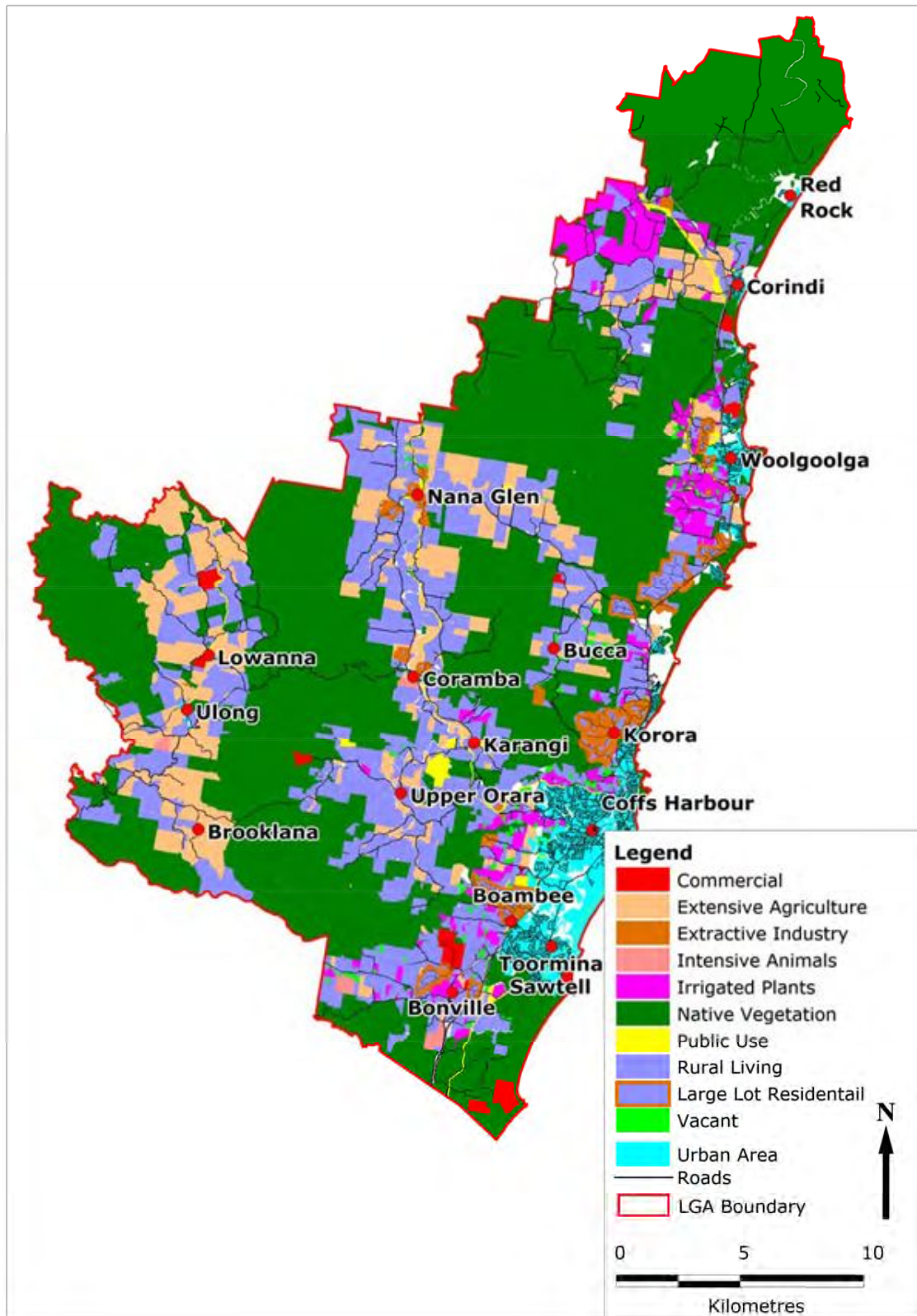


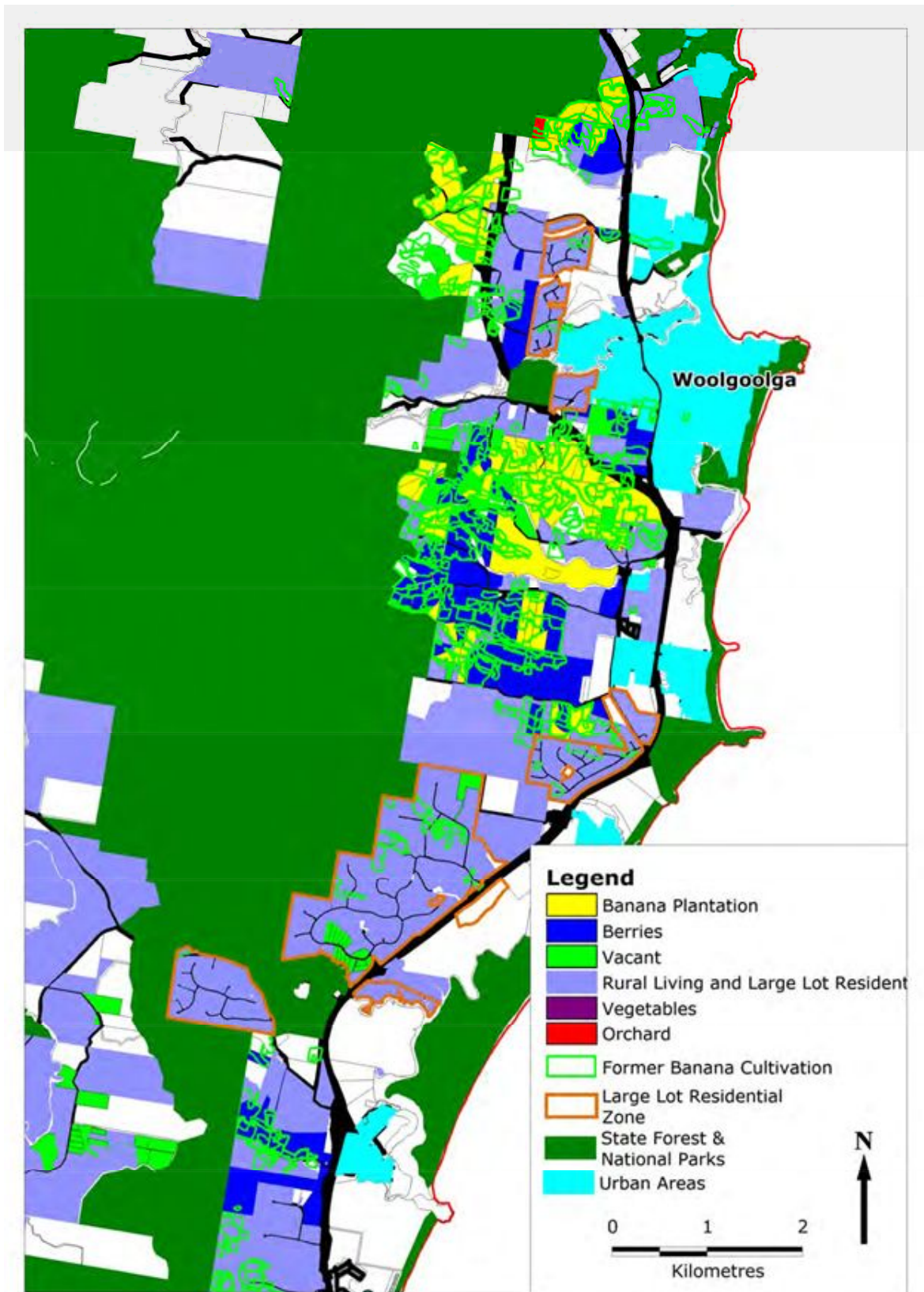
Figure 2.3: Area of Rural Land Use
 Source: Coffs Harbour Land Use Survey

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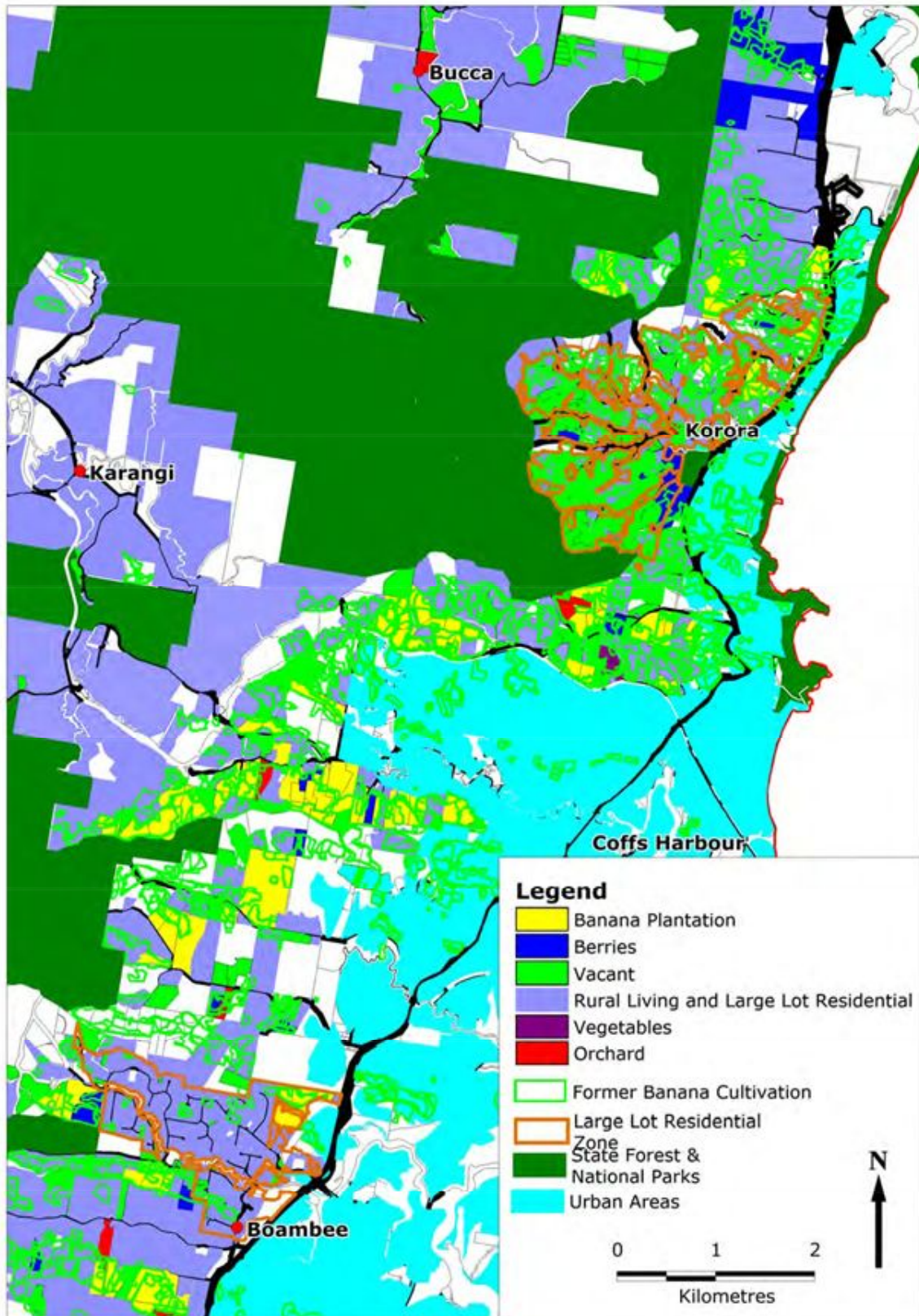
Map 2.1: Rural Land Use

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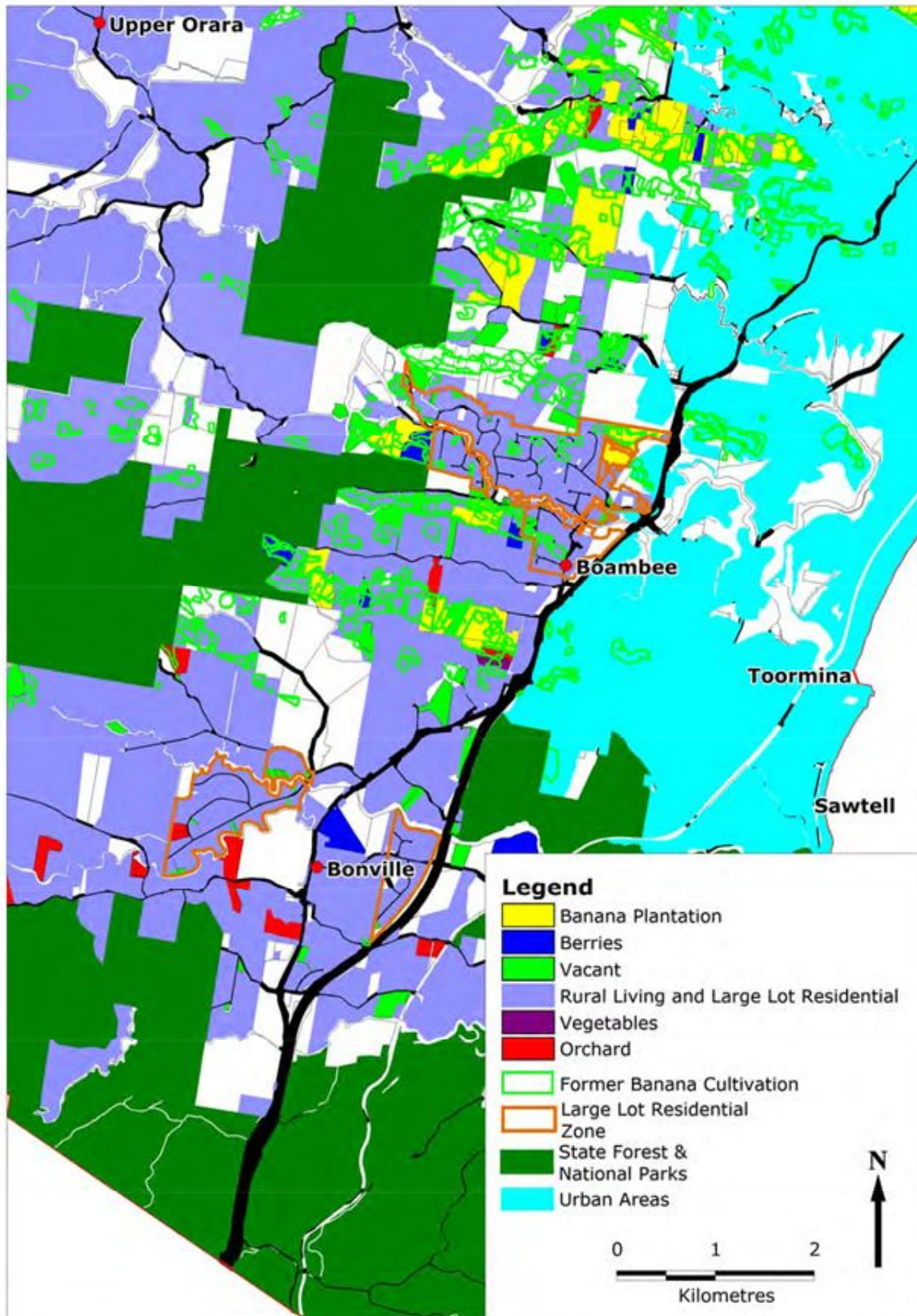
Map 2.2: Banana Lands changing land use Woolgoolga

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Map 2.3: Banana Lands changing land use Korora to Boambee

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Map 2.4: Banana Lands changing land use Boambee to Bonville

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Photo 2.11 Banana Lands changing land use to blueberries

Date of Photo: October 2015

Rural Residential

The term rural residential development has a number of different meanings. It generally refers to estate type of living on lots between 0.4 and two ha where services may or may not be provided. This is the case for Coffs Harbour which had a rural residential zone that covered this size of land and this is now called the Large Lot Residential zone. Council prepared a Rural Residential Strategy in 2009 which focused on this type of development and prepared a strategy for future development. However, this classification does not take into consideration the people who live on larger lots (greater than two ha) that are scattered throughout the rural area but who don't practice farming on a full time basis. These are generally referred to as hobby farms but there are a significant number of them scattered around the LGA who do not undertake agriculture at all and merely seek a rural lifestyle.

A definition has been devised and which is from a chapter from a recent planning text and is as follows:

"The residential use of rural land is called rural residential development; that is, people live on rural lots, but use the land primarily for residential rather than agricultural purposes. Although some engage in 'hobby farming', most derive the principal source of their income from pursuits not carried out on the land. The main distinction between urban housing and rural residential housing is bigger lot size and larger distances between dwellings. This creates a sense of openness and of living in the landscape rather than in an urban area. Rural residential dwellings are often large (up to 1000 to 2000 square metres in floor area). They can be found in clusters of new houses and are often mixed with intensive plant and animal uses, which invariably leads to rural land-use conflict (Sinclair et al. 2004). They can have varying degrees of native vegetation cover, from totally covered to totally cleared. This has been termed 'rural sprawl' (Daniels & Daniels

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2003) because of its pervasiveness over the rural landscape, particularly adjoining the metropolitan areas as well as large cities and towns.

Rural residential development can be divided into two main categories: rural fringe and rural living. Rural fringe development is characterised by single detached houses and dual occupancies on lot sizes of approximately 4000 square metres to two hectares laid out in an estate. This estate usually joins or is in close proximity to an urban area.

Rural living, on the other hand, features single detached houses and dual occupancies on lot sizes between one hectare and 40 to 100 hectares and can adjoin farmland or vegetated areas (it should be noted that there are sometimes lots of less than one hectare). People living on these lots use the land primarily for residential purposes, although they may graze some cattle or have horses. This requires lot sizes of more than two hectares if land degradation is to be avoided. The lots do not adjoin townships or villages and are scattered throughout the rural landscape." (Sinclair & Bunker, 2012)

For the purposes of this Issues and Options Paper, the term rural residential development covers both rural fringe and rural living types. The rural fringe type is now known as the large lot residential zone.

The land use survey has found that both rural fringe and rural living rural types of residential development exist in the Coffs Harbour LGA. Photos 2.12 and 2.13 show the two types of rural residential development.



Photo 2.12: Large Lot Residential Development

Date of Photo: October 2015

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Photo 2.13: Rural Living Development

Date of Photo: October 2015

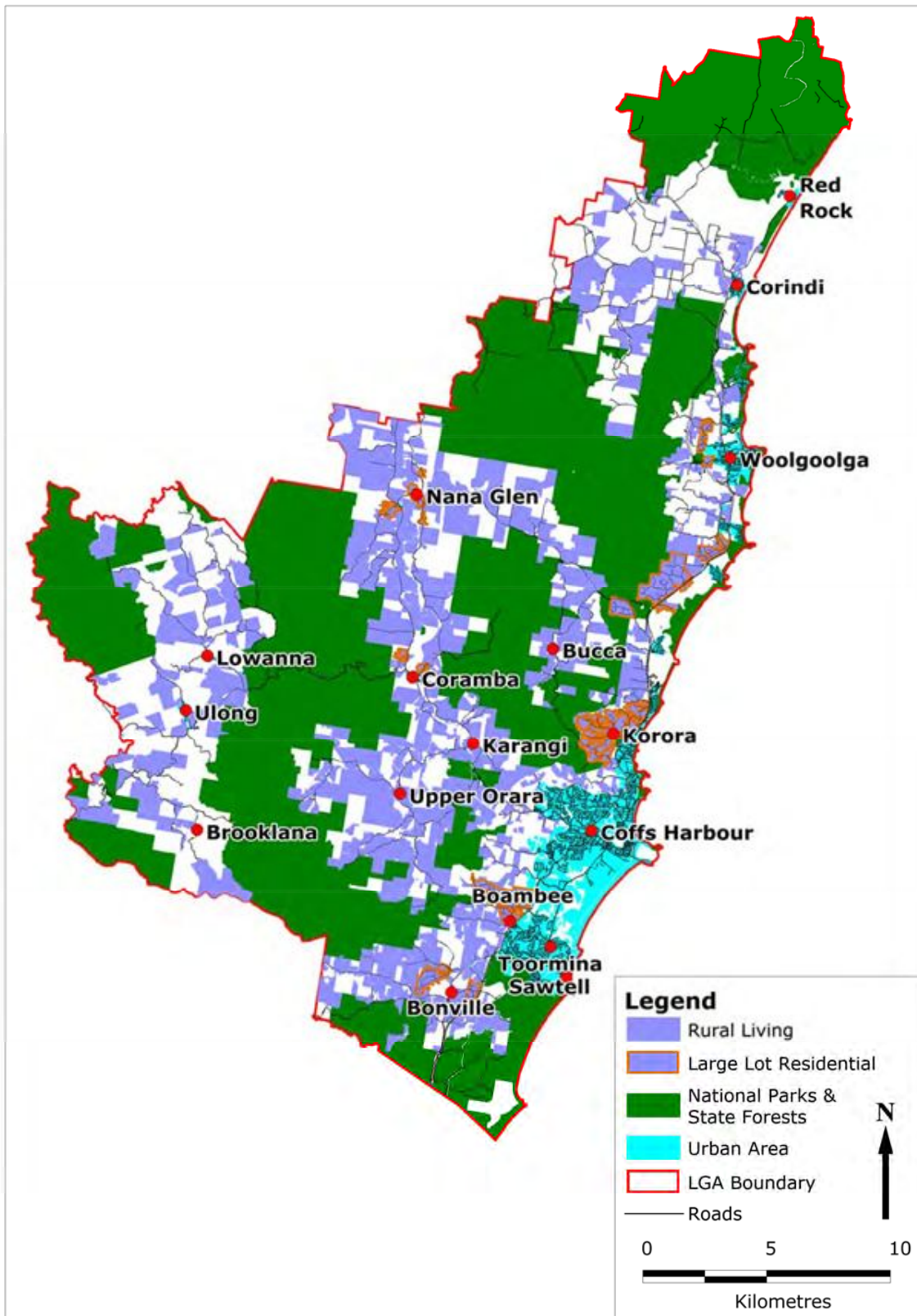
Map 2.5 shows the spatial extent of the rural residential land use (both rural living and large lot residential). In the past, this was referred to as a 'rural residential zone' which had lot sizes of 4,000 m² to two ha and there was a perception that this was what rural residential land use comprised of. However, as can be seen from map 2.2, there is a significant amount of rural residential development scattered across the LGA which is categorised as rural living and the rural fringe or large lot residential category is not as extensive.

The Coffs Harbour Rural Residential Strategy (RRS) was adopted by Council in 2009. This was in response to the Our Living City Settlement Strategy adopted in 2007. The RRS focused on the large lot residential development and found that there was a demand for 55 lots per annum. It then looked at the supply of lots zoned for large lot residential development and found that there was 12 years supply of large lot residential development. It identified five 'candidate areas' for further investigation to allow for future supply, namely:

- Nana Glen
- Coramba and Karangi
- Corindi Beach
- Korora, Moonee and West Sapphire
- Bonville

Only the Bonville and the Korora, Moonee and West Sapphire areas have progressed to Planning Proposals in accordance with the RRS release program. The Bonville Planning Proposal has recently been on exhibition and the environmental studies are currently being undertaken for the Korora, Moonee and West Sapphire areas.

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Map 2.5: Rural Living and Large Lot Residential Land Use

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Rural Holding Sizes

The size of rural holdings in an area is a reflection on the degree of fragmentation and is also an indicator of potential rural land use conflicts. One matter to be considered is the difference between holdings and individual lots. In an area such as the Coffs Harbour LGA, there are a number of large holdings that are made up of a number of smaller lots. These are mainly agricultural uses and not the rural residential uses which are nearly all in single ownership. The methodology used to carry out this analysis is outlined in Appendix 1.

A detailed holding size analysis has been carried out as part of the land use survey and has shown that the area is quite fragmented. Figure 2.4 shows the holding sizes graphically and Map 2.6 shows them spatially.

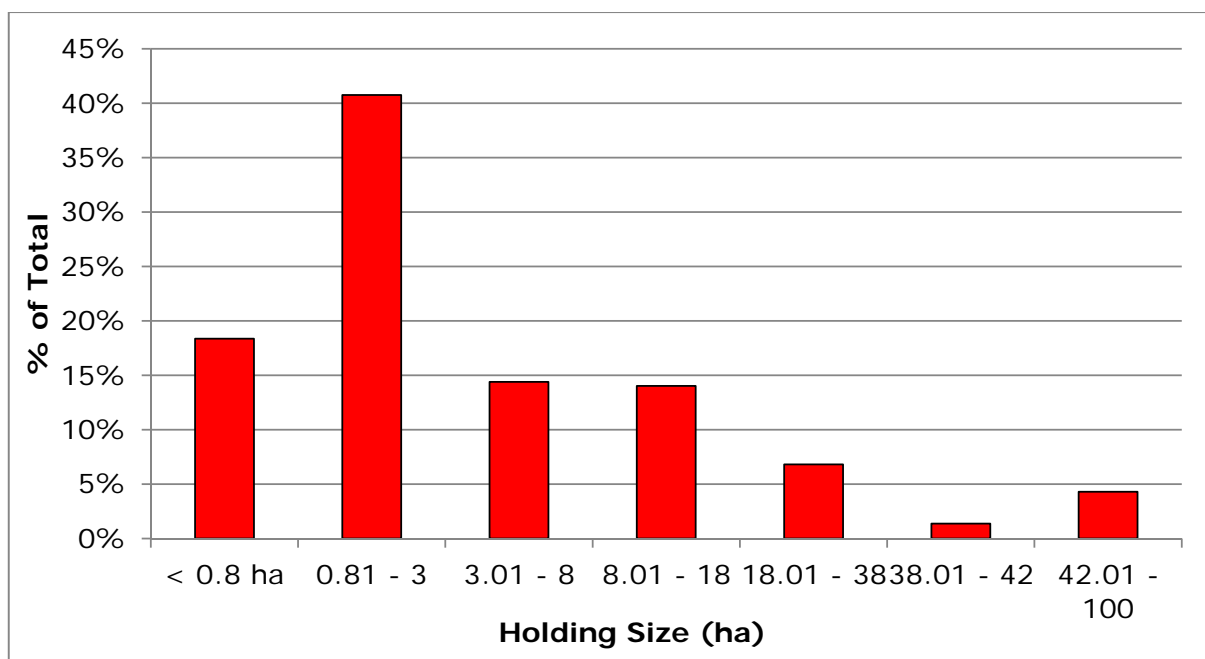
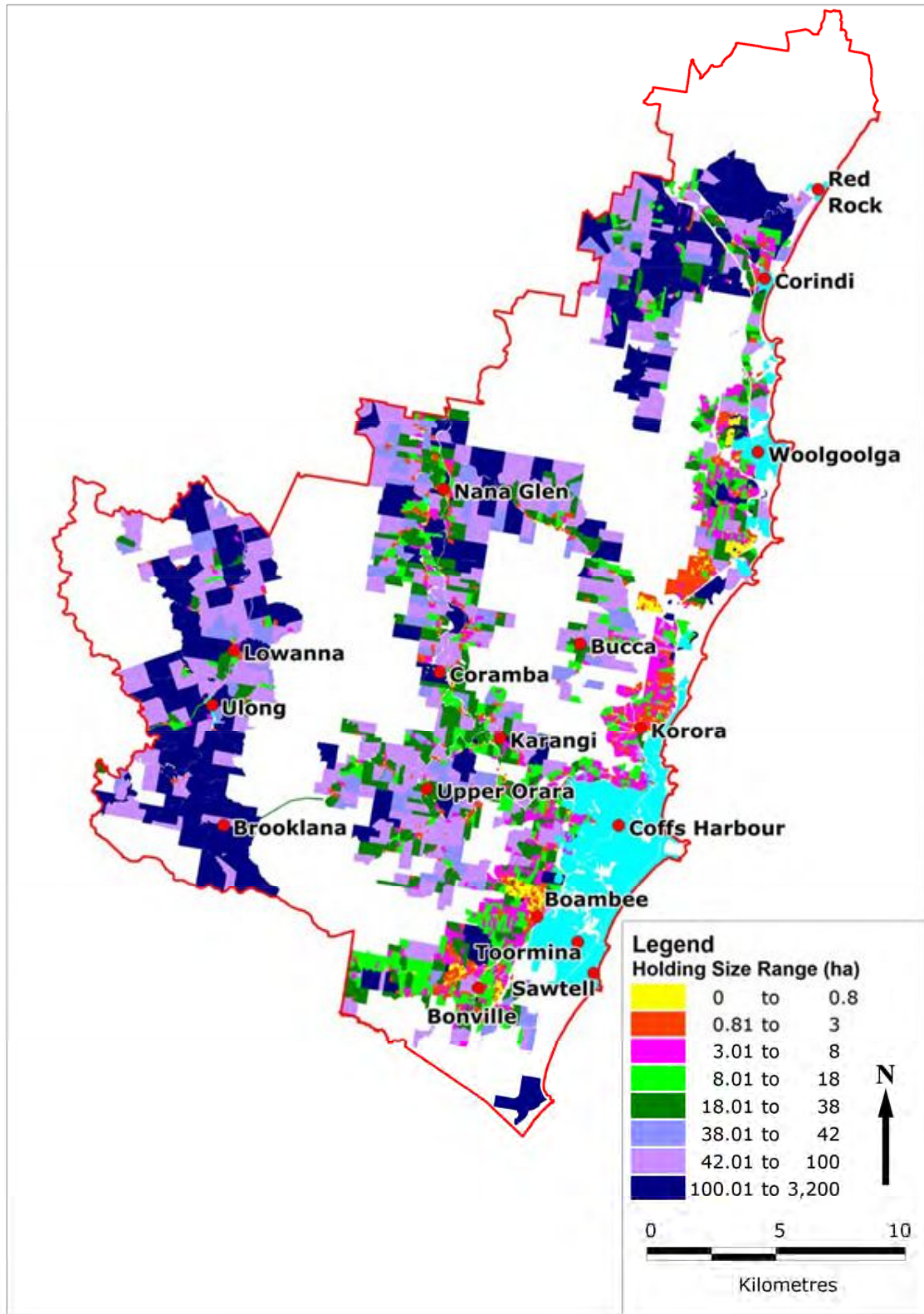


Figure 2.4: Rural Holding Size Analysis

Source: Council GIS and Property System

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Map 2.6: Rural Holding Size

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It can be seen from figure 2.6 that there is a high proportion of the holdings in the less than 0.8 ha and 0.8 to three hectare range and a low percentage of holdings greater than 42 hectares. In fact there are 63.3% of all holdings less than three hectares and 93.4% less than 42 hectares, which signifies a heavily fragmented rural area.

2.2.2. Growth Management

Growth management is concerned with ensuring that the growth of an area occurs in such a manner that it is socially, economically and environmentally sustainable. It needs to be recognised, however, that managing growth does not mean that all parts of the LGA will grow. One aspect of sustainability is to ensure that adequate regard is taken of the constraints i.e., social, economic and environmental. When the constraints are taken into consideration, it becomes evident that some areas will not have subdivision or growth because of physical limitations (productive agricultural land, flooding, slope, presence of native vegetation, etc) or provision of social services (health, education, community services, etc).

There are a number of urban and rural settlements in the LGA which range in size from Coffs Harbour to Woolgoolga and the other coastal settlements to the inland areas of Nana Glen, Coramba, Lowanna and Ulong. There are also areas that only have a small hall, school or bushfire shed that acts as the community hub such as Bucca, Bonville and Upper Orara.

Council has prepared the Our Living City Settlement Strategy which was adopted in 2008. This Strategy identified the future development pattern to 2031.

The goal of Settlement Strategy is to foster healthy urban communities which contribute to delivering the Vision for the city which is as follows:

Coffs Harbour – The Healthy City, the Smart City and the Cultural City for our Future.

The Strategy adopts the concepts of sustainable development to develop a series of goals under the three pillars of sustainable development and they are as follows:

- **The Healthy City: Environmental Sustainability**
 - ⇒ To protect, maintain and improve our natural attributes and resources.
 - ⇒ To provide for settlement that enhances environmental values and is compatible with environmental constraints.
 - ⇒ To use resources efficiently and to devise innovative ways to minimise pollution and disposal of waste.
- **The Smart City: Economic Sustainability**
 - ⇒ To foster diversity, growth, development and creative opportunities for business and industry.
 - ⇒ To provide increasing and innovative employment and education opportunities for existing and future residents.
 - ⇒ To manage a population size sufficient to sustain and extend services in key centres.

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▪ The Cultural City: Social Sustainability

- ⇒ To provide a quality lifestyle for residents where health and well-being improve over time.
- ⇒ To protect and enhance the overall character, identity and liveability of our local communities.
- ⇒ To provide equitable access to services and facilities for existing and future residents.

2.2.3. Rural Land Use Conflicts

The presence of agriculture and non-rural land use in the one location can often generate conflict due to their potential incompatibility. This is particularly evident with intensive agriculture such as market gardening (vegetables) and orchards (fruit). Agriculture can affect adjoining non-rural uses, such as rural residential uses via pollution from the agriculture activities. Similarly, the presence of rural residential uses creates an adverse influence on the continued operation of the agricultural enterprise.

The main cause of land use conflict is the pollution from the use but it is also caused by lack of understanding and lack of communication between both the resident and the polluting use.

The basic concept of pollution regulation is to ensure that the pollution does not impact on uses outside the property boundaries. Any person can make a complaint about a land use that is causing noise, odour or other pollution to cross its boundaries and lead to a loss of amenity to the surrounding land uses. It is not always residential uses and in some cases, it can be commercial and other types of industrial uses. The polluting use has to take steps to ensure that the pollution does not occur. This can lead to an amendment to the operation or physical structures being built to enclose the pollution and treat it at the source poses. *"It could be said that the legislation benefits the complainant and not the producer because its target levels have been set for an urban situation, not a rural one."* (Sinclair & Bunker, 2012) p190

The issue of land use conflict can arise when there is no separation between incompatible uses, let alone the misunderstanding, which may exist about the purpose and character of a district. Land use conflicts may arise in such situations through noise, odour, farm chemicals, access, land degradation due to mining and extractive industries, light, visual amenity, dogs, and stock damage and weed infestation, to name just a few. The buffer distance depends on a number of aspects of the use such as noise intensity, odour or spray drift. *Living and Working in a Rural Area* (Learmonth, Whitehead, Boyd, & Fletcher, 2007) has been prepared for the North Coast and it has a number of recommended buffer distances depending on whether it is noise, odour, spray drift or dust. They range from 60 m to 1,000 m. A conservative approach to buffers for all intensive agriculture in Coffs Harbour would be 500 m.

Land use conflict in the Coffs Harbour LGA occurs mostly between large lot residential / rural living and agricultural uses.

One issue that has to be addressed is the basic planning principle of the new use blending in with the current one. This has not happened in the past with dwelling houses being permitted to locate in areas close to the property boundary with the adjoining property with little or no consideration of the impact it may have on the agricultural use

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on the next door property. This leads to rural land use conflict and experience in other areas has led to the agricultural use having to move or mining use cease.

2.2.4. Rural Demography

The 2011 Census of Population and Housing provides details of the population and housing characteristics. This analysis has included the Statistical Area 1 (SA1) level of data being aggregated to identify rural areas. This has been subtracted from the City total to gain a picture of the urban area. This has allowed for comparison between the rural and urban parts of the City. SA1 is the smallest unit for data collection and processing at the 2011 Census and contain an average of 200 dwellings. At previous censuses, the smallest area was called a Collector District. They have been changed and are now called SA1 and are not the same spatial area. It means that direct correlation between the 2001, 2006 and 2011 areas is not possible, however, it is possible when the SA1s and CDs are aggregated.

Analyses have been carried out of the 2001, 2006 and 2011 census at the CD / SA1 level to allow for the demography of the rural lands to be examined.

The following points can be observed for the 2011 Census year:

- The urban rural split was 81.1% urban and 18.9 % live in the rural land. This has changed from 82.9% and 17.1% respectively in 2006 and it was 70% and 30% in 2001. This is more a factor of the urban area increasing than the rural one decreasing.
- The median age of the rural population is 38 which is lower than urban area which was 40. The Mid North Coast was 38 which was the same as NSW which was 38 and Australia had a median age of 37.
- The median age of the rural area is 38 in 2011, 40 in 2006 and 38 in 2001. This shows that the people moving to the rural area are younger than the urban area
- Occupancy rates were 2.4 people per house in the rural areas, 2.4 in the urban area. It is 2.4 for the Mid North Coast region which is less than NSW which was 2.6.
- The occupancy rate of the rural land in 2011 is 2.4, in 2006 it was 2.8 and in 2001 it was 2.8 people per house.

Population Pyramids have been produced and the differences can be seen between the rural lands and Coffs Harbour LGA in Figures 2.5 and 2.6.

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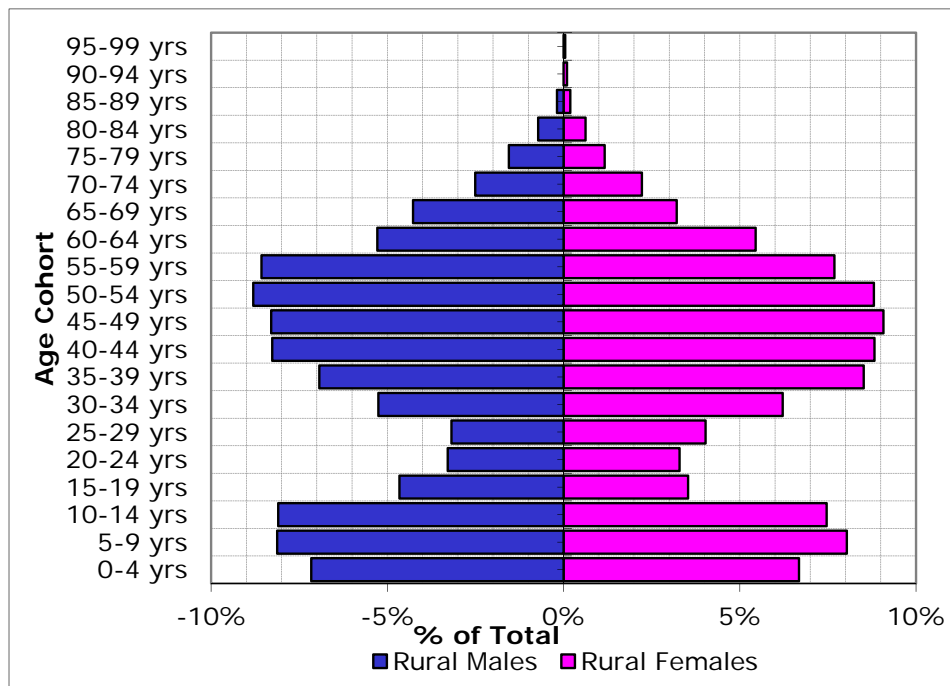


Figure 2.5: Rural Land Population Pyramid 2011

Source: ABS Census of Population and Housing

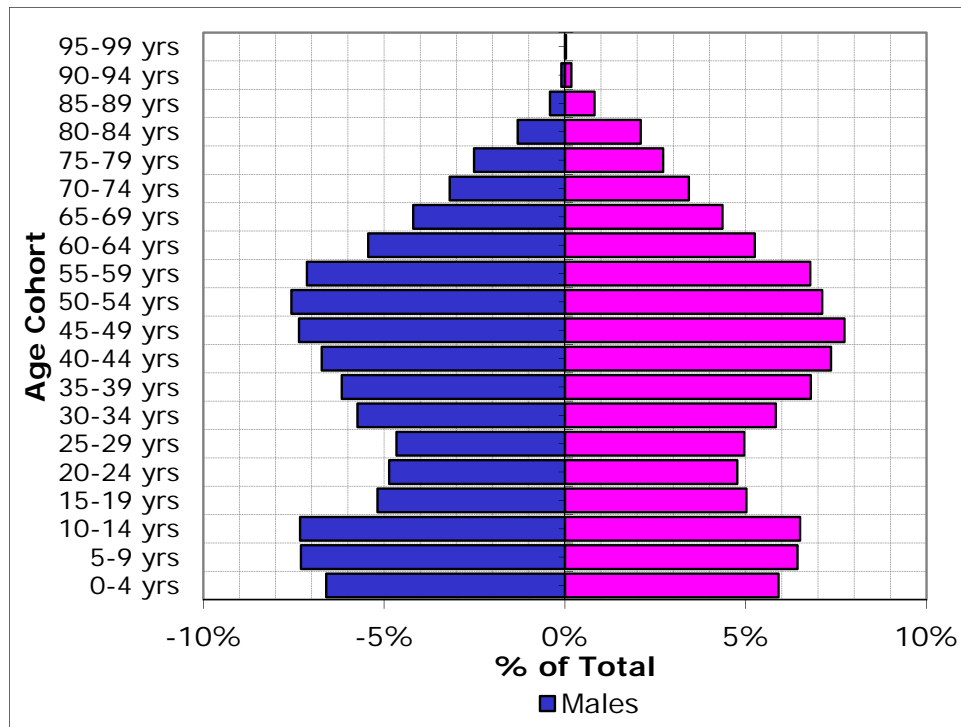


Figure 2.6: Coffs Harbour Population Pyramid 2011

Source: ABS Census of Population and Housing

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Figure 2.7 shows the age comparison between the rural, urban and LGA. It shows that the rural area has more people in all age groups from 0 to 25. This is reinforced in Figure 3.4 which shows that there are proportionally more people in the rural area in the working population (15 to 65) but less in the over 65 year age cohort.

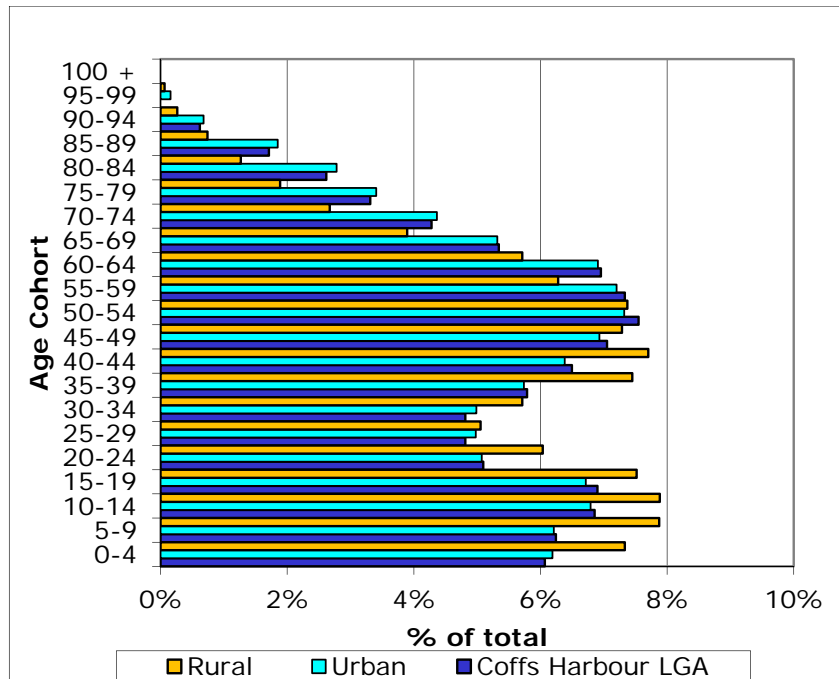


Figure 2.7: Age Cohort Comparison 2011
 Source: ABS Census of Population and Housing

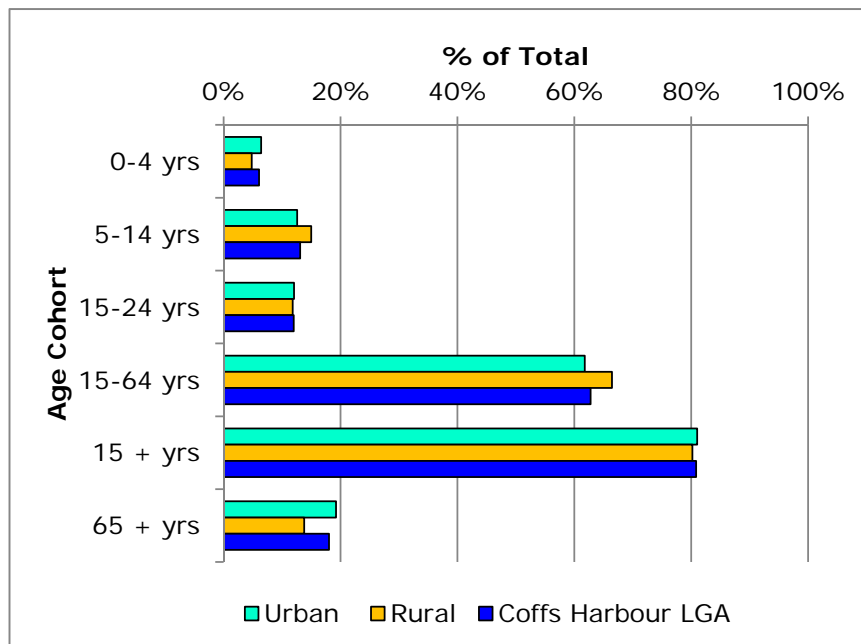


Figure 2.8: Specific Age Cohort Comparison 2011
 Source: ABS Census of Population and Housing

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Considerably more of the rural residents are married (nearly 10%) and less separated, divorced, widowed and never married as can be seen in Figure 2.9.

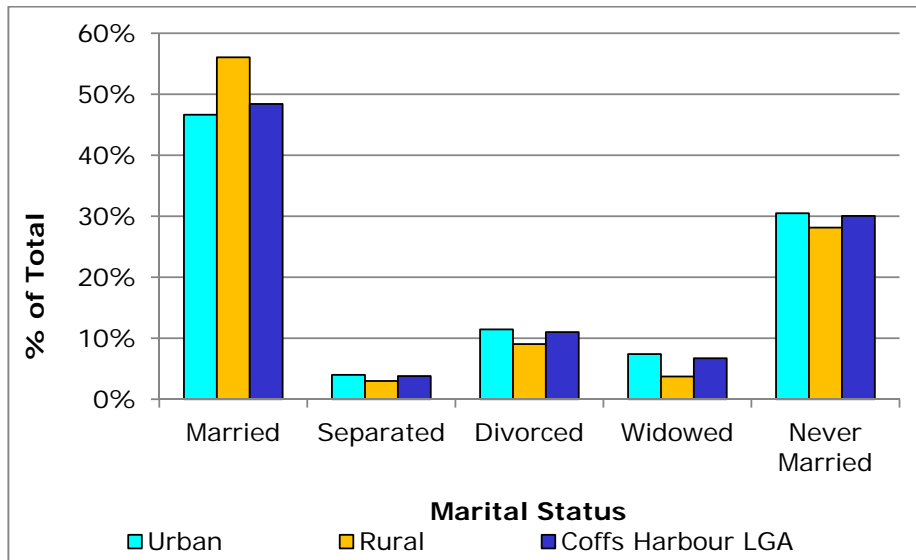


Figure 2.9: Registered Marital Status 2011

Source: ABS Census of Population and Housing

There are slightly less people from a Non-English Speaking Background in the rural areas than the urban and Coffs Harbour LGA. This is shown in Figure 2.10.

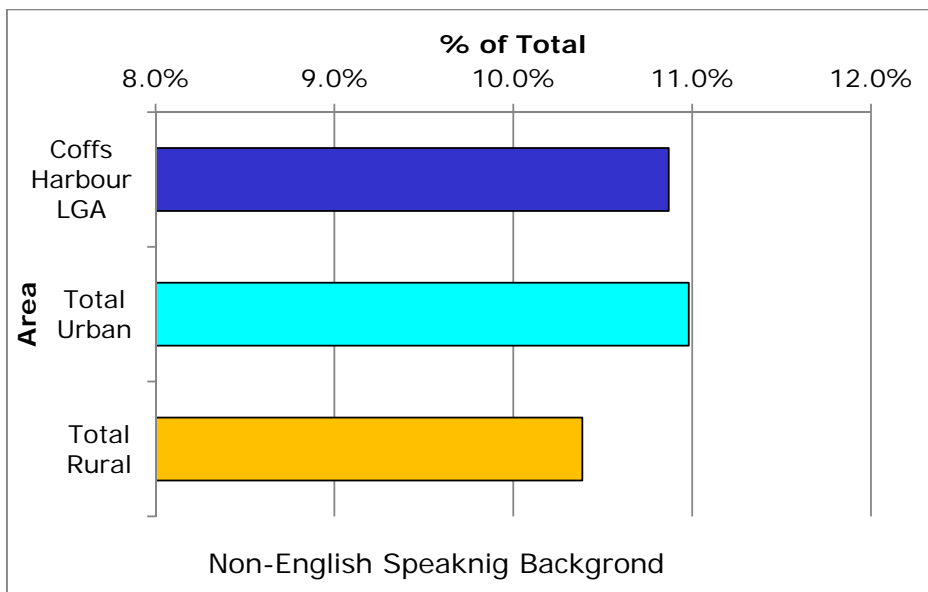


Figure 2.10: Non-English Speaking Background 2011

Source: ABS Census of Population and Housing

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There are the same percentages of pre-school attendees in the rural, urban and Coffs Harbour LGA. There are more infants / primary students in the rural area than the urban and Coffs LGA. There are more secondary and university students in the rural area but less TAFE students than the urban areas and Coffs Harbour LGA, as can be seen in Figure 2.11

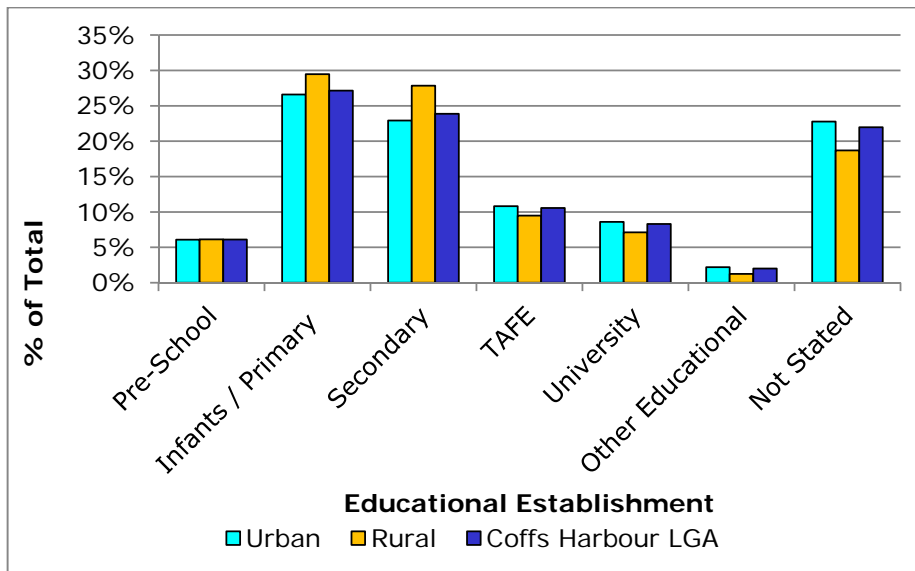


Figure 2.11: Educational Establishment Attending 2011

Source: ABS Census of Population and Housing

There are slightly more people in the rural area who completed school after year 12, 11 and year 10 than the urban area and Coffs Harbour LGA as can be seen in figure 2.12. Conversely, there are less people who left school in years 8 and 9 in the rural area than the urban areas and Coffs Harbour LGA.

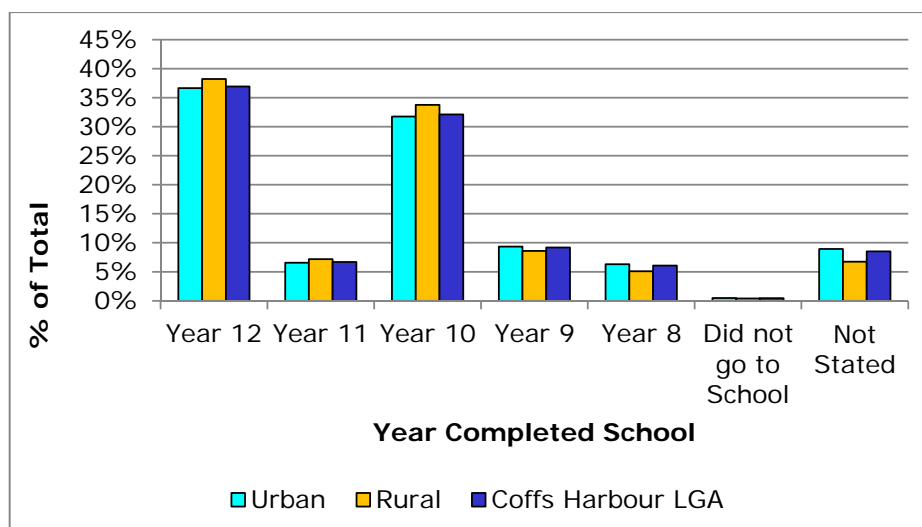


Figure 2.12: Year Completed School 2011

Source: ABS Census of Population and Housing

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Figure 2.13 shows that there are more (2.6%) people who volunteer in the rural areas.

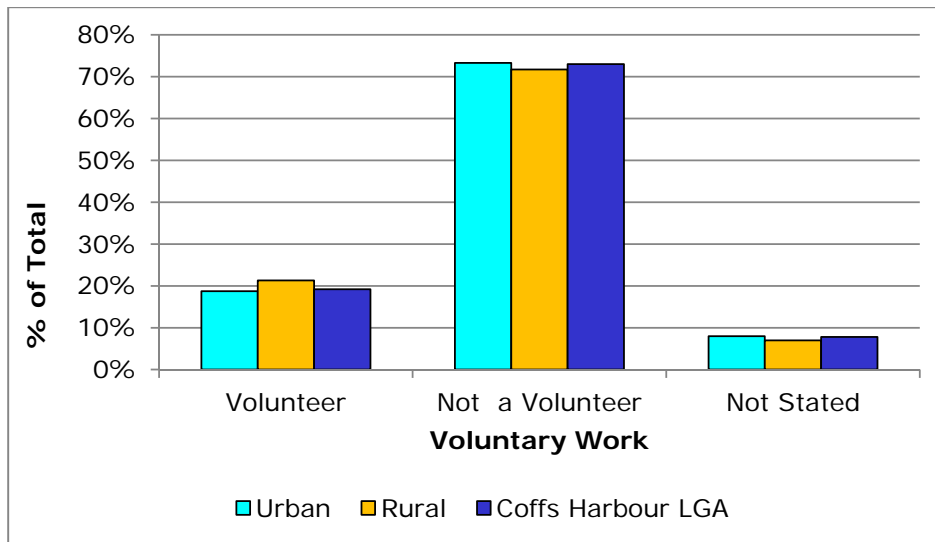


Figure 2.13: Voluntary Work 2011
 Source: ABS Census of Population and Housing

The couples with no children are mostly the same but there are more families with children under 15 and no children under 15 (older children living at home) in the urban areas but less single parent families in the urban areas than the rural areas and Coffs Harbour LGA as can be seen from figure 2.14.

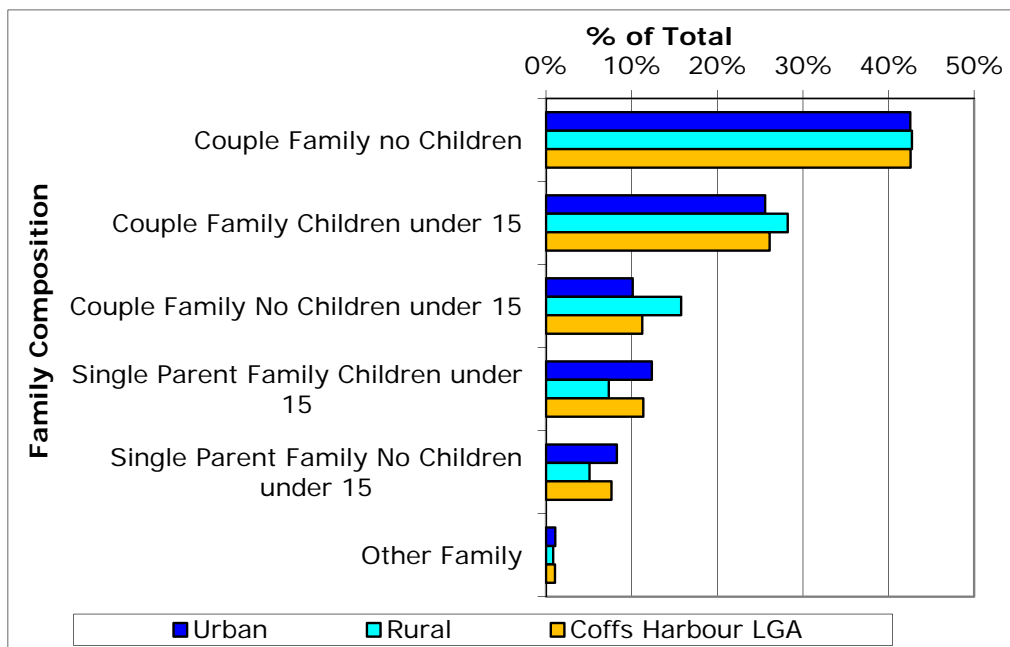


Figure 2.14: Family Composition 2011
 Source: ABS Census of Population and Housing

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The median family income in the rural areas was \$1,045 per week and \$902 in the urban areas and Coffs Harbour LGA. Figure 2.15 shows that there are less people earning less than \$2,000 per week in the rural area and considerably more earning more than \$2,000 per week.

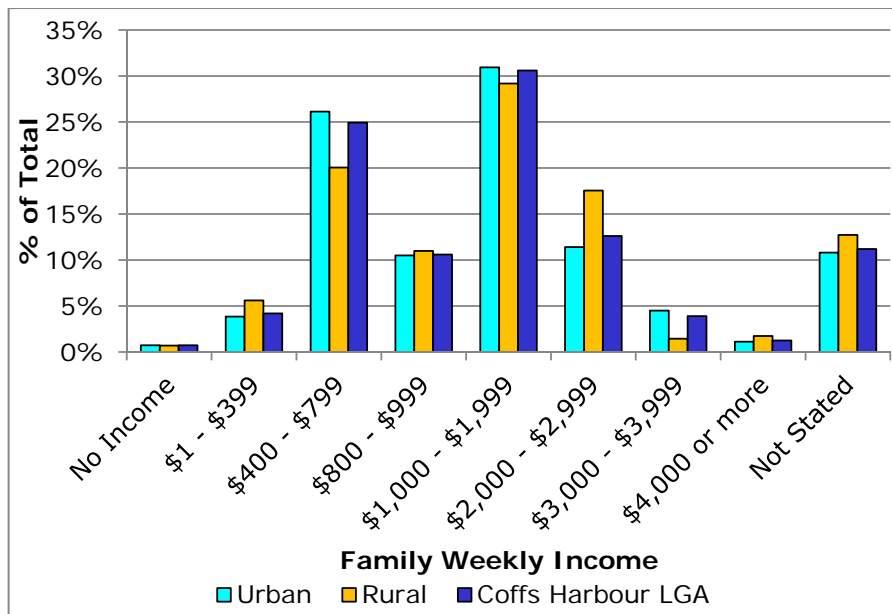


Figure 2.15: Family Income 2011
 Source: ABS Census of Population and Housing

There are many dwellings having one or no motor vehicles in the rural area but more with two motor vehicles and considerably more with three or four or more motor vehicles in the rural areas than the urban area and Coffs Harbour LGA as can be seen in figure 2.16.

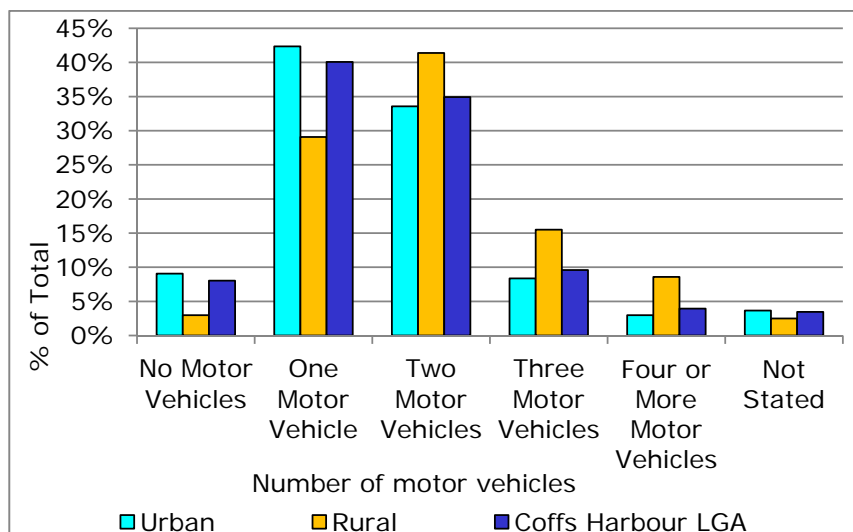


Figure 2.16: Number of Motor Vehicles 2011
 Source: ABS Census of Population and Housing

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There are considerably less single households in the rural area and slightly more two person households than the urban areas and Coffs Harbour LGA. Figure 2.17 shows that there are slightly more three, four, five and six or more person households in the rural area.

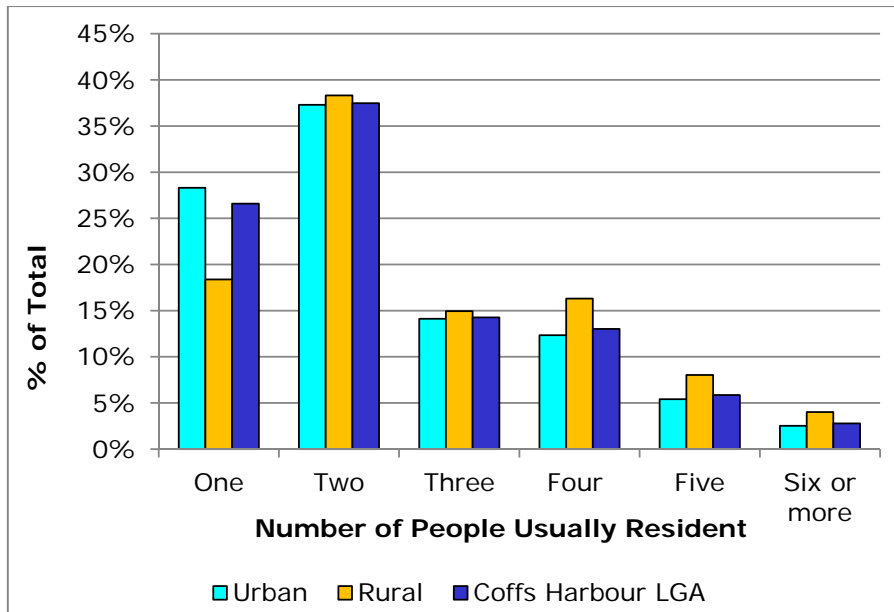


Figure 2.17: Number of People Usually Resident 2011

Source: ABS Census of Population and Housing

Figure 2.18 shows that there are more separate houses and less unoccupied dwellings than the urban area.

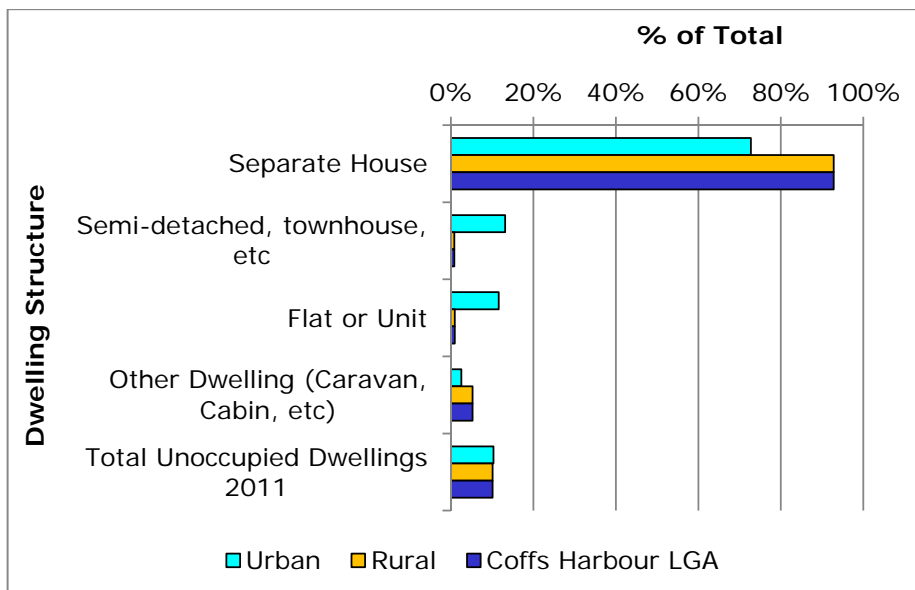


Figure 2.18: Dwelling Structure 2011

Source: ABS Census of Population and Housing

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There are more houses owned outright and considerably more mortgage holders in the rural area than the urban area and Coffs Harbour LGA as can be seen in Figure 2.19. It also shows that there are considerably less rented houses in the rural area than the urban area and Coffs Harbour LGA.

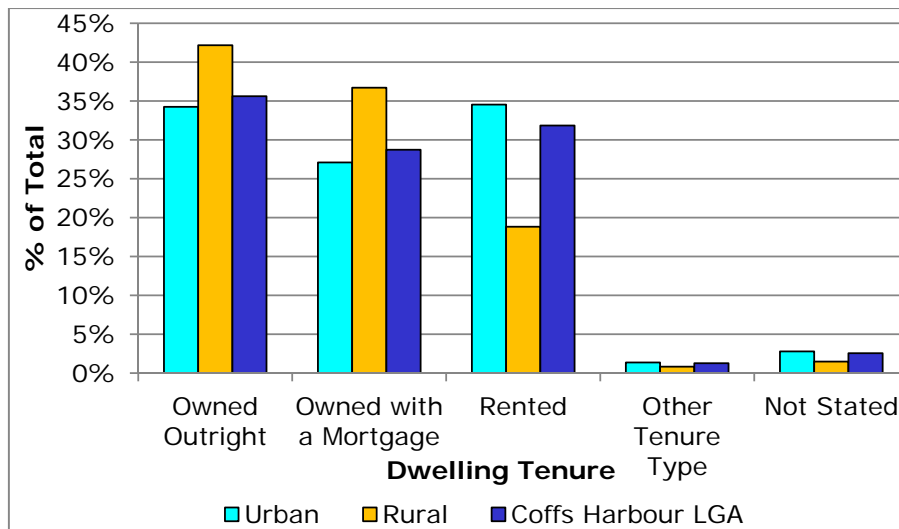


Figure 2.19: Dwelling Tenure 2011
 Source: ABS Census of Population and Housing

There are more dwellings with a mortgage repayment of less than \$999 per month in the rural area and considerably less dwellings with a mortgage repayment of \$1,000 to \$1,799 as can be seen in Figure 2.20. It can also be seen that there are more repayments of \$1,800 to \$2,399 and payments of \$2,400 to \$2,999 are similar but there is considerably more houses with mortgage repayments of more than \$3,000 per month in the rural area than the urban area of Coffs Harbour LGA.

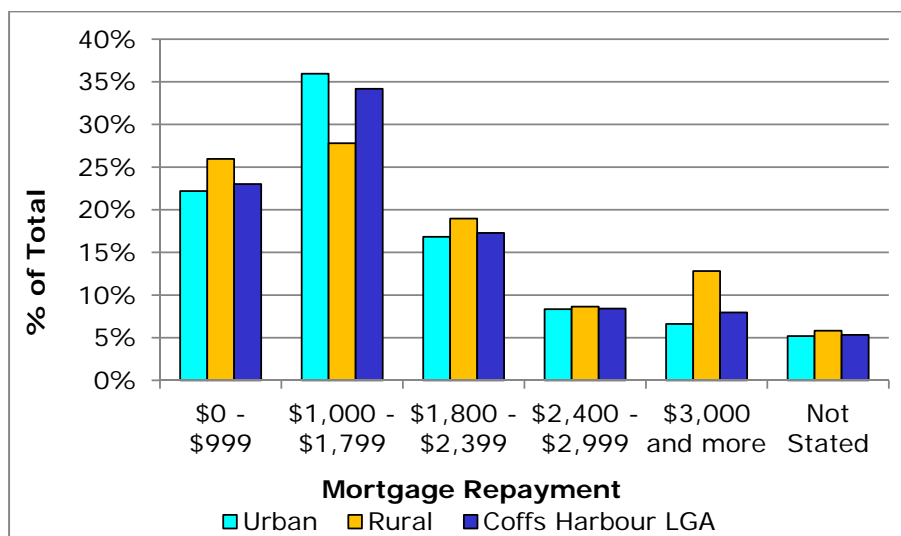


Figure 2.20: Mortgage Repayment 2011
 Source: ABS Census of Population and Housing

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Figure 2.21 shows that there are more dwellings with a weekly rent in the rural areas of between \$0 and \$224 but many fewer with a weekly rent of between \$225 and \$349. Properties with a rent of between \$350 and \$449 are slightly less in the rural area but there are many more with a rent of greater than \$450 per week.

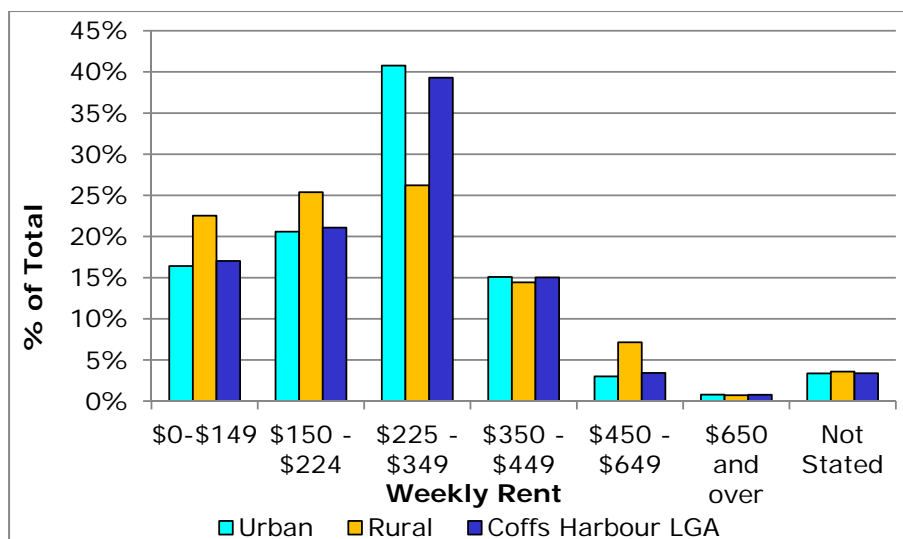


Figure 2.21: Weekly Rent 2011

Source: ABS Census of Population and Housing

There are more dwellings with broadband internet connection and total internet connection in the rural area than the urban or Coffs Harbour LGA. This can be seen from Figure 2.22.

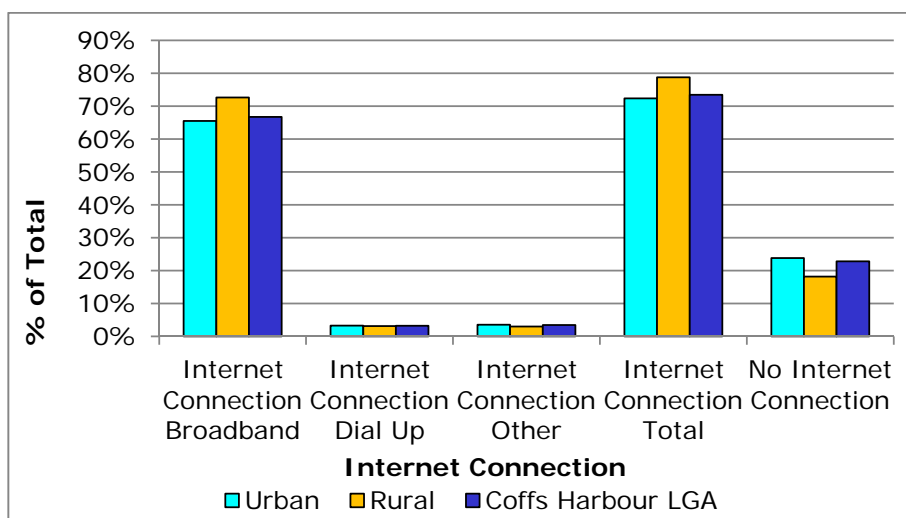


Figure 2.22: Internet Connection 2011

Source: ABS Census of Population and Housing

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There are slightly more one bedroom dwellings in the rural area but considerably less two bedroom and three bedroom dwellings in the rural area than the urban area and Coffs Harbour LGA as can be seen from Figure 2.23. Conversely, there are considerably more four, five, six or more bedroom dwellings in the rural area.

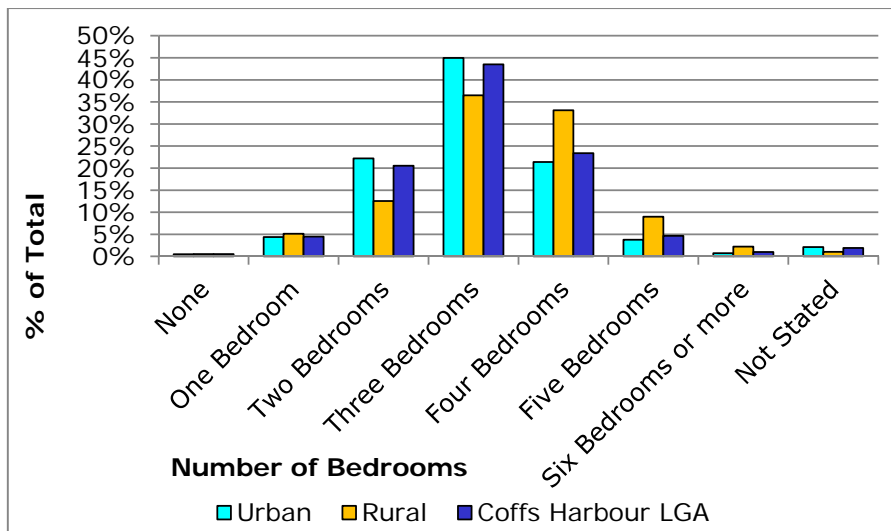


Figure 2.23: Number of Bedrooms 2011
 Source: ABS Census of Population and Housing

People in the rural area are less mobile than people in the urban area. This can be seen from Figure 2.24 which shows that there are slightly fewer people who lived at a different address 1 year ago in the rural area than the urban area and Coffs Harbour LGA and fewer people who lived at a different address 5 years ago.

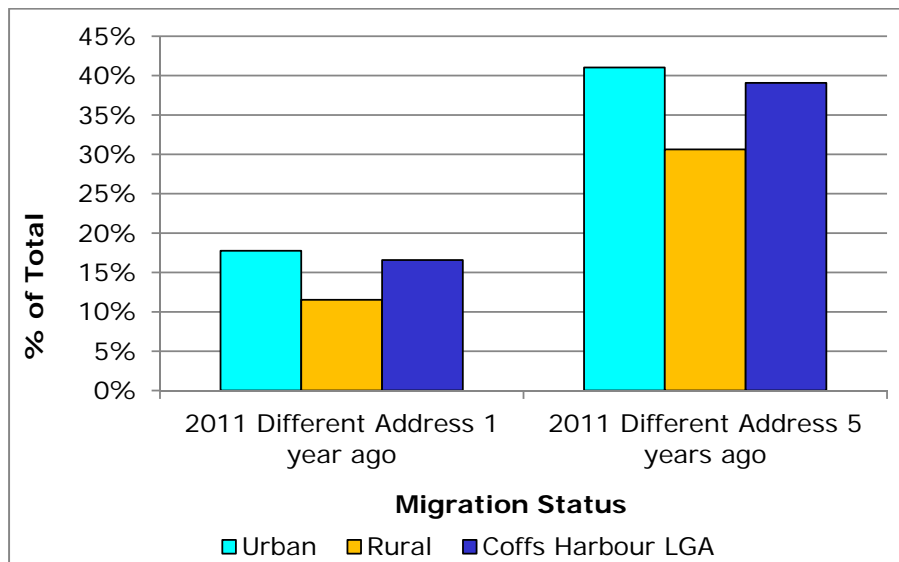


Figure 2.24: Migration Status 2011
 Source: ABS Census of Population and Housing

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There are more people with professional qualifications in the rural area than the urban area and Coffs Harbour LGA as can be seen from Figure 2.25, which shows that there are more people with a Bachelor, Graduate Diploma / Graduate Certificate and Post Graduate degree. There are also more with a certificate qualification in the rural area than the urban area and Coffs Harbour LGA.

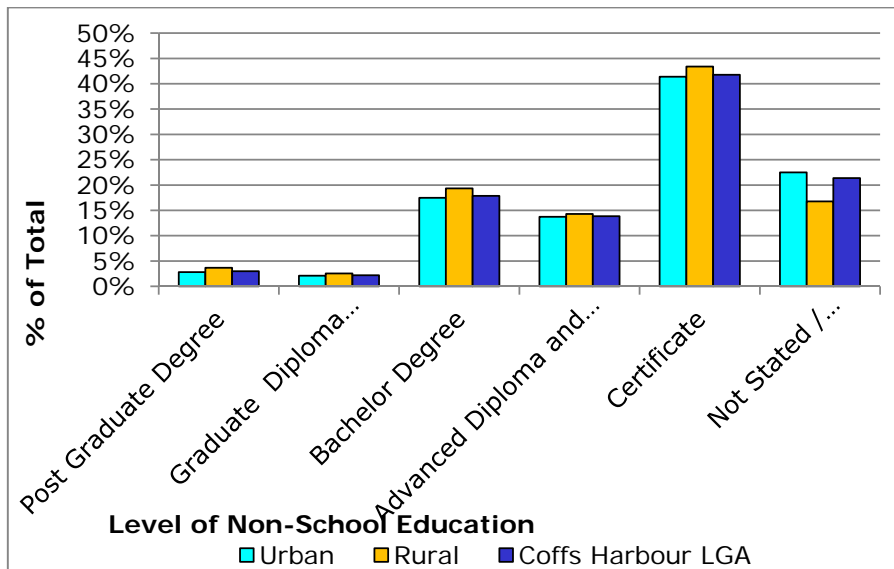


Figure 2.25: Level of Non-School Education 2011

Source: ABS Census of Population and Housing

There are the same proportion of people employed full time and slightly more part time workers in the rural area than the urban area and Coffs Harbour LGA, as can be seen from Figure 2.26. It can also be seen that there are more people employed but away from work.

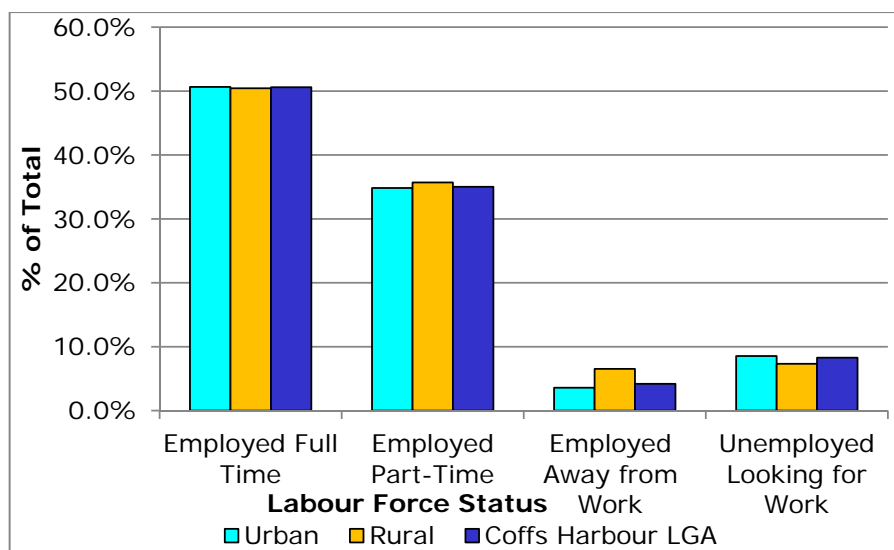


Figure 2.26: Labour Force Status 2011

Source: ABS Census of Population and Housing

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Figure 2.27 shows that the workforce participation rate is higher in the rural area than the urban area and Coffs Harbour LGA .

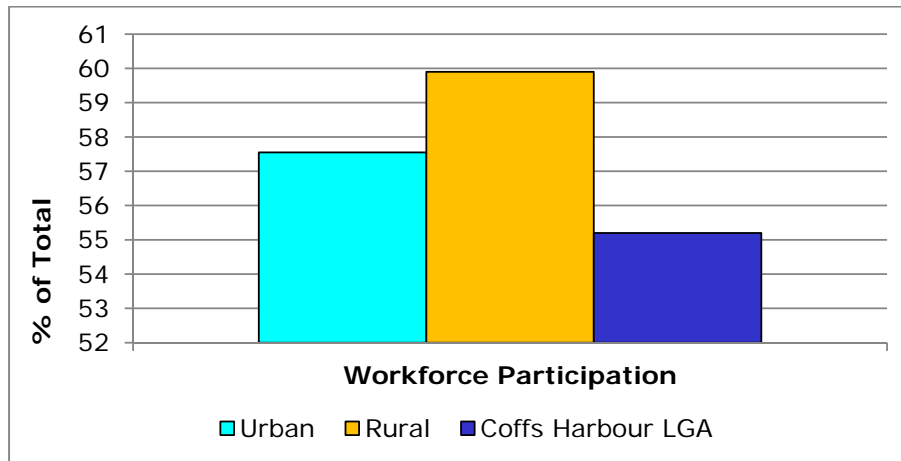


Figure 2.27: Workforce Participation 2011

Source: ABS Census of Population and Housing

The industry sector of the rural workforce is shown in Figure 2.28. It is significant to note that the number one industry sector is health care and social assistance followed by retail sales, construction, education and training with agriculture being number five, when it would be expected to be number one in a rural area.

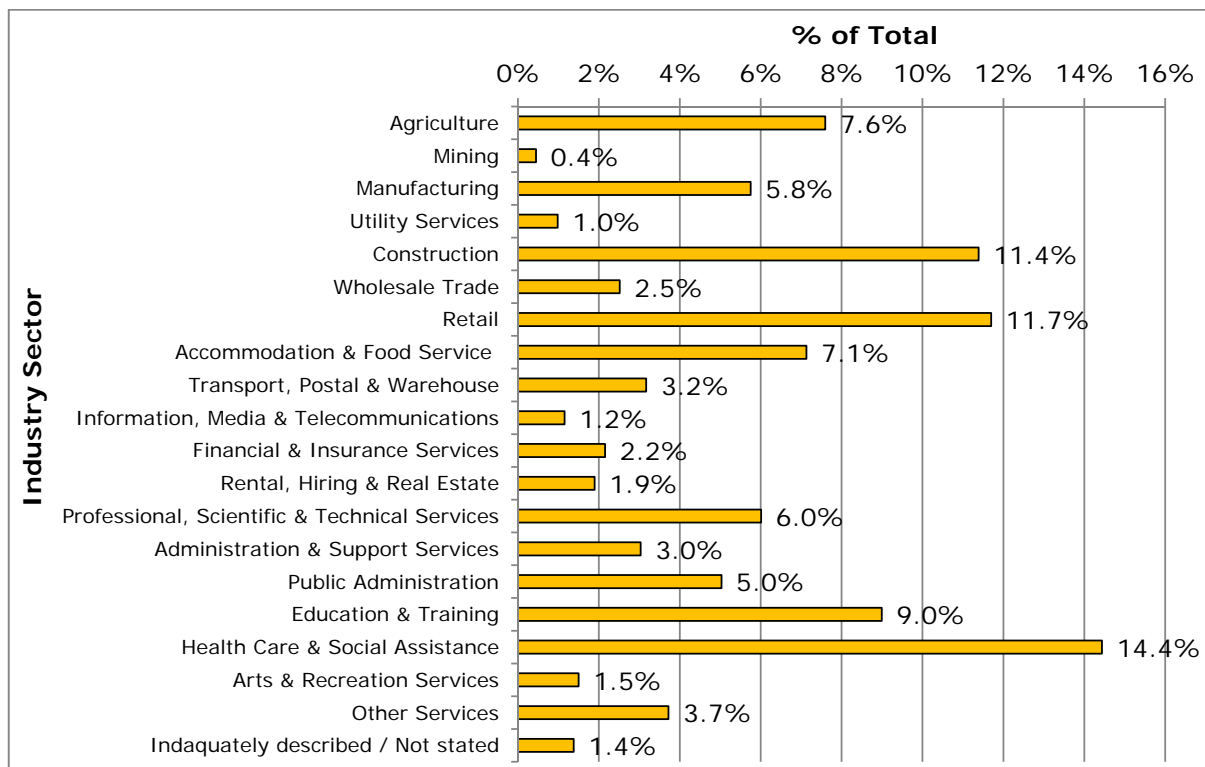


Figure 2.28: Industry Sector of Rural Workforce 2011

Source: ABS Census of Population and Housing

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Table 2.2 shows the industry sector of the workforce for the rural area compared to the urban area, LGA and NSW. Figure 2.27 shows the comparison between the rural and urban areas as well as the Coffs Harbour LGA .

Table 2.2: Industry Sector of the Workforce

Industry Sector 2011	Rural (%)	Urban. (%)	Coffs Harbour LGA (%)	NSW (%)
Agriculture, forestry and fishing	7.6	2.5	3.6	2.2
Mining	0.4	0.3	0.3	1.0
Manufacturing	5.8	5.0	5.2	8.4
Electricity, gas, water & waste services	1.0	0.9	0.9	1.1
Construction	11.4	9.0	9.5	7.3
Wholesale trade	2.5	2.7	2.6	4.4
Retail trade	11.7	14.3	13.8	10.3
Accommodation and food services	7.1	10.7	10.0	6.7
Transport, postal and warehousing	3.2	3.7	3.6	4.9
Information media & telecommunications	1.2	1.2	1.2	2.3
Financial and insurance services	2.2	2.2	2.2	5.0
Rental, hiring and real estate services	1.9	1.8	1.9	1.6
Professional, scientific & technical services	6.0	4.2	4.6	7.9
Administrative and support services	3.0	3.1	3.1	3.3
Public administration and safety	5.0	6.5	6.2	6.1
Education and training	9.0	8.5	8.6	7.9
Health care and social assistance	14.4	15.5	15.3	11.6
Arts and recreation services	1.5	1.5	1.5	1.5
Other services	3.7	4.2	4.1	3.7
Inadequately described/Not stated	1.4	2.2	2.0	2.5
Total	100.0	100.0	100.0	100.0

Source: ABS 2011 Census Data Packs

The top five industry of employment for the rural area, urban area, Coffs Harbour and NSW is shown in Table 2.3. It can be seen that the sectors are urban based sectors and they are similar to the other regions with agriculture being represented but is number five. This shows that the rural area has a similar demographic make-up to the urban areas.

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Table 2.3: Top 5 Rural Employment Industry Sectors

Rural (%)	Urban (%)	Coffs Harbour LGA (%)	NSW (%)
Health care and social assistance 14.4	Health care and social assistance 15.5	Health care and social assistance 15.3	Health care and social assistance 11.6
Retail trade 11.7	Retail trade 14.3	Retail trade 13.8	Retail trade 10.3
Construction 11.4	Accommodation and food services 10.0	Accommodation and food services 10.0	Manufacturing 8.4%
Education and training 9.0	Construction 9.0	Construction 9.5	Education and training 8.4
Agriculture, forestry and fishing 7.6	Education and training 8.5	Education and training 8.6	Professional, Scientific & Technical Services 9.0

Source: ABS Census of Population and Housing

The industry sector of the workforce for the rural, urban and Coffs Harbour LGA are shown in figure 2.29. This shows that comparatively, the rural area has more people employed in agriculture (which would be expected) and also more in construction; wholesale trade; information, media and telecommunications; rental, hiring and real estate; professional, scientific and technical services; education and training as well as art and recreation services.

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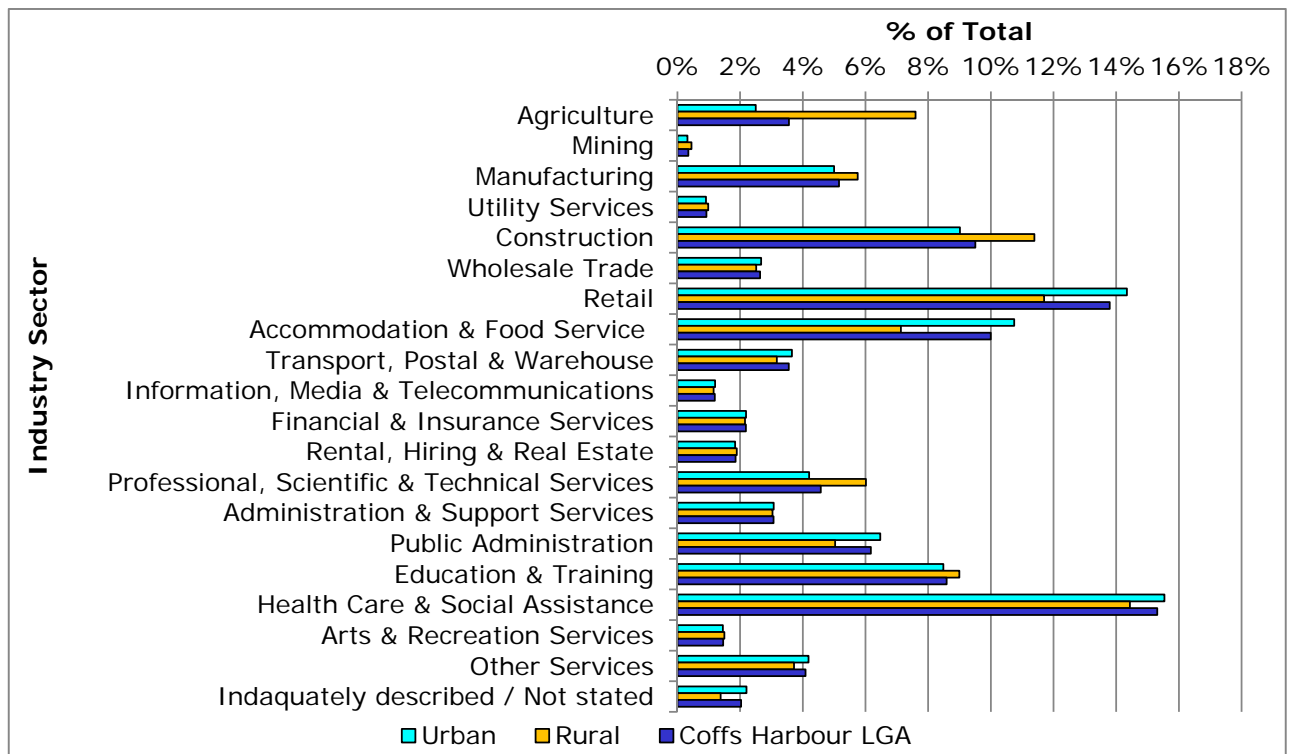


Figure 2.29: Industry Sector of Workforce 2011

Source: ABS Census of Population and Housing

The age of the agriculture, forestry and fishing workforce is shown in Figure 2.30. It can be seen that there are younger workers who live in the urban areas which could be attributed to forestry and fishery works as well as some farmers. The majority of the rural people are in the 45 – 54 age cohort. This the same age cohort as NSW and Australia but Coffs Harbour has a higher percentage (27.0%) than NSW (22.6%) and Australia (22.4%)

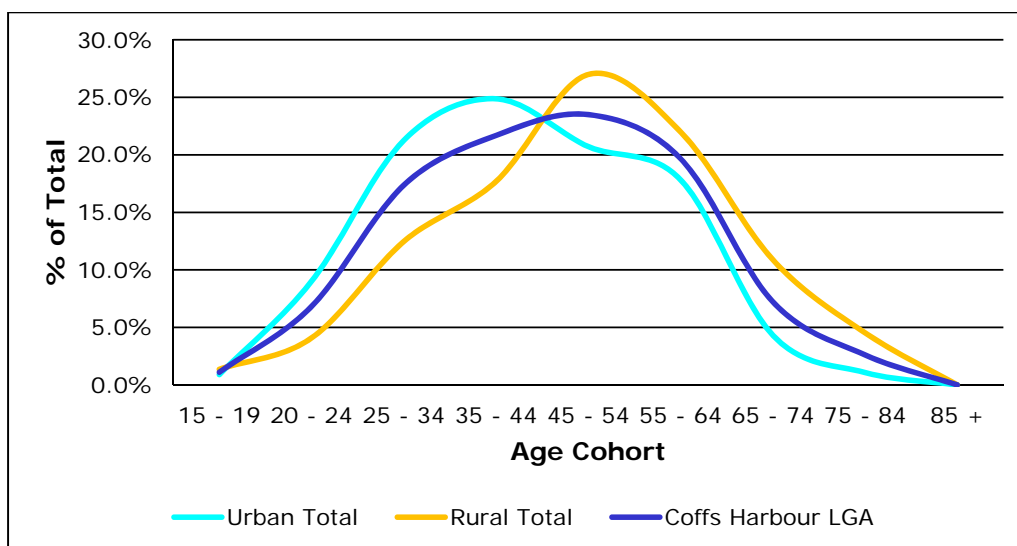


Figure 2.30: Age of Agriculture, Forestry and Fishing Workforce 2011

Source: ABS Census of Population and Housing

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Map 2.7 shows the spatial distribution of people in rural areas who are employed in agriculture, forestry and fishing. It shows that the average number of people for the rural lands is 7.6% and it can be seen that the highest proportions are in the Dirty Creek area to the west of Corindi, south of Woolgoolga, north of Coffs Harbour urban area and Ulong / Brooklana. The first three localities are significant areas of bananas and berry production. The areas that have the least amount of employment in agriculture are the rural fringe areas extending from Emerald Beach to Korora as well as in the Karangri and Coramba areas.

There more people working in professional occupations in the urban area than the rural areas as can be seen in Figure 2.31.

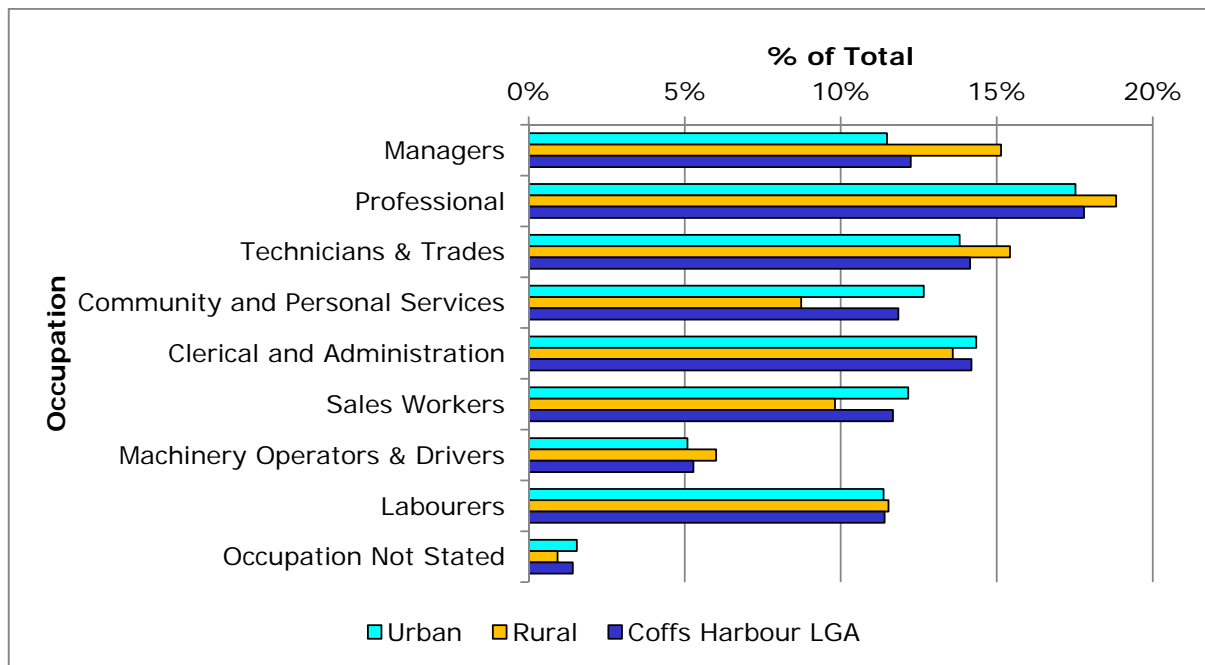
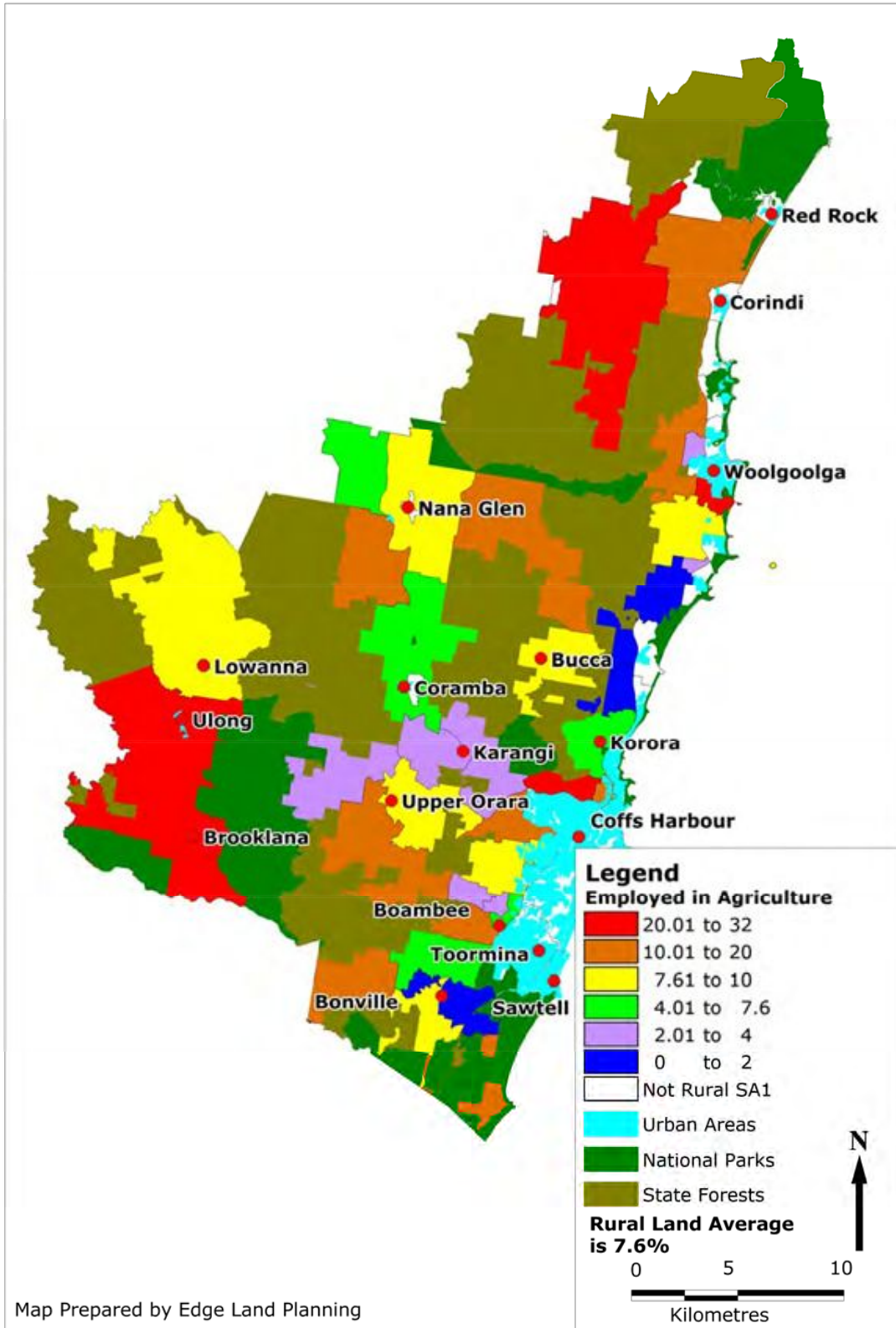


Figure 2.31: Occupation of Workforce 2011
 Source: ABS Census of Population and Housing

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Map 2.7: Employment in Agriculture 2011

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The majority of people drove to work as a driver in the rural and urban areas as can be seen from figure 2.32

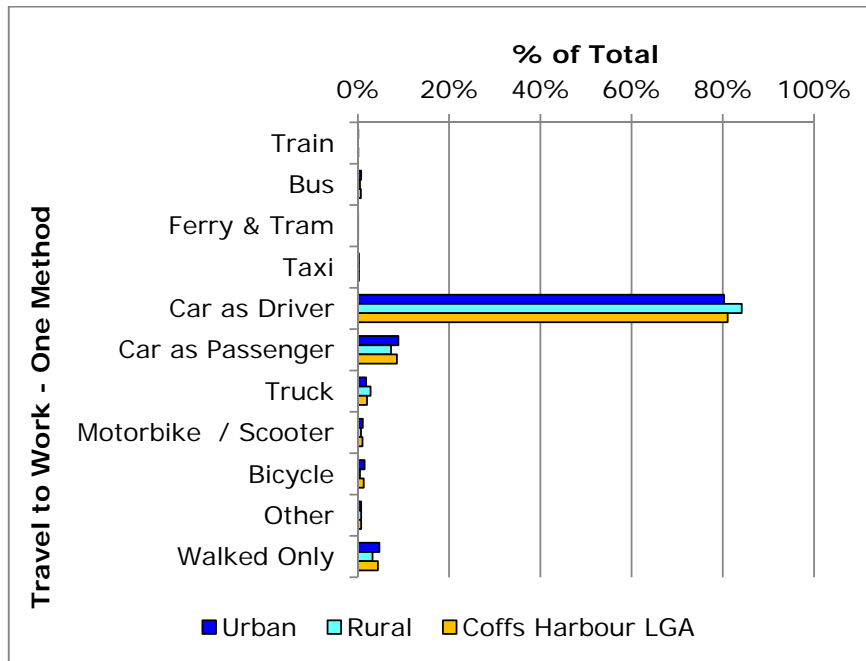


Figure 2.32: Method of Traveling to work 2011

Source: ABS Census of Population and Housing

More than two times more people in the rural areas worked at home than the urban areas and Coffs Harbour LGA as can be seen from Figure 2.33

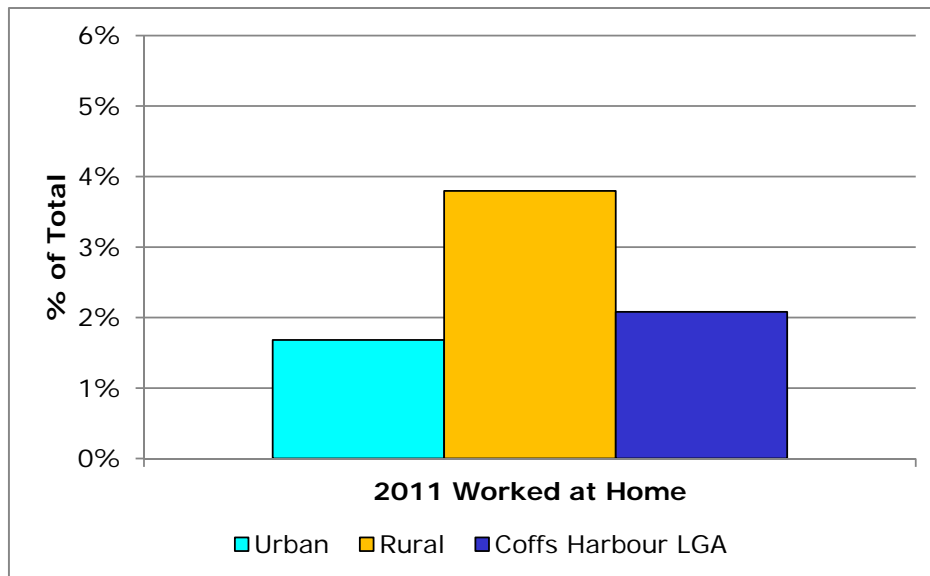


Figure 2.33: Worked at home

Source: ABS Census of Population and Housing

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2.2.5. Economic Development

The economic base of rural areas like Coffs Harbour LGA is a very important component of its future viability and sustainability.

The most recent ABS Agricultural Census (2011) data shows that the Coffs Harbour LGA had a total value of agriculture of \$96.5m. The multiplier for general agriculture is three and for horticulture is 4 – 5 so this means that agriculture contributes between \$400 and \$500m to the local economy which is significant. This represents 25.6% of the Mid-North Coast Region, 0.8% of NSW and 0.2% of Australia's value of production. The break-up of this is provided in the Table 2.4. It is significant to note that fruit contributes the majority of this value and this is comprised of blueberries (\$67.2m), bananas (\$9.8m), raspberries (\$1.4m), other orchard fruit (\$1.0m), macadamia nuts (\$0.7m), avocados (\$0.4m), kiwi fruit (\$0.2m) guava (\$0.1m) and other plantation fruit (\$0.1m). It should be noted that the ABS figures are conservative and under report the actual situation. This is due to the voluntary nature of the census which means that not all farmers respond to it and little validation of the data supplied. In reality, the actual production and subsequent value could be up to one and a half to two times the ABS figure.

Table 2.4: Value of Agriculture Production

Commodity	Value (\$m)
Crops	
Nurseries	\$3.2
Cut Flowers	\$0.8
Vegetables	\$3.7
Fruit	\$81.2
Total Crops	\$88.9
Livestock	
Cattle and Calves	\$4.5
Poultry	\$0.1
Eggs	\$0.1
Dairy	\$2.9
Total Livestock	\$7.6
LGA Total	\$96.5

Source: ABS Value of Agriculture Commodities Produced 2011, NSW LGAs

The ABS Commodity data has provided data on the production in the LGA and this can be compared to the region, NSW and Australia. This shows the following commodities that are significant:

- Blueberries: 2,344,770 kg which represents 98.8% of the Mid North Coast Region, 92.6% of NSW and 80.8% of Australia's production which makes it the number one in Australia.
- Bananas: 6,113,000 kg which represents 85.3% of the region, 51.9% of NSW and 3% of Australia's production.

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- Raspberries: 32,970 kg which represents 100% of the region, 83.6% of NSW and 4.1% of Australia's production.
- Kiwifruit: 92,591 kg which represents 49.2% of the region, 44.9% of NSW and 3.1% of Australia's production.
- Lychees: 18,910kg which represents 99.9% of the region, 71.4% of NSW and 1.2% of Australia
- Mangoes: 5,691 kg which represents 13.5% of the region and 6.9% of NSW.
- Strawberries: 1,397 kg which represents 5.9% of the region and 0.7% of NSW.

Economic development is an important component of any strategy for the future. There is a need for the area to have a vibrant and diverse economy for it to survive. The Coffs Harbour LGA economy is heavily based on agriculture. There is a need to protect the existing businesses as well as attracting new ones. There are three main economic drivers (which are in addition to the commercial and retail sectors of the main towns) of the Coffs Harbour LGA Economy are agriculture and associated processing industries and tourism

There is a need to ensure that work is carried out on promoting all of these sectors as they combine to contribute to the economy of the LGA. It is also necessary to ensure that the future sustainability of these sectors are not compromised by the development of one sector which might impact on the other.

2.2.6. Infrastructure

Infrastructure such as roads, water, electricity and telephone are necessary for the provision of human settlement areas. The Coffs Harbour LGA is well served by electricity and telephone.

The road infrastructure within the LGA is very important for the transporting of produce into and out of the LGA. In addition the standard of roads is particularly important especially during wet weather and for heavy truck usage.

An emerging issue is the amount of traffic generated by rural living and large lot residential development, but particularly rural living. The large number of rural living development in the areas close to Coffs Harbour LGA can generate the same number of traffic movements as urban areas due to the daily commuting requirements of residents to work in Coffs Harbour urban area and beyond.

2.2.7. Sustainable Agriculture.

For agriculture to remain important in the LGA, it must become sustainable. Sustainability in this context embraces the concept of Ecologically Sustainable Development or ESD,.

Sustainable agriculture, from a land use planning point of view, must embrace environmental, economic and social concepts (ESD). A definition of sustainable agriculture therefore is as follows:

"use of land ... which can be maintained and managed so that the land remains

- *environmentally sustainable (that is, environmental pollution and land degradation arising from the use is minimised);*

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- *socially sustainable (that is, land use conflict and loss of amenity of the surrounding area arising from the use is minimised); and*
- *economically sustainable (that is, there is a capability of making a net farm profit from the use" (Sinclair, 1999)*

A use may be economically sustainable, that is it makes a living for the farmer, but it may be on a lot that is not large enough to allow it to manage the nutrients or odour and may have an impact on the amenity of the neighbourhood. It is therefore unlikely to be sustainable. Unsustainable practices include market gardening on small lots, hydroponics on small lots, overgrazing of land by cattle and the loss of topsoil through erosion.

It is important to note therefore, that for an agricultural activity to be sustainable it has to meet all three of the criteria outlined in the definition.

The sustainability of agriculture will vary with the different agricultural landscapes within the LGA and the responses will also be different. There are a number of factors that affect the sustainability of agriculture which include the following:

- size of holding – generally, for extensive agriculture there is a need to have large holdings;
- proximity to settlement areas and rural residential development will cause rural land use conflict which can affect the sustainability of agriculture;
- farming practices such as minimal tillage and not overstocking the land; and
- maintaining riparian vegetation and biodiversity.

The conditions for growing agriculture in the LGA are very conducive to achieving the three aspects of sustainability, especially when there are favourable climatic conditions, i.e. good rainfall and warm days in the growing season. The variety of land uses within the LGA as well as the good growing conditions (i.e. climate and soils) combine to provide for agriculture that will become more sustainable in the future. However, one of the main impediments to the ability of farmers to achieve a sustainable outcome is the lack of certainty of outside impacts on their productive capability. It is important for the sustainability of agriculture in the LGA that it has a future and that the farmers who have invested significant amounts of money and time into it have security of tenure of the land. This includes not allowing land uses to locate next to them that will cause a loss of that security by introducing land use conflict.

Land use conflict has the potential to be an impact on the sustainability of agriculture. It is a problem that affects the horticulture industry mostly. Complaints are made about noise, odour and dust from adjoining rural living and large lot residential users. It can lead to farmers moving out and the farm holding being split up as the individual lots are sold because they attract a dwelling entitlement. This can also lead to issues arising from absentee land owners who don't manage the weeds or fences on their properties resulting in conflict with adjoining properties.

2.3. Environmental Opportunities and Constraints

2.3.1. Climate Change

The climate of an area is very important and has a direct impact on the economic, social and environmental aspects of that area. "The landscape, and the plants and animals in

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it, are all determined to a large extent by climate acting over long intervals of time" (Pittock, 2009 p 1)

Human influence has been detected in warming of the atmosphere and the ocean, in changes in the global water cycle, in reductions in snow and ice, in global mean sea level rise, and in changes in some climate extremes. This evidence for human influence has grown since AR4. It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century. (IPCC, 2013) p15

The Intergovernmental Panel on Climate Change have produced the fifth report on the assessment of the causes, impacts and possible response strategies to climate change worldwide in 2013. This report has found that "*Continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system. Limiting climate change will require substantial and sustained reductions of greenhouse gas emissions*" (IPCC, 2013) p17

"An overwhelming body of scientific evidence now clearly indicates that climate change is a serious and urgent issue. The Earth's climate is rapidly changing, mainly as a result of increases in greenhouse gases caused by human activities" (Stern, 2007 p3)

The document titled *The Economics of Climate Change – the Stern Review* provides a good overview of the climate change issue, particularly how it may have an impact on the sustainability of the LGA. The document notes the following points:

- Climate models show that the Earth's temperature is likely to rise by 2 - 5° Celsius in global mean temperatures between 2030 and 2060;
- Warming of the Earth is very likely to intensify the water cycle, which will have the impact of more droughts and floods;
- Rainfall is likely to increase in high latitudes whilst regions with Mediterranean climates (like South eastern Australia) will have significant reductions in rainfall;

"As the world warms, the risk of abrupt and large scale changes in the climate system will rise" (Stern, 2007 p3).

The CSIRO have recently released a report dealing with the impacts of climate change on the Australian continent. The document *State of the Climate 2012* provides the most up to date summary of long term climate trends in Australia. It notes that the long term warming trend of the past 60 years has not changed with each decade being warmer than the preceding one. This is consistent with global scale warming. It notes that the global average surface temperatures were the warmest on record in 2010 and that 2011 was the world's 11th warmest year and the warmest year on record during a La Nina event. The 13 warmest years on record have occurred in the last 15 years. It also notes that there has been a general trend towards spring and summer monsoonal rainfall across Australia's northern and a decrease in late autumn and winter rainfall across southern Australia. The document shows that the very strong La Nina events in 2010 and 2011 heralded the highest two-year Australia average total rainfall on record.

The NSW Office of Environment and Heritage have published a *North Coast Climate Change Snapshot*. This shows that temperatures have been rising in the LGA since about

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1970s and this is projected to continue. The number of hot days will increase and rainfall is projected to decrease in winter.

2.3.2. Water Catchments

The major water catchments in the LGA can be divided into coastal catchments and inland ones. The coastal catchments are those that drain directly to the Pacific Ocean and the inland ones drain in a northwards direction into the Clarence River and then to the coast from there. The inland catchments are as follows:

- Orara River
- Bucca Bucca Creek
- Bobo River
- Little Nymboida River
- Mole Creek

The coastal catchments are as follows:

- Station Creek
- Corindi River
- Arrawarra Creek
- Darkum Creek
- Woolgoolga Creek
- Willis Creek
- Double Crossing Creek
- Fiddamans Creek'
- Moonee Creek
- Pine Brush Creek
- Jordans Creek
- Coffs Creek
- Newports Creek
- Pine Creek
- Bundagree Creek

They are shown on map 2.8 and it can be seen that not all of the coastal catchments are relevant to the rural lands. Photo 2.14 shows the Urumbilum River.

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Photo 2.14: Urumbilum River

Date of Photo: October 2015

The provision and conservation of water is a major issue for the future of the LGA. There is a need to ensure that the integrity of the waterways are protected from inappropriate land uses.

The main issues associated with management of the waterways in the Coffs Harbour LGA have been identified as being protecting and managing the following:

- habitat for flora and fauna,
- flooding and drainage associated with rainfall and overland flow
- creek health and water quality

There are many things that can cause the waterways to become stressed. Some are as follows:

- nutrients from urban areas, rural living and large lot residential, waste disposal and intensive agriculture;
- dams and water diversions;
- extraction from rivers and streams – both licensed and unlicensed;
- flooding and drainage associated with the differing topography;
- turbidity caused by soil erosion;
- filling of land;
- inappropriate development controls on existing uses; and
- loss of indigenous riparian vegetation.

The varying topography of the LGA creates differing stresses on the waterways. In the more hilly areas, the impact is from erosion during rain events as well as nutrients from some of the urban and rural residential developments. In these areas there is more native vegetation and this creates wildlife habitat and the impact of land uses on this is an issue that needs to be dealt with. On the flatter land, these

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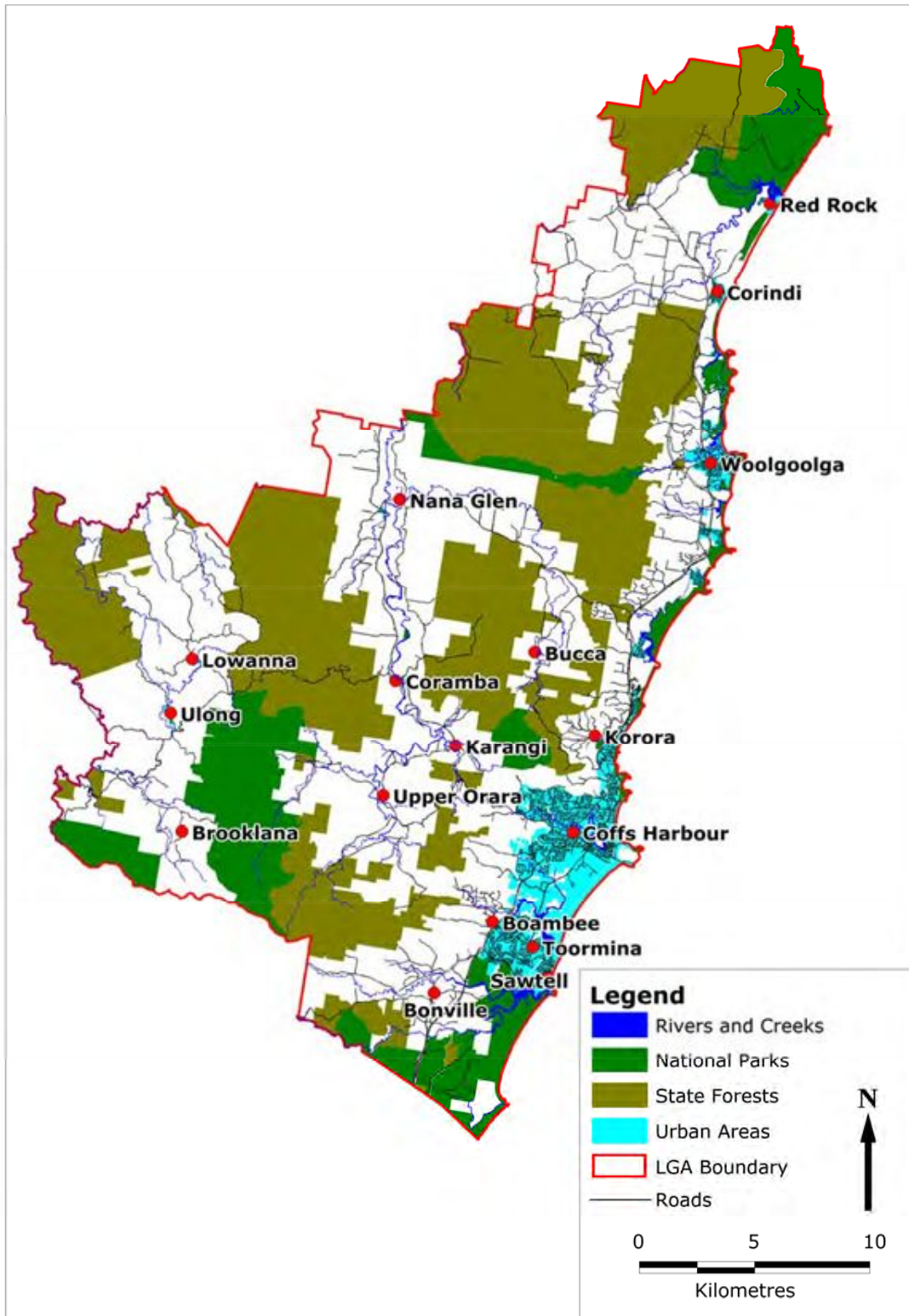
issues are apparent but are not as significant because the flatness of the land means less erosion from rain events as well as the being fewer areas of native vegetation. The differing land uses associated with the topography also creates differing management regimes.

The issue of preserving the natural flows of rivers is one that is impacted upon by a number of issues, including the number of rural dams which have the effect of holding back and trapping a large amount of water, especially during and after a long period of dry weather.

The protection and preservation of riparian land and its management is a major issue that has to be considered. Riparian vegetation is an important part of the catchment as it provides a filter for the waterway by trapping sediments and nutrients that may have otherwise entered the water system. It also provides for bank stability as well as a habitat for wildlife.

In the hilly areas it is more of an issue to do with erosion from creek lines and is not a major issue, however in the flatter coastal land there are some instances of erosion and runoff entering the creeks. This would be particularly evident where there are clusters of rural residential development because of the potential for pollution of the streams from the onsite effluent disposal systems.

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Map 2.8: Rivers and Creeks

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2.3.3. Groundwater

The groundwater resources of the area are an issue that needs to be considered in a regional context, but one that the use of land in the LGA can have an impact on. Groundwater is also part of the wider ecosystem and any changes to it will impact upon other aspects of the environment.

Groundwater is used for stock and domestic water use as well as for irrigation of crops. It is a resource which is finite and care has to be taken when dealing with future use of the land.

A lot of the irrigation water for the horticulture is derived from groundwater. It is important that any land use does not contaminate the groundwater source. This includes non-agricultural industries that use and dispose of water. This should be treated appropriately before being discharged to any land that may have the potential to contaminate the groundwater.

The groundwater used for irrigating the horticulture crops has a limit on the extraction and this limits the potential for the expansion of the industry. It will also be impacted on if other non-agricultural industries have access to the aquifer too.

2.3.4. Native Vegetation and Biodiversity

The native vegetation of the LGA is an important resource that is essential to ecological and land management. It is an important component of the LGA because it provides habitat for native flora and fauna as well as being a landscape and visual feature.

Most of the LGA is covered with native vegetation which is on a mixture of private and public land. There are significant parts of the LGA that are National Parks and State Forests. It can be seen from Map 2.9 that the cleared land is mostly in the inland valleys. Photo 2.15 shows the native vegetation in the Orara Valley at Coramba.



Photo 2.15: Native Vegetation at Coramba

Date of Photo: October 2015

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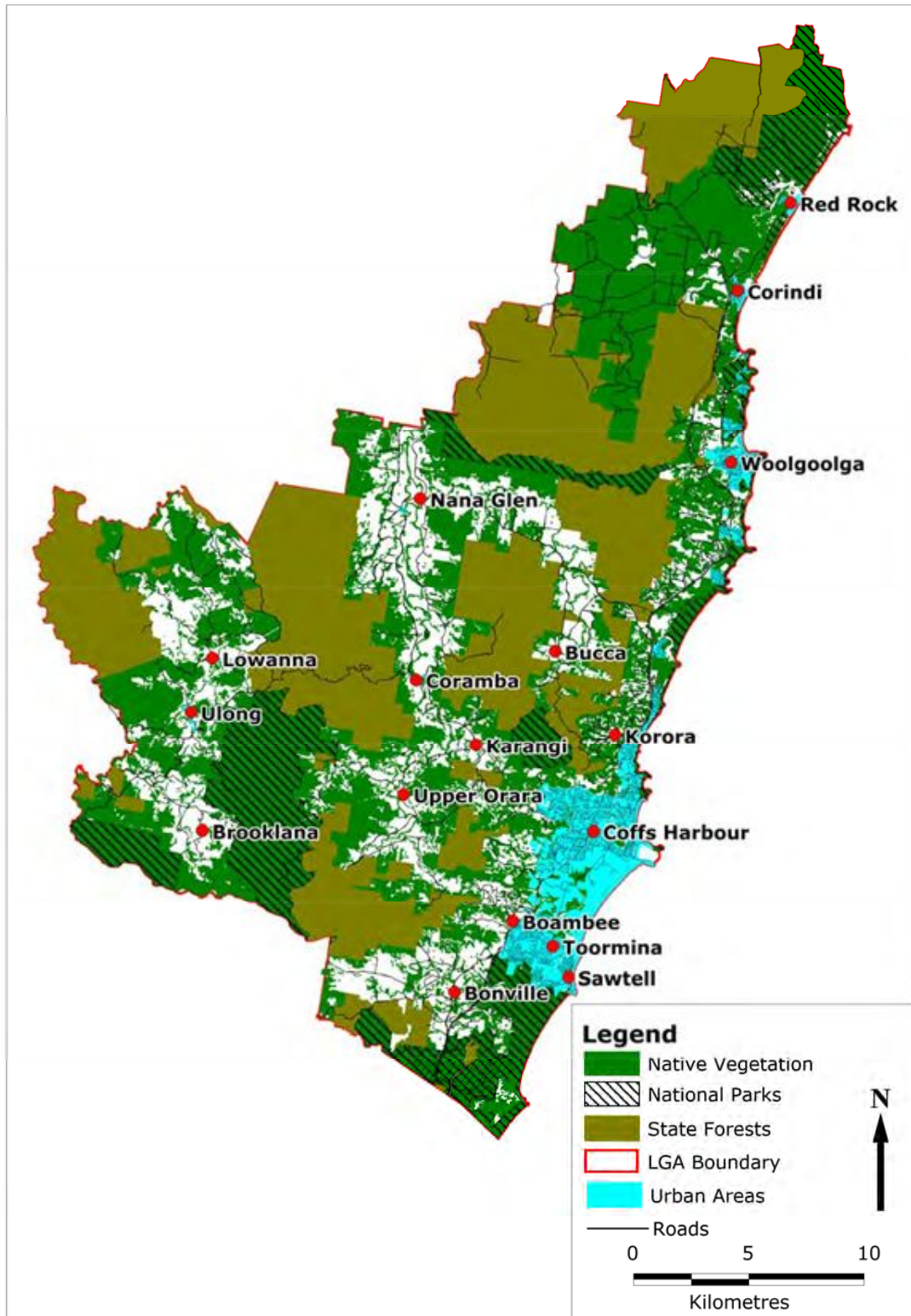
Major pressures on native vegetation arise from clearing the land for a dwelling site, agriculture and service infrastructure. Secondary impacts of human activities such as the spread of garden weeds, domestic pet and livestock damage and pollution from on-site sewage systems all need to be considered in a strategic approach to the future planning of LGA. There is currently a significant issue with clearing of vegetation to allow for new berry crops being established in the Dirty Creek area which can be seen from Photo 2.16.



Photo 2.16: Native Vegetation clearing for berry farming

Date of Photo: October 2015

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Map 2.9: Native Vegetation

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In the context of Coffs Harbour LGA rural lands, it is important to recognise that all land use decisions will have an impact on the biodiversity of the area. It is important therefore to take into consideration the impact on biodiversity when thinking about changing the use of the land. There is also a need to monitor the impact of development.

The biodiversity of the rural lands in the LGA needs to be protected when carrying out any planning exercise. This means that any decisions to reduce the minimum lot size for subdivision have to consider the impact on the biodiversity of the area. This also holds true for clearing of land for extractive industries, agricultural uses and other rural uses. There are also implications for the conservation and expansion of existing wildlife corridors or linkages. There is significant vegetation and biodiversity habitat in road reserves and travelling stock routes which should be conserved as they can form wildlife linkages. Large areas of bushland remain on private land.

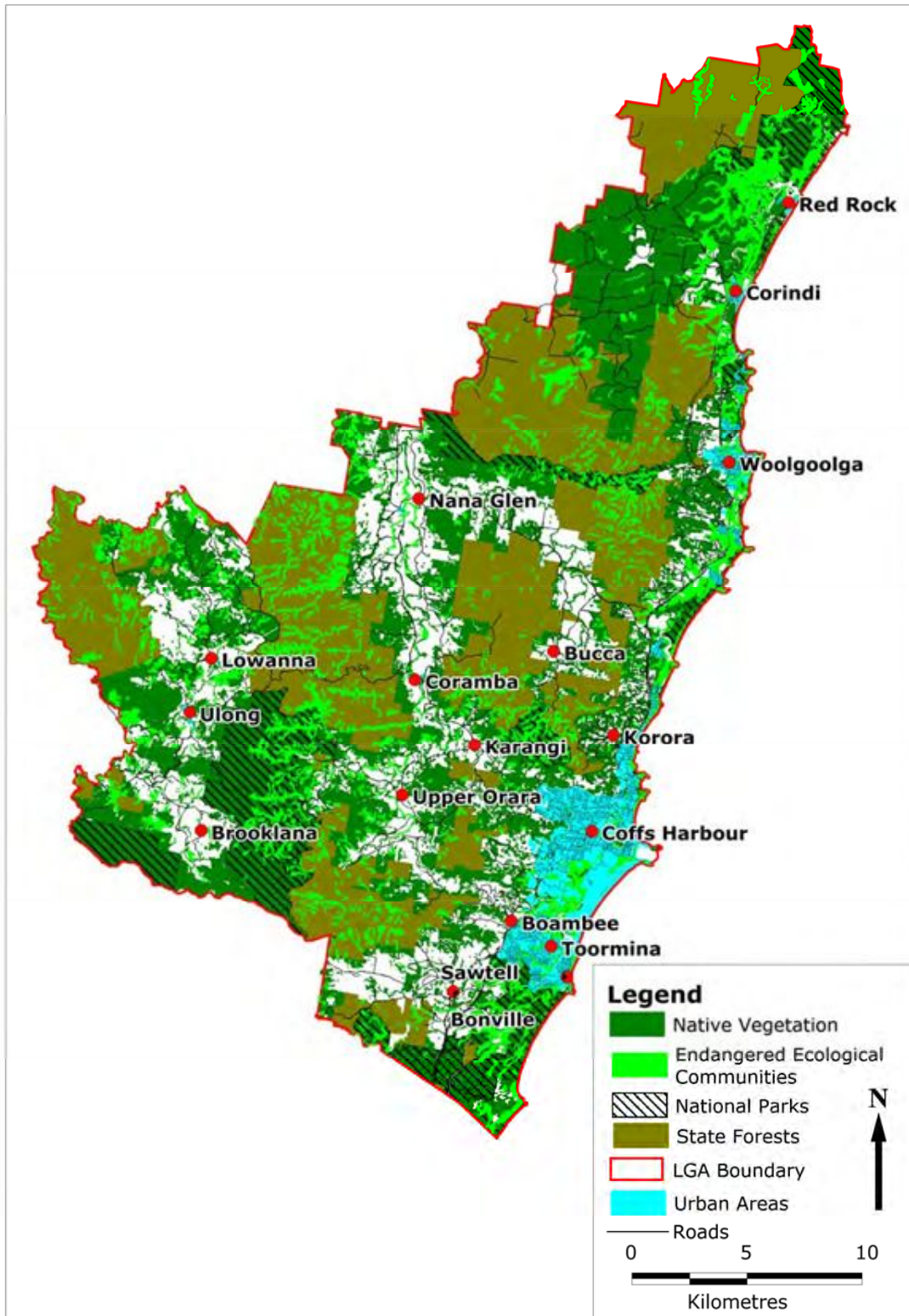
Ecosystem services are important to the functioning of rural areas. It has been defined in a recent report prepared for the Commonwealth Department of Agriculture, Fisheries and Forestry titled *Ecosystem Services Report* as follows:

"The term 'ecosystem services' has been used to denote the transformations of resources that can be turned into benefits by humans. A typical definition is the direct and indirect contributions of ecosystems to human well-being". (Australia 21, 2012 pvi)

There are a significant number of Endangered Ecological Communities in the LGA and they can be seen from Map 2.10. There are also a number of endangered fauna, the most significant being the koala. Map 2.11 shows the extent of the Koala habitat and it can be seen that it covers most of the rural land. This habitat is under threat from expansion of urban areas and expansion, rural living and large lot residential use as well as agriculture. Other threats emanate from hunting by feral and domestic predators, introduced diseases from domestic animals, road kill and through the construction of barriers which limit the koala's ability to move to other habitat areas.

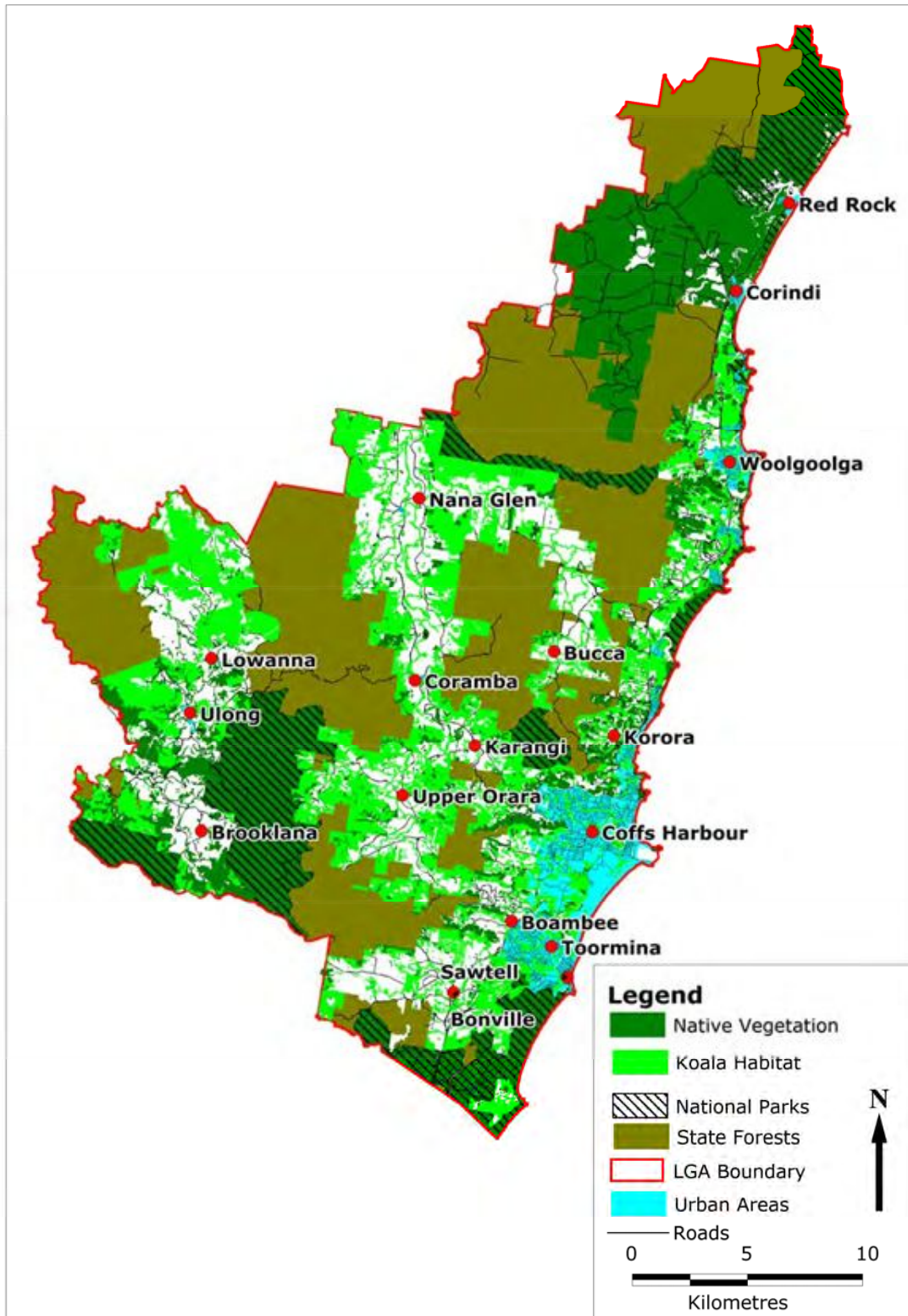
The use of land for rural living and large lot residential development, particularly on the sloping and vegetated land in the south has the potential to impact on the native vegetation and biodiversity. Clearing of land for agriculture also has the potential to have an impact. However it is the use of land for rural living and large lot residential development as well as urban expansion which has the most potential to have an impact on the native vegetation and biodiversity of the LGA.

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Map 2.10: Endangered Ecological Communities

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Map 2.11: Koala Habitat

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2.3.5. Topography

The topography of the Coffs Harbour LGA varies from steep to undulating land to the west to flat land along the coastal strip. The steep land comes to the western edge of the urban area of Coffs Harbour and can be seen from Map 2.12. Steep land is generally considered to have a gradient of more than 1 in 5 or 20%. Photo 2.17 shows the flat land at Bonville, Photo 2.18 shows the topography to the immediate west of Coffs Harbour urban area and Photo 2.19 shows the hilly land in the western part of the LGA at Coramba.



Photo 2.17: Topography at Bonville

Date of Photo: October 2015



Photo 2.18: Topography west of Coffs Harbour

Date of Photo: October 2015

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Photo 2.19: Topography at Coramba

Date of Photo: October 2015

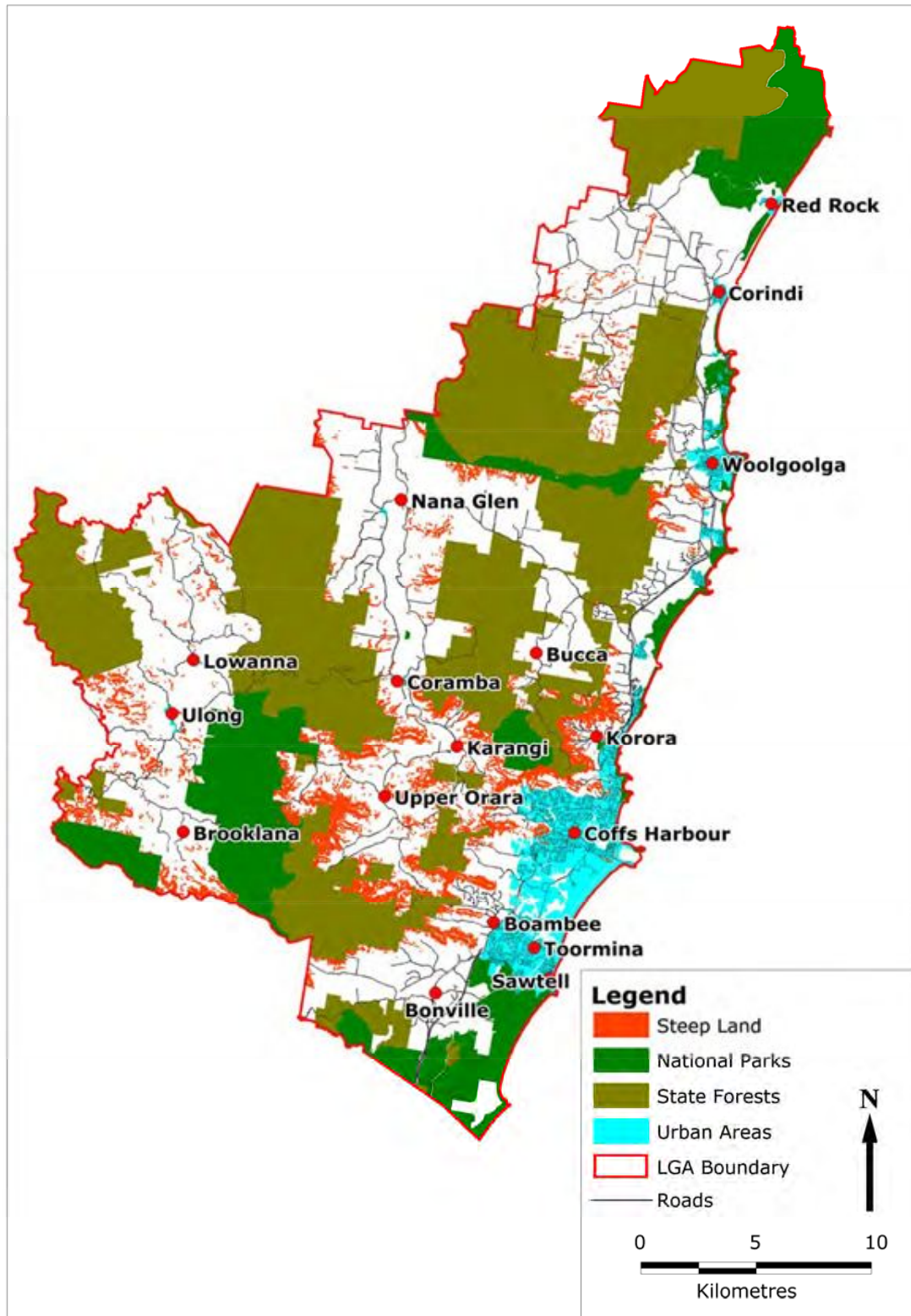
The topography of an area is important because land with a slope can become unstable and when the soil is disturbed, can lead to erosion. A large proportion of sloping land is also heavily vegetated and is another important consideration. Traditionally, bananas have been grown on the hilly land around the Coffs Harbour urban area and to the north, however this is now being replaced by blueberries. The bananas have caused erosion in the past and this is still an issue for the blueberries. Photo 2.20 shows the banana and blueberry crops in the Sandy Beach area.



Photo 2.20: Bananas and Blueberries on sloping land at Sandy Beach

Date of Photo: October 2015

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Map 2.12: Steep Land

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Rural living and large lot residential uses are also prevalent on the hilly land along the coast. Photo 2.21 shows dwellings on sloping land to the south west of Coffs Harbour.



Photo 2.21: Rural living and large lot residential housing on sloping land

Date of Photo: October 2015

Effluent disposal on sloping land can cause it to become damp which can lead to erosion and slippage.

The variety of landforms within an area can contribute to the rural landscape character and provide a setting for the settlement areas.

In an area like Coffs Harbour, which has both flat and steep land, the topography can have an impact on drainage. The sloping land has an impact on the ability to carry out agriculture. The more sloping land is only capable of being used for grazing of cattle, but is used for horticulture cropping.

The coastal areas, being mostly flat is more suited to horticulture than the sloping land to the west.

2.3.6. Soils

The maintenance of soil is a major consideration and there is a need to consider the impacts of land degradation, especially soil erosion and salinity. It is both a management issue as well as being associated with the future development of the land.

Soil erosion and sedimentation is an issue which becomes worse, as the uses become more intensive and where inappropriate land management occurs. It is also an issue for the more steeply sloping land and the construction of dwellings, particularly rural living and large lot residential uses which tend to be on smaller lot sizes.

Soil erosion becomes more of a problem in areas where the soil is of a poor quality and any disturbance of them often leads to more rapid land degradation.

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Land capability is an important aspect of development and its impact on soils. Development should only be done on land that is capable of supporting it. For this reason, land that is steep or prone to erosion should be avoided. In addition, land on the banks of rivers and creeks should only be developed if there has been adequate ameliorative measures put in place to ensure that it does not have any impact on the quality of the water in the waterways. Farming will be the use that has the most impact on land capability. For this reason, it is important to encourage the use of best practice in farming, such as using minimum or no tillage when planting crops. This will ensure that the health of the soils is improved.

This is an issue for the environmental as well as the human impact of development.

There are a variety of soil types within the LGA and these have differing nutrient and water holding capabilities.

2.3.7. Landscape Character

The predominant rural character of Coffs Harbour LGA is created by the topography, numerous rural activities, range of holding sizes, vegetation and expansive views. The landscape changes with the varying topography – it is open and flat in the south and in the north and west has some hills which create different landscapes.

The unique landscape character of the Coffs Harbour LGA is a visual resource as it generates tourism, development and environmental management. The visual resource also plays an important role in promoting environmental awareness and wellbeing for residents and visitors. This varies from the steep vegetated areas to the simplicity of grazing lands and formal patterns of agricultural crops. This all adds to the scenic amenity of the area.

The retention of roadside vegetation is an issue which may require future negotiations with service providers.

Controls which may be considered in a DCP for retaining the rural character include:

- planting controls for screening undesirable elements,
- incorporating buffers to significant environmental communities,
- building controls for siting and advertising, and
- planning controls for lot sizes, the design and siting of residential dwellings and ancillary buildings, in relation to the visual amenity of road corridors.

It is important to recognise the visual amenity of open paddocks, post and rail fencing, distant views, heritage items and rural activities.

2.3.8. Flood Prone Land

Flooding is a significant issue for the rural lands of the Coffs Harbour LGA. The flooding regime is in two parts of the LGA and follows the two catchment types outlined in section 2.3.2 which are the inland and coastal. The inland floodplain is that of the Orara River and its tributaries and the coastal floodplain covers the seventeen coastal creeks. Map 2.13 shows the flood planning area which has been adopted by Council in its Local Environmental Plan (LEP). It should be noted that the land in the Bobo and Little

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Nymboida Rivers and Mole Creek are not shown but this does not mean that these don't flood, it just has not been mapped.

Flooding has an impact on low lying land and can cause roads to be cut as well as inundation of some houses. The impact on development is due to the flood hazard. The flood hazard is different throughout the LGA. The type of flooding experienced in Coffs Harbour is called 'flash flooding', which is flooding that peaks within six hours of the rainfall event, is very sudden with little warning and is characterised by rapid rises in stream levels with high levels of flooding being experienced for short periods of time. (DIPNR, 2005). Whilst most people are not cut off for a long time, in the northern parts of the Orara River catchment, some people can be cut off for two to three days.

The NSW Government has published a floodplain management manual titled *Floodplain Management Manual April 2005: the Management of Flood Liable Land*. This manual outlines a procedure that Councils must follow to prepare a Floodplain Risk Management Plan and introduce appropriate controls within planning instruments. The resulting Floodplain Risk Management Plans are to address existing, future and continuing flood risk for flood prone land. It also requires an assessment of the probable maximum flood and the decision to address it recognises that these rare events should not preclude or unnecessarily hamper development within these areas.

Flooding has occurred at regular intervals in Coffs Harbour and significant flood events have occurred in 1917, 1938, 1950, 1963, 1974, 1977, 1989, 1991 and 2009.

It is Government Policy to not allow houses to be built on flood prone land.

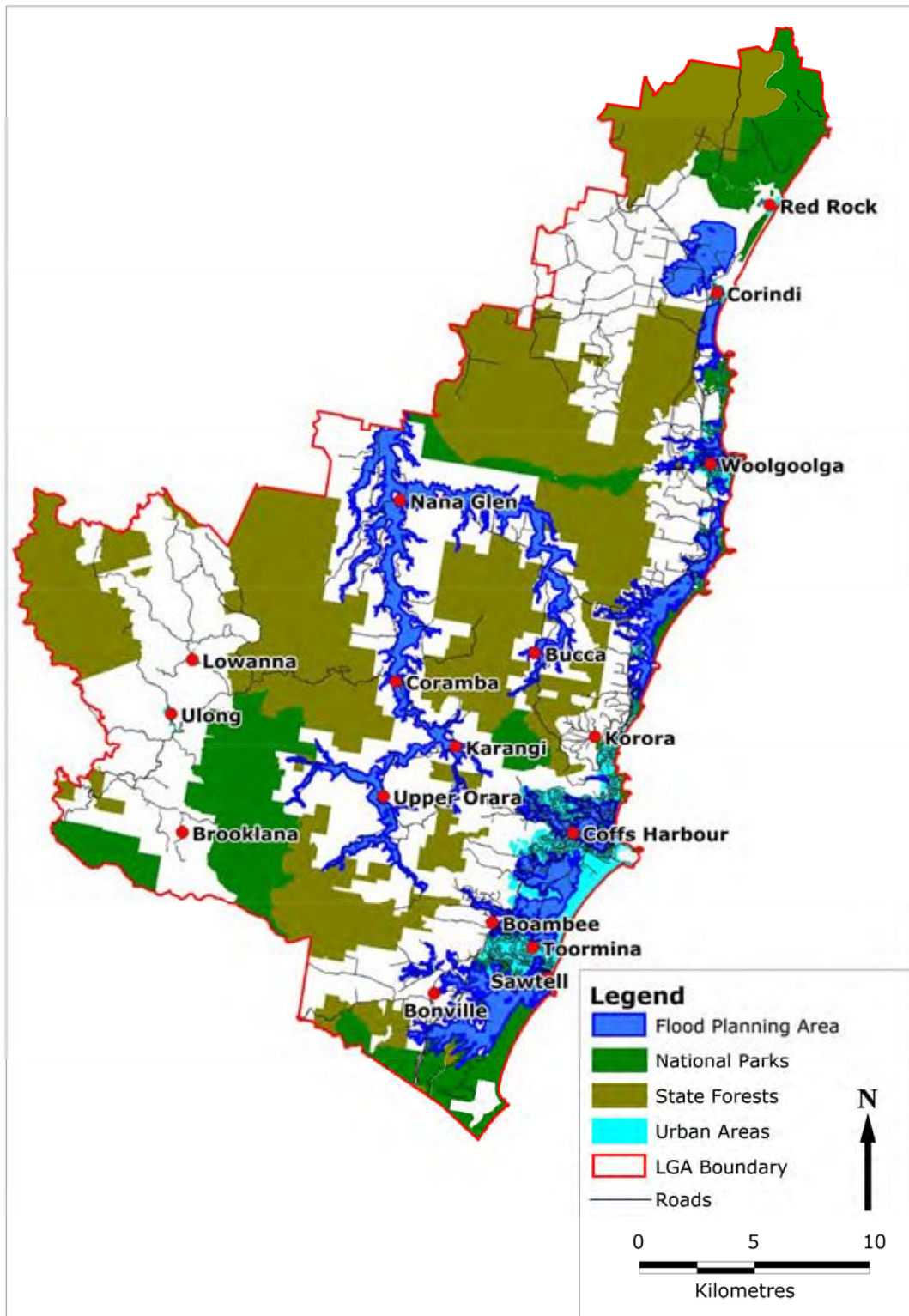
Flooding can affect agriculture by destroying fences as well as inundating land which means that the farmers cannot get access to their crops for days until it dries out.

2.3.9. Bushfire Hazard

The protection of the identified community assets is a key issue as is the preservation of biodiversity when considering the issue of bushfires. The impact of bushfires on the rural land in Coffs Harbour is related to the topography and soil types / geology. The majority of the rural lands are bushfire prone.

Managing the bushfire risk is noted as the key factor in dealing with the bushfire hazard. One of the management options is risk avoidance and therefore, land that is prone to bushfires should not be rezoned and subdivided where an adequate fire protection zone cannot be established.

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Map 2.13: Flood Planning Area

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The Rural Fire Service has published set of guidelines titled *Planning for Bushfire Protection 2006*. Key features of *Planning for Bushfire Protection* include:

- identification of bushfire-prone areas;
- planning principles to be considered when councils are rezoning;
- latest hazard assessment method to work out appropriate setbacks;
- location of developments in areas of bushfire hazard based on latest CSIRO research on bushfire behaviour;
- appropriate level of building construction relevant to setback distances; and
- special setback distances for special use developments (such as aged care facilities).

The protection of the identified community assets is a key issue as is the preservation of biodiversity when considering the issue of bushfires.

Managing the bushfire risk is noted as the key factor in dealing with the bushfire hazard. One of the management options is risk avoidance and therefore, land that is prone to bushfires should not be rezoned and subdivided where an adequate fire protection zone cannot be established.

Bushfire risk management includes the identification of the level of risk posed by bushfires to the assets and establishing strategies to protect those assets from the adverse effects of the fires. The purpose of bushfire risk management is to protect the community and its values from the adverse effects of wildfire. One key element of bushfire management is to achieve better integration of community preparedness and prevention strategies.

2.3.10. Weeds

Weeds are one of the most serious threats to Australia's natural environment and primary production. They can destroy the native species, contribute significantly to land degradation and reduce farm and forest productivity. The National Weeds Strategy has identified the problem and states that the cost of weeds to Australia is approximately \$3.3 billion per annum.

There is a need therefore to consider the preparation of Weed Management Plans for developments that have the potential to cause the spread of weeds. This usually occurs by clearing large tracts of land or where effluent is produced in sufficient quantities that may kill native vegetation which then allows for the weeds to invade the bushland.

Rural living and large lot residential landowners are normally not aware of these weeds and so can unknowingly aid in their spread by not controlling them.

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Chapter 3: Conclusion

This Background Report has investigated the rural lands to provide background to the Issues and Options Paper that has been prepared after consulting the community.

It provides background on the key issues that affect the Coffs Harbour Rural Lands. These have been categorised into social and economic factors and environmental opportunities and constraints.

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Appendix 1: Land Use Survey Methodology

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A major component of this study has been a land use survey of all of the land within the rural parts of the Shire. The purpose of the land use survey is to gain an indication of the land use trends.

The preparation of a land use survey is one of the most important components when zoning rural land. Each parcel of land within the rural parts of the Shire has been inspected and given a land use designation. This has been entered into Council's Property Information database and mapped using a GIS.

The first step was to identify a set of spatial boundaries which would form the basic level of data representation. The geographical localities were used. This has two benefits, the first being that the area is generally mapped and can be identified easily and secondly it is easier for the public to understand the data once it has been collected and published.

The next step is to identify the categorisation of the land uses to be surveyed. The land use has been categorised into primary and secondary land use categories. The primary land use categories are as follows:

- Rural Residential
- Irrigated Plants
- Intensive Animals
- Extensive Agriculture
- Vacant
- Commercial
- Extractive industries
- Public Use
- Village
- Native Vegetation

Definitions of each use which were used for the purpose of identifying the land uses are as follows:

- *Rural Residential* means a house on a lot that is greater than 1 ha generally, and is in a rural environment where the main source of income is from other sources than agriculture use of the land.
- *Irrigated plants* means the growing of vegetables and ornamental plants for commercial gain using the application of irrigated water and includes market gardening, protected cropping structures, orchards, vineyards, and other similar uses.
- *Intensive Animals* means the rearing of animals using a feeding method other than natural grazing and includes poultry and piggeries mainly.
- *Extensive Agriculture* means the growing of plants using natural rainfall or the rearing of animals using grazing as a feeding method. It also includes the growing of fodder crops and irrigated pasture.
- *Vacant* land is land that is mostly cleared of native vegetation and which does not have any dwellings or other structures on it.
- *Commercial* uses are uses that are used for a commercial or industrial type of use and which do not have any dwellings associated with them.
- *Extractive Industry* means a use that extracts material from the land and includes sand and clay mining and quarrying of sandstone and other stones.

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- *Public Uses* mean a use that is commonly used and or operated by a public authority or associated body. It includes community facilities, golf courses and Government owned uses of the land
- *Native Vegetation* means a lot that has no dwellings or structures on it and which has the majority of the land covered in native vegetation.

The detailed categorisation is presented in the following table:

LAND USE SURVEY CODES

PRIMARY		SECONDARY	
Description	Code	Description	Code
Rural Residential	RR	Dwelling	DW
Rural Residential Vacant	VA	Cleared Land	CL
Native Vegetation	NV	Native Vegetation	NV
		Private	PR
Irrigated Plants	IP		IR
		Banana	BA
		Berry	BB
		Orchard	OR
Intensive Animals	IA	Dairy	DA
		Horse Stud	HS
Village	VI	Urban	UR
Extractive Industry	EI		
Extensive Agriculture	EA	Grazing	GR
Public Use	PU	Bushfire Brigade	BF
		Church	CH
		Council	CL
		Crown Land	CR
		Electricity	EL
		Hall	HL
		School	SL
		Telstra	TL

There are 3 components to the carrying out of the land use survey as follows:

- Preliminary identification of land use.
- Study area inspection.
- Data entry and mapping.

Preliminary identification of land use occurred in the office prior to the field inspection. Aerial photography was used to identify the land use. The major things to be picked out

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are extensive Agriculture, irrigated plants (particularly vineyards), Horse Studs, dwellings on small lots, vacant land, lots which are totally covered with native vegetation, and extractive industries. Only one major land use was identified. An assumption can be made that a dwelling house rural residential uses except where they are vacant. An assumption was also made that lots less than 20 ha which did not have an intensive agricultural or commercial, industry, public or government use were rural residential.

This information was entered into the database using the coding that has been identified for the primary and secondary land uses.

The study area inspection was carried out by windscreen survey of all of the roads within the rural parts of the Shire. This was done to check the primary land use categories and also to enter secondary ones that could not be identified from the aerial photos. As each road is driven on the land use is clarified against the preliminary identification. Signage, which gives an indication that the property may be use for a secondary use such as a home business or a commercial use was also noted.

The data was entered into the Council property information database using the coding. However this was not always possible because of the lack of street numbering in the database and only those uses, which could be identified from the database, were entered. This did not affect the integrity of the data as the primary uses are the ones used in the identification of the land use designations.

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Bibliography

Australian Bureau of Meteorology and CSIRO (2012) *State of the Climate 2012I, BoM and CSIRO, Canberra*

Australian Bureau of Statistics (2012a) *2011 Census of Population and Housing, Basic Community Profile, ABS Canberra*

Australian Bureau of Statistics (2012b) *Value of Agricultural Commodities Produced, Australia 2010-11, ABS Canberra*

Australian Bureau of Statistics (2012b) *Agricultural Commodities Produced, Australia 2010-11, ABS Canberra*

Australian Bureau of Statistics (2012c) *Agricultural Commodities Australia, 2010-11, ABS Canberra*

Calder, W. (1981) *Beyond the View – Our Changing Landscapes*, Inkata Press, Melbourne.

Intergovernmental Panel on Climate Change (2007) *Climate Change 2007 – The Physical Science Basis*, Cambridge University Press, Cambridge

McHarg, I.L. (1992) *Design with Nature*, John Wiley and Sons, New York.

Pittock, B (2009) *Climate Change – The Science, Impacts and Solutions*, CSIRO Sydney

Sinclair, I. (1999), *What is Sustainable Agriculture?*, in *New Planner*, Number 38, Planning Institute of Australia (NSW), Sydney

Sinclair, I. (2000), *From Strategy to Plan – Planning for Rural Land in Australia*, Paper presented to the American Planners Association Conference, New York City April 2000.

Sinclair, I. (2001a) *Rural Residential Development*, in *New Planner*, Number 47, Planning Institute of Australia (NSW), Sydney

Sinclair, I. (2001b) *Rural Residential Development Impact*, in *New Planner*, Number 48, Planning Institute of Australia (NSW), Sydney

Sinclair, I. (2001c) *Lifestyle Living*, in *New Planner*, Number 49, Planning Institute of Australia (NSW), Sydney

Sinclair, I. (2002a) *Sustainable Growth Management for Sydney – the Issues*, in *New Planner*, Number 53, Planning Institute of Australia (NSW), Sydney

Sinclair, I. (2002b), *Growth Management and Rural Land*, Paper presented to UNSW Planning Law and Practice Short Course, Kensington.

Stern, N (2007) *The Economics of Climate Change – the Stern Review*, Cambridge University Press, Cambridge

Coffs Harbour Rural Lands Strategy
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- DIPNR. (2005). *Floodplain Development Manual - The Management of Flood Liable Land*. Retrieved from Sydney:
- IPCC. (2013). *Climate Change 2013 - The Physical Science Basis Summary for Policymakers*. Retrieved from Switzerland:
- Learmonth, R., Whitehead, R., Boyd, B., & Fletcher, S. (2007). *Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast*. Retrieved from Wollongbar, NSW:
- Service, N. R. F. (2006). *Planning for Bushfire Protection 2006*. Retrieved from Sydney:
- Sinclair, I., & Bunker, R. (2012). Planning for Rural Landscapes. In S. Thompson & P. Maginn (Eds.), *Planning Australia - An Overview of Urban and Regional Planning* (Second ed.). Melbourne: Cambridge University Press.

Coffs Harbour Rural Strategy
Issues and Options Paper – Consultation Constraints and Actions

Coffs Harbour Rural Strategy Community Consultation

Three workshops were held in Coramba, Woolgoolga and Bonville on 1, 2 and 3 March to identify the issues for the rural community and rural lands. The workshops were facilitated by Edge Land Planning and used a process driven technique to identify the issues. The participants were asked to identify the Liabilities, Assets, Needs and Dreams (LAND). They were also asked to comment on a series of photos of the rural area.

The LAND analysis and photo boards were then examined to draw out a set of common themes which are set out below in no particular order:

- Clearing native vegetation and dual consent
- Importance of farming – food production and forestry
- Farming is a significant employer and economic driver
- Land use conflict
- Knowledge of food production by non-farmers
- Water and water regulation
- Lifestyle
- Tourism
- Minimum lot size for dwellings and more Large Lot Residential zones
- Weeds
- Infrastructure
- Environment
- Sense of community

These common themes were discussed at three workshops to be held on 15, 16 and 17 March. The discussion identified the constraints to achieving them, what actions should be carried out as well as identifying whose responsibility it is. The themes were then prioritised.

The outcomes of the workshops are presented in the following pages.

Coffs Harbour Rural Strategy
 Issues and Options Paper – Consultation Constraints and Actions

1. Clearing native vegetation and dual consent

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Koala management strategy and boundary of areas. 2 ha parcel and 40 ha next-door are not covered evenly. ▪ Conflicting advice between Government Agency and Council. ▪ Environmental conservation zone cannot carry out private forestry. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Native Vegetation Act to be the only regulation for clearing vegetation - Council not to be involved. ▪ Delete requirement for consent under Environmental Conservation zone for clearing and logging. ▪ Council should not override other legislation such as the Dividing Fences Act.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Conflicting interests between State Government and Council. ▪ Council is rigid. ▪ Council fights us on everything. ▪ No clearing. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Allow land to be cleared for agriculture. ▪ Rezoning for Large Lot Residential has taken land that once grew blueberries but there isn't any ability to clear land to compensate for this loss
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Inequity in dual consent for native vegetation from Government Agencies and Council. ▪ Only Local Land Services (Government Agency) should be involved ▪ Difficult to work out who deals with things. ▪ The Native Vegetation Act is too stringent. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Local Land Service to be a one-stop shop for native vegetation clearing issues

Coffs Harbour Rural Strategy

Issues and Options Paper – Consultation Constraints and Actions

2. Importance of farming – food production and forestry

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Land use conflict. ▪ Growers market impedes growers from selling food. Fruit and vegetable can only be sold by two stallholders. So things like beans can only be sold by two stalls. ▪ No foodscape in rural areas. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Right to farm concept as per Kyogle Shire Council. ▪ Use zoning to give priority to agriculture. ▪ Remove environmental zonings from rural lands. ▪ Open up farm farmer's markets to market forces and remove restrictions on selling.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ No appreciation for economic impact of farming. ▪ ABS data under reports part-time and some family members to work on farms. ▪ Increase in production since 2011 is not recognised by the ABS figures. ▪ No recognition of \$120 million per annum of income from blueberries. ▪ People complain about farming practices. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Recognise blueberries and the positive impact on the local area. ▪ Public relations campaign to recognise the value of farming and forestry
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ State Government can change land use without reference to local concerns. Industrial uses on rural land etc. ▪ Can't clear land for farming. ▪ Private forestry on former rural land which has been sold to the State forests is no longer able to be cleared and used as farmland. ▪ Agricultural land is taken by other developments. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Set aside land for food production. ▪ Forestry land to be returned to farming. ▪ Assess the capacity for food production land. ▪ Compensate the agriculture sector by allowing land to be cleared as land is taken for other development.

Coffs Harbour Rural Strategy

Issues and Options Paper – Consultation Constraints and Actions

3. Farming is a significant employer and economic driver

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Not enough economies of scale. ▪ Soils in the inland are not good and all money goes into improving soils. ▪ Need to broaden agricultural base. ▪ Regulation and red tape from Council. ▪ Council officers not knowledgeable about farming. ▪ Council policies are against the growth of rural areas. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Allow small acreage subdivision for self-sufficiency. ▪ Education of Council officers about farming.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Not recognised. ▪ Not able to allow pickers to stay on farms. ▪ Accommodation is too expensive during December and January school holidays and at other times which is the key picking time. Leads to overcrowding in houses. ▪ Accommodation shortage. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Allow temporary accommodation on farms and detached dual occupancies. This could be manufactured homes/mountable appliance which our commonly known as 'dongers'. ▪ Allow / facilitate guesthouse type accommodation. ▪ Use social media for accommodation. The Woolgoolga Blueberries Facebook page is an example. ▪ Accommodation exchange is needed. ▪ Temporary and permanent mix of accommodation is needed
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ No more significant as other sectors of the economy. ▪ Tourism is a driver of the economy. ▪ Lack of housing for farm labourers. ▪ Lack of employees such as agronomists and other workers. Skilled workers. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Support farmers. ▪ Potential for leasing land for farming from other properties that have a lifestyle use.

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 Issues and Options Paper – Consultation Constraints and Actions

4. Land use conflict

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ We don't talk to our neighbours much anymore. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ New landholders kit for rural owners. ▪ Lobby for sustainable agriculture and Local Land Service extension officers.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Residential lots next farms. ▪ Residents not understanding farming. ▪ Council is too interested in tourism and not farming. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Buffer between farms and new housing. ▪ A solution can be found that uses zoning and best practice management to deal with complaints. ▪ Zoning certificate (s149) to advise people of potential conflict. ▪ Education of Councillors, Council officers and community about the benefits of farming.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Misunderstanding about farming. ▪ Need land for rural lifestyle. ▪ Rural residential lots mixed through the area. ▪ Netting causes a problem. ▪ Water quality and quantity impact. ▪ Lack of buffer zones to boundaries. ▪ Impact from chemicals. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Study on black versus white netting impact. ▪ Buffer zones. ▪ Communication of pesticide spraying to neighbours. ▪ Carry out environmental monitoring. ▪ Education about land management practices-weeds, fences, water quality, etc.

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 Issues and Options Paper – Consultation Constraints and Actions

5. Knowledge of food production by non-farmers

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Need for one contact in Council for food issues and sale. ▪ Council does not promote farmers market. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Encourage agri-tourism. ▪ Promote farmers market and re-energise it. ▪ Support farm visits for tourism etc. ▪ Support farmers and rural residents. ▪ Realise potential in the hills
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ People (including children and adults) don't understand farming. ▪ People think their food comes from supermarkets. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Public relations campaign about farming. ▪ Education about farming. ▪ Tours of farms by schoolchildren. ▪ Integrate farming into the school curricula
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ See economic issues 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ See economic issues

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Issues and Options Paper – Consultation Constraints and Actions

6. Water and water regulation

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Harvestable rights. ▪ Need for regulation of irrigation by the Office of Water. ▪ Potential for mining impact. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Office of water to manage and monitor irrigation water
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ No history of irrigation practices and no water licensing for irrigation. ▪ Water licence does not allow for irrigation. ▪ Harvestable rights does not take into consideration the rainfall, size of property or local rainfall. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ A water pipeline from Coffs Harbour to allow the use of reclaimed water from sewage treatment plants. ▪ Review water licensing. ▪ Review harvestable rights policy to allow more volume in dams on smaller properties.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Office of water don't consider impact on water quality when looking at water licensing and use. ▪ Should not have concerns about the size of dams. ▪ Harvestable rights is different from the coast and the inland areas. ▪ Impact of dams on groundwater. ▪ The licences can't be sold to people upstream. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Allow for larger storage of water. More capacity and volume of dams. ▪ Reusable water for agriculture. ▪ Dams should only be catchments fed and not seepage from groundwater. There are dams that are dug very deep that perched water table and get groundwater inflow. ▪ Monitor water quality of groundwater. ▪ Non-used water licences to be reallocated.

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Issues and Options Paper – Consultation Constraints and Actions

7. Lifestyle

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ No money in farming. ▪ Cost of land is not conducive to agriculture for full-time income. ▪ Farmers market - issues with production and selling. ▪ Size of farms is small and value of land is not for farming but for residential use. ▪ Not return on investments. It's a lifestyle. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Investigate the reintroduction of a farmland rate rebates.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ A lot of farmers don't live on farms. ▪ Lack of housing on farm. ▪ The community. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Allow house with existing farm. Similar to the banana 6 ha rule in the previous LEP. ▪ A sustainable size of a blueberry farm is 2 to 4 ha of berries.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Causes land use conflict. ▪ Pesticides can impact health. ▪ Intensive plan to use can cause loss in adjacent land price for lifestyle. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Education about farming practices. ▪ An information pack for new residents. "Rights and responsibilities: For Farmers and new residents."

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Issues and Options Paper – Consultation Constraints and Actions

8. Tourism

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Roads. ▪ Council. ▪ Lack of support. ▪ Tourism product. ▪ Lack of parking for tourists. ▪ Council make it hard to do things with regulations such as car parking requirements. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Develop an agri-tourism plan in consultation with local businesses. ▪ Support local events and festivals. ▪ Events pack to be prepared which would provide information about what needs to be done to hold an event.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Good accommodation. ▪ Not significant vertical integration of the blueberry industry. Muffins, yoghurts, sauces, jam etc. ▪ berrydelicious.com website needs to be replicated. ▪ More value-added is needed. ▪ There is no berry festival. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Hold a berry festival. ▪ A name that could be the 'Berry Berry Hot Curry Festival' which would integrate the berry industry and the existing curry festival. ▪ Integrate blueberries into tourism. Education. A big blueberry.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Potential for clean green image to be lost from white netting, impact on landscape. ▪ Loss of landscape caused by white netting. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Investigate changing white netting to black netting. ▪ Develop a blueberries tourism strategy

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 Issues and Options Paper – Consultation Constraints and Actions

9. Minimum lot size for dwellings

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ The minimum is too high. ▪ LEP minimum is 40 ha. Desire is for 1 to 2 ha lots. ▪ No detached dual occupancies 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Review of minimum allotment size. ▪ Review of dual occupancy provisions to consider permitting detached dual occupancies. ▪ Develop subdivision criteria with a minimum of 1 and 2 ha to the constraints of the land, ecological principles, capability of the land, etc.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Not consistent in the minimum allotment size for dwellings. ▪ Do not need 40 ha for a blueberry farm. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Review the minimum allotment size for blueberry farms based on 3 ha for berry production. Cycle of 2 ha times 3 to allow for rotation of spent berry crops. This would entail 6 ha of production. ▪ Link it to the RU1 primary production zone
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Lands once used for bananas can't be used for blueberries but has no dwelling potential. This is steeper land. ▪ Former banana land can't be used for dwellings. ▪ Can't manage vegetated land because it is too large. Can't do private forestry because of zoning 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Look at smaller lot size for intensive farming. ▪ More leniency for allowing change in dwelling minimums. ▪ Reduce minimum allotment size on environmental conservation zoned lands ▪ More leniency for second dwelling on large properties

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 Issues and Options Paper – Consultation Constraints and Actions

10. More Large Lot Residential zones

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Demand. ▪ Rural residential strategy recommended staging. ▪ Housing monitor. ▪ Supply in other parts of Local Government Area. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Review priority and staging in the rural residential strategy
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Not on farming land. ▪ Reducing land for farming. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ No need for it in this area
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Lots are small. ▪ Should not be spread out. ▪ Hard to manage. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Create over former banana land's rural residential zones of 2 ha on 1 ha allotments. ▪ Consider other land not just banana land subdivision. ▪ Allow subdivision of existing lots.

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 Issues and Options Paper – Consultation Constraints and Actions

11. Weeds

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Too many. ▪ Cost. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Expand the number of weeds officers. ▪ Council spraying of weeds return on private land at cost to landowners. ▪ Encourage Council to ensure other Agencies and public landowners manage weeds
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ They are not contained. ▪ People don't maintain land. ▪ There are a lot of weeds because of the high rainfall. ▪ Surrounding properties have weeds especially derelict farms and vacant farmland. ▪ Public land weed problem. State Forest and Council 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Education about weed impact. ▪ Maintain weeds on Council and State Forest lands.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ It is considered to be a farmer's problem only, not an urban one as well. ▪ Non-farmers don't control weeds. ▪ Not allowed to use machinery to clear weeds because of erosion. ▪ Weeds are growing in the State forests and have the potential to escape into surrounding farmland. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Education about weeds issues throughout the community. ▪ Get people to help clear weeds from urban areas. ▪ Encourage the state forest and maintain weeks

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 Issues and Options Paper – Consultation Constraints and Actions

12. Infrastructure

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Roads, garbage. ▪ Potential for increase impact on infrastructure from new developments. ▪ Parking in Coramba. ▪ Management of public open space. Red tape, Crown land, Council etc. Lack of action means that volunteers lose interest. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Roads are not well maintained. ▪ Dust causes problems with blueberries. Blueberries can't be washed before packing and dust stays on the berries. ▪ No reuse of water for farming.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Nil raised. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Nil raised.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Not enough road maintenance. ▪ Unsealed roads. ▪ Trees overhanging roads. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Seal roads. ▪ Allow for turning areas for trucks especially semitrailers at the end of roads. ▪ Trim trees on roadsides to allow for trucks to pass along the roads

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 Issues and Options Paper – Consultation Constraints and Actions

13. Environment

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Rural land should be used for agriculture. ▪ Native vegetation clearing 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Seal roads. ▪ Reuse effluent on blueberry farms. Coffs Harbour sewage treatment plant pipeline for reused water.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Water. ▪ NIMBYs. ▪ Too much emphasis is to protect wrong type of native vegetation. ▪ Not able to pump water from creeks. 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Review environmental zoning. ▪ Review water regulations
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Not enough rain. ▪ Linkages being encouraged across firebreak. ▪ Domestic animals impact on wildlife. ▪ Weed infestation from urban areas. ▪ Dumping of waste on rural loads. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Education about impact of domestic animals on wildlife. ▪ Education of urban people about weeds. ▪ Empower residents to clean up roads with reduction in Tip fees to compensate for this.

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 Issues and Options Paper – Consultation Constraints and Actions

14. Sense of community

Constraints	Action
<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ Lots but not Council. 	<p style="text-align: center;">Coramba</p> <ul style="list-style-type: none"> ▪ No suggestions.
<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ Land use conflict. ▪ Resentment and ignorance of other people and community. The haves and the have-nots 	<p style="text-align: center;">Woolgoolga</p> <ul style="list-style-type: none"> ▪ No suggestions.
<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Losing a sense of community. ▪ Not enough recreation land. ▪ No pub in Bonville. This would have tourism potential. ▪ No shop in Bonville. 	<p style="text-align: center;">Bonville</p> <ul style="list-style-type: none"> ▪ Food and recreation establishments to allow for community gatherings should be established.

Coffs Harbour Rural Strategy
Issues and Options Paper – Consultation Constraints and Actions

Priorities

The participants were asked to rank their top five themes by placing a coloured dot against them. Below is the combined total of the three workshops.

Issue	Number of Responses
1. Clearing native vegetation and dual consent	16
2. Importance of farming – food production and forestry	22
3. Farming is a significant employer and economic drive	16
4. Land use conflict	15
5. Knowledge of food production by non-farmers	2
6. Water and water regulation	7
7. Lifestyle	9
8. Tourism	9
9. Minimum lot size for dwellings	20
10. More Large Lot Residential zones	5
11. Weeds	7
12. Infrastructure	0
13. Environment	6
14. Sense of community	12

Coffs Harbour Rural Strategy
Community Consultation Photo Boards

COMMUNITY CONSULTATION – PHOTO BOARDS (OUTCOMES)



- Money but has to be managed well.
- Good to see an agricultural industry being viable however the blueberry bubble may burst.
- Overuse of land.
- Drain on natural water sources.
- Agriculture and income food generation.
- Future care of the land is vital
- A benefit for the whole community.
- Yum.
- Brings prosperity to the area.
- Food supply.
- Need more.
- The practices are monitored by various departments.
- Berries equal dollars equal more spending locally.
- This brings over \$100 million to this town.
- Accommodation for seasonal workers must be available and adequate.
- I wonder whether there are ablution and toilet facilities for cleanliness of workers.
- Worried about chemical overload and water overuse.
- Buffer zones needed.
- There are rules for this.
- In food for everything.

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Community Consultation Photo Boards



- Manage with care.
- Visible, poor -needs to be managed for the future issues
- No trees.
- Aesthetically poor. Environmentally damaging.
- Environmental damage with spraying-need to promote organic production
- A normal agricultural setting anywhere in the world.
- Food supply.
- Progress.
- Looks nice.
- Good solution not to kill birds.
- Food security.
- Open more land in less crowded areas.
- Vegetated buffer zones.
- Keep up the good work guys well done.
- Make land available or the income goes elsewhere.
- Buffer zone needed.
- Makes a valuable contribution to the area but there are enough blueberry farms.
- Maybe non-reflective nets could be developed, a job for Malcolm's high-tech industry in Australia

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Community Consultation Photo Boards



- Blueberries.
- Yesterday's produce
- A dying industry in Coffs Harbour.
- Look to the future.
- Effective food production.
- Food.
- Poor.
- A historical industry for Coffs.
- Past we don't want to repeat.
- Don't kill agriculture.
- No long-term plans equals loss of plantation equals transition to netted berries.
- Need more bananas again, the 'bowls' around Coffs looks used to look lovely-almost gone now.
- Could not make a living out of bananas.
- Still like to see bananas in this area.
- Balance of agricultural land essential.

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Community Consultation Photo Boards



- Pristine underutilised for visitors.
- That's our area still- clean even with land privately owned or it is because of these poor people.
- Tranquillity essential to life.
- Spaces for everyone.
- Peace.
- Unpolluted water-so important for the future
- Good water source.
- Good irrigation water.
- Wasted water.
- I need that water.
- Pristine water
- Without this there is nothing.
- More areas like this needed.
- This water is so clean, it should be allowed for blueberries.
- Keep it pristine.
- Nice.
- We need to make sure the water flow remains within tolerable limits.
- Clean the sand out of the creeks.

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Community Consultation Photo Boards



- Slow down to save kids lives as well.
- Good.
- Waste of money means nothing.
- Need trees.
- Protect wildlife but manage numbers effectively. Cull when necessary.
- Rural lifestyle.
- Conservation.
- Need to protect wildlife but not by killing farms.
- Safety.
- A must to protect wildlife.
- Makes me think about the Tawny Frogmouths that used to perish at night at the solar lights on Pine Creek Way when they were functioning (thank God they have broken down).
- If you see wildlife don't slow down.
- Think.
- More emphasis on importance of wildlife. Koalas are priceless.
- Straighten up sign.
- Wildlife crossings? More warning signs needed-the cute pictures help.

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Community Consultation Photo Boards



- Important to community.
- Great shop.
- Hub of the community.
- Fantastic for the community.
- Love these historic buildings.
- Local stores are the mainstay of villages.
- Coffee and chat.
- Support the local business if we all bought one item per week they remain.
- Old.
- Need more of them.
- Nice rural shop.
- Yuk.
- Quaint rural store essential.
- Is the Box Car Cafe still going? Must go again.
- Was here this morning.
- Every community needs one of these.
- Important.

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Community Consultation Photo Boards



- An asset and renewable.
- Land well maintained is it private?
- Keeps growing after sustainable logging.
- My ancestors have proved this.
- We need timber for housing-sensible sustainable harvesting needed.
- Renewable resource and selective harvesting.
- Potential farming land.
- Love the bush.
- Great soil.
- Rainforest.
- Nice bush
- Haven for bees.
- Leave some areas as National Parks.
- Here, here.
- Retaining biodiversity is critical (public and private land).
- Essential for wildlife and for the human soul.
- Nice.

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Community Consultation Photo Boards



- Water equals prosperity.
- Agricultural production need to be marginalised.
- Moving with time.
- Production.
- Effective land use.
- Production.
- Educate farmers with sustainable (not restrictive practices) permaculture for water retention.
- Paradise.
- Good farming land.
- Productive farming.
- Life balance
- Feeding a nation.
- We will need local food production after peak oil unless there is some new amazing energy source rapidly available.
- Allow business.
- Business.
- Riparian buffer zones needed.
- Land needs to be set aside to feed us.

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Community Consultation Photo Boards



- The owner paid for this.
- Great use of land should be more of it.
- East Bank full of horses.
- Good farmer, keep.
- Waste of land.
- We need food production-if this land is not fertile then sure put horses on it-recreation.
- Nice horse.
- Farm.
- Hobby farming.
- Underutilised farming land.
- It's good to see horses around.
- OK.
- Some areas needed for this.
- Order.

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Community Consultation Photo Boards



- Another problem more regulation less competent volunteers.
- Invaluable to community.
- New building because community cohesiveness.
- Community asset for protection of community by community members.
- What an asset.
- Community.
- Much-needed.
- Rustic.
- Need more essential services.
- Essential service.
- They've saved us.
- Let's hope it is never sold to a service provider in future.
- It will never happen while we keep our rural identity.
- Volunteers helping others.

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Community Consultation Photo Boards



- Weeds in unused plantation a problem.
- Unique in its proximity to coast.
- Lots of trees.
- Just lovely.
- Too much clearing and not replanted.
- Ocean to Mountain Views.
- A good rural setting.
- Steep.
- Mix of farming and nature.
- Beautiful community.
- Perfect balance.
- This looks a lot like what the book 'A Pattern Language' would mean for rural community.
- A balanced use of land.
- Room for people.
- Nice.
- Corridors.

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Community Consultation Photo Boards



- Essential to community. 250 people were here last year.
- Gary's second home.
- We need to use these facilities for community unity.
- Sense of community asset.
- Owned by community but Council should use it.
- Community.
- Fun and social.
- Old.
- Beautiful.
- Gathering place.
- Every community needs focus infrastructure-a pub for Bonville would be nice (old-fashioned small type).
- More funding.
- Keep our halls.
- Community.
- Community infrastructure important.
- Community equals sense of place.

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Community Consultation Photo Boards



- Good clean industry for renewable resource.
- Good employer renewable resource.
- Dollars in every way. Ensure this can continue.
- Jobs.
- Build houses out of natural material.
- Managed effectively.
- The area's heritage.
- Surprised we still use timber poles.
- Renewable.
- Self-supporting farm.
- Replant areas not suitable for farming. Australia is huge.
- I worry about the treated logs for long-term-what will become of them in 20 years or so?
- Reusable resource.
- We need to get more out of every tree felled. No exporting to China then importing paper.

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Community Consultation Photo Boards



- More conserved lands paid for by the owner.
- Rural ambience.
- Offer farmer an incentive to implement more sustainable practices.
- Pretty picture.
- Income.
- Good to see rural scene.
- Food income.
- Income.
- Steak barbecue
- Nice farm.
- Food.
- Nice farm-need of the day.
- Underutilised land.
- Relaxing view.
- Keep the hills treed.
- Yes agree.
- Business.
- Nice.
- The same view, (or better) is available on Pine Creek Way but it may be destroyed by Big Club's subdivision

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Community Consultation Photo Boards



- Great. Small school need zoning.
- Almost obsolete but provides choice.
- Great for small communities.
- Lovely place.
- Small community positive.
- Small schools offer such a lot.
- Nation's future builder.
- Limited opportunity.
- Green.
- Nostalgic school.
- Went there as a kid.
- The small schools provide the better students to the high schools in my experience.
- Good school.
- Kids. Families.
- Keep rural schools.
- Yes.

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Community Consultation Photo Boards



- Great place to live.
- Reinventing itself, bypass may impact future.
- Beautiful.
- Horticulture.
- Beautiful. Best place in New South Wales.
- Rural lifestyle
- Farmland taken over.
- Residential taking over.
- Urban crawl where does the farm go?
- Opportunity.
- Just missing the old banana slopes.
- Old banana hills empty.
- More homes.
- Vegetated corridors a must.
- Home.
- Looks great as it is.
- Why move to the country to turn it into suburbs?

Coffs Harbour Rural Strategy
LAND Analysis Summary

LAND Analysis Summary

A summary of the issues raised at each workshop are outlined below.

Coramba

Liabilities

- Council.
- Overregulation.
- Duplication-native vegetation.
- Dual consent.
- Noxious and environmental weeds on council and private land.
- Karangi lawn Cemetery.
- Financial sustainability of farming.
- The cost of regulation and input for farming.
- Minimum subdivision size and farm viability.
- Corridor strategy-biodiversity.
- Public perception of farming.
- Ethos of cheap food.
- Non-seasonality.
- Lack of knowledge of food and where it comes from.
- Farmers are price takers.
- Next generation not being farmers.
- Few totally viable rural holdings left.
- Land use conflict.
- Coffs Harbour bypass.
- Pumping water out of creeks has environmental impacts.

Assets

- Karangi lawn Cemetery.
- Farming.
- Fertile land.
- Food production.
- Lifestyle lots.
- Lifestyle.
- Rearing families.
- Open space.
- Food production-cucumbers, tomatoes, kiwi fruit, bananas, berries.
- Cattle, sheep, alpacas, goats.
- Dairy.
- Aquaculture.
- Fresh air.
- Clean water.
- Fodder production.
- Winery.
- Forestry - both private land and State forests.
- Tourism-bed & breakfast.
- People.
- Next generation have a commitment to farming.
- Climate.
- Knowledge.
- Technology for farming.
- Location.

Coffs Harbour Rural Strategy

LAND Analysis Summary

- Proximity to Coffs Harbour urban area.
- Proximity to Sydney and Brisbane.
- Transport.
- Communication.
- Services in Coffs Harbour-Hospital, education, etc
- Biodiversity.
- Coffs Harbour bypass.

Needs

- Protect ability to maximise continuation of food production.
- Enforce weed control.
- Rural activities in rural areas should take precedence..
- Better roads.
- More flexibility in land use, tourism, smaller subdivision, etc.
- More tourists in rural areas.
- Assess the potential for further residential small lots.
- Water for agriculture.
- Water usage regulation-pumping in excess of licences. Dam sizes in excess of the harvestable right minimum size.
- Review of dam size and harvestable right size allocation. Harvestable water rights.
- Allow RAMAs (Routine Agricultural Management Activities) to continue on privately owned vegetated land.
- Recognised that the landholders in the rural area are environmentally aware and look after the land.
- Recognised the ability to selectively harvest land in the future for forestry.
- Ensure no inconsistency between Native Vegetation Act and LEP provisions

Dreams

- Look at small lots in specific areas.
- Document that gives examples of what can be done with the land. The variety of permitted uses should be documented and encouraged.
- Allow subdivision and farming in balance.
- Promote rural areas in the Coffs Coast tourism publications.
- Simplify regulations and not have contradiction between agencies.
- Proper management of public lands. National Parks, Forestry, travelling stock reserves, Crown land and council land, etc. For weeds and feral pest animals.
- Don't destroy it the rural ambience of the area

Coffs Harbour Rural Strategy
LAND Analysis Summary

Woolgoolga

Liabilities

- NIMBYs
- Land use conflict.- Farming, water use, spray.
- Perception of environmental pollution.
- Lack of understanding of farming practices.
- Perception of illegal things and practices.
- Harassment by neighbours.
- Access to water.
- Harvestable rights for dams.-Based on higher rainfall. Not able to have large dams.
- Building entitlements not on all former banana plantations. Makes it difficult to buy land and have a dwelling on it.
- Landlocked parcels.
- Restriction on clearing of land.
- Zoning is rural but vegetated and not able to clear for agriculture.
- Price of cleared land is very high.
- Not replacing farmland that is rezoned for urban. Can't clear many more land.
- No planning for new farmland once land has been taken for urban developments. Clearing of land.
- Contradiction between land clearing.
- Council doesn't identify the importance of farming industry.
- Zoning for environmental protection-environmental conservation E2 zone.
- No compensation for zoning for environmental conservation zoning E2 retrospective.

Assets

- Lifestyle.
- Climate for growing.
- Satisfaction of producing food.
- Productivity yield is high.
- Employ a lot of people.-Multiplier effect.
- Spending a lot of money.
- Spending the money locally.
- Tourism.
- Backpackers work on farms and spend locally.
- Backpackers rent a lot of medium-term accommodation
- Good climate for growing blueberries.
- Access to Sydney.
- \$140 million of turnover for blueberries in 2015. 6,000 to 7,000 casual people employed. 2,000 permanent employed. A growth of 8 to 9 times since 2011.
- Blueberry industry.
- Bananas.
- Cattle.
- Young Growers.
- Farm succession

Needs

- Social licence to say that farming is important.
- Recognition as an economic benefit and not disbenefit.
- Ability to expand farming.
- Water catchment policy to allow for larger and/or deeper dams.
- Allow for water extraction licences and harvest more rainfall.
- More water.

Coffs Harbour Rural Strategy

LAND Analysis Summary

- Information about impacts of farming on rural areas and knowledge for new residents.
- New residence information pack to talk about land use conflict and other issues.

Dreams

- Council to support farmers more.
- Sealed roads.
- Equality of service delivery.
- Garbage collection in rural areas.
- Council to be pro-farmer and support farming.
- Recognition that farming is a big part of the local economy.
- Access to recycled water from sewage treatment plants for farming.

Coffs Harbour Rural Strategy
LAND Analysis Summary

Bonville

Liabilities

- Knowledge of farming practices by non-farmers.
- Blueberry farms should not be close to schools, houses, etc.
- Dumping of rubbish on rural roads.
- Logging trucks.
- Don't know neighbours any more.
- Should not put housing on good quality agricultural land.
- Topography constrains growth.
- Blueberry impact on amenity.
- Land use conflict.
- Spray drift.
- Pollution run-off.
- Creek pollution.
- Affected by neighbours farming practices.-Dam enlargement next door and water in impact. Problem with not knowing who to talk to. Clearing vegetation. Hobby farm size.
- Subdivision of rural land leaves no land for farming.

Assets

- Lifestyle.
- Not like Sydney.
- Food production.
- Climate allows growing all year round.
- Recreation area for urban dwellers. Particularly cyclists.
- Dark skies at night.
- Having space.
- Rural lifestyle.
- Close to town.
- Good climate-best in the world.
- Big banana.
- State forests.
- Beaches.
- Wildlife and biodiversity.

Needs

- Buffer between farming and residential areas.
- Balance between farming and lifestyle.
- Food production.
- Pacific Highway bypass Coffs Harbour.
- More large lot residential land made available.
- No more large lot residential land to be made available.
- Ability to expand farming land.
- Keep productive land in production.
- Recognise value of agriculture to local economy.
- If good quality agricultural land is to be subdivided more land should be made available. Clear more vegetated land for agriculture.
- Understand water resource and the limitations on it.
- Land with good water should be kept for farming.
- Need planning for water storage.
- Review minimum allotment size for subdivision.

Coffs Harbour Rural Strategy
LAND Analysis Summary

Dreams

- No industrial area but rural for Bonville area.
- Communication between council and New South Wales office of water.
- Less red tape with water allocation.
- Department of primary industry buffer areas to be applied to new intensive plant uses.



REPORT TO ORDINARY COUNCIL MEETING

COMPLIANCE AND ENFORCEMENT POLICY

REPORTING OFFICER:	Section Leader Compliance & Regulatory Enforcement
DIRECTOR:	Director Sustainable Communities
COFFS HARBOUR 2030:	LE 3.1 Manage land use to conserve the region's unique environmental and biodiversity values LE 3.2 Enhance protection of our catchments, waterways and marine areas LE 4.2 Implement programs which aim to make the Coffs Harbour Local Government Area pollution free
ATTACHMENTS:	ATT Compliance and Enforcement Policy

Recommendation:

That Council adopt the attached Compliance and Enforcement Policy.

EXECUTIVE SUMMARY

At its meeting of 14 April 2016, Council considered a report in respect to the proposed adoption of a Compliance and Enforcement Policy and resolved as follows:

That Council:

- 1. Approve the public exhibition of the Draft Compliance and Enforcement Policy for a 42 day period.*
- 2. Receive a report back on the Draft Compliance and Enforcement Policy following public exhibition.*

The Compliance and Enforcement Policy was placed on public exhibition in accordance with the above resolution. No submissions were received.

The Compliance and Enforcement Policy provides information for all internal and external stakeholders and interested parties, about Council's position on compliance and enforcement matters in the local government area. The Policy which includes Council's adopted Compliance Response Framework, will provide structure for consistency and transparency in decision making, and facilitate a proportionate approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This report seeks Council's adoption of the Compliance and Enforcement Policy.

REPORT

Description of Item:

This report seeks Council endorsement to the adoption of a new Compliance and Enforcement Policy. The updated Policy is based on the NSW Ombudsman's recently released Model Compliance and Enforcement Policy.

In recognition of the regulatory role of all Council's, the NSW Ombudsman published the "Enforcement Guidelines for Council's" in 2002 which included a Model Enforcement Policy. The model Policy was used by Council as the basis for its Enforcement Policy, which was first adopted in 2009.

Compliance and enforcement activities have continued to evolve since the Ombudsman first released its initial model Policy in 2002. The Ombudsman released the Compliance and Enforcement Model Policy 2015, for use by Councils as a foundation template for the development or update of their Policy documents.

Council does not have the status, privileges and immunities of the Crown, having only powers prescribed by NSW legislation. Many of Councils' regulatory functions are derived from the Local Government Act. Other Acts relevant to Councils' regulatory powers are referenced in this Policy. As a body created by legislation, a Council cannot change the law and has a duty to uphold the law as created by the NSW Parliament. This Policy sets out the procedures and principles adopted by the Council in undertaking its duty.

The Policy provides information for all internal and external stakeholders and interested parties regarding Council's position on compliance and enforcement matters in the local government area. It is designed to provide structure for consistency and transparency in decision making and to facilitate a proportionate approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity. The Policy outlines matters to be considered at the various stages of the enforcement process, from the receipt and investigation of reports alleging unlawful activity, through to the various enforcement options available to Council.

In certain circumstances, Council will have shared enforcement responsibilities with other regulatory authorities. This Policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a private certifier, and the role of Councilors in enforcement.

Council staff responsibilities are not limited by this Policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits.

Issues:

No submissions were received following the public exhibition of the draft Compliance and Enforcement Policy.

The use of the Ombudsman's Model Compliance and Enforcement Policy as a foundation template for the revision and update of Council's existing Enforcement Policy ensures that Council maintains best practice within this area of its responsibilities.

Options:

It is considered that the following options are available for Council's consideration:

1. Adopt the recommendation provided to Council;
2. Reject the draft Policy and retain the current status quo.

Sustainability Assessment:

• **Environment**

The revision and adoption of the Compliance and Enforcement Policy will have no detrimental impact on the environment.

• **Social**

The Policy will assist Council staff in undertaking compliance and enforcement related duties within a transparent framework, ensuring the provision of social equity and justice.

• **Civic Leadership**

Council has a duty under the Local Government Act Charter of guiding principles to ensure that it acts consistently and without bias in the exercise of its regulatory functions. The Compliance and Enforcement Policy is designed to assist Council in undertaking regulatory functions in a consistent and unbiased manner.

• **Economic**

Broader Economic Implications

The adoption of the Compliance and Enforcement Policy will have no discernible impacts in respect to broader economic implications.

Delivery Program/Operational Plan Implications

The adoption of the Compliance and Enforcement Policy will have no discernible impacts on the Delivery Plan or Operational Plan.

Risk Analysis:

The revision and adoption of the Compliance and Enforcement Policy using the Ombudsman's Model Compliance and Enforcement Policy as a foundation template, provides Council with the knowledge that its procedures are consistent with best practice, which will assist in mitigating any risk to Council.

Consultation:

The draft Compliance and Enforcement Policy was placed on public exhibition for the period from 27 April through to 8 June 2016.

No submissions were received during the public exhibition period.

Related Policy, Precedents and / or Statutory Requirements:

There are a number of Acts that provide Council with a range of statutory compliance and enforcement powers including:

- Local Government Act 1993
- Environmental Planning and Assessment Act
- Food Act 2003
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Roads Act 1993
- Swimming Pools Act 1992

Implementation Date / Priority:

The Compliance and Enforcement Policy will be implemented immediately upon adoption by Council.

Conclusion:

The Compliance and Enforcement Policy has been reviewed and updated based on the Ombudsman's recently released Model Compliance and Enforcement Policy.

The Policy provides clear information about what can be expected from Council in terms of its compliance and enforcement activities and service response levels in responding to a range of customer requests.

COFFS HARBOUR CITY COUNCIL

Locked Bag 155,
Coffs Harbour, NSW 2450
ABN 79 126 214 487



Compliance and Enforcement Policy

Policy Statement:

Coffs Harbour City Council is opposed to the undertaking of unlawful activity under any circumstances. In response to unlawful or unauthorised activity council will initiate compliance and enforcement processes where appropriate. All actions and outcomes in regards to compliance and enforcement are to be in accordance with this Policy and associated Standard Operation Procedure documentation.

Director or Group Leader Responsible for Communication, Implementation and Review:

Group Leader Sustainable Places within the Sustainable Communities Directorate.

Does this document replace an existing policy?

Yes

Enforcement Policy July 2015

Related Legislation, Department of Local Government Circulars or Guideline:

This Policy applies to Acts and Regulations enforced by Coffs Harbour City Council.

Application:

This Policy applies to the identification of, investigation and enforcement of unlawful activity or failure to comply with terms or conditions of approvals, licences and orders. This Policy applies to all compliance and regulatory areas for which Council has responsibility.

This Policy is also intended as an umbrella Policy which will guide the compliance and enforcement service relevant to specific policies, procedural documentation and operational guidelines.

Related Policy and Operational Documents

Policy	Standard Operational Procedures
Video Surveillance On Public and Other Lands Policy. Compliance Response Framework	Enforcement Procedure

Distribution:

It is mandatory for all Council Officers and Officials to comply with this Policy. It will be available to Council and the community in the following mediums;

- ✓ Internet
- ✓ Intranet
- ✓ Email
- ✓ Noticeboard
- ✓ ECM

Approved by:	Signature:
Executive Team [Meeting date]	_____
Council [Meeting date & Resolution No.]	General Manager
Date of Effect:	Date of next Review: 12 Months
Date of Distribution:	Dataworks Number:

Key Responsibilities

<i>Position</i>	<i>Directorate</i>	<i>Responsibility</i>
Mayor	Council	To lead councillors in their understanding of, and compliance with, this policy and guidelines.
General Manager	Executive	To lead staff, (either directly or through delegated authority) in their understanding of, and compliance with, this policy and any related procedures. To approve resources to develop, implement and review this policy.
Directors	All Directorates	To communicate, implement and comply with this policy and any related procedures.
Group and Section Leaders	All Directorates	To communicate, implement and comply with this policy and any related procedures To lead staff in their understanding of, and compliance with, this policy..
All Council officials	Council	To comply with this policy and any related procedures.

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1. Introduction

Council's regulatory responsibilities are applicable to actual unlawful activity, as well as a failure to take action (in order to be compliant with certain legal requirements). For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

This policy distinguishes between a 'report alleging unlawful activity' and a 'complaint'.

For the purposes of this policy, a report alleging unlawful activity is where an individual expresses concern in relation to alleged unlawful activity, or they request service from council about such matters. Council considers that a response or resolution to a report alleging unlawful activity is explicitly or implicitly expected by the individual, or may be legally required.

A complaint is where an individual expresses dissatisfaction about Council services, staff or the handling of a complaint. Therefore, a complaint may arise where an individual claims that Council staff has failed to take action in relation to a report alleging unlawful activity. A complaint will be recorded separately and responded to in accordance with Council's *Complaints and Other Feedback Policy (POL-016)*.

2. Purpose and scope

This policy provides information for all internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the local government area.

The purpose of this policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option Council will choose and whether to commence criminal or civil proceedings.

In certain circumstances Council will have shared enforcement responsibilities with other regulatory authorities. This policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a private certifier, and the role of Councillors in enforcement.

Responsible Council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits.

3. Organisational approach

Compliance and enforcement plays a significant role in supporting and maintaining community values which seek to:

- *prevent or minimise harm to health, welfare, safety, property or the environment*
- *improve the safety and amenity of residents and visitors to the area*
- *promote social policies (e.g. to preserve or protect the environment)*
- *manage risks*
- *uphold social order*
- *meet the expectations of the community*
- *make the regulated community aware of their legal obligations and how to comply*

Council has a wide range of powers to intervene and regulate a variety of issues, however it does not have unlimited resources or a legal expenses budget to enable involvement and resolution of every matter in terms of its statutory powers provided under the various Acts and Regulations. Council needs to ensure it utilises its limited resources and legal budget to achieve outcomes that, in the main, will be of most benefit to the public interest.

Council generally will not action compliance and enforcement matters:

- that only impact the interests of private individuals and/or
- that are of a relatively minor nature and/or
- that do not pose a risk to public health and safety or cause environmental harm and/or
- where individuals have recourse to alternative avenues for resolution

In such cases Council may provide limited assistance through the provision of advice and direction associated with obtaining information and alternative means of resolution with customers to be advised accordingly.

4. Definitions

The following are the definitions of key terms in this policy:

Complaint

A complaint is an expression of dissatisfaction made about Council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Refer also to Council's *Complaints and Other Feedback Policy* (POL-016).

For the purposes of this policy, a complaint does not include:

- a report alleging unlawful activity (see definition below);
- a request for information about a Council policy or procedure;
- a request for an explanation of actions taken by Council;
- a request for internal review of a Council decision.

Enforcement

Actions taken in response to serious or deliberate contraventions of laws.

Regulation

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, regulation or other statutory instrument administered by Council.

Report alleging unlawful activity

An expression of concern, or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:

- terms or conditions of a development consent, approval, permit or licence;
- an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- a legislative provision regulating a particular activity or work;
- a required development consent, approval, permission or licence.

5. Policy objectives

The intent of this policy is to establish clear guidelines and protocols for Council staff in the management of Council's regulatory activities.

It provides workable guidelines on:

- responding to reports alleging unlawful activity;
- assessing whether reports alleging unlawful activity require investigation;
- deciding on whether enforcement action is warranted;
- options for dealing with confirmed cases of unlawful activity;
- taking legal action;
- implementing shared enforcement responsibilities.

The policy also provides advice and guidance on:

- the role of the Principal Certifying Authority; and
- the role of Councillors in enforcement.

6. Application

This policy applies to regulatory issues within Council's area of responsibility including, but not limited to:

- development control;
- building control;
- swimming pool safety;
- unauthorised vegetation removal;
- pollution control;
- environmental health;
- public health and safety;
- water and sewer;
- septic systems;
- control over animals;
- food safety;
- fire safety;
- unauthorised use of council managed land;
- parking and vehicle offences;
- sediment and erosion;
- sewer / water / stormwater infrastructure;
- noxious weeds.

A comprehensive list of matters and Council's response is provided within Appendix 1, *Compliance Response Framework*.

7. Compliance and enforcement principles

The following are the principles that underpin Council actions relating to compliance and enforcement:

Accountable and transparent

- acting in the best interests of public health and safety and in the best interests of the environment;
- ensuring accountability for decisions to take or not take action;
- acting fairly and impartially and without bias or unlawful discrimination;
- providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community;
- ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy;

- acting on any complaints or concerns about the conduct of compliance officers in accordance with Council's complaints management policy and procedures;
- advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

Consistent

- ensuring all compliance and enforcement action is implemented consistently;
- encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.

Proportional

- ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach;
- making cost-effective decisions about enforcement action;
- taking action to address harm and deter future unlawful activity.

Timely

- ensuring responses to reports alleging unlawful activity and decision-making in relation to those is timely.

8. Responsibility

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy. Council staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Council staff are required to:

- treat all relevant parties with courtesy and respect;
- communicate with all relevant parties when required and requested, such as at the conclusion of the investigation;
- make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions;
- inform all relevant parties of reasons for decisions;
- provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity;
- provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

All reports alleging unlawful activity are to be entered into Council's records management system and actioned in a timely manner by the appropriate business unit.

Only Council staff with appropriate delegations from the General Manager can undertake investigations or compliance and enforcement action in relation to this policy.

9. Responding to concerns about unlawful activity

How reports alleging unlawful activity will be dealt with by Council

Council will record and assess every report alleging unlawful activity with further action to be determined having regard to Appendix 1, *Compliance Response Framework*.

Council will respond to every such report unless the person raising the matter has indicated they do not wish to receive a response about Council's handling of the matter, or the report is anonymous.

Generally speaking, Council's objectives when dealing with reports alleging unlawful activity are to:

- maintain the collective good and welfare of the community;
- prevent or minimise harm to health, welfare, safety, property or the environment;
- consider the broader public interest having regard to Council's priorities and any resource limitations;
- consider the report fairly and impartially.

Not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate, staff will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken by Council are made at the Council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of Council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. They will also explain that Council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If Council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual.

While there are certain statutory requirements that must be met in relation to notices and orders Council staff will ensure that all explanatory communications are made in plain English and explain any technical language the law requires to be used.

Confidentiality of people who report allegations of unlawful activity

People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter;
- their identity has already been disclosed to the subject of their report directly or in a publicly available document;
- the individual was consulted following receipt of a Government Information (Public Access) Act 2009 NSW application and did not object to the disclosure;
- the individual consents in writing to their identity being disclosed;
- the disclosure is required to comply with principles of procedural fairness;
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.

What Council expects from people who report allegations of unlawful activity

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- providing a clear description of the problem (and the resolution sought if relevant);
- giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report;
- not giving any information that is intentionally misleading or wrong;
- cooperating with Council's inquiries and giving timely responses to questions and requests for information;
- treating Council's staff with courtesy and respect;
- allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by Council.

If these expectations of the individual are not met, Council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual.

Any unreasonable conduct will be dealt with in accordance with Council's, *Managing Unreasonable Complainant Policy* (POL-033).

What parties can expect from Council staff

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action, can expect that Council staff will:

- treat them with courtesy and respect;
- acknowledge their report and inform about the possible duration of the investigation;
- advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances;
- clearly explain decisions in plain English;
- provide information about any relevant internal and external appeal processes that may be available;
- carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken.

Complaints about Council's enforcement actions

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with Council's *Complaints and Other Feedback Policy* (POL-016).

Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers in accordance with Council's *Complaints and Other Feedback Policy* (POL-016) and the *Code of Conduct Policy* (POL-031).

Anonymous reports

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

Unlawful activity outside business hours

Unlawful activity can occur outside business hours. In particular, Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

Due to resource and operational capability restraints on Council, investigations into alleged unlawful activity outside business hours will be assessed on the basis of risk of harm to health, welfare, safety, property or the environment or it is otherwise in the public interest to take such action.

Neighbour disputes

Council will at times receive reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess and Community Justice Centres.

It is possible that one party will provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons Council has changed its position on a matter. Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.

Council has adopted a Compliance Response Framework (Framework) which details a wide range of the most common issues for which Council receives enquiries and request for assistance. The Framework identifies matters that Council will generally deal with, the level of involvement for matters classified as a minor nature and the timeframes associated with matters requiring further investigation. See Appendix 1 *Compliance Response Framework*.

10. Investigating alleged unlawful activity

Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and environment.

The Compliance Response Framework appended to the Enforcement Policy details response timeframes that will be used to investigate common unlawful activities. The Framework applies a risk based approach that reflects the relative potential for impact on public health and safety or environmental harm and a proportionate risk timeframe for response.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Staff may also need to consult Council records and other internal business units to understand the relevant history and context of a matter.

Circumstances where no action will be taken

Council will take no further action if, following a preliminary assessment, it is identified that:

- Council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of the authority or

provide information and contact details to the individual. For example NSW WorkCover for workplace safety matters, the NSW Environment Protection Authority for possible environmental offences and Community Justice Centres NSW for personal disputes;

- the report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response);
- the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without Council approval or consent being required);
- the report is not supported with evidence or appears to have no substance;
- the relevant Council Officer determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

Relevant factors guiding decisions as to whether to take action:

When deciding whether to investigate, Council will consider a range of factors including:

- whether the activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety;
- whether the report is premature as it relates to some unfinished aspect of work that is still in progress;
- whether the activity or work is permissible with or without permission;
- whether all conditions of consent are being complied with;
- how much time has elapsed since the events the subject of the report took place;
- whether another body is a more appropriate agency to investigate and deal with the matter;
- whether it appears there is a pattern of conduct or evidence of a possible wider spread problem;
- whether the person or organisation reported has been the subject of previous reports;
- whether the report raises matters of special significance in terms of the Council's existing priorities;
- whether there are significant resource implications in relation to an investigation and any subsequent enforcement action;
- whether it is in the public interest to investigate the report.

The above are factors for Council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity is to:

- determine the cause of the incident;
- determine if there has been a contravention of law, policy or standards;

- gather evidence to the required standard to support any required enforcement action;
- determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

Council has endorsed the NSW Ombudsman *Compliance and Enforcement Guidelines 2015* and NSW Ombudsman *Investigating complaints (a manual for investigations 2004)* to assist and guide its relevant internal procedures for investigations.

11. Taking enforcement action

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist Council staff in determining the most appropriate response in the public interest:

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- whether the offence was committed with intent;
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions;
- any mitigating or aggravating circumstances demonstrated by the alleged offender;
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter any future unlawful activity;
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- the prospect of success if the proposed enforcement action was challenged in court;
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- what action would be proportionate and reasonable in response to the unlawful activity;

- whether Council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

Considerations about the potential for remedy:

- whether the breach can be easily remedied;
- whether it is likely consent would have been given for the activity if it had been sought;
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

Legal or technical issues

Where legal and/or technical issues are in question, Council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

Requirements of council staff considering enforcement action

Prior to taking enforcement action, Council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council's Code of Conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to Council's internal approval processes prior to the commencement of any enforcement action.

Council staff will take steps to ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Council staff will be guided by legal advice in determining the appropriate persons to pursue.

Related enforcement guidelines

Other related guidelines may be implemented as required to assist staff with undertaking specific types of regulatory activity and the circumstances in which enforcement action will or will not be taken..

12. Options for dealing with confirmed cases of unlawful activity

Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach. Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, Council's key concerns are:

- to prevent or minimise harm to health, welfare, safety, property or the environment;
- to influence behaviour change for the common good and on behalf of the community.

Council's Compliance Response Framework (refer Appendix 1) identifies a range of common matters for which Council receive requests for assistance and provides guidance on matters that Council will and will not action, the type of assistance that will be provided in respect to certain matters and the response times that will be applied to matters requiring an investigation response. Enforcement options to be considered by Council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent.

Level of risk	Enforcement options
Very low	<ul style="list-style-type: none"> • take no action on the basis of a lack of evidence or some other appropriate reason i.e. matter can be resolved through private legal means; • provision of information/advice on how to be compliant <i>example – neighbour complaint about a noise related issue.</i>
Low	<ul style="list-style-type: none"> • negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern; • issuing a warning or a formal caution; <i>example – the unauthorised removal of a diseased or dead tree; unauthorised camping within a council reserve.</i>
Medium	<ul style="list-style-type: none"> • issuing a letter requiring work to be done or activity to cease in lieu of more formal action; • issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate; <i>example – the erection of a minor structure without consent.</i>
High	<ul style="list-style-type: none"> • issuing a penalty notice; • carrying out the works specified in an order at the cost of the person served with the order; <i>example – continued failure to maintain food safety and food hygiene standards.</i>
Very high	<ul style="list-style-type: none"> • seeking an injunction through the courts to prevent future or continuing unlawful activity; • commence legal proceedings for an offence against the relevant Act or regulation; <i>example – to not comply with a direction to repair a failing effluent disposal system that is polluting or likely to impact public health.</i>

Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

Council will utilise its Request Management system to record, manage and monitor compliance actions.

13. Taking legal action

The Council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- whether there is sufficient evidence to establish a case to the required standard of proof;
- whether there is a reasonable prospect of success before a Court;
- whether the public interest warrants legal action being pursued.

Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any **criminal** prosecution is that the available evidence establishes a *prima facie* case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In **civil** enforcement proceedings, Council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

Whether there is a reasonable prospect of success before a Court

Given the expense of legal action Council will not take legal action unless there is a reasonable prospect of success before a Court. In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.

Whether the public interest requires legal action be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply (see Section 11, Taking enforcement action).

The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- the availability of any alternatives to legal action;
- whether an urgent resolution is required (court proceedings may take some time);
- the possible length and expense of court proceedings;
- any possible counter-productive outcomes of prosecution;
- what the effective sentencing options are available to the court in the event of conviction;
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

Time within which to commence proceedings

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

14. Shared enforcement responsibilities

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including the Environment Protection Authority, the NSW Police Force, the Office of Liquor, Gaming and Racing, NSW Fair Trading, NSW Food Authority and Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, Council staff will liaise with relevant authorities to establish:

- which authority will take the leading role on any joint investigation;
- which activities each authority will carry out;
- responsibilities for updating an individual where relevant;
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

15. Role of council where there is a private certifier

Council retains its regulatory role and enforcement powers where a private certifier has been appointed the Principal Certifying Authority (PCA). However, if a private certifier is appointed the PCA, it is not Council's responsibility to ensure building and construction compliance.

Private certifiers have limited enforcement powers as the PCA. They have the power to issue a 'notice of intention to issue an order' to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any 'notice of intention' issued by a private certifier must be provided to Council for assessment as to whether Council will enforce the notice by issuing an order.

Council and private certifiers will work together to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.

16. Role of Councillors in enforcement

Decision-making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised council staff or the Council itself.

Individual Councillors do not have the right to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that their Council's policies are being carried out correctly, however they cannot ignore or alter a policy in order to satisfy the demands of special groups.

The General Manager may present certain decisions to be ratified by the elected Council if this is necessary or desirable, and the Councillors may also have the right to call for a report about particular issues to a Council meeting.

17. Delegations

Council staff delegations for taking action under this policy are included in Council's Delegation Register.

18. Other resources

The NSW Ombudsman website has the following helpful resources at www.ombo.nsw.gov.au:

- Managing unreasonable complainant conduct - a model policy and procedure;
- Managing Unreasonable Complainant Conduct Manual 2012;
- The Rights Stuff - Tips for making complaints and solving problems;
- Effective complaint handling guidelines - 2nd edition;
- Managing information arising out of an investigation - Balancing openness and confidentiality;
- Reporting of progress and results of investigations;
- Good Conduct and Administrative Practice;
- Options for Redress;
- Investigating Complaints - A manual for investigators;
- Enforcement guidelines for Councils';
- Better Service and Communication for Council.

Also see:

- Prosecution Policy of the Commonwealth (2014) *Guidelines for the making of decisions in the prosecution process*;
- NSW Planning (2010) *Prosecution Guidelines*.

19. Table of Minor Amendments

Amendment	Authoriser	Approval ref.	Date

20. Appendices

Appendix 1 – Compliance Response Framework

DESCRIPTION	RESPONSE TIME				
	EXTREME	HIGH	MEDIUM	MINOR	MINOR
	4 hours	Within 2 Working Days	Within 7 Working Days	No Action	Information Only **
PLANNING BUILDING AND COMPLIANCE					
Dangerous structure adjoining public land, eg dilapidated awnings		✓			
Swimming pool fencing complaint on private land		✓			
Non compliance with development consent or construction works governing environmental protection (operational machinery)		✓			
Development not in accordance with consent			✓		
Development carried out without consent / construction certificate			✓		
Right of way and covenant complaints, other than conditions of consent				✓	
Building works carried out without approval now made lawful by Exempt and Complying Development SEPP					✓
Retaining wall (structurally unsafe) - potential impact upon public safety and/or neighbouring infrastructure			✓		
Boundary fence and retaining wall issues where the Dividing Fences Act applies - Community Justice Centre and the Local Court					✓
Landform modification involving potential flooding impacts or potential property damage		✓			
Landform modification without consent			✓		
Unauthorised use of premises (requiring consent)			✓		
Holiday Letting without consent or where prohibited			✓		
Strata property disputes				✓	
Inadequate Sediment and Erosion Control, direct flow into waterway			✓		
Inadequate Sediment and Erosion Control not in accordance with consent		✓			
Inadequate Sediment and Erosion Control not direct flow into waterway but nuisance to public place		✓			
Inadequate Sediment and Erosion Control causing nuisance between adjoining neighbours (works not requiring consent)				✓	
ANIMALS					
Dog attacks Major - (eg imminent risk to public, where a person has been bitten or serious injury to other animals, or assistance to Police)	✓				
Dog attacks minor (after an event - minor or no injury to persons or animals or risk to public safety)		✓			
Dog - Dangerous, Menacing or Restricted Breed as per Companions Animal Act, no imminent risk to public safety, eg dog contained		✓			
Pick up of seized Dogs contained (Pound operating hours only)	✓				
Domestic roaming dogs - general complaint after the event.			✓		
Dog barking (complaints from 2 or more premises)			✓		
Barking Dogs Anon or one resident complainant only. (Dog owner to be given advice only)					✓
Impounding of Cats - Council provides pound facility but no collection service				✓	
Breach of Companion Animals Act - identification, registration		✓			
Wild dogs and foxes on Council own land			✓		
Stock on Main Arterial Roads	✓				
Stock on non arterial sealed roads		✓			
Stock on dirt rural roads			✓		
Stock Complaints General trespassing - Horses, Cattle, Sheep, Donkeys			✓		
Keeping of non stock animals e.g. rabbits, birds, geese, ferrets, chickens, roosters - including enclosures, noise and odours					✓
FOOTPATH AND CYCLEWAYS					
Footpath obstruction (immediate safety hazard - 8am - 5pm, 7 days per week - after hours Police matter)	✓				
Footpath obstruction, eg builder's material obstructing pedestrian access		✓			
Footpath obstructions, minor or nuisance			✓		
TREES AND VEGETATION					
Overgrown land which exceeds the following criteria: a) The average height of grass on the land exceeds 500mm or one metre in any area, or b) The site has an accumulation of vegetation, rubbish or materials, which may harbour vermin.			✓		
Overgrown land which does not meet the above criteria				✓	
PARKING					
Parking traffic hazard (8am - 5pm, 7 days per week - after hours Police matter)	✓				
Parking - general complaints			✓		
Abandoned motor vehicles (posing immediate safety hazard, 8am - 5pm, 7 days per week - after hours Police matter)	✓				
Abandoned motor vehicles and articles (public place)			✓		
Road Offences illegal works general			✓		
ENVIRONMENTAL HEALTH					
Air Pollution - source occurring from commercial or industrial premises			✓		
Air Pollution - burning of prohibited items eg tyres, coated wire, paint and solvent containers	✓				
Air Pollution - Prohibited Lighting of Fires: Schedule 2 areas under POEO			✓		
Nuisance from domestic smoke - BBQ's, domestic wood heaters, residential burning off					✓
Rural and Agricultural nuisances including but not limited to burning of vegetation, noise, soil and erosion control issues (not entering waterways)				✓	
Land Pollution - significant accumulation of waste, dumped or deposited waste on private land			✓		
Land Pollution public lands - rubbish dumping, littering		✓			
Odours - Residential and commercial garbage complaints: location of garbage bins, dog faeces, domestic odours				✓	
Noise Pollution - commercial and industrial impacting on residential areas of significant public interest			✓		
Neighbour to neighbour impact associated with domestic noise pollution complaints - e.g. air conditioners, heat pumps, amplified sound equipment, musical instruments, power tools, lawn mowers, leaf blowers, swimming pool pumps and motor vehicles/trail bikes					✓
Water Pollution Incidents having an effect on waterways - Environmental degrading substances into waterways e.g. oil, paint - Failing Onsite Sewerage Management System into waterways		✓			

DESCRIPTION	RESPONSE TIME				
	EXTREME	HIGH	MEDIUM	MINOR	MINOR
	4 hours	Within 2 Working Days	Within 7 Working Days	No Action	Information Only **
Urgent Response requests from other Agencies (i.e. NSW Police, HAZMAT, EPA, Ministry of Health, NSW Food Authority), relating to Food Poisoning Outbreak, Major Pollution Incidents, Notifiable Disease Outbreaks and Clandestine Drug Laboratories.	✓				
Complaints relating to regulated premises (food premises, skin penetration/hairdressers, beauty salons, cooling towers/ warm water systems, public swimming and spa pools, caravan parks, water carters)			✓		
Public swimming pool water quality			✓		
Unhealthy Condition of Premises - breeding of mosquitoes, vermin and pests, significant accumulation of waste, failing OSSM			✓		
Domestic green/unclean pools - no evidence of mosquito larvae				✓	
Unsanitary motels including bed bugs				✓	
Unightly premises - condition of property not deemed a public health risk				✓	
Mould in private residences				✓	
SEWER					
Urgent Response requests - sewer overflows - private line	✓				
Urgent Response requests - sewer overflows, Council reticulated service	✓				
Trade Waste Agreements - Compliance with conditions of approval			✓		
Private Sewer Pump Station Agreements - Compliance with conditions		✓			
Building in Vicinity of Sewers - Compliance with Council Policy for matters not requiring consent			✓		
Effluent Pumpout Agreements (Nana Glenn and Coramba)			✓		
Unauthorised connection to Council's Sewer infrastructure		✓			
STORMWATER					
Overland stormwater flow nuisances (private property)					✓
Overland stormwater flow nuisances (Council owned property)			✓		
Stormwater nuisance (diversion / downpipes / guttering)			✓		
Overland stormwater flow nuisances associated with development consent????			✓		
Unauthorised connection to Council's Stormwater infrastructure		✓			
WATER					
Water Restriction Breaches		✓			
Water Backflow Agreements - Compliance with conditions of approval			✓		
Unauthorised connection to Council's Water infrastructure		✓			
Water Carters Agreements - Compliance with conditions			✓		
Reclaimed Water Agreements - Compliance with conditions and management plan			✓		
Raw Water Agreements - Compliance with conditions			✓		
PARK AND RESERVES _ OPEN SPACES					
Public reserve breaches (unauthorised use)			✓		
Public land licence breaches (fitness, outdoor dining, surf school)			✓		
Illegal Camping public lands		✓			
SIGNAGE					
Illegal signage public place			✓		
TREES AND VEGETATION					
Unauthorised clearing of high conservation prescribed native vegetation as determined by corporate mapping (operational machinery)	✓				
Unauthorised clearing of prescribed native vegetation (operational machinery)		✓			
Unauthorised clearing of high conservation prescribed native vegetation as determined by corporate mapping (ceased or historic works)			✓		
Enquires regarding native vegetation not prescribed under the Preservation of Vegetation Controls				✓	
Non compliance with development consent governing biodiversity protection (operation machinery)	✓				
Non compliance with development consent governing biodiversity protection (works ceased)			✓		
Tree Disputes Between Neighbours (not prescribed vegetation under Preservation of vegetation controls)				✓	
Tree removal - public lands (removal in progress)	✓				
Tree removal - public lands (removal completed)			✓		
Noxious weeds			✓		
ROADS					
Road Opening Permits - works without a permit or non compliance with permit		✓			
Driveway Applications - works without a permit or non compliance with permit			✓		
Damage to local roads/kerb/footpath during construction			✓		
Trading without approval public lands (Section 68 Local Government Act) - ie busking, vehicles for sale, stalls, mobile vendors		✓			

** Note: Information Only consists of:
 - Referral to Council / Government / Industry website
 - Posting a pamphlet / information sheet
 - Letter providing information



REPORT TO ORDINARY COUNCIL MEETING

COMMUNITY CAPITAL INFRASTRUCTURE 2016-2017 GRANTS PROGRAM

REPORTING OFFICER: Community Planning and Engagement Specialist
DIRECTOR: Director Sustainable Communities
COFFS HARBOUR 2030: PL 2.2 Provide public spaces and facilities that are accessible and safe for all
ATTACHMENTS: Nil

Recommendation:

That Council:

1. Approve the allocation of Community Capital Infrastructure Grants totaling \$85,500 as follows:

Organisation	Proposed project	Total cost of project	Council funding recommended
Westside Tennis Club Inc	Construction of New Hard Court for Wheelchair Participants & Upgrade of a Sand Court to Synthetic Grass	\$194,029	\$20,000
Coffs Harbour Netball Association Inc	Netball Lighting Upgrade to LED	\$70,500	\$33,000
Coffs City United Football Club	McLean Street Oval Lighting Upgrade (Stage 2)	\$65,795	\$32,500
Total:			\$85,500

2. Approve a second round of funding for the balance of the program's funds of \$214,500 for September 2016.

EXECUTIVE SUMMARY

In the 2016/17 Operational Plan, an amount of \$300,000 was made available to fund community infrastructure projects. Council sought applications from not-for-profit organisations seeking to construct new public facilities or to refurbish existing infrastructure, in consultation with Council.

Seven applications, requesting \$153,535, were received for proposed projects to the value of \$466,394. Council considered all applications for capital funding in accordance with the assessment criteria and three applications are recommended for funding.

REPORT

Description of Item:

The Community Capital Infrastructure Grants Program is a source of funds that community groups can access for capital improvement works.

The objectives of the Community Capital Infrastructure Grants Program are to ensure that:

1. Council assists in the provision of innovative community projects that target community needs and result in direct benefits to the wider community.
2. Council assists in increasing participation in, and accessibility and range of, community organisations for the residents of the Coffs Harbour City Council area.
3. Council has a consistent, equitable and transparent process to respond to requests by community organisations for funding of capital infrastructure.
4. Partnerships and joint ventures are encouraged to maximise outcomes from limited resources.

The Program is designed to assist with the development of public infrastructure. Projects should have a strong community benefit that is clearly identifiable and where possible quantifiable.

Applications were considered in accordance with the assessment criteria, with the recommended applications for funding determined on merit. A panel of technical staff met initially to determine if there were any issues or concerns with the applications. A further panel of Group and Section Leaders then met to score the applications. The scoring panel consisted of:

- Group Leader Strategic Asset Management
- Section Leader Local Planning
- Section Leader Stadium and Major Events
- Section Leader Community Planning and Performance

To be eligible for funding under the Community Capital Infrastructure Grants Program, the applicant was required to demonstrate co-funding to a minimum of 50%. This co-funding could be in cash, grants, in-kind labour, materials supply or other, with the proviso that the applicant is required to make at least a 20% financial cash contribution.

Applicants for this program were encouraged to seek alternate grant funding where available, and a "How to Get that Grant" workshop was held on 5 April 2016, to assist applicants to access alternative grant funds. The Community Capital Infrastructure Grants Program, whilst not precluding any smaller projects in the community, represents a larger funding pool available to community organisations wishing to leverage grant funding for larger infrastructure projects.

As a component of the application process, Council sought detailed project plans, financial budgets and a variety of documents and reports from applicants. All projects must be completed within one year of the organisation receiving the funds, in accordance with the timeframe set in the application, and Council requires formal acquittal of the grant for all funding in excess of \$20,000.

Council requires as a condition of the grant that the successful applicant will assume all normal commercial responsibility including public risk and/or any other appropriate insurance cover for the project.

Issues:

Distribution of the funding within the Community Capital Infrastructure Grants Program is recommended by an assessment panel and based on eligibility, merit of the project in accordance with the triple-bottom line assessment (taking in to account social, economic and environmental factors), and the ability of the applicant organisation to manage the project.

The guidelines for the Community Capital Infrastructure Grants Program, includes assessment criteria and a scoring process.

Of the seven applications received for the 2016/17 Program, three proposals are recommended for funding.

The following table lists those projects recommended by the Assessment Panel:

Organisation	Proposed Project	Total cost of project	Council funding recommended
Westside Tennis Club Inc	Construction of New Hard Court for Wheelchair Participants & Upgrade of a Sand Court to Synthetic Grass	\$194,029	\$20,000
Coffs Harbour Netball Association Inc	Netball Lighting Upgrade to LED	\$70,500	\$33,000
Coffs City United Football Club	McLean Street Oval Lighting Upgrade (Stage 2)	\$65,795	\$32,500
Total:			\$85,500

Westside Tennis Club Inc

Westside Tennis Club Inc leases the facility on the corner of King and William Streets, Coffs Harbour from Council. Westside Tennis Club Inc have applied for funding of a new hard court tennis court suitable for wheelchair participants, and upgrade of an existing sand court to synthetic grass. The hard court surface will also allow for participants to have access to this service, which is presently unavailable between Grafton and Sydney.

The Club has been successful in obtaining funding of \$75,000 from the NSW State Government and \$83,350 from the Federal Government for the project, and has requested funding of \$20,000 from Council to complete the project.

Coffs Harbour Netball Association Inc

The Coffs Harbour Netball Association Inc is seeking to upgrade the lighting of six of the nine netball courts at the Vost Park Facility to Australian Standards with LED lights, and have requested funding of \$33,000. The existing poles are to be reused with new LED lights installed as per an engineered light design, with improvements to the lighting sub board and upgrade of the cabling. This project is anticipated to realise an annual saving of \$750 in electricity costs for the Club.

The Coffs Harbour Netball Association Inc was successful in obtaining a grant of \$60,000 in the 2013/14 Community Capital Infrastructure Grant Program for the upgrade of the playing surface.

Coffs City United Football Club

The application by Coffs City United Football Club is for stage two of the upgrade to the lights at Forsythe Park, McLean Street, Coffs Harbour.

Council provided funding of \$31,000 in the 2014/15 Community Capital Infrastructure Grant Program. This project utilised 36 Musco lights repurposed from the Coffs Harbour International Stadium, with additional funds obtained from the 2014 NSW Community Building Partnership Program Grants and in-kind support from the Club to light two fields to training standard and a main field to night-time playing standard.

During the implementation of stage one, Essential Energy advised the club that the electricity supply to Forsythe Park would need to be upgraded to an approved transformer at a significant additional cost to the Club. Funding from this stage would allow completion of the project including upgrade of electrical wiring and switches required for full functionality of the lighting system, and an audit of the lighting spillage to ensure compliance to Australian Standards for surrounding residents.

Proposed Unsuccessful Applications:

The following table lists those projects not recommended for funding by the assessment panel.

Organisation	Proposed project	Total cost of project	Council funding recommended
Woolgoolga Men's Bowls Club	Construction of an Undercover Viewing Platform	\$68,270	\$0
Basketball NSW t/a Sportzcentral	Volleyball Equipment Upgrade	\$4,000	\$0
Coffs Harbour Showground & Public Recreation Trust Inc	Replacement of existing structure with an all-weather BBQ, picnic shed and rest area (264m ²) building	\$42,000	\$0
Coffs Harbour Showground & Public Recreation Trust Inc	Installation of an internal ceiling with insulation in the Arts & Craft Gallery	\$21,800	\$0
Total:		\$136,070	

The application from Basketball NSW is not recommended as the guidelines for this grant program excludes the purchase of equipment such as shade shelters, and portable sporting equipment.

The remaining three grant applications are not recommended for funding in the current round due to outstanding issues that need to be resolved prior to committing any funds to these projects. All three applications lacked sufficient or up-to-date quotations, detailed project plans and thorough financial budgets required for the panel to feel comfortable to commit funds to the projects. Feedback will be provided to the applicants so that they may explore resolving any identified issues so they may resubmit their applications in subsequent funding rounds.

Options:

There are several options that may be considered by Council including:

1. Adopt the recommendation provided to Council. This option provides for the optimal distribution of grant funding based on the submissions received and the assessment process.
2. Amend the recommendation provided to Council and then adopt. As a budget is established in the Operational Plan for this Program for \$300,000 amendment of the recommendation is likely to involve the redistribution of these funds.
3. Reject the recommendation provided to Council. Selection of this option requires that Council cannot distribute the grants to the community. As a consequence, the applicant sporting and cultural groups who applied for grant funding would be required to fund their projects from other sources.

Sustainability Assessment:

- **Environment**

Council assesses the merit of each project based on the impact of the surrounding environment. Council also considered the location of the proposed projects in terms of community amenity and acceptance.

- **Social**

Applicants are required to identify both the community benefit and need provided by the project; and how this benefit has been determined or quantified. This may be by providing new infrastructure or refurbishing existing infrastructure.

- **Civic Leadership**

This approach is addressed in Coffs Harbour 2030 through PL 2.2 'Provide public spaces and facilities that are accessible and safe for all'.

- **Economic**

Broader Economic Implications

The assessment of projects under the Program is based on:

- Each project's capital costs, the total lifecycle or maintenance costs, and value for money; and
- The economic benefits that may exist due to the projects, which may be a reduction on other costs or income derived.

Delivery Program/Operational Plan Implications

The funds for this Program are included in the 2016/17 Operational Plan

Risk Analysis:

The guidelines for this Program includes clauses requiring applicants to have in place public liability insurance (minimum \$20m), personal injury income protection for volunteer insurance and/or any other appropriate insurance cover for the project. Council is to be noted as an interested party on all insurance certificates for the purpose of the grant.

The Program's guidelines also require that all works are carried out in a safe work environment in accordance with the Work Health and Safety Act, Regulations and Codes of Practice. Only licensed contractors are to undertake related works to the project. Council also reserves the right to pre-approve contractors for the project.

The guidelines for the Program include provisions relating to financial reporting, governance and a structured schedule to ensure that grantees fulfill the objectives of their application. A formal acquittal of the grant is required on completion of the project.

Consultation:

The report has been developed through a consultative process that has included input from a range of Council officers and an assessment panel.

Related Policy, Precedents and / or Statutory Requirements:

Not applicable.

Implementation Date / Priority:

Grant funding will be made available to recipients as soon as possible.

Conclusion:

The Community Capital Infrastructure Grants Program is a funding initiative that assists Council to work in partnership with not-for-profit organisations to deliver projects that improve public infrastructure.



REPORT TO ORDINARY COUNCIL MEETING

COMMITTEE MEMBERSHIP APPLICATION – MULTICULTURAL REFERENCE GROUP ADVISORY COMMITTEE

REPORTING OFFICER: Section Leader Community Planning and Performance
DIRECTOR: Director Sustainable Communities
COFFS HARBOUR 2030: LC1.1 Build pride and identity in Coffs Harbour as a community and a place
LC1.4 Promote a caring, inclusive and cohesive community
PL2.2 Provide public spaces and facilities that are accessible and safe for all
ATTACHMENTS: Nil

Recommendation:

That Council appoint the following committee member nominee, Sahar Abdelrahman, to the Multicultural Reference Group Advisory Committee.

EXECUTIVE SUMMARY

To recommend to Council the appointment of a community member to the Multicultural Reference Group Advisory Committee.

REPORT

Description of Item:

This report seeks approval from Council for appointment to the Multicultural Reference Group Advisory Committee

Issues:

The following nomination has been approved for recommendation to Council at the most recent Multicultural Reference Group Advisory Committee meeting:

Multicultural Reference Group Advisory Committee – Sahar Abdelrahman

Advisory committees reflect Council's commitment to actively engage and utilise the expertise within its community. The voluntary contribution of advisory committee members is valued and it is recommended that Council accept this nomination

Options:

1. Adopt the recommendation provided to Council – this would enable the continued effective operations of the advisory committee and allow Council to engage the expertise of these volunteers
2. Amend the recommendations or seek clarification – Council may wish to be provided with further information on the applicant. In this case the committee member application would be put on hold until more detailed information could be brought back to Council to allow for adoption
3. Reject the recommendation provided to Council – this may result in Council missing the opportunity to effectively engage the volunteer assistance of this community member. Council would need to provide sound justification for rejecting a particular application as it has been considered by the existing committee which has given its support to this nomination.

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 advisory committees adds to Coffs Harbour's significant social capital and sense of connectedness.

• Civic Leadership

This approach is addressed in Coffs Harbour 2030 through:

- LC1.1 Build pride and identity in Coffs Harbour as a community and a place
- LC1.4 Promote a caring, inclusive and cohesive community
- PL2.2 Provide public spaces and facilities that are accessible and safe for all

- **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 from the recommendations in this report. However, the time and assistance given to Council by volunteers represents significant cost savings to the organisation.

Risk Analysis:

There are no specific risks associated with the appointment of advisory committee members. All volunteers are required to sign and adhere to Council's Code of Conduct.

Consultation:

Consultation has been undertaken with the existing members of the advisory committee.

Related Policy, Precedents and / or Statutory Requirements:

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

Implementation Date / Priority:

The relevant advisory committee and prospective member will be notified immediately following Council's decision.

Conclusion:

Council appreciates the work that the committee and the volunteers contribute to our community and this report seeks approval from Council for the appointment of a new member.



TRUST REPORT TO ORDINARY COUNCIL MEETING

NORTH COAST REGIONAL BOTANIC GARDEN STRATEGIC PLAN 2017-2020

REPORTING OFFICER:	Open Space and Recreation Officer
DIRECTOR:	Director Sustainable Infrastructure
COFFS HARBOUR 2030:	<p>LC 3.1 Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour</p> <p>LC 3.2 Engage the community and other levels of government in securing outcomes</p> <p>LE 3.1 Manage land use to conserve the region's unique environmental and biodiversity values</p> <p>LE 3.2 Enhance protection of our catchments, waterways and marine areas</p> <p>LE 3.3 Recognise Aboriginal land and sea management practices in the development of environmental programs</p> <p>LE 3.4 Create environmental management and restoration programs through partnerships with the community</p> <p>LE 3.5 Develop and improve infrastructure to provide appropriate access to environmental experiences</p> <p>LE 1.1 Identify and promote the region's unique environmental values</p> <p>LE 1.2 Develop programs to actively engage communities on environmental issues and solutions</p> <p>LE 1.3 Promote connections to the environment through learning in the environment</p>
ATTACHMENTS:	<p>ATT1 Summary of Submissions NCRBG Strategic Plan</p> <p>ATT2 CONFIDENTIAL Submissions to NCRBG Strategic Plan</p> <p>ATT3 NCRBG Final Strategic Plan</p> <p>ATT4 CONFIDENTIAL Part 1 NCRBG Final Appendices (pages 1-74)</p> <p>ATT4 CONFIDENTIAL Part 2 NCRBG Final Appendices (pages 75-148)</p> <p>ATT4 CONFIDENTIAL Part 3 NCRBG Final Appendices (pages 149-222)</p>

Recommendation:

That Council, in its capacity as Corporate Manager of the Coffs Coast State Park Trust:

- 1. Authorise the use of the Draft North Coast Regional Strategic Plan 2017–2020 as an Interim Strategic Plan for the purpose of conducting further detailed consultation and a trial implementation with the Friends of the North Coast Botanic Garden Inc.**
- 2. Endorse the negotiation of a 12 month temporary license with the Friends of the North Coast Regional Botanic Garden Inc for their continued occupation and use of the North Coast Regional Botanic Garden for their commercial ventures including the kiosk, café, seed bank and their day to day activities within the Garden.**



TRUST REPORT TO ORDINARY COUNCIL MEETING

3. **Receive a further report on the recommended membership and Terms of Reference of an Interim Advisory Committee for the NCRBG following the successful negotiation of a 12 month temporary license with the Friends of the North Coast Regional Botanic Garden Inc.**
4. **Receive a further report and reconsider the Interim North Coast Regional Botanic Garden Strategic Plan for final adoption after the 12 month implementation trial, or earlier if Recommendation 2 cannot be achieved.**

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Detail the outcome of the community consultation in relation to the exhibition of the draft North Coast Regional Botanic Garden Strategic Plan 2017-2020,
2. Report to Council the development status of the draft North Coast Regional Botanic Garden Strategic Plan 2017-2020.
3. Seek approval from Council, in its capacity as the Corporate Manager, for authorisation to conduct an interim implementation of the North Coast Regional Botanic Garden Strategic Plan 2017-2020 for a 12 month period to enable further detailed consultation with the Friends of the North Coast Regional Botanic Garden Incorporated (the Friends) to take place. At the conclusion of this period a report will be returned to Council detailing the outcome of the trial and recommendations in relation to the full adoption of the Strategic Plan with the benefit of lessons learned during the trial.

The North Coast Regional Botanic Garden Strategic Plan was commissioned by Council in its role as Corporate Manager of the Coffs Coast State Park Trust with the aim of setting a renewed strategic direction for the Crown Reserve known as the North Coast Regional Botanic Garden (NCRBG).

The initial draft document was subsequently amended and a second draft prepared. The second draft of the Strategy was placed on exhibition for a period of 28 days. Sixteen submissions were received. A separate Workshop for interested stakeholders was held and further detailed input relating a proposed NCRBG Advisory Committee was compiled. All submissions and input from this process is detailed in the attachments to this report. Following incorporation of submissions a final draft has now been prepared.

Both Council and the Coffs Coast State Park Trust acknowledge the significant role played by the Friends of the NCRBG Inc in the development and management of the NCRBG to date, and the significant benefits of their continued involvement with the NCRBG into the future. During the development of the Strategic Plan, the Friends, who comprise the key stakeholder group of the NCRBG, have expressed concern in relation to the future management direction of the Gardens and the role of the Friends within any new management arrangement. At this point in time it would be correct to say that the Strategic Plan document has not gained the full support of the Friends and is interpreted by them as a potential detriment to their ongoing high level of engagement with the NCRBG and their continuing status as a valued and key stakeholder of the NCRBG.



TRUST REPORT TO ORDINARY COUNCIL MEETING

The Friends have recently lodged a signed copy of a 12 month temporary license with Council. The offered license itself is a modified version of that which was offered by Council to the Friends some two years ago. In its present form the licence does not meet Council's standard minimum requirements and for that reason cannot be consented to. However, the offer by the Friends to enter into a tenure arrangement should be seen as a breakthrough and a sign that there is now a real potential to build a more extensive and mutually beneficial relationship between the Trust and the Friends.

It is proposed that the most appropriate mechanism to achieve this mutually beneficial outcome is to conduct a 12 month trial implementation of the Strategic Plan as an interim document by the Friends in partnership with Council before it is re-presented to Council for final adoption with a lessons learned analysis.

REPORT

Description of Item:

Council, in its capacity as the Corporate Manager of the Coffs Coast State Park Trust, at its Ordinary Meeting of 25 February 2016 resolved to:

1. Endorse the public exhibition of the North Coast Regional Botanic Garden Second Draft Strategic Plan 2017 - 2020 for a period of 28 days.
2. Council facilitates a workshop with Councillors, relevant Council staff, the Friends of the Botanic Gardens, relevant botanists/plant scientists and interested members of the public during the exhibition period, in order to define the composition and terms of reference for the proposed Advisory Committee.
3. Receive a further report on the Draft Strategy following the exhibition period.

The draft Strategic Plan was placed on public exhibition for 28 days from 9 March to 6 April 2016 and a total of 16 public submissions were received in response to the exhibition documents. Following due consideration of the issues raised in submissions, the Strategy has been modified to incorporate factual corrections and expand the environmental and social values section of the document. The commercial opportunities section of the Strategy has been removed from the main body of the document and included as an appendix. This amended document was then circulated internally within Council and a number of minor changes made in response to staff comments. The extent of these changes has been addressed in this report.

The submissions are summarised in Attachment 1 and issues raised within the submissions are addressed in the issues section of this report. A full copy of all of the submissions is a confidential attachment to this report (Attachment 2) as the submissions may contain personal or private information or other considerations against disclosure as prescribed under the *Government Information (Public Access) Act 2009*.

In addition to the consultations described above a further community workshop was conducted in relation to the terms of reference for an Advisory Committee. A summary of the workshop and outcomes is provided in Appendix 7 of the draft strategic Plan.

Council is currently in negotiation with the Friends of the North Coast Regional Botanic Inc. (the Friends) in relation to the issue of a 12 month license for their commercial ventures including the kiosk, café, seed bank and their day to day activities within the Garden. This will address the key issue of the lack of formal tenure, in relation to the Friends commercial ventures at the Garden. Addressing this issue will reduce Councils risk exposure and ensure compliance with the Crown Lands Act 1989 in relation to third party activities.

During the development of the Strategic Plan a high degree of concern was expressed by the Friends in relation to the future management direction of the gardens and the role of the Friends within any new management structure.

Council acknowledges the significant role of the Friends in the development and management of the Gardens to date, and the significant benefit of their continued involvement with the Gardens.

To facilitate further dialogue with the Friends it is proposed that, upon satisfactory resolution of the temporary license, Council commence a 12 month trial implementation of the Strategic Plan prior to any formal adoption. This would allow detailed ongoing consultation with the Friends, as a key stakeholder, and trialing the workability of the proposed management changes.

During the trial it is proposed that an Interim Advisory Committee, as envisaged in the Strategic Plan, be formed to provide recommendations to Council regarding which elements of the Strategic Plan should be pursued during the trial.

It is further proposed that management responsibility for the Gardens move from Council's Construction and Management Group to the Business Services Directorate, under the direction of the Manager Holiday Parks and Reserves. Implementation of the Interim Strategic Plan, during the trial period will be the responsibility of the Advisory Committee with the support of the Manager Holiday Parks and Reserves.

At the conclusion of the trial implementation a further report detailing the outcomes and recommendations will be presented for Council's consideration.

Staff are therefore seeking Corporate Manager endorsement to:

- A. Utilise the draft NCRBG Strategic Plan as an interim document for the purpose of trialing its implementation with the Friends as the key stakeholder for a period of 12 months.

Benefits: This will allow further detailed ongoing consultation with the Friends, as a key stakeholder, and the trialing of the proposed management changes for workability before formally adopting the Strategic Plan.

- B. Negotiate a 12 month temporary license with the Friends for their continued occupation and use of the site for their commercial ventures including the kiosk, café, seed bank and their day to day activities within the Garden

Benefits: This will address the key issue of the lack of formal tenure in relation to the Friends commercial ventures at the Garden. Addressing this issue will reduce Council's risk exposure and ensure compliance with the Crown Lands Act in relation to third party activities.

- C. Negotiate with the Friends the recommended membership of an Interim Advisory Committee and its Interim Terms of Reference for the future consideration of the Trust.

Benefits: This will recognise the key stakeholder group with the appropriate level of status during the trial period.

- D. Re-present the Strategic Plan, appropriately amended with lessons learned during the trial, for final adoption after the completion of the trial.

Benefits: This would allow the key stakeholder an opportunity to test and trial key elements of the Interim Strategic Plan for workability over a 12 month period. Potential deficiencies in the Interim Strategic Plan will be identified and resolved and a stronger version of the Strategic Plan identified before final adoption by the Trust.

During the trial it is proposed that an Advisory Committee be formed, comprising representatives of the Friends and Council. It is further proposed that management responsibility for the Gardens move from Council's Construction and Management Group to the Business Services Directorate, under the direction of the Manager Holiday Parks and Reserves. Implementation of the Strategic Plan, during the trial period will be the responsibility of the Advisory Committee.

At the completion of the trial a review will be conducted and the outcome reported to Council

Issues:

1. Submissions

A number of issues were raised during the community engagement process and documented in the 16 submissions received. The major issues raised include the following:

Need for expanded background section of the document to better support strategic recommendations

Staff Comment

The suggested amendments are supported and have been included in the final draft.

Document has an over emphasis on commercialization of the garden and financial aspects and an under emphasis on environmental and social values.

Staff Comment

Noted. The environmental and social values sections of the draft Strategy have been expanded and additional strategies included. The financial analysis and economic objectives and strategies are considered to be appropriate inclusions with a Strategic Plan of this type. In the interest of balance, the broad business opportunities assessment section of the document has been moved to the Appendices.

Contribution of the Friends has been under-valued in the document

Staff Comment

Noted. The draft strategy recognises the significant contribution of the Friends, both financial and in volunteers' hours, over many years. The document records volunteer hours at 22,500 hours per year. It is acknowledged that the Trust could not fund this level of staffing and indeed requires the ongoing input of the Friends.

Friends willing to consider a 12 month Tenure

Staff Comment

Council, as the Reserve Trust Manger, is obligated to ensure that there is appropriate tenure for all activities conducted by a third party at the gardens. Currently there is no lease or license in place for the Friends commercial ventures. To address this, Council is currently in negotiation with the Friends regarding the issue of a twelve month license for their activities.

Advisory Committee is not supported

Staff Comment

In compliance with the Crown Lands Act, CHCC is the Corporate Trust Manager of the site. As such it should establish a formal mechanism to seek the input of stakeholders and the community. The recommendation is to establish an interim Advisory Committee during the 12 month implementation trial.

2. Adoption of the draft Strategic Plan

Whilst it is Council's intention to have an adopted Strategic Plan in place for the Gardens it considered that, at this time, it is in the best interests of the Gardens and its key stakeholders, to trial implementation of the draft Strategic Plan for a twelve month period, prior to formal adoption. This will allow time for ongoing dialogue with the Friends, as a key stakeholder, and provide an opportunity to assess the effectiveness of the proposed management changes.

At the outset of the trial it is proposed that staff negotiate with the key stakeholder the formation of an Interim Advisory Committee, in accordance with the Crown Lands Act 1989. Flowing from those negotiations a report will be presented for the consideration of the Trust recommending an appropriate interim membership and Terms of Reference for the formation of an Interim Advisory Committee.

The makeup of the Interim Advisory Committee, and its terms of reference, will be subject to the negotiations but it is envisaged that it will comprise, at a minimum, members of the Friends, and suitable Council representation.

Options:

Options available to Council in this matter are:

1. Adopt the recommendations provided to Council in relation to authorising a trial implementation of the NCRBG Strategic Plan for a twelve month trial period, subject to the satisfactory resolution of the tenure issues with the Friends. Option 1 is recommended.
2. Reject the recommendation and adopt the NCRBG Strategic Plan as presented with no trial implementation period. This option is assessed to present some risk to the relationship with the key stakeholder.
3. Reject the recommendation and await further developments before reconsidering the issue. This option is assessed to present some risk to the wider community's current level of satisfaction with the Draft Strategic Plan, and would leave any activities proposed at the Reserve to be disconnected from a strategic context.

Sustainability Assessment:

- **Environment**

The draft Strategy is recommending a number of measures to improve environmental outcomes within the NCRBG.

- **Social**

The draft Strategy recognises the significant social value the Reserve holds for the local and wider community and is proposing a range of measures to protect and enhance these values.

These actions will support community well-being, community building and offer increased opportunities for members of the community to meet and exchange knowledge and experiences in a social environment.

- **Civic Leadership**

The draft Strategy works towards achieving the outcomes identified with the Coffs Harbour 2030 Community Strategic Plan and is directly connected to the themes “Places for living”, “Looking after our environment” and Looking after our community”.

Relevant Strategies include:

- LE2.1 Maintain biodiversity in a changing climate
- LC 1.4 Promote a caring, inclusive and cohesive community
- LC 2.1 Promote healthy living
- LC 4.4 Develop inclusive community, sporting and recreational events and activities
- LE 3.4 Create environmental management and restoration programs through partnerships with the community
- PL2.3 Provide safe and accessible play spaces for our children within each community.
- PL 2.2 Provide public spaces and facilities that are accessible and safe for all

- **Economic**

Broader Economic Implications

Tourism is a key driver of the Coffs Coast economy. The Gardens central location and unique botanical lends itself to supporting environmental tourism in the region as well as a venue for short stay camping. The Plan is recommending conducting an assessment of the feasibility of establishing a primitive campground on the Reserve.

Events held on the Reserve benefit local businesses, injecting much needed dollars into the local economy. The Plan is recommending measures to promote current events and attract additional events.

Delivery Program/Operational Plan Implications

Council currently contributes over \$500,000 per year towards maintenance and development of the NCRBG. The Strategy provides a solid framework for ensuring highest value return from this investment.

Risk Analysis:

Whilst there is some risk in the current situation surrounding the NCRBG and the continuing involvement of the key stakeholder group, the recommendations in this report provide a significant level of mitigation to those risks and provide a clear way forward for both Council and the Friends.

There are no perceived risks from proceeding with a trial implementation of the Strategy, provided the outstanding tenure issues are satisfactorily resolved, and that any interim management arrangements are in accord with the Crown Lands Act 1989. In addition, a trial implementation period will provide an opportunity for further consideration of any outcomes of the NSW State Government Crown Lands Act reforms.

Consultation:

At the Council meeting on 25 February 2015, Council, in its capacity as Corporate Manager of the Coffs Coast State Park Trust, resolved that the second draft of the North Coast Regional Botanic Gardens Strategic Plan 2017-2020 be placed on public exhibition for a period of 28 days. As per this resolution the draft Strategy was placed on public exhibition for the period specified. At the conclusion of the exhibition period 16 submissions were received

The second draft Strategy was forwarded to the NSW DPI - Lands for their consideration. The final draft Strategy has incorporated their comments.

The revised third Draft Strategy was circulated internally for further staff input.

The proposed trial implementation of the final draft strategy has been discussed with relevant internal staff.

Related Policy, Precedents and / or Statutory Requirements:

As the Corporate Manager of the Coffs Coast State Park Trust, CHCC is responsible under the Crown Lands Act 1989 for the delivery of management over the NCRBG and for ensuring the site is operating at its highest and best use in-line with its dedication and zoning. The Strategic Plan ensures compliance with the legislation and CHCC obligations under the Crown Land Act.

The outcomes of this project will directly support several Council policies and strategies including:

- Coffs Harbour 2030 Community Strategic Plan
- Coffs Harbour Open Space Strategy 2010
- Coffs Harbour Events Strategy
- Coffs Harbour Tourism Strategy
- Coffs Harbour Biodiversity Action Strategy

Implementation Date / Priority:

The trial Strategic Plan implementation period will commence upon formation of the Advisory Committee. It is anticipated that the Advisory Committee will be formed within three months of the date that Council, in its capacity as the Corporate Manager, resolve to authorise the trial implementation.

Conclusion:

Council has invested resources into preparation of the Strategic Plan. The Plan is required to provide management direction to Council/ future licensees and clarity for the community. However Council recognises the important role that the Friends have played, over many years, in the development of the garden and the need to preserve this important collaborative relationship.

It is considered that a trial implementation of the draft Strategic Plan will allow time for detailed consultation with the Friends, as a key stakeholder, and to ensure that the proposed changes are in the best interest of the Garden.

It is therefore recommended that Council, in its capacity as Corporate Manager of the Coffs Coast State Park Trust:

1. Authorise the use of the Draft North Coast Regional Strategic Plan 2017–2020 as an Interim Strategic Plan for the purpose of conducting further detailed consultation and a trial implementation with the Friends of the North Coast Botanic Garden Inc.
2. Endorse the negotiation of a 12 month temporary license with the Friends of the North Coast Regional Botanic Garden Inc for their continued occupation and use of the North Coast Regional Botanic Garden for their commercial ventures including the kiosk, café, seed bank and their day to day activities within the Garden.
3. Receive a further report on the recommended membership and Terms of Reference of an Interim Advisory Committee for the NCRBG following the successful negotiation of a 12 month temporary license with the Friends of the North Coast Regional Botanic Garden Inc.
4. Receive a further report and reconsider the Interim North Coast Regional Botanic Garden Strategic Plan for final adoption after the 12 month implementation trial, or earlier if Recommendation 2 cannot be achieved.

North Coast Regional Botanic Garden Strategic Plan 2017-2020 – Summary of Submissions

Number	Core comments	Recommendation for the Plan
1	Requests the inclusion of an executive summary.	Will be added
	Provided historical records on the site, for inclusion in the plan	Will be added
	The significant of the garden as a dedication needs to be more clearly explained	Will be added
	Land description section to include reference to dedication	Will be added
	Suggestion the 'review of the current situation' sit as a stand alone section	Will be moved
	Values section to be reviewed with more emphasis of the social, environmental, tourism values of the site	Will be amended
	Matters pertaining to compliance with the Crown Lands Act be moved to a broader section called 'management issues'	New section will be written
	Threats and Opportunities section be added to the strengths and weaknesses analysis	Will be added
2	1 paragraph statement with concerns the plan is too focused on financial sustainability.	<p>Social, environmental and economic values are detailed with the existing version.</p> <p>Section 3 outlines: 3 environmental strategic directions, with 3 pages of strategies and actions outlined (pgs 45-47) 2 social strategic directions, with 1 page of strategies and actions outlined. (Pg 48) 1 economic strategic direction, with ½ page of strategies and actions outlined. (P49) 1 governanve strategic direction, with ½ page of strategies and actions outlined. (49)</p> <p>Economic Imperatives section has been retained however the business opportunities section of the document will be moved to the Appendices.</p>
3	Proposes: Friends are willing to consider a 12-month tenure.	<p>Licence for a 12 month tenure was formally offered 18 months ago, without execution. Friends continue to operate at the site without legal tenure.</p>
	Friends currently undertake substantial capital improvements. These capital improvements are then	Friends contribute substantial sums to capital and operational expenses. Ownership is signed to CHCC who then become responsible for insurance and maintenance.

Attachment 1

	owned by CHCC	Friends have also been successful with grants in the past and have invested all funds into improvements into the site. There is no question about the investment of Friends funds. The Plan is focused on the Trust's financial obligations to fund the current and future needs for the site.
	Advisory committee not be established. Alternative is that CHCC and CCSP Trust representative sit on the existing Friends of the NCRBG Inc committee	In compliance with the Crown Lands Act, the CHCC is the Corporate Trust Manager of the site. As such it should establish a formal mechanism to seek the input of stakeholders and the community. Recommendation is to establish the Advisory Committee as per the draft plan.
	Planned works by the Friends are on hold including repairing leaking roof, enlarging the kitchen, creating a cold room, enlarging the café and creating an alfresco dining area.	The Plan allows for the formal investigation of opportunities such as these. These examples strengthen the need for an Advisory Committee to assist the Trust in its assessment of any proposal put forward for developments at the site.
	Curator is an advisor to the NCRBG Inc and should remain	The plan outlines the continuation of the Curator role.
	Leasing options outlined in the plan are not viable	15 options have been developed for further investigation and exploration by the Trust. The plan state that business planning would be required to ensure the options are viable. Recommended that section 3.8 be expanded to include an explanation of the process should any of the options be deemed appropriate for further investigation in the future.
	Volunteers contribution in hours is substantial and could not be paid.	The value of volunteer hours is recorded in the report as 22,500/year. The Trust could not fund this level of staffing and indeed requires the ongoing effort of the Friends NCRBG Inc. This is outlined throughout the Plan.
	Strategic Plan not be endorsed and that an alternative Management Plan be developed.	Noted.
	Friends retain financial control over money raised from activities at the garden. Friends be allowed to continue to generate funds from activities from the site to cover capital and operational costs of the site	The Trust cannot control the funds of an independent and Incorporated Association. This is not a recommendation of the plan. As per the Crown Lands Act, and outlined in the Plan, any activity at the site must be done so through legal tenure arrangements – lease or licence. Friends do not have legal tenure and this must be rectified to allow any financial generation from the site to continue – regardless of the fact that money is being reinvested back into the garden.
	Trust enter into a long term lease with the Friends of NCRBG Inc	First draft of the strategic plan provided three options for management – one of which was for the long term lease of the entire site by the Friends. This was rejected outright as an option and as such, was not included in the second draft.
4	Activity at the garden must be safe and be respectful of nature	The assessment of the 15 options present by the Advisory Committee should include an analysis of the potential to reduce the environmental benefits already in existence. The safe operation of the site will continue to be the responsibility of the Trust and the staff it has appointed to oversee all activities.

Attachment 1

5	Concerned about privatisation of the gardens	Noted. The Plan does not advocate privatization of the Gardens. It canvasses a number of potential commercial opportunities for further investigation.
	Gardens are run efficiently as they are (90% of the labour provided by volunteers)	Plan notes that a large number of volunteer hours (13,000) are spent on Garden administration alone. This level of volunteerism is substantial and the Plan is recommending that this be reviewed.
	Proposal to charge the public to access services will remove volunteers from participating eg weed identification	The Plan is not proposing to charge volunteers .
	Friends of the Garden should have been asked to supply financial information about the nursery	Were asked, and where supplied, have been included in the plan
	Lack of knowledge about taxonomy and how the process works in preparing and storing herbarium samples	Noted, consultant has a Biology degree, and is aware of the process and systems.
	Many of the weakness mentioned are of the system and not the participation of the friends	Agree
	There is a need to break down socio-economic backgrounds, and to get greater variation to diverse audience attendance	Agree
	3.3.2 sponsorship is hard to find	Noted, but possible and is happening elsewhere eg CERES have solar energy systems sponsored by organisations in return to show the data on energy savings.
	Healthy food should not be dictated	Noted
	Committing to profit is illogical, as it will reduce vistration not increase it	Noted
	More governance will waste time for little return	The fundamental issue with the garden is the lack of formal governance in place. Formal governance and reporting of outcomes will improve the situation for all parties. It is noted that more work will be needed to collect and analyse data, which is necessary to make informed decision in the future
	Analysis of all 15 options	Concerns noted. These are options for future analysis and discussion with relevant parties
	Strategic Plan should be approved by the Friends of the NCRBG Inc not the Trust	Displays the fundamental misunderstanding of the legal framework for the site.
	A range of steps are put forward as an alternative to the recommended steps	Limited understanding of the Local Government Act and the Crown Land Act is demonstrated in some of the recommendations. There is no acknowledgement of where the funds are currently coming from to pay the \$400,000 annual holding costs. The focus is solely of the role of volunteers. Whilst the volunteerism is critical to the future of the garden, so too is the cash contribution being made to the garden from the Trust.
Can't measure the intrinsic value of the Botanic gardens	Noted, and will be updatd to include key performance measures such as visitor surveys.	
The garden is not a 'best kept secret'	Community consultation revealed this to be true, public statements on trip advisor reflect	

Attachment 1

		this sentiment, marketing material exist with this stated. This is not a disrespectful statement, it provides an opportunity to increase visitation through improved marketing activities
	The plan assumes the Friends of the Garden will continue to support the garden if the plan goes ahead. It suggests this is not the case	Plan to be reviewed to ensure language indicates the ongoing contribution of the Friends of the NCRBG Inc is actively encouraged.
6	Over emphasis on the commercialisation of the garden	Noted
7	<p>Collation of statements from members of the Friends of NCRBG Inc and community:</p> <p>Key concerns:</p> <ul style="list-style-type: none"> ▪ over-commercialisation ▪ lack of research ▪ fear that the process is aimed at driving Friends from the garden ▪ Fear that there is ulterior motive for council to make money from the garden ▪ People want it to stay 'as is' ▪ Concern that funds will be taken out of the garden and given to CHCC 	<p>Financial concerns cannot be substantiated, as the Crown Lands Act outlines that money must be reinvested into the site.</p> <p>CHCC has contributed to the operational costs of the garden for many years. Coffs Coast State Park Trust contributes to the Garden each year to the value of \$400,000. Friends contribute to the garden each year both in terms of real cash and volunteer hours.</p> <p>The plan outlines the way to formally connect these investments, for reinvestment into the garden.</p> <p>The substantial contribution of the Friends of the NCRBG Inc is outlined throughout the plan. These contributions have been provided by the Friends of the NCRBG Inc without change.</p> <p>Options presented within the plan, include ideas identified during the consultation process. The plan states that all options will need to be reviewed and assessed. They are included as a starting point. Recommendation is to add summary of the purpose and intent of the options to alleviate fears that they will be automatically implemented if the Plan is adopted.</p>
8	<p>Concerned about the commercialisation at the garden.</p> <p>Concerned that activities such as bicycles, running etc at not compatible with a Botanic Garden.</p>	Brisbane Botanic garden is renowned for it co-use strategy including cycling, running, skating etc. These co-use strategies are in place in other Botanic gardens.
9	Concerned about commercial activity at the site.	Noted
10	Concerned that there will be an entry fee to the garden	This is incorrect, and is not part of the plan
11	Concerns about the factual evidence within the plan	<p>Consultant has reviewed the key points outlined by the Friends in the submission.</p> <p>There appears to be confusion between the NCRBG site, the Trust and the Friends of the NCRBG Inc. The plan was commission for the Coffs Coast State Park Trust for the NCRBG. The Friends are an independent incorporated association, with their own constitution, bank account, membership etc.</p>

Attachment 1

		<p>Example 1: that the NCRBG generates no income (is stated to be false), the plan says that the NCRBG generates no income for the CCSPT which is correct.</p> <p>Example 2: There is no vision for the garden is stated to be untrue, as the Friends of the NCRBG Inc have a vision.</p> <p>It is worth noting that many requests for information by the consultant to the Friends of the NCRBG Inc were declined.</p>
12	Some sections in the plan are too detailed for a strategic plan eg reference to plastic plates	Will be removed
	Herbarium and Seedbank are open to the public	Will be amended
	Environmental values section needs to be improved and should be written by a professional ecologist	Section can be extended using reference material from the 1997 Management Plan and the Development Plan.
	Social values needs to be expanded	Will be expanded
	Section 2.5 needs clarification	Will be reviewed
	Section 2.6 History section needs expansion	Will be expanded with reference materials provided by Dept of Lands
	Section 2.7.3 Capital investment	Clarification will be made in relation to the capital budget.
	Section 2.8 Operational management needs clarification on the problems and how they are manifested	Will be expanded
	Visitor data should be summarised in social values section of the plan	Will be summarised and moved
	Strategic directions Change the word 'champion botanic conservation' to a reflect active participation	Will be changed
	Sustainable resource management strategic direction to be removed	This should stay as a strategic principle for the site as a leading regional environmental site.
Too many financial goals	<p>Section 3 outlines:</p> <p>3 environmental strategic directions, with 3 pages of strategies and actions outlined (pgs 45-47)</p> <p>2 social strategic directions, with 1 page of strategies and actions outlined. (Pg 48)</p> <p>1 economic strategic direction, with ½ page of strategies and actions outlined. (P49)</p> <p>1 governance strategic direction, with ½ page of strategies and actions outlined. (49)</p>	
Need for an Advisory Committee with recommendations on who should on it	Suggest that the document reflects the findings of the workshop to represent 50 people's input.	
13	Concerned about the workshop for the Terms of Reference did not allow feedback on the Strategic Plan	The plan was open for submission at the time, consultant offered to stay and talk with anyone about the plan.
	Comparison made to city gardens doesn't offer a fair	Acknowledged. Information used was from publically available sources. Whilst requested

Attachment 1

	comparison to regional gardens	from many Botanic gardens, limited information that could be referenced was provided.
	Concerns about a range of commercial options are not viable or practical	Noted, more information required to explain the reasoning behind these options and the process for detailed economic, social and environmental analysis.
14	Concerned that options have not been properly developed	Noted.
	Concerned that Council, Trust and the Friends did not sit down together to work this out	Council and Trust are aware of the level of attempts made to work with the Friends to resolve a range of matters, particularly tenure for the past 18 months with no outcome.
15	Respect has not been shown to the Friends and level of volunteerism provided.	Noted
	Author is not local and did not meet with the right people	Noted – consultant visited the garden 6 times, completed a full guided tour by Friends of the NCRBG Inc. Friends of the Garden Executive were responsible for informing members of access to the consultant.
	Friends have invested in the café, which is viable	Noted
	Range of business opportunities documented are not well researched including competitive neutrality	Business opportunity options now included in appendices.
	More staff are needed, more opportunity to leverage existing roles in CHCC eg grants writers	Noted, would need to be costed and funded. No identification of where these funds would come from.
	Coffs Coast State Park Trust have no involvement in the garden	Noted, but they are legally responsible for it.
	Analysis of many of the options put forward	Noted and as above (remove options to appendix or summation at the front).
	Volunteers should not collect data if they don't want to	Noted
16	Acknowledges the need to cover costs and comply with requirements but doesn't want the garden to radically change through commercialization	Noted

North Coast Regional Botanic Garden

Strategic Plan 2017 - 2020



Acknowledgments

R&S Muller Enterprise Pty Ltd would like to thank the following North Coast Regional Botanic Garden (NCRBG) stakeholders for their significant input throughout the strategic planning process.

- Members of the Friends of the North Coast Regional Botanic Garden Inc
- Committee and Executive of the Friends of the North Coast Regional Botanic Garden Inc
- Community members and organisations who attended the consultation sessions
- Community members and organisations who participated in interviews
- Barry Kemp, member Friends of the North Coast Regional Botanic Garden Inc

In addition, we would like to acknowledge the information and support provided by the following Coffs Harbour City Council (CHCC) representatives:

- Mick Raby, Director of Sustainable Infrastructure
- Steven Williams, Manager Property - Sustainable Infrastructure
- Jason Bailey, Manager Coffs Coast State Park - Holiday Parks & Reserves
- Ian Corbett, Curator North Coast Regional Botanic Garden
- Terry Thorn, Section Leader - Infrastructure Maintenance (Roads and Open Space)
- Sian Nivison, Group Leader - Community & Cultural Services
- Kirsty Fikkers, Acting Sustainability Coordinator - Community & Cultural Services
- Nikki Greenwood, Group Leader of City Prosperity
- Marcy Mills, Development Assessment Planner - Sustainable Places
- Susan Clarke, Community Development Officer – Community & Cultural Services
- Naomi Lund, Section Leader Financial Planning - Financial Management
- Karen Turley, Business Process Analyst - Financial Management
- Julie Belford, Administrative Coordinator - Infrastructure Construction and Maintenance
- David Brammah, Theatre Manager - Jetty Memorial Theatre

Images throughout the document have been sourced from the consultant's own photo collection.

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Executive Summary

The Strategic Plan has been commissioned by Coffs Harbour City Council (CHCC) in its role as Corporate Manager of the Coffs Coast State Park Trust under whose responsibility the North Coast Regional Botanic Garden (NCRBG) resides.

The plan outlines the strategic requirements of the NCRBG for the next three years. This includes:

- Clarification of the roles and responsibilities of the Trust
- Review and assessment of the current situation in terms of compliance with the Crown Lands Act
- Development of the strategic direction for the site
- Development of a compliant management model for moving forward

The NCRBG is situated on 19 hectares of Crown Land and includes 7 parcels of land with the gazetted purpose for environmental protection.

The responsibility to ensure the site is operating at its highest and best use in line with its dedication and zoning, is that of the Reserve Trust.

In the early to mid 1900s the reserve was used to dispose night-soil and was also reserved as a rubbish dump. This continued until the early 1970's when a group of dedicated community members, known as the Ulitarra Society, obtained the support of eighteen community

organisations for a well-documented and researched submission for a botanic garden on the site. In 1979 Council resolved to commission John Wrigley, Curator of the National Botanic Gardens, Canberra to prepare a Development Plan for the site, which was adopted by Council the following year.

Over the ensuing 35 years, the NCRBG has benefited from thousands of volunteer hours at the site as well as financial donations from individuals, many local organisations and government grants.

That time, effort and investment gifted by so many, across four decades, has indeed transformed the site from a night soil depot and a rubbish dump into a true conservation site, becoming a regional Botanic Garden of significant merit. It must be acknowledged, that it has been the Friends of the NCRBG Inc who have been at the helm, creating and capitalising on opportunities.

The NCRBG has many environmental, social and economic values to the community it serves. Many of these values can not be measured in the traditional sense, but are no less important.

The current management and operational structure has created a nexus between the three key organisations that are working to achieve positive outcomes for the garden - the Coffs Coast Trust, the Friends of the NCRBG Inc and CHCC.

This has resulted in:

- A lack of clarity of the roles and responsibilities of parties as seen through the absence of formal arrangement or agreement for operational delivery
- The absence of consistent and reliable data on which to make decisions
- Lack of legal tenure for the Friends of the NCRBG Inc
- The Coffs Coast State Park Trust providing limited strategic input into the site

To capitalise on current and future strengths, the three key organisations must work collaboratively and in the best interest of the people of NSW. Efficiencies need to be created to reduce the burden on volunteers.

The Corporate Manager of the NCRBG is not operating in compliance with the Act and tenure arrangements with all third parties utilising the site must be addressed as the highest priority.

The NCRBG currently costs between \$500,000 and \$560,000 per year to operate. Operating costs are met by Coffs Coast State Park Trust, CHCC and Friends of the NCRBG Inc. 100% of income generated at the NCRBG goes to Friends of the NCRBG Inc, through the operation of a number of social enterprises that they run from the Garden.

Currently, there is no budget for capital improvements, repair or maintenance and there is no strategy to raise funds. There is an absence of asset life cycle maintenance costings and there is no maintenance plan. There are assets in need of immediate investment.

The NCRBG has demonstrated capacity to deliver environmental, social and economic outcomes. Therefore, the strategic direction for the next three years will focus on planning strategically, working collaboratively, listening to and responding to visitor needs, and continually measuring progress. This focus will ensure that the NCRBG can expand upon past triple bottom line outcomes.

Critical to future success will be a focus on the fourth pillar of sustainability – governance. Strategically, it will not be a time of significant change, but of significant clarity in the management, operation and reporting of all activity at the Garden.

The NCRBG will focus on seven strategic directions to deliver quadruple bottom line outcomes. They are:

Strategic environmental directions

- Lead botanic conservation
- Sustainable resource management
- Develop ecosystem advocates

Strategic social directions

- Showcase healthy living
- Connect people with place

Strategic economic direction

- Commit to profit for purpose

Strategic governance direction

- Compliance

These will be achieved through:

- Management of strategic and operational delivery
- Compliance with legislation
- Formalisation of Stakeholder Input
- Building trust with stakeholders
- Generation of income for investment into the site
- Generation of reliable data to inform future decision making
- Development and implementation of an effective marketing plan





Section 1 Introduction

- Purpose of this Plan
- Scope of this Plan
- How this Plan was Developed
- Historic Notes
- Summary of the Development Plan (1979)
- Summary of the Management Strategy 1997

1.1 Purpose of this Plan

This Strategic Plan has been commissioned by Coffs Harbour City Council (CHCC) in its role as Corporate Manager of the Coffs Coast State Park Trust under whose responsibility the North Coast Regional Botanic Garden (NCRBG) resides. The plan aims to set the strategic direction for the NCRBG.

It is prepared to:

1. Review and update the planning in place
2. Review and address outstanding administrative and financial arrangements that are constraining the viability of the facility

1.2 Scope of this Plan

This plan outlines the strategic requirements of the NCRBG for the next three years. This includes:

- Clarification of the roles and responsibilities of the Trust, Friends of the NCRBG Inc and CHCC
- Review and assessment of the current situation in terms of compliance with the Crown Lands Act
- Development of the strategic direction for the site
- Development of a compliant management model for moving forward

1.3 How this Plan was Developed

- Establishment and liaison with a project working group throughout the first phase of the project
- Consultation meetings with the community, Friends of the NCRBG Inc and special interest groups
- Extensive desk top research including best practice models of Botanic Gardens in Australia
- Interviews with CHCC staff and stakeholders of the NCRBG
- Preparation of a first draft document that proposed the vision, strategic directions and three management options for the NCRBG
- Workshops with Coffs Harbour City Councillors
- Briefing of Crown Land staff
- Review of feedback of the first draft
- Refinement of the concepts proposed within the first draft and preparation of a second draft Strategic Plan
- Public exhibition of second draft Strategic Plan
- Review of submissions and refinement of the second draft of the Plan
- Preparation of a third draft Strategic Plan, and handover to the Coffs Coast State Park Trust for review and final feedback
- Refinement of the final Strategic Plan based on feedback
- Handover of the final Plan to Coffs Coast State Park Trust

1.4 Historic Notes

The area bounded by Coffs Creek and Coffs Harbour Cemetery was originally known as Wilsons Park and formerly used as a sanitary depot and garbage dump for Coffs Harbour.

The Crown land originally comprised:

- Reserve 41261 for Night-soil Depot (notified 9 January 1907)
- Reserve 70885 for Night-soil Depot (notified 28 May 1943)
- Reserve 67732 for Rubbish Depot (notified 15 July 1938)
- Reserve 56394 for Rubbish Depot (notified 14 September 1923)
- Reserve 15374 for Plantation to Cemetery (notified 4 June 1892)
- Reserve 26351 for Access (notified 7 August 1897)
- Council/Crown Public roads
- Vacant Crown land

The use of the area for waste disposal ceased in the early 1960s.

Permissive Occupancy 1967-14 Bellingen for grazing was granted to Mr Rex Gallagher 1 June 1967 until 17 April 1968.

Permissive Occupancy 1968-17 Bellingen for grazing was granted to Mr Cecil Anderson 18 April 1968.

In 1974 Coffs Harbour Shire Council advised Lands of an expression of interest by the Ulitarra Society to develop the area as a botanic garden. The Ulitarra Society had submitted a "Plan of Management of Natural Areas - Coffs Creek" that included a proposal for a botanic garden at Wilsons Park.

On 27 February 1975 Council formally advised it supported reservation of the whole area for botanic garden and requested to be appointed reserve trustee.

The concept was supported by Lands and on 22 August 1975 notifications in the Government Gazette closed the public roads, revoked the original reserves, created Reserve 89558 for a Botanical Gardens and appointed Council as trustee.

In 1979 Coffs Harbour Botanic Gardens – A Development Plan by J. W. Wrigley was formally adopted by Lands as a Plan of Management.

The North Coast Regional Botanic Garden Reserve Trust was established in accordance with the new Crown Lands Act 1989 with Coffs Harbour City Council appointed Trust Manager.

In 1991 approaches were made to the Minister for Lands to change the reservation to a dedication. Dedication of Crown land has not been a common practice in the modern era.

On 22 May 1992 the land was dedicated for the purpose of environmental protection (Reserve 89558 was revoked). Dedication of the land

for the purpose of environmental protection is unique on the north coast and the dedication in 1992 is one of the most recent in the region.

On 31 July 1992 Council was appointed Corporate Trustee of the North Coast Regional Botanic Garden Trust.

The current Management Strategy for the NCRBG was prepared by Council in 1997. (The Management Strategy is not a Plan of Management adopted under the Crown Lands Act 1989).

On the 11th of May 2001 North Coast Regional Botanic Garden Trust was dissolved and the Coffs Coast State Park Trust (also managed by CHCC) was appointed manager of the dedication.

Appendix 1 provides a detailed timeline of the history and development of the site.



1.5 Summary of the Development Plan (1979)

The Development Plan, prepared by J W Wrigley in 1979 is the foundational planning document for the development of the Botanic Garden, formally adopted by the Lands as a Plan of Management.

The Development Plan outlined the need for the Botanic Garden, the stages for its development and suggested a possible system for effective management.

Wrigley identified three main functions for the Botanic Garden being:

- Recreation
- Education
- Research

Substantial achievements have been made across all three functions.

The plan also established a total philosophy for the management of the gardens, expressed in the following aims:

- To display native and exotic plants suitable for use in warm coastal areas of northern NSW
- To correctly and clearly label plants to educate public, park managers, nurserymen and landscapers.
- To ensure appropriate records are maintained the scientific values of the collection
- To preserve existing native shrubs where possible, but particular attention to be paid to the mangrove communities and the paperbark swamp

- To provide an opportunity for local and visiting individuals and groups of all ages to learn about native flora and the environment generally
- To create an area for passive recreation for both local residents and tourists
- To promote the Botanic Garden as a unique and major tourist attraction for the district

Substantial efforts have been made across all six aims and effort continues in the maintenance of many of these matters.

Significant progress has also been made in the implementation of the Development Plan. Ten key components were identified for investment and effort including fencing, construction of a supervisor's cottage, water supply, construction of tracks, car parking and toilet facilities, provision of BBQs, picnic areas, seats and drinking stations, the contouring of grassed areas, construction of an orchid display house, information centre and kiosk and a nursery facility. All of these components have been achieved, and efforts have now moved to expansion, repair and upgrades.

The Plan recommended a method of management, various administration procedures and means of raising funds and gaining publicity.

In summary this included:

- Employment of a supervisor who would live on site
- Labouring support from council staff
- Volunteer labour (co-ordinated and in-line with the Development Plan for the Garden)
- Establishment of a Friends of the Botanic Garden, responsible to the town clerk (the modern equivalent being the CHCC General Manager)

Finally, the Plan included the design for the garden including a Prime Display Area, Nature Trail, Mangrove Walk, Swamp, Paperbark Swamp, Australian Rainforest Plants, Tropical Fruits and other economic plants, Exotic plants (an Arboretum) using sub-divisions each representing a geographic area of similar latitude to Coffs Harbour. Over many decades, staff and volunteers have toiled to bring the design to reality.

1.6 Summary of the Management Strategy (1997)

The Management Strategy is the most current plan for the NCRBG. It was prepared by CHCC in its role as Trust Manager of the North Coast Regional Botanic Garden Trust.

The Management Strategy (1997) aimed to document how the garden could 'more fully embrace its role as a regional botanic collection, and important educational, scientific and conservation resource and as a regional tourist attraction and recreation facility.'¹

The Strategy provided a brief history of the development of the Garden, the basis for management and the principal aspects of the Garden's management.

Management activities identified in the Development Plan (1988) for the future use and development of the Garden were included in the strategy. They were:

- Plant displays and Natural areas
- Information, activity and service areas
- Coffs Creek annexure

In addition, the management activities identified within the strategy were:

- Education and interpretation
- Visitor services
- Curation and administration
- Funding and promotion

The strategy identified the following priorities:

- Maintenance and upgrading of existing plant displays, buildings and user facilities
- The continuation and development of educational and visitor activities
- Fund raising
- Staff and volunteer coordination and record keeping
- Clarification of the determination of the claim under the Commonwealth Native Title Act over the Botanic Garden and adjoining Coffs Creek Reserve

See Table 1 Excerpt from NRCBG Management Strategy, for more information.

An activity plan of priorities was included.

The strategy recommended its revision every five years to take into account the actions completed, ensuring relevance and usefulness. However, this is the first revision of the strategy since it was written eighteen years ago.

The Management Strategy was used as the starting point for the development of this Strategic Plan. The Friends of the NCRBG Inc reviewed the strategy, assessed what was still required, what was completed and what was no longer required. These form the foundation for the environmental, social, economic and governance objectives outlined in Section 5 of this Strategic Plan.

Section
1

Key Points

- The Strategic Plan will set the strategic direction for the NCRBG, on behalf of the Coffs Coast State Park Trust.
- A Reserve Trust provides the framework for local Councils to participate directly in the stewardship of reserves in their locality on behalf of the community and the State of NSW.

¹ Executive summary NCRBG Management Strategy, 1997

Table 1: Excerpt from NCRBG Management Strategy

<p>Plant Displays and Natural Areas</p> <p>Plant displays and natural areas form the botanical collection of the Garden. They include the planted areas of exotic, native and rare plants and vegetation communities which are native to the site. The principal strategies for these areas are to develop guidelines for each area including maintenance and renewal of the garden or bushland areas; to implement proposed plant displays (when maintenance resources are available); to ensure accurate records are kept and to ensure that plants of known origin are used.</p> <p>Information, Activity and Service Areas</p> <p>This area includes the entrance building complex, maintenance depot, manager's residence, herbarium as well as the picnic area and open green (northern end). The principal strategies for this area are to upgrade and expand the existing building complex and car park with expansion into adjoining cemetery lands; to develop an administration building incorporating the seedbank; to upgrade maintenance equipment and to upgrade the picnic area and open green for day use and events.</p> <p>Education Interpretation and Research</p> <p>Education and interpretation items refers to plant labelling, display signage, pamphlets and guides. Research within the garden is undertaken by schools, tertiary students and government agencies. The principal strategies focus on expanding services to facilitate education for the community; to expand contacts with educational institutions; to continue training information officers and guides and to provide labelling and signage that enhances and complements the attractiveness of the garden.</p>	<p>Visitor Services</p> <p>Visitor services include facilities such as amenities, kiosk, shop, pathways seats and shelters and use of the garden for meetings, performances, weddings and special events. The principal strategies for visitor services are to continue and expand existing facilities (in particular the upgrading of the entrance building area) and services; to improve access to and visibility of the Garden from surrounding areas and to periodically evaluate the services provided through visitor/user surveys.</p> <p>Curation, Administration and Resources</p> <p>Record keeping, the coordination of ongoing activities, staff and volunteer resources and funding for the ongoing enhancement of the Garden as a scientific and recreation facility are critical aspects of its management. The principal strategies for the curation and administration of the Garden are the provision of computers at the Garden for the keeping of records; the employment of a curator; the expansion of existing maintenance staff and resources; and the support, continuation and expansion (where possible) of existing volunteer activities. The management status and role of the Friends of the NCRBG Inc is to be Clarified in Consultation with the Friends of the NCRBG Inc Executive Committee.</p> <p>Promotion and Funding</p> <p>The principal sources of funds for the management and development of the Garden come from Council revenue and the fund raising activities of the Friends of the NCRBG. The principal strategies for promotion and funding are to continue and expand existing promotional and fund raising activities; to obtain additional funding for the employment of a curator and additional maintenance staff; to revise Council's Section 94 Plan including regional open space contributions for works at Garden; and to seek assistance from government funding and employment programs.</p>
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Section 2

The Crown Reserve System

- Reserve and Dedication
- The Significance of the NCRBG being a Dedication
- Crown Reserve Trusts
- Crown Land Legislation and Policy
- Local Government Act 1993
- Environmental Planning and Assessment Act

2.1 Reserve and Dedication

The Crown Reserve System in New South Wales is the oldest and most diverse system of public land management in NSW. Since settlement Crown Land has been “reserved from sale” for essential public purposes such as roads and buildings, conservation, public health, education and enjoyment.

Crown Reserves provide the community with access to natural areas, including rivers and beaches, and open space such as urban bushland. They also include a vast range of public amenities and recreation facilities.

Crown Land in NSW is administered under the provisions of the Crown Lands Act 1989 within the portfolio of the Minister for Lands. Under the Act, Crown Land may be reserved or dedicated for a public purpose. A Reserve Trust may be appointed by the Minister, with responsibility for full care, control, and management of the dedicated or reserved lands. Crown Land is managed in accordance with the Principles of Crown Land Management as set out in Section 11 of the Act.

Where Crown land is set aside for a public purpose, it can be either ‘reserved’ or ‘dedicated’, which makes it available only for a use that will deliver some public benefit or good, and unavailable for private uses. A key difference is the mechanism involved in reservation and dedication of Crown land.

The Minister may reserve Crown land for a public purpose by notification in the Government Gazette. The Minister may revoke a reservation by notification in the gazette following publication of the intention in a newspaper notice.

In effect a reserve is less permanent than a dedication. In other words where Crown land is reserved the Minister retains full capacity to revoke the reserve and deal with the land in accordance with the Act.

The Minister may dedicate Crown land for a public purpose. An abstract of the proposed dedication must be placed before both Houses of Parliament for at least ten sitting days before being made. Similarly the Minister may only revoke a dedication if the proposal has been laid before both Houses of Parliament.

The legal basis of dedication is more complex, being derived from successive historic Crown land legislation. Originally, reserves did not give rise to a Trust whereas this was initially the whole reason for dedication. Prior to the wider use of Trusts, dedication was effectively a donation of the land by the Crown on a Trust in perpetuity thus tying the Trust to the land.

The distinction with dedications has been retained because it clearly signals the intention of the Government in relation to particular parcels of land. **The Minister attaches much greater significance to the land by dedicating it.**

On 22nd May 1992 the NCRBG was dedicated for the purpose of environmental protection (Reserve 89558 was revoked).

All references to “the reserve” in the Strategic Plan apply to the dedication.

2.2 Crown Reserve Trusts

A Reserve Trust provides the framework for local Councils to participate directly in the stewardship of reserves in their locality on behalf of the community and the state of NSW. It is an autonomous body corporate established to manage a reserve under Part 5 of the Crown Lands Act 1989 and is charged with care, control and management of a Crown dedication or reserve.

Under the Act, the Minister has various powers with respect to the affairs of Reserve Trusts. These cover aspects such as plans of management, dealings in Crown Land (i.e. leases and licences), the power to dissolve a Trust, auditing the affairs of a Trust etc.

The business of a Trust should be conducted with integrity in an open and accountable manner to ensure public confidence is maintained. Trusts are required to keep records of financial management, assets and asset management, leases and licences, minutes and activities for which fees are collected.

The Act requires that the proceeds of activities on Crown Reserves be applied by the Trust towards the management of that reserved land, unless otherwise directed by the Minister. Thus any revenue generated by a Trust contributes to the funds required for the on-going management of the Reserve.

2.3 Crown Land Legislation and Policy

A complex range of legislation, policies and planning instruments are relevant to the management of Crown Reserves and have been considered in the formulation of this plan. Key elements include:

2.3.1 Crown Lands Act 1989

Crown Reserves in New South Wales are subject to the general land management objectives and provisions of the Crown Lands Act 1989. The Act is administered by the Department of Lands which oversees the administration and management of Crown Reserves.

The objects of the Crown Lands Act are to ensure that Crown Land is managed for the benefit of the people of New South Wales and in particular to provide for:

- A proper assessment of Crown Land
- The management of Crown Land having regard to the Principles of Crown Land Management
- The proper development and conservation of Crown Land having regard to those principles
- The regulation of the conditions under which Crown Land is permitted to be occupied, used, sold, leased, licensed or otherwise dealt with
- The reservation or dedication of Crown Land for public purposes and the management and use of the reserved or dedicated land
- The collection, recording, and dissemination of information in relation to Crown Land

Crown Reserves are managed in accordance with the Principles of Crown Land Management as follows:

- That environmental protection principles be observed in relation to the management and administration of Crown Land
- That the natural resources of Crown Land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible
- That public use and enjoyment of appropriate Crown Land should be encouraged
- That, where appropriate, multiple use of Crown land should be encouraged
- That, where appropriate, Crown Land should be used and managed in such a way that both the land and its resources are sustained in perpetuity
- That Crown Land be occupied, used, sold, leased, licensed, or otherwise dealt with in the best interests of the state consistent with the above principles

Where a local Council is appointed to manage a Reserve Trust it is obliged to respect these objectives and principles, i.e. these are overriding principles that take precedence over other concerns where a conflict may occur.

2.3.2 Crown Lands Regulation 2006

The Regulation is made under the Crown Lands Act 1989 and deals with a range of matters relating to Crown Reserves and Reserve Trusts including the purposes for which temporary licences may be granted.

Accountability

Under Section 32 of the Act, a Reserve Trust must furnish an annual report to the Minister detailing income, expenditure, assets and improvements, liabilities and details of any leases and licences granted by the Trust.

The Crown Lands Regulation, 2006 - Schedule 4 states that the records kept by a Trust are:

- Account books showing details of all income and expenditure
- Records of assets and liabilities and improvements affected
- Bank, building society or credit union deposit books and statements
- Records of other financial instruments or investments
- Plant and asset register
- Heritage register
- Records of leases and licences granted or in force
- Insurance policies and certificates
- Details of fire prevention and other occupational health and safety measures
- Such other records as may be necessary to prepare a report in accordance with clause 32 of the (Crown Lands Regulation, 2006)

Dealing in the land

In many cases the major activities on reserves are not carried out by the Trust itself and a suitable tenure is required to enable a third party to conduct the activity. Where appropriate a Trust can enter into leases and licences with parties who want to use all or part of a reserve on a temporary or ongoing basis.

Temporary licences (for up to one year) can be granted for certain purposes permitted under Clause 31 – Crown Lands Regulation, 2006 without the consent of the Minister.

Any other dealings in the land by the Trust (including commercial and non- commercial leases and licences) require the consent of the Minister and should be consistent with the purpose for which the reserve was set aside. The Minister also has power to grant interests over Crown reserves after consultation with the appointed Trust (Section 34A – Crown Lands Act, 1989).

See Table 2 for a summary of tenure types.

2.3.3 Crown Lands (General Reserves) By-law 2006

The affairs of certain Crown Reserves are covered by the Crown Lands (General Reserves) By-law 2006. The By-law is made under the Crown Lands Act 1989 and deals with a range of reserve management matters including:

- Procedures to be followed by Reserve Trusts
- Administrative matters relating to Trust boards
- The regulation of entry and conduct on Reserves, and
- The setting of fees and charges and the provision of certain services by Reserve Trusts

The dedication for environmental protection (Dedication No 540000) is not on the Schedule of the current By-Law. That is, the current By-law does not apply.

There is merit of the By-Law for the NCRBG and it is recommended that the dedication is added to the By-law, possibly as part of a whole of Coffs Coast State Park request.

Table 2: Crown Reserve Tenure Types

<p>What is a lease?</p> <p>A lease of Crown Land enables exclusive use over a particular piece of land for a specified term and purpose. Generally, leases are sought over Crown Land where longer-term security of tenure is an important factor to the user of the land; such as where commercial uses are proposed and major financial outlay is required.</p> <p>All Crown Land leases are now issued for specified terms and are recorded on the title of that land. Unless the terms of the lease specify otherwise, there is no inherent right of purchase of the leased land.</p> <p>How leases are granted</p> <p>Leases may be granted by:</p> <ul style="list-style-type: none"> • Public tender; • Invitations for expressions of interest; or • Direct negotiation <p>A Crown Land lease may also be transferred or assigned to another party with the consent of the Minister responsible for administering the Crown Lands Act 1989.</p> <p>Leases of Crown Land are subject to a transparent and publicly competitive process. Applications for a direct negotiation lease over Crown Land are not encouraged, without the proposal being first considered by the Department. All applications for leases of Crown Land are considered on their individual merits and, until approved, no guarantees can be given that an application will ultimately be successful.</p> <p>Rent calculation</p> <p>Annual rent payments on any new leases are assessed on the basis of market value. Rents are reviewed at regular intervals and are generally subject to annual Consumer Price Index (CPI) adjustments.</p> <p>Rebates from market rent may be granted in certain circumstances where tenure holders are eligible for concessions (eg eligible pensioners, charitable or non profit community service, sporting or recreational organisations), however no rent will be below the minimum charge.</p>	<p>What is a licence?</p> <p>NSW Department of Primary Industries - Lands (the Department) issues licences to individuals, businesses and community organisations for a number of purposes. Where substantial development involving significant capital investment is involved, a lease may be more appropriate.</p> <p>Licences may be granted through public tender, public auction or by invitation for expressions of interest. This would generally occur when the Crown Land may be of interest and use to a number of parties. Occupation, use, development or construction must not commence on Crown Land until a licence has been granted for that specific purpose.</p> <p>Licences are subject to a number of conditions, which are set out in the licence agreement. Additional special conditions may be included relative to the purpose of the licence and specific environmental outcomes.</p> <p>Crown Land licences:</p> <ul style="list-style-type: none"> • Are subject to payment of annual rent • May permit the use or occupation of Crown Land for either a specified or unspecified period of time • Are not transferable • Are not recorded with the Department under the Real Property Act 1900. <p>Rent calculation</p> <p>All licences are subject to payment of annual rent, which is determined on a market value basis and may be subject to annual CPI adjustments, as well as full market value reviews at regular intervals not greater than three (3) years.</p> <p>Rebates from the market rent may be granted in certain circumstances where tenure holders fall within categories as being eligible for concessional annual rents less than market value, eg eligible pensioners, charitable or non profit community service, sporting or recreational organisations.</p>
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2.4 Local Government Act 1993

The Local Government Act (LGA) provides for the establishment of Coffs Harbour City Council and gives Council various powers relating to the use and regulation of Crown Reserves. Council is empowered to control certain activities and operations through an approval process under Section 68 of the Act. For example, the operation of caravan parks and camping grounds.

Section 48 gives Council control of certain public reserves not vested in other bodies (such as Crown Reserve Trusts) and not held under lease from the Crown. Under Section 48 'public reserves' include Crown reserves and dedications for:

- Public recreation
- Cemetery
- Purposes relating to public health, recreation, enjoyment or other public purposes of a like nature (not including a common) where no Trust is appointed

Traditionally, Section 48 served to delegate those Government functions considered to fall within the ambit of local government and applies to many functional Council-operated reserves such as rubbish tips.

2.5 Environmental Planning and Assessment Act

The Environmental Planning and Assessment Act 1979 (EPA Act) provides the statutory planning framework to control the use and development of land in New South Wales. A range of planning instruments (Local Environmental Plans & State Environmental Planning Policies) need to be considered when planning the future use and development of a reserve.



2.6 Crown Lands Management Review

As outlined above, there are a wide variety of legislative considerations when managing a Crown Reserve. A review of the Crown Land Management commenced in June 2012, with the aim of improving the management of Crown Land and increasing the benefits and returns to the community.

The White Paper, released early 2104, sets out a range of legislative proposals including one new piece of contemporary legislation to replace the eight existing acts.

It proposes that land with primarily local uses and values will be managed by Councils under the local government legislation, using the same procedures that apply to land already owned by Councils.

The new Act will preserve the overarching intent to achieve community benefits and will include objects that reflect the different Acts that are proposed to be consolidated. The following objects are proposed:

- To provide for the management of Crown Land for the benefit of the people of NSW
- To provide a system of management for Crown Land that is efficient, fair and transparent
- To integrate social, economic and environmental considerations in decisions
- To provide for the management of Crown Land by local government and other entities and the community as well as by the NSW Government
- To provide that the disposal of Crown Land be for the benefit of the people of NSW
- To ensure that Crown Land is put to its best use in the public interest
- To encourage public use, enjoyment and, where appropriate, multiple use of Crown Land
- To preserve cultural heritage (Aboriginal and non-Aboriginal) on Crown Land
- To encourage Aboriginal use, and where appropriate co-management of Crown Land
- To provide an appropriate system of land tenure and to facilitate diversification of land in the Western Division of NSW

Please see appendix 2 for a copy of the White Paper.

Section

2

Key Points

- A complex range of legislation, policies and planning instruments are relevant to the management of Crown Reserves.
- The White Paper, released early 2014, sets out a range of legislative proposals including one new piece of contemporary legislation to replace the eight existing acts. Any legislative changes will need to be considered in the implementation of this plan.

Section 3 About the NCRBG

- Land Description
- Reserve Management
- Botanic Garden, More than a Park

3.1 Land Description

The NCRBG is situated on 19 hectares of Crown Land and includes 7 parcels of land. They are:

Lot	Deposited Plan
272	752817
294	752817
394	752817
395	752817
7017	1053253
7018	1114127
7019	1114108

Together, the Crown land, dedication number 540000, is for environmental protection, notified 22 May 1992. The Crown Land Act provides that Reserve Trust Managers must manage the land in accordance with the gazetted purpose of the Reserve.

The vast majority of the site is zoned RE1 – Public Recreation, however there is a small proportion zoned E2 – Environmental Conservation. The zone type and permissible activity is as per the CHCC Local Environmental Plan, 2013. The diagram below outlines the zones of the site.

NCRBG is located approximately 1km from the CBD of Coffs Harbour. The land ‘forms a peninsular surrounded on three sides by Coffs Creek, fronting Hardacre Street to the south.’²

Map 1: Zoning map from the CHCC LEP 2013



- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- RE1 Public Recreation
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

North Coast Regional Botanic Garden

² North Coast Regional Botanic Garden Management Strategy, 1997, p 2.

Map 2: The NCRBG is located in close proximity to the CBD of Coffs Harbour

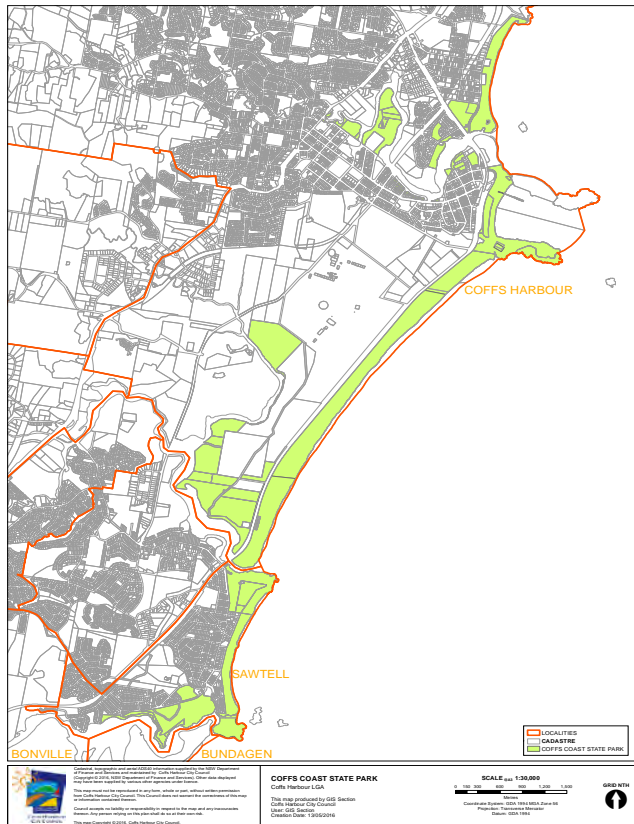


3.2 Reserve Management

As stated in Section 1, a Trust has been appointed by the Minister, with the responsibility for full care, control, and management of the dedicated or reserved lands in accordance with the Principles of Crown Land Management as set out in Section 11 of the Crown Lands Act. On 11 May 2001 the Coffs Coast State Park Trust was appointed to manage the dedication for environmental protection (Dedication No.540000) covering NCRBG.

Coffs Harbour City Council is the appointed Corporate Manager of the Coffs Coast State Park Trust.

Coffs Coast State Park comprises a significant group of coastal Crown reserves in Coffs Harbour LGA integrated under a single Reserve Trust. See Map 3 below.



Map 3:
Reserves within the Coffs Coast State Park Trust

Section
3.2

Key Points

- The Minister has appointed CHCC as the Corporate Manager of the Coffs Coast State Park Trust. The Corporate Manager (CHCC) is responsible for the delivery of management services for the reserves within the Coffs Coast State Park Trust
- The responsibility to ensure the site is operating at its highest and best use in line with its dedication and zoning, is that of the Reserve Trust.
- The gazetted purpose for the NCRBG Reserve is for environmental protection.

3.3 Botanic Gardens, More than a Park

The Botanic Gardens Conservation International (BGCI) has considered what makes a botanic garden different from a public park or pleasure gardens. In the International Agenda for Botanic Gardens in Conservation the definition of a botanic garden is as follows:

“Botanic gardens are institutions holding documented collections of living plants for the purposes of scientific research, conservation, display and education.”

The BGCI have developed a list of criteria that may be met in part or whole by any institution that is considered to be a botanic garden. They are:

- A reasonable degree of permanence
- An underlying scientific basis for the collections
- Proper documentation of the collections, including wild origin
- Monitoring of the plants in the collections
- Adequate labelling of the plants
- Open to the public
- Communication of information to other gardens, institutions and the public
- Exchange of seed or other materials with other botanic gardens, arboreta or research institutions
- Undertaking of scientific or technical research on plants in the collections
- Maintenance of research programs in plant taxonomy in associated herbaria

Using the above criteria, the NCRBG is indeed a botanic garden. As such, both the site and the activities conducted are of significant value and must be protected and enhanced over time.

The North Coast Regional Botanic Garden Management Strategy 1997, outlined the core function of the NCRBG as being:

- A conservation resource
- A regionally significant botanical collection
- A research facility and scientific resource
- An educational resource
- A recreation facility
- A regional tourism attraction

The activities that occur at the site include, but are not limited to:

- Maintaining and enhancing existing display areas in accordance with their designated theme
- Providing interpretive information and visitor services about the Garden's collection and conservation value
- Working with other botanic gardens to obtain known provenance plant material and records
- Administering, maintaining and expanding the seedbank and herbarium collection
- Developing and facilitating informal and formal education programs for the community in plants, gardening, the environment and conservation

- Liaising with schools, tertiary institutes, government departments and other botanic gardens to develop and deliver effective conservation programs and activities
- Providing a reference library
- Providing information and tour guiding to visitors
- Providing retail services including a small nursery
- Plant identification services for the general public
- Kiosk/café and catering to the general public and at events
- Hosting and or running events, concerts, festivals, workshops
- Venue hire for community activities and meetings

Section
3.3

Key Points

- The NCRBG complies with the international definition of a botanic garden. As such, the site and activities conducted are of significant value and must be protected and enhanced over time.
- As the dedication of the site is for environmental protection, it is essential to align the vision, values and all operations at the site with this purpose.

3.4 Value of NCRBG Crown Reserve

In the early to mid 1900s the reserve was used to dispose night-soil and was also reserved as a rubbish dump. This continued until the early 1970's when a group of dedicated community members, known as the Ulitarra Society, obtained the support of eighteen community organisations for a well-documented and researched submission for a botanic garden on the site. In 1979 Council resolved to commission John Wrigley, Curator of the National Botanic Gardens, Canberra to prepare a Development Plan for the site, which was adopted by Council the following year.

Over the ensuing 35 years, the NCRBG has benefited from thousands of volunteer hours at the site as well as financial donations from individuals, many local organisations and government grants.

That time, effort and investment gifted by so many, across four decades, has indeed transformed the site from a night soil depot and a rubbish dump into a true conservation site, becoming a regional Botanic Garden of significant merit. It must be acknowledged, that it has been the Friends of the NCRBG Inc who have been at the helm, creating and capitalising on opportunities.

Crown Lands in the Coffs Harbour Local Government area provide a unique range of social, environmental and economic values and opportunities. Such lands are places where natural resources are responsibly managed, preserved and available for public enjoyment.

The NCRBG is a significant asset for locals, the wider community of New South Wales, national and international visitors. It provides a model of environmental conservation for current and future generations. That significance comes about from the Garden, its primary ex-situ role in being a home to 150 plants considered threatened, and its geography and history.

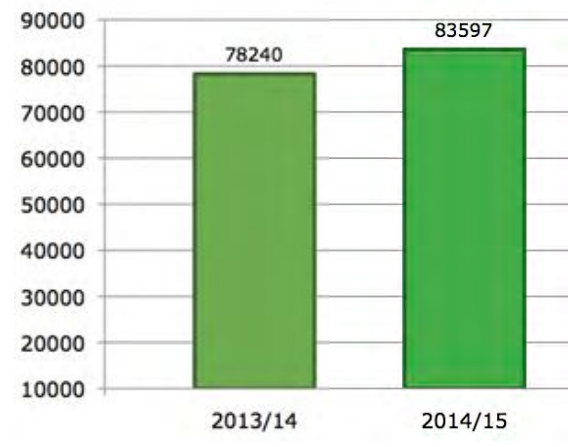
It is bordered on three sides by Coffs Creek, which is part of the Solitary Islands Marine Park (the third largest Marine Park in NSW) and is habitat protected. The Gumbaynggir people, traditional owners in this local area, also ascribe great significance to Coffs Creek and its environment, including the Garden.

The NCRBG has a history of public utility whose very existence is the consequence of community action. It is a place that has changed and developed to reflect community concerns and values.

It is important that these values are preserved and enhanced for the long-term sustainability of the Garden.

To understand the value of the Garden to the community which it serves and data on visitation identifies that community. To develop, diversify and educate a broader community, visitor information provides a template of successes and points to opportunities for growth. Currently there are approximately 80,000 visitors/annum.

Figure 1: Adjusted Visitation



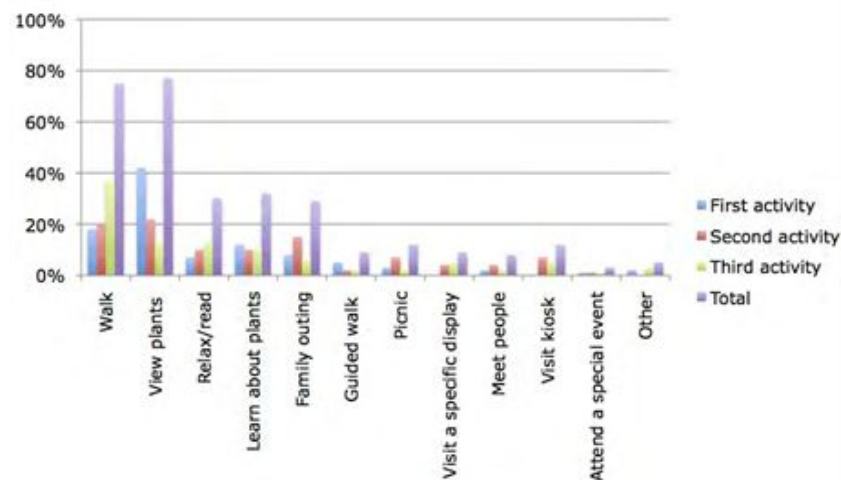
Source: CHCC, Curator NCRBG

Attachment 3

A 2008 survey was completed by 370 visitors to the Garden (over a one week period, from all hours of the days that the Garden were open). Adults and volunteers with school groups or attending special events, as well as staff on duty during the data collection times were excluded from the study.

The findings suggests that most visits to the NCRBG are from NSW, stay less than two hours and primarily come to view and learn about plants, to relax or to exercise.

Figure 2: Activities undertaken during visit



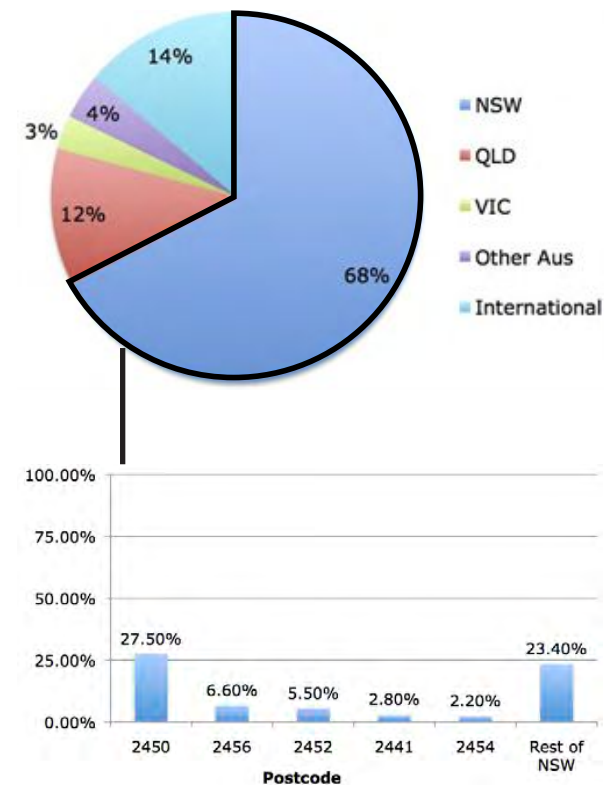
The majority of respondents visited the NCRBG with family, with a partner or spouse or with friends. Comparatively few respondents attended alone. Over a quarter attended with children, 15% with children under the age of five, and 12% with children in the five to fifteen age group.

Almost half had a tertiary qualification (46%).

The age of respondents was fairly evenly distributed, however the largest group were 65 years and over (24%).

The majority were from Australia (86%) with 68% of these from New South Wales and 14% from overseas.

Figure 3: Location of residence



For these visitors, there is tremendous environmental and social benefits for the community, there are also many economic benefits. These are described below.

3.4.1 Environmental Values

Conservation

The core of the Garden's role is environmental conservation; to maintain and safeguard that which is essential. Conservation is a critical active factor for the Garden to preserve the existing natural plant communities of the site as well as rare and endangered species from a variety of locations. By distributing seed to other botanic gardens, the seed bank is able to establish plantings of native plants in a wide range of locations, including other countries.³

In its role to protect and rehabilitate endangered and threatened species and ecosystems the Garden cares and maintains Swamp Oak and Swamp Sclerophyll Forest areas (see map 4). Similarly, category two high value arboreal habitat (forest areas of ten hectares with five or less senescent trees per hectare) are also evident in the Garden and are subject to ongoing preservation (see map 5).

Map 4: Endangered Ecological Communities



Map 5: High Value Arboreal Habitat



³ NCRBG Management Strategy 1997

Biodiversity

Botanic Gardens are preservers for plants and, therefore, life on earth. Biodiversity means the diversity of life in all its forms – the diversity of species, of genetic variations within one species, and of ecosystems. Australia, over the last two hundred years, has experienced the largest documented decline in biodiversity of any continent.

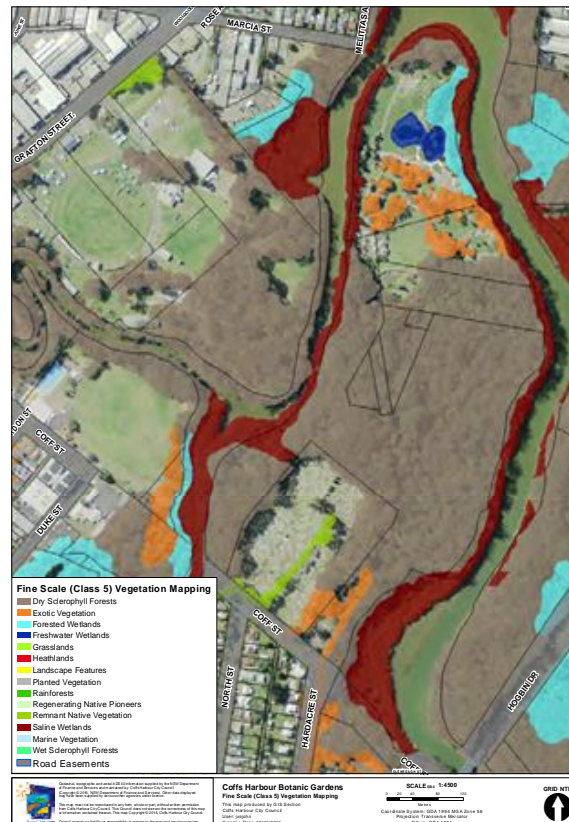
NCRBG contains a diversity of native plants and animals. It has a number of special ecological features which make it unique among other Botanic Gardens. These include the mangrove, swamp forest and sclerophyll forest communities which occur naturally on the site and have been incorporated into the Garden.⁶ (See map 6)

Access to boardwalks within the mangroves, reveals pneumatophores, root systems and fallen branches create a nursery habitat for juvenile prawns and fish, such as bream, mullet, whiting and luderick. The trunks and roots also provide a home to oysters, barnacles and limpets, as well as an array of seaweeds and lichens for animals to graze on.

There is also significant fauna including vertebrates such as reptiles, amphibians, birds and mammals; and invertebrates including insects, arachnids and worms. So too, there exists a variety of fungi, bacteria and micro-organisms, all vital to the health of the ecosystem.

The garden is home to two primary koala sites, one of six in urban Coffs Harbour (see map 7) Here is a case of biodiversity and public access in action. As part of wider community social service, the Garden plays a part in the Coffs Harbour Council's Koala Management Plan.

Map 6: Vegetation



Map 7: Koala Habitat Classification



⁶ NCRBG Management Strategy 1997

Research

Plant records, seed bank, herbarium and the ongoing cultivation of a wide variety of native, exotic and rare plants provide a resource for scientists and students.⁴

Significant time and knowledge is invested by volunteers and the Curator to create and maintain these services. Plant identification services are offered for the general public, free of charge.

The Herbarium contains over 27,000 specimens. Management and care of this resource is critical, it represents a geographic and historic record of northern NSW, available for investigation. Increasingly, the past informs the future in terms of nutrition, health care and sustainable agricultural practices.

Research into plant taxonomy and genetics, photochemistry and the subsequent selection of plants that can withstand degrading and changing environments are of importance at a time of significant climate change.

Botanic gardens are clearly much more than just “pretty places”. They are uniquely placed to use plant diversity to contribute to human well-being. It is an ethical and practical imperative that botanic gardens are mobilised for this goal. The NCRBG is positioned to reach increasingly diverse audiences.

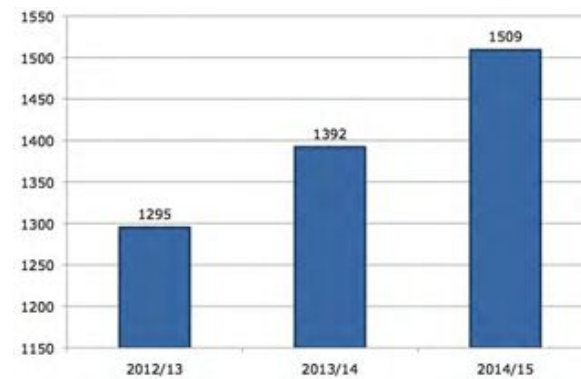
The Garden is an outdoor classroom, educating people about environmental issues and priorities. Specifically, it operates as a resource for school and tertiary students, assisting in formal education programs. It also provides a valuable asset for informal education in horticulture, plant botany and local natural communities for both interested local residents and visitors.⁵

Education programs are delivered by the curator, Friends of the NCRBG Inc and the NCRBG education officer.

Over the past three years, the number of education programs has declined from fourteen to nine, however the total school attendees has increased from 1,295 to 1,509 over the same period.

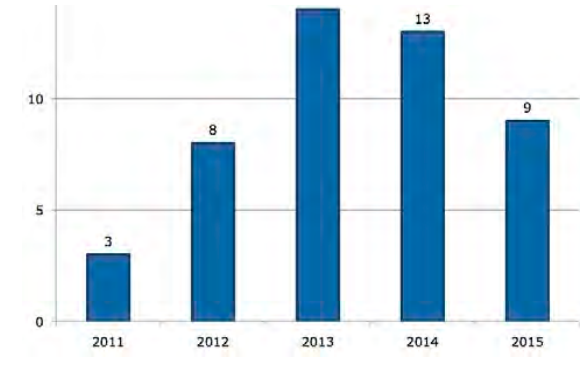
The continuation and expansion of educational program delivery is a critical environmental value underpinning the NCRBG.

Figure 4: School Attendees by Financial Year



Source: Environmental Levy Quarterly Status Report, Education Officer

Figure 5: Number of school programs delivered by the Education Officer by calendar year



Source: Environmental Levy Quarterly Status Report, Education Officer

Education

⁴ NCRBG Management Strategy 1997

⁵ NCRBG Management Strategy 1997

3.4.2 Social Values

Recreation

The NCRBG offers a range of resources and opportunities to fulfill a range of social needs of the community. Such social events and activities could include festivals, organised leisure activities, picnics and community activities for all age groups, providing a vital place for people to relax as individuals or work and play together.

The Garden's central location is attractive because of accessibility, proximity and linkages to CBD and other public infrastructure. The recreational linkages to Coffs Creek estuary and Coffs Creek walking track are prime examples of the value provided by the integration of public spaces.

The Garden also provides a highly attractive setting for passive recreation such as walking.⁷

Stewardship

Botanic Gardens play a key role in the stewardship of a region, as of natural resource management initiatives. Strong social values are also attached to the preservation of community stewardship of these important public assets and the need to ensure that they are passed on as an inheritance for the benefit of future generations. Those values are apparent by the engagement with the traditional owners of the land, the Gumbaynggirr people. It is also apparent in the hundreds of thousand of volunteer hours invested in the site over four decades.

Social Discourse

Linking the well-being of people with plants and also helping conserve indigenous and local knowledge encourages the sustainable use of plant resources. The NCRBG offers the social opportunity of reviving the human connection with the natural environment, and an appreciation of the benefits this will accrue for society. Enhancing the relevance of the natural world provides tangible and intangible benefits, contributing a sense of community through physical engagement.

The importance of social policy, sustainability and environmental justice are more and more the focus of community. The Garden offers the opportunity to facilitate discussion and debate on these topics, and promote the garden as a location to learn and share thoughts, ideas, beliefs and values that can shape positive interactions and actions as a society.

Activism

Development of horticulture and cultivation skills allows the community to grow plants that might be lost in nature, conserving species diversity and allowing the opportunity to restore and rehabilitate degraded habitats.

Preservation of Knowledge

Indigenous and local knowledge is conserved, encouraged and respected. NCRBG is a place where the value of knowledge is seen through volunteer contribution and cultural displays.

Foundation for Arts and Culture

NCRBG offers opportunity for the community to engage with arts and culture including music, painting, song and dance. Through participation at indigenous cultural festivals such as Salt Water, Fresh Water. Through exposure and immersion to gardens of other cultures, such as the Japanese Garden.

Well-being

The calming effect the NCRBG provides can have a positive impact on mental health challenges. The sensory garden ensures people living with a disability have equal access to the restorative feature of the garden. The community food garden offers the opportunity to grow food collectively, to learn together and eat the bounty of their efforts.

⁷ NCRBG Management Strategy 1997

3.4.3 Economic Values

Botanic gardens generate income for our economy. They attract tens of thousands of locals and tourists every year. Gardens also add to the economy by providing horticultural and other services, training and employment.

Having a botanic garden as part of a region's suite of tourism attractions drawing on history where 35% of Australians are known to have visited Botanical Gardens in 2009. Further, nature-based visitors to Australia stay almost twice as long as other international visitors and spend 80% of international visitor dollar.

Land and Facilities

A large parcel of land so close to a CBD, dedicated to conservation, is a significant economic asset. It operates as a place of renewal and relaxation for people working in and visiting the CBD and can actually be considered as a factor in the locating of businesses and choices of location for workforce participants.

Some of the values provided by ecosystem services however remain difficult to quantify in financial terms, particularly those associated with cultural and aesthetic values. It also appears that evidence of the benefits of Green Infrastructure are less easy to quantify, and more variable than costs, and are often expressed in qualitative term.⁸

Coffs Coast State Park Trust, CHCC, the Friends of the NCRBG Inc and the community have invested significant public money into hard and soft infrastructure to develop and operate the site, and this is of significant value to the community.

Events and Functions

Both CHCC and the Friends of the NCRBG Inc take bookings for events that happen at the garden. They are represented in Tables 3 and 4 and Figure 6 below.

Table 3: NCRBG Events by Calendar Year (bookings taken by CHCC)

Type of event by calendar year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total events	Average events
Concert/Music	8	9	10	7	1	6	4	3	1	3	1	1	54	5
Weddings	20	31	29	39	28	27	22	28	21	20	18	19	302	25
Naming Ceremonies/Christening	0	1	1	2	1	1	1	1	2	0	0	0	10	1
Memorial Ceremonies	0	0	0	0	0	0	0	2	0	0	2	1	5	0
Festival	2	1	1	1	2	4	4	6	3	8	9	7	48	4
Small Events	0	3	3	2	2	3	2	10	13	20	12	11	81	7
Conference	0	1	2	0	0	2	0	0	2	1	0	0	8	1
Art/Performing Arts	0	0	6	0	1	0	0	3	3	7	0	0	20	2
Fitness	0	0	1	0	0	0	0	0	3	0	1	2	7	1
Education	0	0	0	0	0	0	0	3	8	14	13	9	47	4
Total Events	30	46	53	51	35	43	33	56	56	73	56	50	582	49

Source: CHCC, Administrative Coordinator - Infrastructure Construction and Maintenance

NOTE: Booking taken through Council, Customer then pays Friends of NCRBG Inc

⁸Naumann, S., D. McKenna, et al. (2011a). Design, implementation and cost elements of Green Infrastructure projects. Final report Brussels, European Commission.

Figure 6: Percent of Events (bookings taken by CHCC) by calendar year

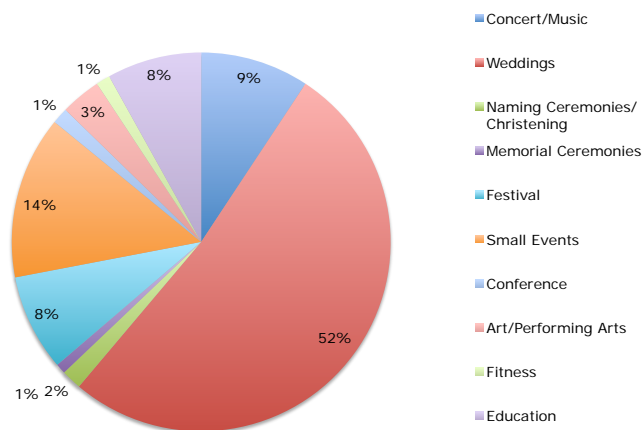


Table 4: Combined Bookings NCRBG Events 2015

Functions	Bookings
Bookings taken by CHCC	50
Bookings taken by FNCRBG	129
Catering Jobs	14
TOTAL	193

It has not been possible to ascertain the exact revenue generated from these events; however, the number and type of event held at the NCRBG provides economic value to both the direct and indirect community.

Tourism and Business Development

The sustainable development of tourism in CHCC is vital to the future well-being of the local economy and is a significant economic driver for the regional economy. The unique natural values of the Coffs Coast region provide a major draw card for nature-based tourism. Opportunities associated with nature-based experiences include events and festivals, trails, tours and educational programs.

Events held at the NCRBG, such as the Australia Day Saltwater Freshwater Festival generate thousands of visitors to Coffs Harbour. These visitors spend money on accommodation, food and a wide range of services such as petrol etc. Every event held at the NCRBG creates economic activity for Coffs Harbour.

The Garden also provides a unique and beautiful location for special events including weddings. There are many economic opportunities from these activities including site hire, hire of equipment and transport. Business development opportunities are created through partnerships with photographers, caterers, celebrants etc.

Facilities that can offer a product or service to visitors such as the café and nursery also create economic opportunities.

Interactive experiences

Technology-driven tools that will enhance visitor experiences at the Garden will create future economic opportunity. Smartphone apps are already in use in a number of Botanic Gardens featuring interactive mapping, tour guide, event calendar, what's in bloom, garden plant finder, and general plant guide as well as detailed species histories and hyperlinked video story telling.



Section 4 Situational Analysis

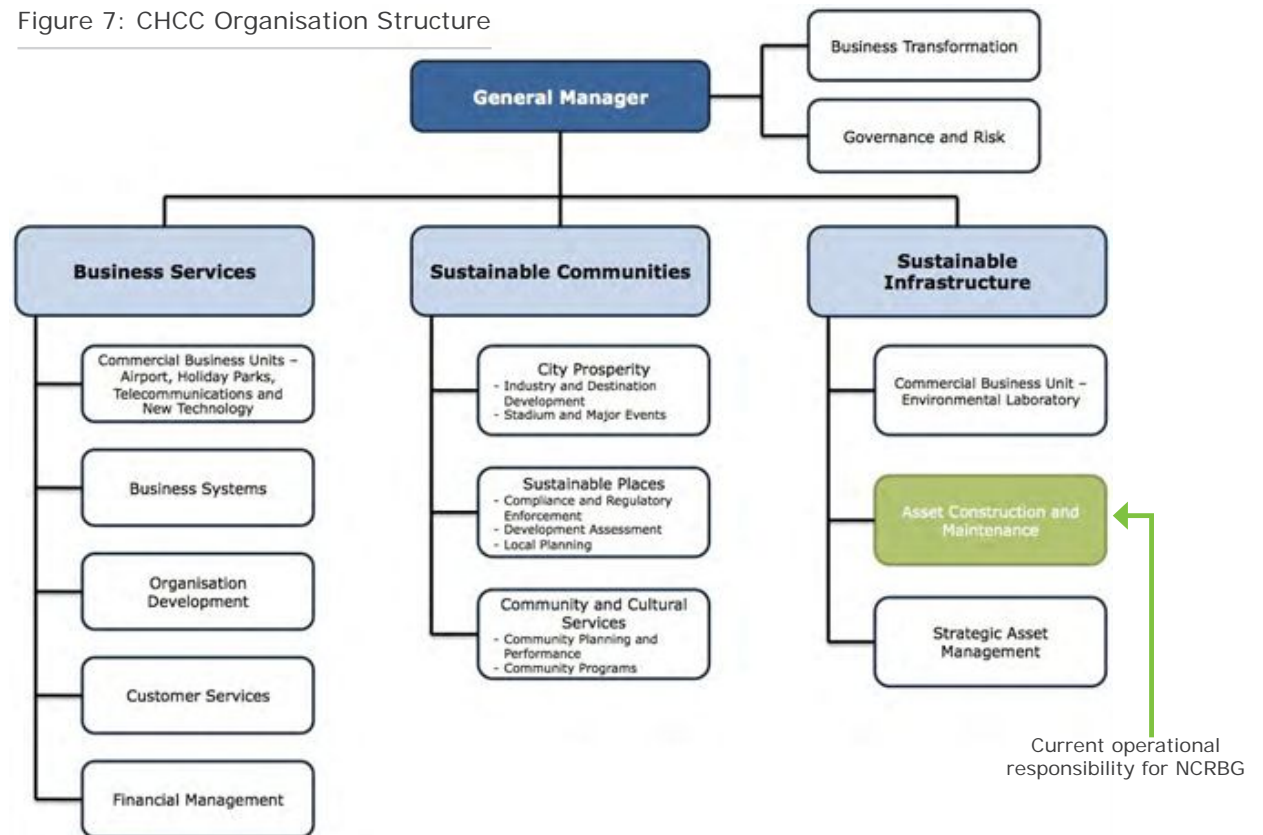
- Current Operational Management
- Current Financial Management
- Summary of the Current Situation

4.1 Current Operational Management

As already outlined in the sections above, the NCRBG is under care, control and management of the Coffs Coast State Park Trust.

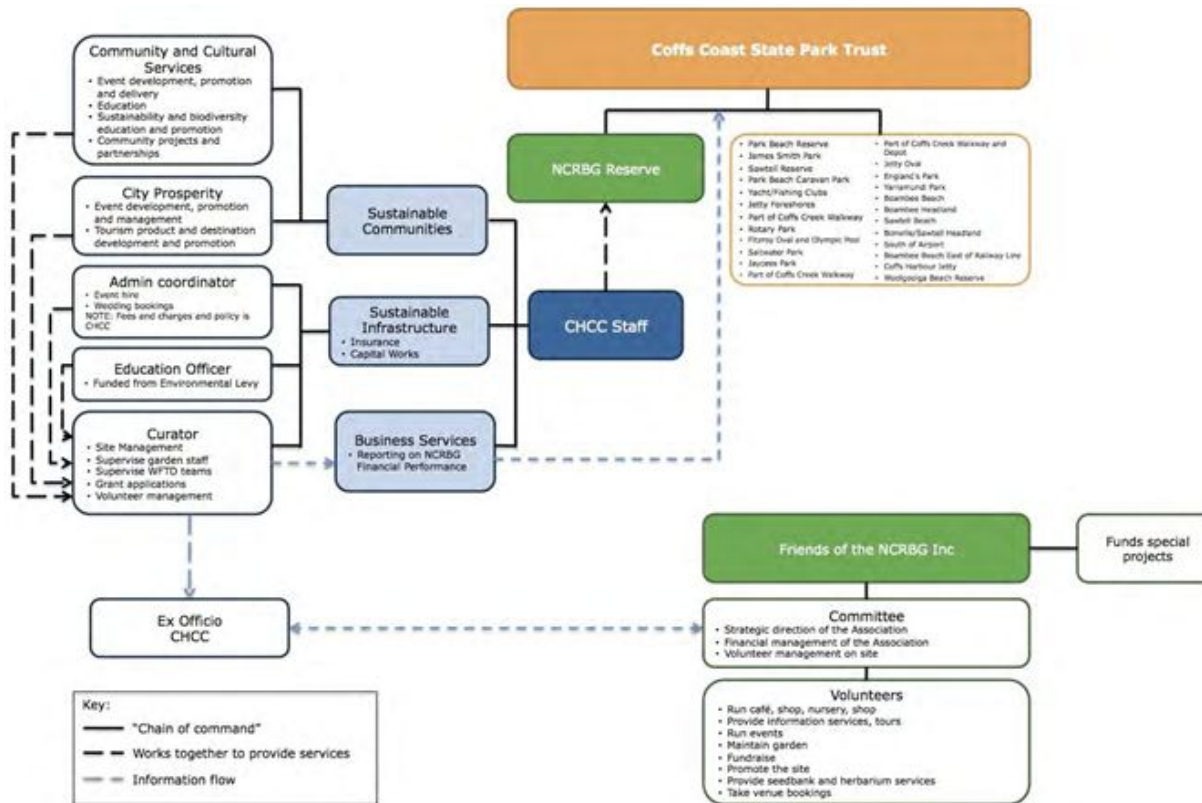
Operational delivery is performed by CHCC staff from the Sustainable Infrastructure: Asset Construction and Maintenance section.

Figure 7: CHCC Organisation Structure



The diagram below provides an outline of how all parties interact in the day-to-day operation of the NCRBG.

Figure 8: Day-to-day Operation of NCRBG



The structure outlined to the left creates a nexus between the three key organisations that are working to achieve positive outcomes for the garden. This has resulted in:

- A lack of clarity of the roles and responsibilities of parties as seen through the absence of formal arrangement or agreement for operational delivery
- The absence of consistent and reliable data on which to make decisions
- Lack of legal tenure for the Friends of the NCRBG Inc
- The Coffs Coast State Park Trust providing limited strategic input into the site

4.1.1 The Role of CHCC Staff

Currently, the most significant role at the garden is that of the Curator. This role acts as:

- CHCC's Ex Officio position on the Friends of the NCRBG Inc committee
- Conduit to the Coffs Coast State Park Trust
- Central communication channel for all CHCC staff regarding operational aspects of the site
- Curatorial services

The operational role of the CHCC Curator has recently been expanded to include other CHCC owned and managed sites. Currently 0.8 full time equivalent (FTE) of this role is expensed to the garden.

Financial management and reporting, and asset management and reporting falls to a range of CHCC staff from a range of departments. There is no single report for these functions and time spent on NCRBG activity is not expensed.

Site marketing and promotion, stakeholder liaison, grant writing and business development currently falls to a range of CHCC staff, including the Curator. There is no single report for these functions and time spent on NCRBG activity is not expensed.

There is a part-time education officer, paid from the Environmental Levy. This is not a permanent role, as the NCRBG must apply year on year for the levy. This role is responsible for education program development, and the program's marketing and delivery to the education market.

There are two permanent CHCC horticulturalists at the garden who perform daily garden maintenance. At times, casual ground staff are engaged to support this team. Horticulturalists report to the Curator. These roles are expensed to the Garden.

Event booking and administration is overseen by an administration staff member from CHCC. This role takes inquiries, provides written quotes and sends correspondence to the customer. It also manages the calendar of events for bookings. Time spent is not expensed to the Garden.

Council audits the Friends of the NCRBG Inc finances annually. Time spent is not expensed to the Garden.



4.1.2 The Role of the Friends of the NCRBG Inc

The Friends of NCRBG Inc are an independent incorporated association. Their operation is outside the scope of the Coffs Coast State Park Trust and CHCC. As an incorporated association, they have a constitution in place that outlines the charter of the organisation, its purpose and rules of operation. They have their own bank accounts, which are audited annually. No matter how collaboratively the Friends of the NCRBG Inc work with the Trust, CHCC or any other organisation, legally they are separate entity. See appendix 3 for details. They perform a wide range of critical and valuable roles at the site. This includes, but is not limited to:

- Organising and delivering garden tours
- Running the café/kiosk
- Setting up events and functions
- Garden maintenance

The organisation is a successful social enterprise, that is, it generates fees from services provided in excess of its operating expenses (See 'Table 10 Audited financial reports, Friends of the NCRBG Inc). Members are not paid for their services as they volunteer their time.

A summary of the type of volunteer contribution being made by the members of the Friends of the NCRBG Inc are outlined below in Table 5. The value of this contribution is estimated to be approximately \$171,000 per year.

Table 5: Friends of the NCRBG Inc Volunteer Hours

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11 - 2012/13	2013/14	2014/15	Average over 11 years
Seed bank	465	637	455	432	537	0	0	630	568	Not Supplied	568	381	425
Herbarium	877	789	713	692	818	0	0	353	365	Not Supplied	67	83	432
Info office	2062	2062	2092	2092	2092	2092	2092	2092	2092	Not Supplied	2083	1184	2003
Outdoor work	1485	2657	2684	3556	3820	1028	595	4273	4757	Not Supplied	4939	3820	3056
Guides and education	0	7	115	169	78	201	134	138	152	Not Supplied	484	67	140
People mover	0	0	0	0	35	0	0	92	270	Not Supplied	0	0	36
Catering/Events	760	261	421	264	342	333	304	888	370	Not Supplied	0	0	358
Café	0	0	0	0	0	0	0	0	0	Not Supplied	1347	2976	393
TOTAL hours	5649	6413	6480	7206	7722	3655	3124	8466	8573	0	9487	8510	6844
Value @ \$25/hr	\$141,215	\$160,323	\$162,000	\$180,139	\$193,038	\$91,363	\$78,088	\$211,638	\$214,326	\$0	\$237,163	\$212,750	\$171,095

Source: Curator NCRBG - Volunteer sign in sheets *Hourly rate varies between \$21/hr and \$25/hr source: ATO, Volunteer Australia, SES, Anglicare.

In addition to the hours outlined in Table 5 above, the Friends of NCRBG Inc have estimated a further 250 hours per week goes into the organisation and management required from the committee and sub committee to oversee activity for the Garden. 250 hours/week x 52 weeks per year, equates to 13,000 hours per year, valued at \$325,000/year. This level of volunteerism into administration is substantial, and needs to be reviewed to find ways to significantly reduce the expectation in the future. Please see page 36 of this report for a comparison with volunteer hours for the Royal Botanic Garden and Domain Trust (Sydney).

4.1.3 The Role of Other Volunteers

A number of organisations provide teams of workers under the Work for the Dole program. Typically, this constitutes a supervisor and between six and fifteen workers. They average three days per week and work 6.5 hours per day. These teams provide services including garden maintenance.

Other organisations such as TAFE will, from time to time, offer a team of students and a supervising teacher for special projects for example a project that requires some level of construction.

Table 6: Community Volunteer Hours

	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11 - 2012/13	2013/14	2014/15	Average over 11 years
Work for the Dole	1803	2611	3125	2691	2735	0	0	4169	0	Not Supplied	3744	3744	2238
TAFE	672	437	200	639	872	0	0	562	1600	Not Supplied	0	0	453
CHESS	0	0	0	0	0	0	0	158	0	Not Supplied	0	0	14
TOTAL hours	2475	3048	3325	3330	3607	0	0	4889	1600	0	3744	3744	2706
Value @ \$25/hr	\$61,875	\$76,188	\$83,125	\$83,250	\$90,163	\$0	\$0	\$122,225	\$40,000	\$0	\$93,600	\$93,600	\$67,639


Source: CHCC, Curator NCRBG

4.1.4 Value of Volunteer Contributions

	Friends of NCRBG Inc Service Delivery	Friends of NCRBG Inc Administration	Other volunteers	Total
Hours	6,844	13,000	2,706	22,550
Value (\$)	\$171,095	\$325,000	\$67,639	\$563,734


Volunteer hours

Royal Botanic Gardens & Domain Trust (Sydney)

 **16,224 hours/year**

The average volunteer hours spent at each of the three sites from a total of 48,672 hours.

North Coast Regional Botanic Garden

 **22,550 hours/year**

The average volunteer hours for NCRBG.

How does it compare?

4.1.5 Management Issues

As outlined in Section 2 the care, control and management of the North Coast Regional Botanical Garden is subject to the Crown Land Act. The Coffs Coast State Park Trust must ensure that all activity is compliant with this Act.

This includes ensuring that appropriate tenure for all activity by a third party is documented through either a lease or licence. Dependent upon the length of time of the lease or licence, the Minister may be required to give consent.

A lease or licence must be granted to document the terms and conditions on which the third party may use either the entire reserve, or part of a reserve. Currently, there is no lease or licence in place for activities being undertaken by some third parties occurring on the Reserve.

CHCC as the Corporate Manager is obliged to ensure that any activity being delivered by a third party is:

- Permissible under the provisions of the Plan of Management
- In the public interest
- Subject to appropriate tenure at market rent

Currently, there is no lease or licence in place for the most major and critical stakeholder at the site - the Friends of the NCRBG Inc.

Third parties who use the land must have approval to do so from the Corporate Manager of the Trust, and licence or lease fees charged.

The Coffs Coast State Park Trust, as a matter of the highest priority must address legal tenure. In the short term, issuing a twelve month licence to the Friends of the NCRBG would resolve current non compliance with the Act.

Section 4.1

Key Points

- To capitalise on strengths, the three key organisations must work collaboratively and in the best interest of the people of NSW. Efficiencies need to be created to reduce the burden on volunteers.
- There is an apparent absence of clarity on the responsibility and accountability of all parties in terms on decision making, reporting and planning.
- The Corporate Manager of the NCRBG is not operating in compliance with the Act. Tenure arrangements must be addressed as the highest priority.

4.2 Current Financial Management

4.2.1 Expenses

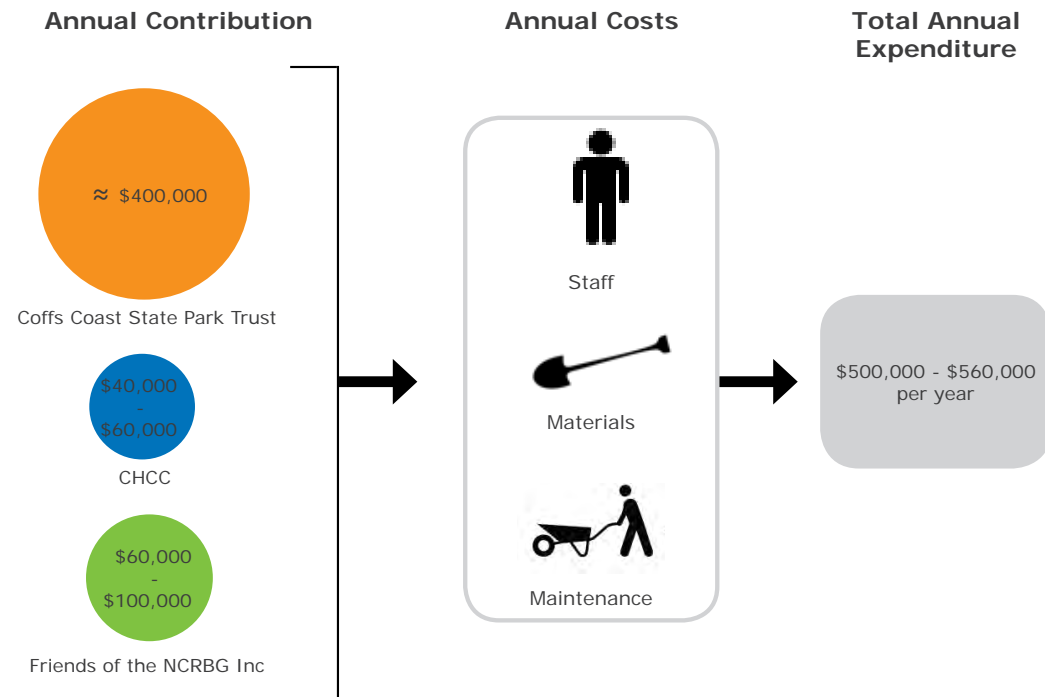
The NCRBG currently costs between \$500,000 and \$560,000 per year to operate. These costs are met by three organisations. They are:

- Coffs Coast State Park Trust
- CHCC
- Friends of the NCRBG Inc

Coffs Coast State Park Trust distributes funds from excess earning from other reserves. CHCC meets the shortfall between the distributed funds and operating costs. Friends of the NCRBG Inc contribute to, or cover project costs.

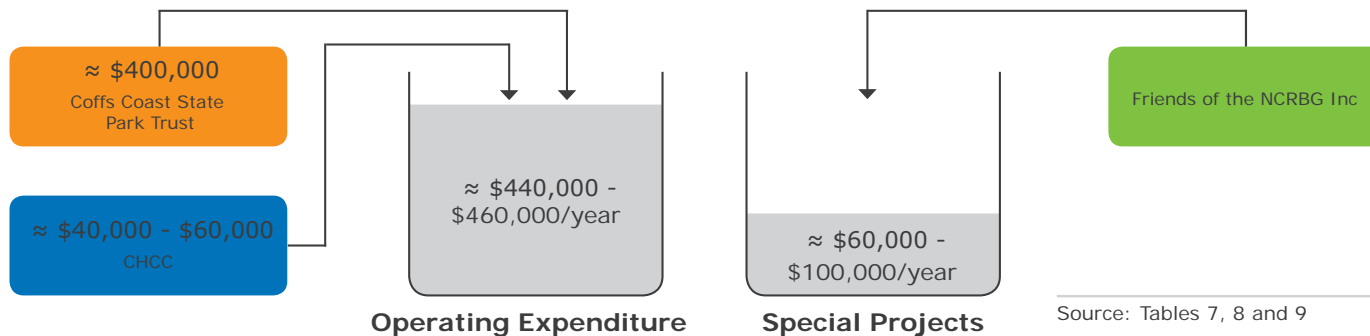
Figures 9 and 10, outline the value each organisation contributes, and where these funds are spent.

Figure 9: NCRBG Annual Expenditure



Source: Tables 7, 8 and 9

Figure 10: Annual Expenditure



Source: Tables 7, 8 and 9

Tables 7, 8 and 9 provide detailed breakdown of expenses and contributions for the operating expenses of NCRBG.

Table 7: Financial Statement for the NCRBG Reserve

	2010/11	2011/12	2012/13	2013/14	2014/15*	Average over 5 years
Expenses						
Botanic Garden Operating Expenses (See table 5 for detail)	\$383,240	\$365,685	\$387,867	\$394,667	\$417,498	\$389,791
Additional Expenses (CHCC Expenditure)	\$11,211	\$12,081	\$10,976	\$14,304	\$20,631	\$13,841
Additional Expenses (Environmental Levy Funding)	\$18,077	\$15,000	\$14,921	\$16,000	\$16,000	\$16,000
Total Expenses	\$412,528	\$392,766	\$413,764	\$424,971	\$454,129	\$419,632
Contributions						\$0
Coffs Coast State Park Trust Contribution to Botanic Garden Maintenance	\$351,230	\$361,800	\$372,500	\$383,800	\$395,300	\$372,926
Coordinator Income (FNCRBG)	\$0	\$0	\$0	\$5,000	\$10,000	\$3,000
Environmental Levy Funding (CHCC)	\$18,077	\$15,000	\$14,921	\$16,000	\$16,000	\$16,000
Shortfall (CHCC)	\$43,221	\$15,966	\$26,343	\$20,171	\$32,829	\$27,706
Total Contributions	\$412,528	\$392,766	\$413,764	\$424,971	\$454,129	\$419,632

Source: CHCC Finance 1 Report, Section Leader Financial Planning. *See table 8 for detailed breakdown of the Botanic Garden operating expense line item

Table 8: Detailed Breakdown of Operating Expense

Operating expenses	2010/11	2011/12	2012/13	2013/14	2014/15
Glass Houses	\$10,393	\$1,614	\$1,587	\$1,953	\$977
Botanic Garden	\$257,271	\$218,369	\$252,181	\$278,300	\$157,057
Japanese Garden	\$15,558	\$57,924	\$43,155	\$25,798	\$4,753
Volunteers Coordination	\$0	\$0	\$0	\$10,155	\$8,462
O/H Botanic Garden	\$97,371	\$85,642	\$89,297	\$76,947	\$54,361
Total Expenses	\$380,593	\$363,549	\$386,220	\$393,153	\$225,610
Glass Houses	\$0	\$0	\$0	\$0	\$68
Botanic Garden	\$0	\$0	\$0	\$0	\$129,463
Japanese Garden	\$0	\$0	\$0	\$0	\$12,966
Volunteers Coordination	\$0	\$0	\$0	\$0	\$8,031
O/H Botanic Garden	\$0	\$0	\$0	\$0	\$39,199
Total Repair & Maintenance	\$0	\$0	\$0	\$0	\$189,726
Botanic Garden	\$1,671	\$1,295	\$1,046	\$883	\$1,744
Mowing operations	\$976	\$840	\$601	\$631	\$418
Total Mowing Operations	\$2,647	\$2,136	\$1,647	\$1,514	\$2,162
TOTAL Operating Expenses	\$383,240	\$365,684	\$387,867	\$394,667	\$417,498

Source: CHCC Finance 1 Report, Section Leader Financial Planning.

Table 9: Expenditure for Special Projects

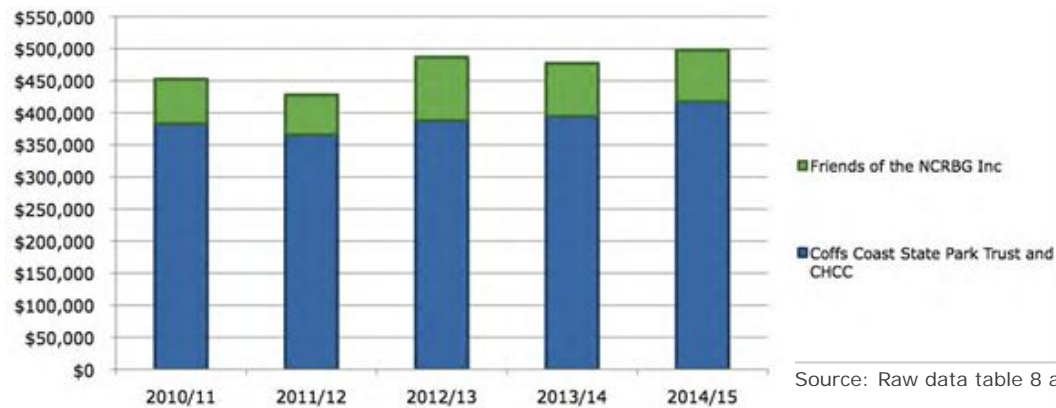
Expenditure by the Friends of the NCRBG Inc directly on the Botanic Garden over the last five years. These figures exclude cost of sales and events.

Financial Year Ended	Expenditure
30/06/2011	\$69,267.00
30/06/2012	\$62,264.00
30/06/2013	\$99,055.00
30/06/2014	\$82,497.00
30/06/2015	\$80,155.00
TOTAL	\$393,238.00

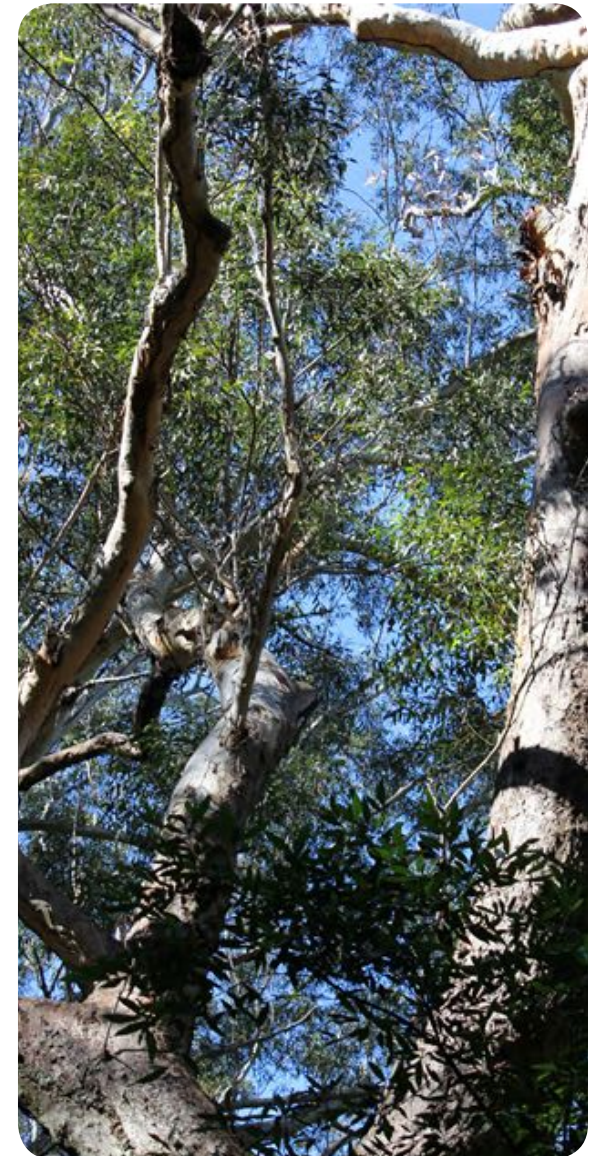
Source: Friends of the NCRBG Inc.

The Friends of the NCRBG Inc contribute funds to projects. The curator will propose special projects requiring investment for the consideration of the Association’s members.

Figure 11: Total Annual Expenses



Source: Raw data table 8 and 9.



4.2.2 Income

Income to cover the operating expenses of the NCRBG comes from a number of sources. They are:

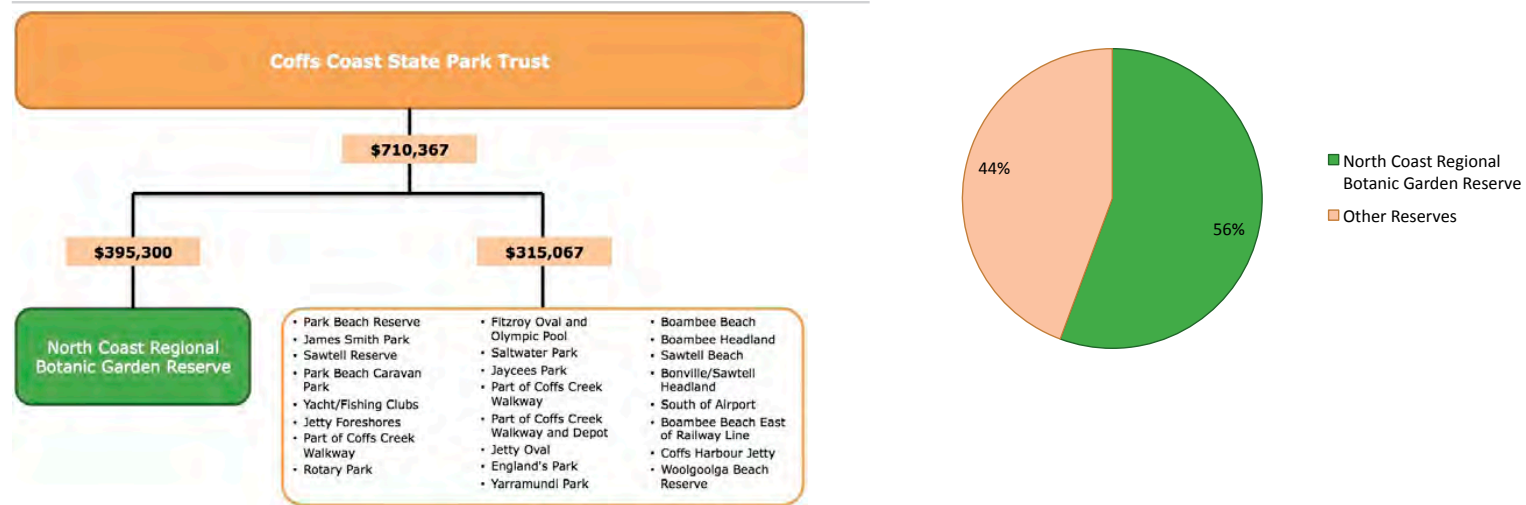
- Coffs Coast State Park Trust
- CHCC
- Friends of the NCRBG Inc
- Grants

4.2.2.1 Income Coffs Coast State Park Trust

The Coffs Coast State Park Trust is the most consistent and significant financial contributor to the site each year.

The Coffs Coast State Park Trust operates a number of caravan parks as well as commercial leases, that generate income greater than operating expenses. This revenue is then used to support the remaining twenty plus Reserves within the Coffs Coast State Park Trust. In June 2015, the Coffs Coast State Park Trust allocated \$395,000 (56%) of distributed earnings to the NCRBG. The balance, 44%, was distributed to the remaining combined Reserves. See Figure 12 for details.

Figure 12: Coffs Coast State Park Trust Distribution of Earnings



Source: CHCC Property Records of Coffs Coast State Park Trust, Manager, Coffs Coast State Park - Holiday & Park Reserves

4.2.2.2 Income CHCC

Rate-payer contribution

For the past five years CHCC has contributed an average of \$28,000 from revenue generated through rate-payers.

Environmental levy

CHCC introduced the Environmental Levy as a means of undertaking environmental management works. The levy has been well accepted by the community and currently raises around \$1 million per annum for local environmental works at an average cost of \$34 per rate-payer. For the past five years, the NCRBG has been successful in obtaining annual average income from the Environmental Levy of \$16,000

See Table 7 'Financial statement for the NCRBG Reserve' for further details.

4.2.2.3 Income Friends of the NCRBG Inc

The Friends of the NCRBG Inc currently generate income from a range a sources:

- Garden shop, coffee shop and catering
- Membership fees
- Donations
- Wedding fees
- Display room hire and chair hire
- Cottage hire
- Herbarium income
- Guided tours
- Special events
- Advertisement income
- Sponsorship
- Interest

Annual average income over the past five year is \$177,833. See Tables 10, 11 and 12.

Table 10: Audited Financial Reports, Friends of the NCRBG Inc.

Friends of the NCRBG Inc	2010/11	2011/12	2012/13	2013/14	2014/15	Average over 5 years
Operating Income	\$147,850	\$137,409	\$170,730	\$150,011	\$157,256	\$152,651
Non Operating Income (from Foundation)	\$40,478	\$62,087	\$19,818	\$0	\$3,526	\$25,182
TOTAL Income	\$188,328	\$199,496	\$190,548	\$150,011	\$160,782	\$177,833
Operating Expenditure	\$122,505	\$120,805	\$99,690	\$94,657	\$131,268	\$113,785
Capital Expenditure	\$44,958	\$86,936	\$57,409	\$33,598	\$0	\$44,580
TOTAL Expenditure	\$167,463	\$207,741	\$157,099	\$128,254	\$131,268	\$158,365
Net Assets	\$57,464	\$70,525	\$103,974	\$121,635	\$151,149	\$100,949

Source: CHCC Audited Financial Reports of Friends of the NCRBG Inc. See appendix 3 for further details.

NOTE: 2014/15 financials have not been audited.

Table 11: Detailed Breakdown of Friends of the NCRBG Inc Income

Friends of the NCRBG Inc	2010/11	2011/12	2012/13	2013/14	2014/15	Average over 5 years
Garden Shop, Coffee Shop and Catering	\$67,745	\$71,227	\$83,690	\$83,046	\$99,120	\$80,965
Donations	\$30,145	\$18,650	\$31,213	\$25,491	\$21,016	\$25,303
Education donations	\$0	\$0	\$0	\$58	\$0	\$12
Membership fees	\$902	\$1,297	\$1,090	\$1,200	\$805	\$1,059
Wedding Fees	\$4,130	\$5,650	\$3,215	\$6,460	\$8,050	\$5,501
Display Room Hire & Chair Hire	\$9,297	\$7,688	\$10,291	\$11,927	\$13,169	\$10,475
Cottage Hire	\$0	\$1,734	\$2,182	\$2,450	\$1,877	\$1,649
Herbarium Income	\$3,412	\$625	-\$75	\$0	\$227	\$838
Guided tours	\$0	\$41	\$91	\$427	\$118	\$135
Special Events	\$22,466	\$24,876	\$13,743	\$10,015	\$12,695	\$16,759
Miscellaneous	\$1,528	\$3,351	\$13,949	\$6,500	\$180	\$5,102
Interest	\$4,953	\$2,090	\$1,521	\$2,436	\$0	\$2,200
Advertisement Income	\$1,273	\$182	\$9,818	\$0	\$0	\$2,255
Sponsorship	\$2,000	\$0	\$0	\$0	\$0	\$400
TOTAL Income	\$147,850	\$137,409	\$170,730	\$150,011	\$157,256	\$152,651

Source: CHCC Audited Financial Reports of Friends of the NCRBG Inc.

NOTE: 2014/15 financials have not been audited.

Table 12: The Botanic Garden Foundation Financial Report

	2012/13
Operating Income	
Interest	\$13,678.00
CSA Payment	\$818.22
TOTAL Operating Income	\$14,496.22
Operating Expenditure	
Transfer to Friends	\$18,000.00
TOTAL Operating Expenditure	\$18,000.00
TOTAL Operating Result	(\$3,503.78)
Net Assets	\$451,487.54

Source: CHCC, Manager Property NOTE: Additional financial years not supplied.

4.2.2.4 Income grants

Friends of NCRBG Inc have successfully received several grants over the recent past. See Table 13.

Table 13: Estimated Grant Income

Source	Amount
Essential Energy	\$2,000
NSW Premiers Department (2011)	\$120,000
ETC (2013)	\$10,000
CHCC Arts and Cultural Small Grant (2012/13)	\$2,000
TOTAL	\$134,000

Source: Per Comms Curator, NCRBG December 2015. Financial statements of Friends of the NCRBG Inc.

4.2.3 Capital Investment

The assets at the garden are currently valued at \$242,298.64. See appendix 4 for details. Currently, the Coffs Coast State Park Trust has no budget for capital improvements, repair or maintenance. As the NCRBG doesn't generate any funds for the Trust (through lease or licencing fees, or other commercial activity income), funds need to be identified from alternative sources. The Friends of the NCRBG Inc have contributed significant capital investment into repairs and upgrades.

There is an absence of asset life cycle maintenance costings and there is no maintenance plan. However, it has been revealed there are two key assets in need of immediate investment.

1. The hothouse has significant structural damage. If funds cannot be found to repair or replace this asset, it may need to be closed for access or demolished.
2. Toilet facilities are inadequate for events, and additional facilities are needed and/or the existing facilities need to be expanded.

Therefore, funds will be needed beyond operating costs to address these and other capital requirements.

It is timely to note that CHCC recently applied to the Independent Pricing and Regulatory Tribunal of NSW (IPART) for a rate increase beyond the rate peg set by IPART. IPART approved the special rates variation to enable CHCC to fund a program of maintenance and renewal of key assets. CHCC has \$1.19 billion in assets associated with its General Fund. Council estimates that the backlog in the maintenance and renewal of these assets has grown to \$70 million as at 2012.⁹

Relying on funds from CHCC to upgrade, repair or replace assets at the NCRBG is not considered an appropriate strategy at this time.

The Friends of the NCRBG Inc do have funds within a Foundation account, to the value of approximately \$450,000 (see appendix 5). There is no formal agreement or documented process between the Coffs Coast State Park Reserve Trust and or CHCC on how to access these funds for capital works at the Garden. This is an opportunity that needs to be explored.

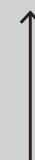
⁹ CHCC application to IPART for a special variation for 2015-16 under section 508A of the Local Government Act 1993

How does it compare?

Average income/person

Botanic Garden	Total Visitors	Total Revenue	Revenue / Visitor
Royal Botanical Garden (Melbourne) for two sites	1,755,949	\$21,861,623	\$12.45
Royal Botanic Gardens & Domain Trust (Sydney) for three sites	5,101,187	\$50,890,002	\$9.98
Kings Park & Botanic Garden (Perth) for three sites	5,600,000	\$17,106,592	\$3.05
Average			\$8.49

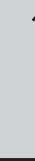
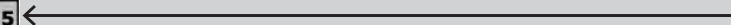
Botanic Garden	Total Visitors	Total Revenue	Revenue / Visitor
North Coast Regional Botanic Garden	83,597	\$160,782	\$1.92



Average expense/person

Botanic Garden	Total Visitors	Total Expenses	Expense / Visitor
Royal Botanical Garden (Melbourne) for two sites	1,755,949	\$22,492,774	\$12.81
Royal Botanic Gardens & Domain Trust (Sydney) for three sites	5,101,187	\$45,966,000	\$9.01
Kings Park & Botanic Garden (Perth) for three sites	5,600,000	\$18,073,951	\$3.23
Average			\$8.35

Botanic Garden	Total Visitors	Total Expenses	Expense / Visitor
North Coast Regional Botanic Garden	83,597	\$560,000	\$6.70



Whilst the information above has been gathered from publically available annual reports of metropolitan based Botanic Gardens, they are included here to represent opportunity to develop benchmark income and expense ratios for the NCRBG. Reliable data from regional sites is not in the public domain.

4.2.4 Economic Imperatives

The Coffs Coast State Park Trust operates the NCRBG at a deficit with 100% of operating costs needing to be covered. It has also been established, that the Trust has no capital reserve for the Garden whilst, at the same time, there is a need for investment into aging infrastructure and additional assets.

The Friends of the NCRBG Inc do have funds available, however, currently there is no formal agreement on how to access those funds. As the Friends of the NCRBG Inc are an independent incorporated association, with their own constitution, any funds that come from them, must be considered a donation. That is to say, that the Trust can not demand they contribute to either operational or capital costs.

CHCC is working strategically to meet its organisational financial challenges, and as outlined early in the document, legislatively is not required to financially support the garden. It currently meets the operating cost shortfall, and does this from rate-payer generated income.

Therefore, it is Coffs Coast State Park Trust who must find a way to continue to distribute \$400,000 annually to the operation of the NCRBG, and also fund any capital works and improvements. This is juxtaposed against the fact that the Coffs Coast State Park Trust currently receives no income from the garden.

Table 14: Current Summary of the Economic Imperative to Generate Funds from the Garden

Income vs Cost	Amount	Detail
Contribution (distribution of funds)	\$400,000	Annual contribution from the Coffs Coast State Park Trust
Costs	(\$500,000) - (\$560,000)	Annual operating costs
Annual Deficit	(\$100,000) - (\$160,000)	Annual deficit (after contribution from the Trust)

Source: Tables 7, 8 and 9

Section
4.2

Key Points

- The NCRBG currently costs between \$500,000 and \$560,000 per year to operate. The true costs of running the NCRBG has not been established as all CHCC costs have not been captured
- Operating costs are met by Coffs Coast State Park Trust, CHCC and Friends of the NCRBG Inc.
- 100% of income generated at the NCRBG goes to Friends of the NCRBG Inc, through the operation of a number of social enterprises that they run from the Garden.
- Currently, there is no budget for capital improvements, repair or maintenance and there is no strategy to raise funds. There is an absence of asset life cycle maintenance costings and there is no maintenance plan.
- There are two key assets in need of immediate investment.

4.3 Summary of the Current Situation

The summary of the current situation has been completed and findings reported as a strength or a weakness.

Strengths

- Great success implementing the 1997 Management Strategy Activity has stayed aligned with the core vision and values of the plan.
- Continued alignment with the original master development plan in terms of the planning and implementation of the collection.
- Excellent involvement and ownership of the site by the Gumbaynggirr people.
- The NCRBG complies with the international definition of a botanic garden. As such, the site and activities conducted are of significant value and must be protected and enhanced over time.
- There are a significant number of events and activities conducted at the garden.
- The dedication of the site is for environmental protection.
- Significant time, effort and investment gifted by many individuals and organisations over many decades has transformed the reserve into a true conservation site and a Regional Botanic Garden of significant merit.

Weaknesses

- A Botanic Garden by its definition is driven by conservation values. Operations of the site do not consistently reflect these values.
- The Trust is not operating in compliance with the Act. Tenure arrangements for all third party activity must be addressed as the highest priority.
- The NCRBG currently costs between \$500,000 and \$560,000 per year to operate. Operating costs are currently met by Coffs Coast State Park Trust, CHCC and Friends of the NCRBG Inc, however no formal agreement exists for the continuation of this arrangement.
- 100% of income generated from activities at the NCRBG goes to Friends of the NCRBG Inc as they operate a number of social enterprises at the Garden. There is no licence or lease in place, and consequently, they do not pay licence or lease fees to the Trust.
- Currently there is no budget for capital improvements, repair or maintenance and there is no strategy to raise funds.
- There is an absence of asset life cycle maintenance costings and there is no maintenance plan. There are two key assets in need of immediate investment.
- There is a large burden on volunteers.
- There is an apparent absence of clarity on the responsibility and accountability of all parties in terms on decision making, reporting and planning.
- Visitation data is inconsistent and the collection methodology unreliable. Therefore, statistics can be used only as a guide for planning purposes.
- Stakeholder partnership have not been formalised.
- There is no formal mechanism between the Coffs Coast State Park Trust and Friends of the NCRBG Inc in relation to cost sharing and capital investment.
- Many costs of CHCC are not being adequately expensed.



Section 5 Where are we going?

- Creating Contemporary Significance of Botanic Gardens in a Rapidly Changing World
- Strategic directions
- Environmental Objectives
- Social objectives
- Economic objectives
- Governance objectives
- Outcomes

5.1 Creating Contemporary Significance of Botanic Gardens in a Rapidly Changing World

As part of the environmental and social fabric of communities in almost every country around the world, botanic gardens have the potential to impact on the lives of millions of people. Yet, evidence from a range of studies suggests that they reach a narrow section of society, appealing mostly to white, middle-class and older audiences and can be perceived as elitist and exclusive institutions¹¹.

The development of this Plan has included the research of botanic gardens across the country, and there appears to be significant momentum for a contemporary approach to engaging and connecting with diverse audiences, across age, gender, ethnicity and socio-economic backgrounds.

Botanic gardens around the world are now looking to be more relevant to a broader audience utilising their unique resources, wide-ranging collections and the expertise of staff and volunteers.

They are developing contemporary strategies to ensure botanic gardens stay relevant in a rapidly changing world, to enable them to continue to drive significant environmental and social outcomes.

Further, the vast majority of gardens have strategies to generate income to underpin the ongoing financial sustainability of the gardens regardless of size, location and the current level of funding provided.

The NCRBG has demonstrated capacity to deliver environmental, social and economic outcomes. Therefore, the strategic direction for the next three years will focus on planning strategically, working collaboratively, listening to and responding to visitor needs, and continually measuring progress. This focus will ensure that the NCRBG can expand upon past triple bottom line outcomes.

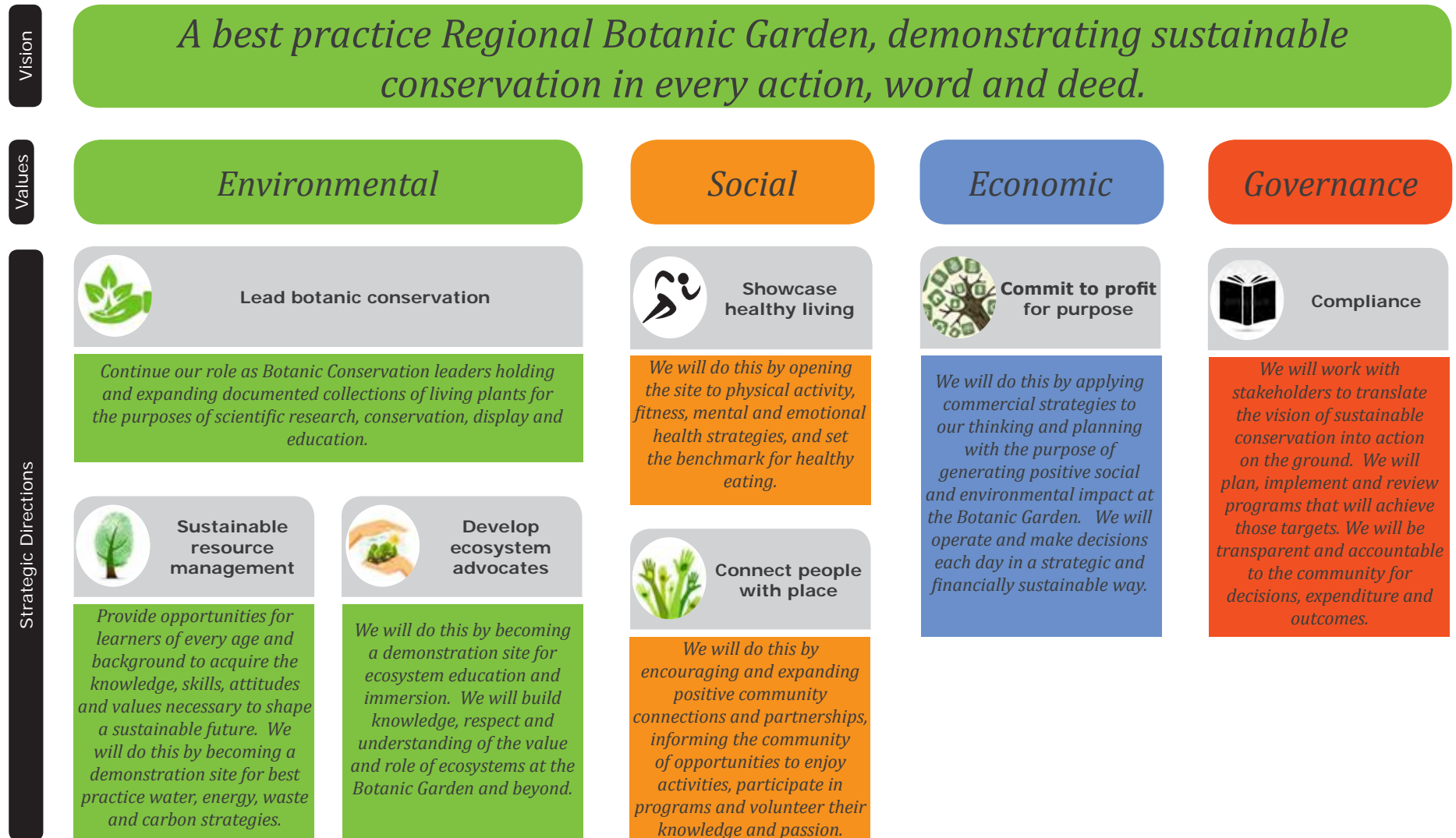
Critical to future success will be a focus on the fourth pillar of sustainability – governance. Strategically, it will not be a time of significant change, but of significant clarity in the management, operation and reporting of all activity at the Garden.

¹¹ The Social Value of Botanic Gardens: Botanic Gardens Australia and New Zealand Inc, 2014

How Botanic Gardens Changed the world: Hawke Research Institute for Sustainable Societies, University of South Australia 2008

Towards a new social purpose: The role of botanic gardens in the 21st century: Botanic Gardens Conservation International Volume 8 Number 1 - April 2011, Jocelyn Dodd & Ceri Jones

5.2 Strategic Directions



5.3 Environmental Objectives



5.3.1 Lead Botanic Conservation

The objectives for the plant display and natural areas are:

- To maintain and enhance existing display areas in accordance with their designated theme and conservation value
- To complete proposed plant displays in accordance with the Development Plan
- To provide interpretive information and visitor services to enhance visitor experience and use of the display areas

Strategies might include:

- Maintain and upgrade existing plant displays, natural areas and infrastructure (eg garden maintenance, plant replacement, bush regeneration, irrigation, paths, furnishings, signs and labels)
- Develop guidelines for each display area defining objectives of the area, the range of species to be planted, retained or removed (natural areas) and preferences for planting layout and sequence. Provide revised planting plans for display areas every two to three years (or as required) to allow for renewal and replacement of plants
- Continue networking with other botanic gardens to obtain known provenance plant material and associated records
- Implement proposed plant display areas in accordance with available resources
-

The objectives for education and interpretation are:

- To develop programs which facilitate informal and formal education of the community in plants, gardening, the environment and conservation
- To develop programs which are responsive to the expectations and needs of the community
- To provide interpretive information and signs which are descriptive, concise, interesting, creative and which complement the garden surrounds and promote conservation practices
- To provide sufficient labels to indicate the plant collection without detracting from the attractiveness of the garden and possible horticultural therapy facilities

Strategies might include:

- Continue and expand existing interpretive and educational activities and programs:
 - Guided tours
 - Installation, replacement and updating of plant labels
 - Informative signs at major plant displays to supplement brochures
 - Educational displays
- Continue to liaise with schools, tertiary institutions, government departments and other botanic gardens to develop effective programs and activities
- Continue and expand training of information officers and tour guides
- Continue plant inquiry and identification service
- Co-ordinate and lead educational activities and guided tours
- Develop bush kinder programs for preschools and day care centres
- Implement interactive technology based information systems for self-guided tours
- Develop formal partnerships with seed savers associations
- Participate in the annual Global Tree Campaign
- Install webcams in herbarium and seedbank, upload to website and social media
- Maintain the herbarium collection for research
- Investigate flower shows and plant swap events and markets
- Develop GPS plant identification APP for the collection
- Strengthen links with conservation group
- Undertake endangered species conservation including research and conservation of threatened species
- Prepare conservation plan for mapped vegetation communities



5.3.1 Continued

The objectives for curation are:

- Ensure ongoing professional expertise for the long term management and curation of the Garden
- Maintenance and administration of records for the plant collection, seed bank and herbarium and achieve international standards for plant collections and records wherever possible

Strategies might include:

- Periodic review and maintenance of garden design in the context of an overall Development Plan
- Periodic review of live plants for damage or disease and general health, taking appropriate measures for improved health
- Periodic inventories to assess losses as well as to guide new acquisitions
- Periodic review of plant labels and making needed repairs or replacements
- Maintenance of databases for all plant accessions, preferably linking both preserved and living collections
- Review development of the garden facilities both to assure the well-being of the collections and to plan for growth
- Periodic review of the health of herbarium collections
- Oversee loans of specimens to and from institutions, are handled in a professional manner
- Providing leadership and expertise working inside greenhouses and on the grounds with staff and volunteers



5.3.2 Sustainable Resource Management

Objectives for education, interpretation and research:

- To develop programs which facilitate informal and formal education of the community in the environment and conservation
- To develop programs which are responsive to the expectations and needs of the community
- To provide interpretive information and signs which are descriptive, concise, interesting, creative and which complement the garden surrounds

Strategies might include:

- Expand interpretive and educational activities and programs:
 - Guided tours
 - Installation of interpretative labels (consider technology based solutions)
 - Informative signs at major demonstration infrastructure
 - Educational displays
- Liaise with schools, tertiary institutions and government departments to develop effective programs, activities and facilities and to exchange information
- Implement interactive technology based information systems for self-guided tours



5.3.2 Continued

Objectives for becoming a showcase demonstration site:

- Attract a wider variety of people to observe and learn about sustainable resource use, and allow them to put this into practice in their properties
- Develop or redevelop buildings which are constructed and operated based on best practice sustainability principles of the National Australian Built Environment Rating system (NABERS) through grants
- Become a carbon neutral demonstration site
- Become a zero waste demonstration site
- Operate on alternative energy
- Operate independently from town water
- Avoid, reduce, reuse and recycle all waste across all functions of the site
- Prioritise locally grown and low transport catering options
- Expand the diversity of people who visit the garden

Strategies might include:

- Actively pursue NABERS stars for all existing and new buildings
- Actively become part of the carbon pollution reduction scheme (CPRS)
- Exceed the water efficiency labelling and standards scheme (WELS) across the site
- Install additional water tanks, water catchment devices and water reticulation systems to replace mains water where possible
- Install grey water diversion systems
- Mandate zero waste at all events
- Install organic recycling infrastructure
- Install additional drinking water stations
- Prioritise suppliers who can demonstrate environmental credentials
- Actively seek grant from energy, water, waste and carbon agencies
- Actively seek partnerships with suppliers to demonstrate appropriate products
- Actively seek sponsorship from organisations which practise sustainable resource management



5.3.3 Develop Ecosystem Advocates

The objectives for education and interpretation are:

- Continue to build a volunteer base with a broad range of ecosystem expertise and knowledge
- Develop programs which facilitate informal and formal education of the community of the entire ecosystem (both the seen and unseen elements)
- Continue to develop programs which are interactive, interesting and highly engaging for visitors
- Expand the diversity of people who visit the garden

Strategies might include:

- Guided tours eg lantern tours, microscope tours
- Continue to liaise with schools, tertiary institutions and government departments to review and refine programs, activities and facilities and to exchange information
- Implement interactive technology based information systems for self-guided tours
- Install webcams to monitor insects, birds, mammals. Stream webcam to the website
- Offer insect identification services
- Install technology to track and report water, carbon, temperature, oxygen etc stream results to the website
- Develop eco warriors and create a membership and accreditation process in partnership with native animal organisations such as WIRES, Wildlife rescue etc

5.4 Social Objectives



5.4.1 Showcase Healthy Living

The objectives are:

- Provide recreation facilities and activities that enhance mental and physical health
- Increase awareness and knowledge about healthy eating
- Support growing and consuming local products
- Expand the diversity of people who visit the garden

Strategies might include:

- Development of event policies that ensure healthy options are available and continue alcohol restrictions and smoke free zone
- Development of partnership with lifestyle providers eg walking groups, yoga classes, mediation classes etc
- Installation of additional water refill stations
- Connect with local community garden groups to supply food to the café, caterers and to events
- Formal connection of the current food garden on site with the local community garden networks
- Actively seek grants for health program delivery

The objectives are:

- Expand the diversity of people who visit the garden
- Continue to celebrate and promote Indigenous culture



5.4.2 Connect People with Place

- Welcome, embrace and showcase multicultural diversity
- Continue to celebrate and promote the arts and creative industries
- Continue to welcome and engage people living with a disability
- Welcome and engage young people
- Welcome and engage families
- Support and engage the disadvantaged
- Grow the volunteer base
- Expand the diversity of people who visit the garden

Strategies might include:

- Continue and expand diverse events and festivals
- Continue free entrance policy to the garden
- Remove donation box from the front entrance to ensure this is not a barrier to entry
- Create formal partnership with community and cultural organisations

5.5 Economic Objectives



5.5.1 Commit to Profit for Purpose

The objectives are:

- Generate income for the Trust for the purpose of maintaining and upgrading existing buildings
- Collaboratively generate income for future capital expenditure
- Provide facilities and activities which foster use of the garden, encourage public to visit the garden, provide for the convenience and comfort of visitors and enrich the visitor experience
- Maximise self funding opportunities and promotion of the Garden

Strategies might include:

- Review and prioritise options provided in appendix 6
- Investigate prioritised options, including feasibility/business planning processes
- Review current pricing schedules
- Consider charging fees for high quality experiences and services.
- Develop a marketing plan
- Undertake asset management planning and capital investment strategy
- Prepare a master plan

5.6 Governance Objectives



5.6.1 Compliance

The objectives are:

- Ensure compliance with all legislation at all times
- Develop and enforce transparent and accountable operating and reporting systems and processes
- Clarification of roles and responsibilities
- Ensure ongoing professional expertise for the long term management and curation of the garden
- Gain and maintain the trust of all stakeholders
- Manage and control risk
- Ensure the continuity of volunteer involvement and expand the volunteer network
- Maximise funding opportunities and promotion of the Garden

Strategies might include:

- Establishment of NCRBG Advisory Committee with terms of reference to guide implementation of the strategic plan
- Production and distribution of an annual report including financial statements of all parties
- Development of a measurement framework and consistently and reliably collect data for analysis and evidence based decision making
- Publicly tender any function operated by a third party and formalise all agreements through either a lease or licence
- Investigation whether the dedication be added to the Crown Lands By-law 2006, possibly as part of a whole of Coffs Coast State Park request.
- Implement the new organisational structure for the NCRBG

5.7 Outcomes

The Coffs Coast State Park Trust, and NCRBG stakeholders will know the strategic directions have been achieved when:





12

The number of education/ research partnerships has increased

16

Financial sustainability of the site has been resolved

13

Research and education organisation satisfaction levels have increased

17

Stakeholder are formally engaged in strategic decision-making processes

14

Records for plant collection, seed bank and herbarium are current, easy to access and being used beyond the garden

18

Volunteer and stakeholder numbers, participation and satisfaction levels have increased

15

Site has become a demonstration site for sustainable development and operation

19

The botanic collection has expanded and the Development Plan has been fully implemented



Section 6

How will we get there?

- Achieving Strategic and Operational Clarity

6.1 Achieving Strategic and Operational Clarity

As outlined, the strategic direction of Coffs Coast State Park Trust for the NCRBG over the next 3 years is to deliver strategic and operational clarity. This is needed across a range of areas:

1

Management of strategic and operational delivery

Clarity is needed in terms of how decisions are made and by whom. This is beyond just writing a policy. A framework for management of the site within the Coffs Coast State Park Trust is critical. Therefore the strategic and operational management for the NCRBG be allocated to the manager of Coffs Coast State Park. This is consistent with the remaining Reserves within this Reserve Trust. This position sits within the Business Services arm of CHCC. Please refer to Figure 13 for more detail.

2

Compliance with legislation

All activity, no matter how valuable, must also be compliant. The manager of the Coffs Coast State Park appoint an operations manager to oversee and manage all day to day operations of the site. This role to include volunteer coordination, recruitment and support, site promotion and business development.

That the manager of Coffs Coast State Park prepares service contracts with third parties, to provide commercial services as needed.

The manager of the Coffs Coast State Park together with the operations manager review and update all policies and procedures.

3

Formalisation of Stakeholder Input

Establish NCRBG advisory committee, appoint inaugural members to this committee to support the Trust at a strategic level. Terms of Reference should be developed based on the community consultation completed (please see appendix 7)

4

Building trust with stakeholders

Roles and responsibilities need to be clarified and confirmed in writing. All parties need clarity on what is expected, what is needed, and how they will be supported. Formalisation of communication and decision making will be needed to build trust between all parties.

5

Generation of income for investment into the site

Clarity is needed on how to ensure future investment is available for repairs, maintenance and capital building programs. The manager of Coffs Coast State Park Trust, together with the advisory committee, prioritise commercial activity for investigation. Prepare business plans as needed, for subsequent delivery. Report all outcomes to NCRBG Advisory Committee quarterly. That the Coffs Coast State Park Trust together with NCRBG Advisory Committee set an annual income financial target that will meet a proportion of operating costs, all repair and maintenance costs and begin to build a reserve for capital works. Combined, these forces will create the imperative of all parties to raise revenue from the site in a positive and constructive manner.



6

Generation of reliable data to inform future decision making

You can't manage, what you can't measure. Consistent, reliable information will be the foundation for planning and investment.

The Manager of the Coffs Coast State Park together with the operations manager collect data to validate or dismiss the strengths, weaknesses, opportunities and threats for the NCRBG as outlined within this plan.

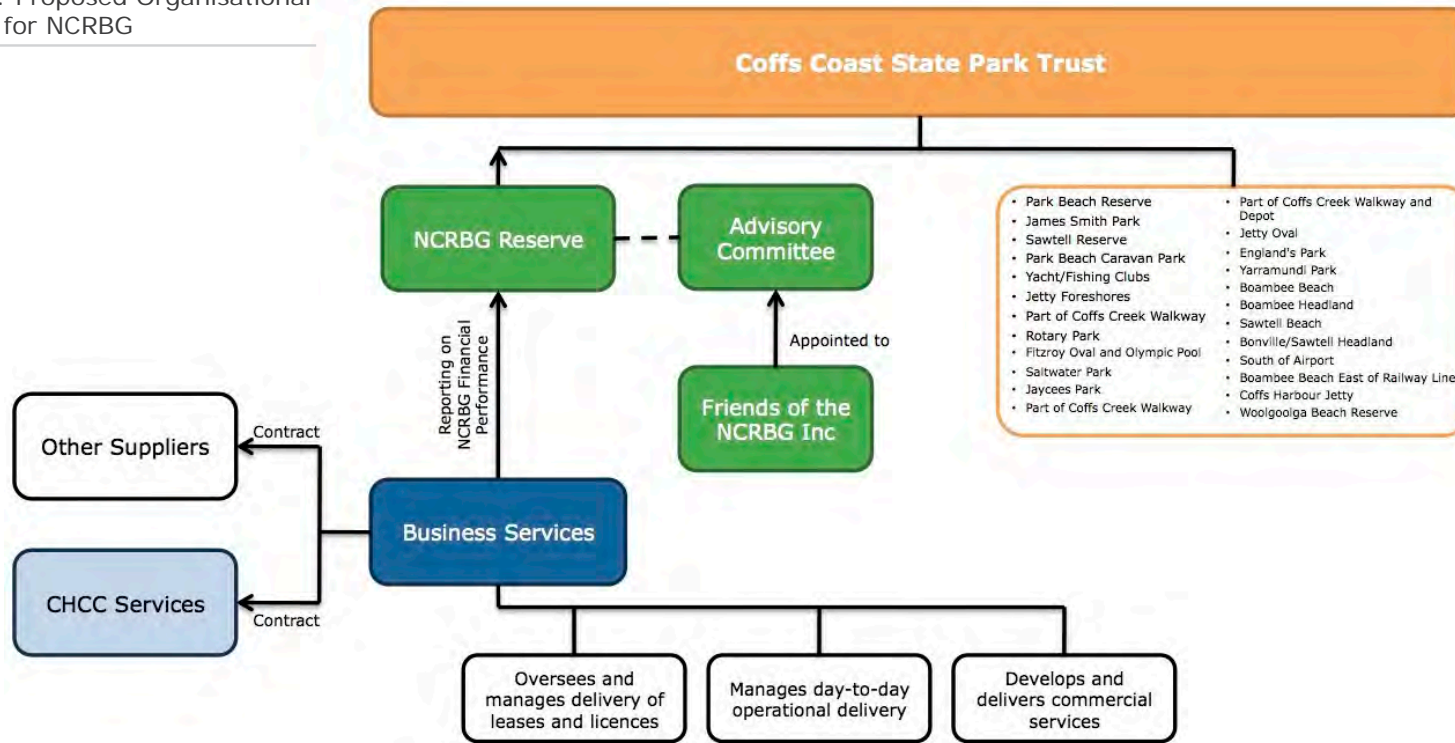
7

Development and implementation of an effective marketing strategy

Increased visitation of the NCRBG through contemporary, customer focused activity and promotions.



Figure 13: Proposed Organisational Structure for NCRBG



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