



Coffs Harbour City Council

04 July 2013

ORDINARY MEETING

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

THURSDAY 11 JULY 2013

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 – 27 June 2013](#)
9. [Notices of Motion](#)
10. General Manager's Reports
11. [Consideration of Officers' Reports](#)
12. Requests for Leave of Absence
13. Matters of an Urgent Nature
14. Questions On Notice
15. Consideration of Confidential Items (if any)
16. Close of Ordinary Meeting.

Steve McGrath
General Manager



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
11 JULY 2013

Contents

ITEM DESCRIPTION

NOTICE OF MOTION

NOM13/7 COLLECTION OF E-WASTE UNDER THE NATIONAL TELEVISION AND
COMPUTER RECYCLING SCHEME

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L13/18 DEVELOPMENT APPLICATION NO. 527/13 - LOT 500, DP776362 AND LOT 1,
DP579511, NO. 39-41 CLARENCE STREET, WOOLGOOLGA - PROPOSED
SUPERMARKET

L13/19 PRIORITY HABITATS AND CORRIDORS STRATEGY: BIODIVERSITY
ASSETS - A PLANNING AND COMMUNITY ENGAGEMENT FRAMEWORK

L13/20 PLANNING PROPOSAL PP_2013_COFFS_001_00 - PROPOSED REZONING
OF PART LOT 3, DP270533, DRESS CIRCLE, COFFS HARBOUR

CORPORATE BUSINESS DEPARTMENT REPORTS

CB13/44 BANK BALANCES AND INVESTMENT FOR MAY 2013

CB13/45 LEASE - HANGAR SITE, 73 AVIATION DRIVE, COFFS HARBOUR AIRPORT,
LOT 5 DP790102 - EXECUTION OF LEASE DOCUMENTS UNDER COMMON
SEAL OF COUNCIL

ITEM DESCRIPTION

CITY SERVICES DEPARTMENT REPORTS

CS13/33 JETTY MEMORIAL THEATRE BUSINESS PLAN

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

CS13/34 CONTRACT NO. EOI-558-TS - EXPRESSION OF INTEREST FOR LEASE OF BUNKER CARTOON GALLERY

CS13/35 CONTRACT NO. RFT-577-TO: COFFS HARBOUR REGIONAL MUSEUM REFURBISHMENT

A portion of these report are 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.

CS13/36 COMMITTEE MEMBERSHIP - SPORTZ CENTRAL

CS13/37 ROUND FIVE OF THE REGIONAL DEVELOPMENT AUSTRALIA FUND (RDAF)

CS13/38 CASTLE STREET CAR PARK - LIFT AND SHADE STRUCTURES



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

27 JUNE 2013

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

Staff: General Manager, Director Corporate Business, Director of City Services, Director Land Use, Health & Development and Executive Assistant.

Leave of Absence: Councillors G Innes and K Rhoades.

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

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

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

DISCLOSURE OF INTEREST

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

Councillor	Item	Type of Interest
Cr Cowling	CB13/40 - Granting of Voluntary Pension Rebates	Pecuniary.

LEAVE OF ABSENCE

- 143 **RESOLVED** (Townley/Arkan) that leave of absence be granted for Councillors Innes and Rhoades.

CONFIRMATION OF MINUTES

- 144 **RESOLVED** (Degens/Arkan) that the minutes of the Ordinary meeting held on 13 June 2013 be confirmed as a true and correct record of proceedings.

GENERAL MANAGER'S REPORTS

GM13/18 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

To advise Council of a determination by the Local Government Remuneration Tribunal of fees for Councillors and Mayors for 2013/14.

- 145 **RESOLVED** (Knight/Palmer) that the Mayor and Councillors decline the pay increase in standing united to show leadership, a total of \$4,800 toward the deficit.

GM13/19 LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2013 - BUSINESS SESSIONS CONTENT

The purpose of this report is to advise that planning for the 2013 Conference program has commenced and time has been set aside for business sessions to discuss the various significant issues which affect the sector. The Association would like to receive input from councils to guide the content of the business sessions.

- 146 **RESOLVED** (Cowling/Arkan):
1. That Council nominate that the following five (5) issues be communicated to Local Government NSW for inclusion on the agenda for the 2013 Conference Business Sessions:
 - Financial Sustainability of Local Government
 - Infrastructure backlog
 - Local Government Reform in NSW
 - Climate Change
 - Fluoridation of public water supplies

GM13/19 - Local Government Association Conference 2013 - Business Sessions Content (Cont'd)

2. That Councillors submit any motions in line with Local Government NSW requirements to the General Manager by 12 noon on Monday 1 July 2013;
3. That should any motions be received in respect of 2) above, the General Manager prepare a report for Council's consideration of these Notices of Motion at its meeting held on 11 July 2013, and thereafter should Council resolve to submit these motions that same be provided to Local Government NSW.

CITY SERVICES DEPARTMENT REPORTS

CS13/30 TENDER RFT-582-TO: SUPPLY DELIVERY, UNLOADING INSTALLATION AND COMMISSIONING OF ONE (1) DIESEL POWERED GENERATOR AND ASSOCIATED EQUIPMENT

To advise Council of the result of going to tender for the supply, installation, unloading and commissioning one new diesel powered generator and associated equipment as part of the construction of the Sawtell Pump Station and to gain Council approval to accept a tender

- 147** **RESOLVED** (Degens/Arkan) that Council accepts the tender submitted by All Diesel Sales & Service Pty Ltd ABN 86 002 787 340 for the supply, delivery, unloading, installation and commissioning of a new Caterpillar 750KVA Generator and associated equipment for \$303,704.55 (GST exclusive)

CS13/31 TENDER RFT-588-TO: SUPPLY OF ONE (1) CCF CLASS 20/25 EXCAVATOR

To advise Council of the result of going to tender for the supply, of a replacement Class 20/25 Excavator (long reach) and to gain Council approval to accept a tender.

- 148** **RESOLVED** (Degens/Arkan) that Council accepts the tender submitted by Hitachi Construction Machinery (Australia) Pty Ltd ABN 62 000 080 179 to purchase Council's existing excavator and supply a new Hitachi Ex 240LC Excavator, for \$322,576.00 (GST exclusive)

CS13/32 TENDER RFT-592:-TO PLANT AND TRUCK HIRE 2013-2014

To obtain Council's approval to accept tenders for inclusion in a panel contract for the hire of plant and equipment to Council for the 2013/2014 financial year.

149 RESOLVED (Degens/Arkan):

1. That Council accept the following list of contractors onto the external plant hire contract panel for Contract RFT-592-TO on the basis that:

- * The tenderers have demonstrated experience and capacity in fulfilling the requirements of the contract for the supply of plant, trucks and equipment.
- * The rates as tendered are the most advantageous for Council.

CONTRACTOR'S NAME	ABN
A & K McIntyre Pty Ltd	48 078 685 471
AMW Transport Pty Ltd	80 111 098 509
Coates Hire Operations Pty Ltd	99 074 126 971
Conplant Pty Ltd	15 000 373 151
Crampo's Tippers P/L	56 104 525 699
Dalakalo Pty Ltd T/A Stocks Contracting	85 145 273 258
Darleish Pty Ltd T/A Advancing Water	81 104 346 796
Dee-N-Cee Pty Ltd T/A Coffs Harbour Rent A Car	75 080 947 959
Dig Oz Excavations	18 440 109 912
DJ & CA Atkinson Pty Ltd	93 005 572 858
Dubs Earthmoving Pty Ltd	74 101 384 589
EB & DE Bunt Pty Ltd	68 081 916 181
English Cranes Pty Ltd T/as North Coast Cranes	22 159 960 317
Ernie Burnett Plumbing Pty Ltd	69 109 168 630
Espedan Pty Ltd	70 001 684 037
John Lacey Earthmoving Pty Ltd	87 085 659 794
J&P Cranes (NSW) Pty Ltd T/A Coffs City Cranes & Rigging	11 108 021 398
KBS Mackay Pty Ltd	98 103 146 372
Kingston Industries T/A Tutt Bryant Hire	25 002 894 439
Malin Excavations Pty Ltd	44 106 925 697
Mal Keough Earthmoving Pty Ltd	42 105 032 184
PL & CV McNickle P/L TA Custom Clearing	95 002 133 299
RJ & CM Tate Pty Ltd	57 103 091 998
Terrawork Pty Ltd	17 085 748 974
Toward Holdings Pty Ltd T/A Brycker Hire	77 112 190 306
Troy O'Doherty Earthmoving Pty Ltd	96 101 417 887

CS13/32 - Tender RFT-592-TO: Plant and Truck Hire 2013-2014 (Cont'd)

2. That Council accept the following list of contractors onto the external plant hire contract panel after the contractor has provided all outstanding documentation:

CONTRACTOR'S NAME	ABN
Coffs Coast Excavations Pty Ltd	67 152 180 857
Extec Solutions Pty Ltd T/A Phil Robinson Earthmoving	16 095 747 10
Kennards Hire Pty Ltd	69 001 740 727
McIntyre Tippers Pty Ltd	90 156 120 731
Peter Rowan Earthmoving Pty Ltd	32 099 764 413
Stocks Earthmoving	43 844 115 442
Stokes Earthmoving P/L	82 107 663 703

3. That Council accepts Sherrin Rentals Pty Ltd onto the external plant hire contract panel after added conditions attached to their offer are removed:

Sherrin Rentals Pty Ltd	52 074 173 756
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CORPORATE BUSINESS DEPARTMENT REPORTS

Councillor Cowling declared a Pecuniary interest in the following matter, vacated the Chamber and took no part in the discussion or voting, the time being 5.11pm.

CB13/40 GRANTING OF VOLUNTARY PENSION REBATES

To confirm the granting of voluntary pension rebates for Domestic Waste Charges for 2013/2014 and extend the voluntary rebate to apply to the Environmental Special Rate for 2013/2014.

150 RESOLVED (Arkan/Degens):

1. That Council grants a voluntary rebate under Section 582 of the Local Government Act in 2013/2014 to eligible pensioners in respect of the Environmental Special Rate and Domestic Waste charges. The level of rebate to be:
 - 1.1. In the case of the Environmental Special Rate – 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.

CB13/40 - Granting of Voluntary Pension Rebates (Cont'd)

2. That it be noted that Council provides an amount over and above the Government subsidy of approximately \$1,675,500 in its 2013/2014 budget to meet the cost of providing pension rebates of which approximately \$600,000 is provided on a voluntary basis.

Councillor Cowling returned to the Chamber, the time 5.12pm.

CB13/41 MAKING OF RATES AND CHARGES FOR 2013-2014

To 'make' the rates, annual charges, user charges and interest charges in support of Council's 2013/2014 budget.

151 RESOLVED (Palmer/Arkan) that Council:

1. Note the Independent Pricing and Regulatory Tribunal's advice of 11 June 2013, approving Coffs Harbour City Council's Application for a Special Variation to General Income of 5.43% for 2013/2014.
2. Rescind the budget option without the CBD Special Rate adopted on 23 May 2013 in the 2013/2017 Delivery Program and 2013/2014 Operational Plan.
3. Note that the IPART determination enables Council to proceed with the program of works encompassed by the City Centre Masterplan developed in conjunction with the CBD Masterplan committee.
4. Make an Ordinary Rate - Residential, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.34058 cents) in the dollar with a Base Amount of \$305.00 for all rateable land in the City categorised as 'Residential'.
5. Make an Ordinary Rate - Business, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.79325 cents) in the dollar with a minimum rate of \$515.00 for all rateable land in the City categorised as 'Business' EXCEPT land under the sub-category of Business named 'City Centre Business'.
6. Make an Ordinary Rate - City Centre Business, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (1.09381 cents) in the dollar with a minimum rate of \$500.00 for all rateable land in the City sub-categorised as 'City Centre Business'.
7. Make an Ordinary Rate - Farmland, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.34058 cents) in the dollar and a Base Amount of \$305.00 for all rateable land in the City categorised as 'Farmland'.
8. Make a Special Rate - Environmental, pursuant to Section 495 of the Local Government Act, for 2013/2014 on all rateable land in the City of (0.01016 cents) in the dollar with a Base Amount of (\$19.65).

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

9. Make an Annual Charge for Domestic Waste Service – Occupied, pursuant to Section 496 of the Local Government Act, for 2013/2014 on all occupied rateable land in the City, 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 \$534.00.

Subsidiary (or extra) Domestic Waste Services pursuant to Section 501 of the Local Government Act, for 2013/2014 will incur the following annual charges per service:

- 9.1. Domestic General Waste Service - \$220.00
- 9.2. Domestic Recycling Service - \$82.00
- 9.3. Domestic Recycle Upgrade Service - \$30.00
- 9.4. Domestic Organic Waste Service - \$129.00

10. Make an Annual Charge for Non-Rateable (Non-Domestic) Waste Service, pursuant to Section 496(2) of the Local Government Act, for 2013/2014 on all occupied non-rateable properties in the City 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 \$534.00 (excluding GST).

Subsidiary (or extra) Non-Rateable (Non-Domestic) Waste Services pursuant to Section 501 of the Local Government Act, for 2013/2014 will incur the following annual charges per service:

- 10.1. Non-Rateable General Waste Service - \$220.00 (excluding GST).
- 10.2. Non-Rateable Recycling Service - \$82.00 (excluding GST).
- 10.3. Non-Rateable Recycle Upgrade Service - \$30.00 (excluding GST).
- 10.4. Non-Rateable Organic Waste Service - \$129.00 (excluding GST).

11. Make an Annual Charge for Domestic Waste – Vacant Land, pursuant to Section 496 of the Local Government Act, for 2013/2014 of \$100.00, on all vacant rateable land in the City categorised Residential and Farmland, to which a domestic waste service is available.

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

12. Make an Annual Charge for Non-Domestic Waste – Occupied, pursuant to Section 501 of the Local Government Act for 2013/2014 on all occupied rateable land in the City, 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 \$534.00 (excluding GST).

Subsidiary (or extra) Non-Domestic Waste Services pursuant to Section 501 of the Local Government Act, for 2013/2014 will incur the following annual charges per service:

- 12.1. Non-Domestic General Waste Service - \$220.00 (excluding GST).
- 12.2. Non-Domestic Recycling Service - \$82.00 (excluding GST).
- 12.3. Non-Domestic Recycle Upgrade Service - \$30.00 (excluding GST).
- 12.4. Non-Domestic Organic Waste Service - \$129.00 (excluding GST).

13. Make an Annual Charge for Non-Domestic Waste – Vacant Land, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$100.00 (excluding GST), on all vacant rateable land in the City categorised Business or sub-categorised City Centre Business to which a non domestic waste service is available.

14. Make an Annual Charge – Sewerage Access Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 on all rateable land in the City 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 \$783.00 per occupation or \$540.00 for vacant land.

15. Make an Annual Charge – Sewerage Access Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 on all rateable land in the City 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.

The amount of the annual charge will be:

For vacant land - \$540.00.

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

$SDF \times MF \times AC$ factor (with a minimum charge of \$540.00).

Where: SDF = Sewer Discharge Factor
MF = Meter Factor (refer to table 1 below)
AC factor = \$766.00 (charge for 2013/2014).

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

Where no 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 \$766.00 = \$727.70).

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 (any size)	Nil

- 16. Make an Annual Fee for On-site Sewage Administration (low risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 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 \$30.00 for low risk on-site sewage systems.

- 17. Make an Annual Fee for On-site Sewage Administration (medium risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 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 \$60.00 for medium risk on-site sewage systems.

- 18. Make an Annual Fee for On-site Sewage Administration (high risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 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:

$C = OS \times UPH$ where "C" equals the annual fee, "OS" equals the number of on-site sewage management systems and "UPH" (Unit Price) is \$180.00 for high risk on-site sewage systems.

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

19. Make an Annual Charge – Water Access Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 on all rateable land in the City 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:

- 19.1. For vacant land or land comprising a single residential dwelling or a lot within a strata plan - \$139.00.
- 19.2. 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 $AC = T \times \$139.00$ where “AC” equals the Annual Charge, “T” equals the number of separate occupations.

20. Make an Annual Charge – Water Access Charges, pursuant to Section 501 of the Local Government Act, for 2013/2014 on all rateable land in the City 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:

- 20.1. For vacant land or occupied land that is not connected to the water supply - \$139.00.
- 20.2. For land not included in (20.1) above the amount is derived by applying the formula $AC = MF \times \$139.00$ 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 \$139.00 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 (any size)	1.00

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

21. Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$15.00 per testable backflow device on rateable properties under the category of Residential or Farmland in respect of land prescribed under Section 552(1).
22. Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$60.00 for the first testable backflow device and \$15.00 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).
23. Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$455.00 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).
24. Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$455.00 for each system not yet on Council's subsidised pump-out service and not able to be connected to the sewerage system.
25. Make an Annual Charge for Effluent Removal (Special), pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$783.00 for each system not able to be connected to the sewerage system. A subsidised pump-out service is provided with this charge.
26. Make an Annual Charge for Trade Waste, pursuant to Section 501 of the Local Government Act, for 2013/2014. 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

No. of Trade Waste Generators	Annual Trade Waste Charge
1	\$185.00
2 to 4	\$370.00
5 to 9	\$832.50
10 to 14	\$1,480.00
15 to 19	\$2,220.00
> 19	\$3,145.00

27. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.55 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.

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

28. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$3.83 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.
29. Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$1.28 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.
30. Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$1.91 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.
31. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.55 per kilolitre for each kilolitre of water registered on any meter fitted to any Non-Residential property.
32. Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$7.65 per kilolitre for each kilolitre of water registered on any meter fitted for providing a fire service at a property.
33. Make a Sewerage Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.00 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. SDFs are determined using State Government guidelines.

Usage is determined with the use of meters, which in certain circumstances may not be directly connected to Council's water supply.
34. 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 2013/2014 charge period of \$1.58 per kilolitre.

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 2013/2014 charge period of \$1.58 per kilolitre.

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 2013/2014 charge period of \$14.54 per kilolitre.

Trade waste discharge is based on water usage and varies depending on Trade Waste Discharge Factors (TWDF) allocated to individual water meters on individual properties. TWDFs are determined using State Government guidelines.

Usage is determined with the use of meters, which in certain circumstances may not be directly connected to Council's water supply.

CB13/41 - Making of Rates and Charges for 2013-2014 (Cont'd)

35. Make an Annual Stormwater Management Service Charge, pursuant to Section 496A of the Local Government Act, for 2013/2014, 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. For 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.
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 (35.3) 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 9%, pursuant to Section 566 of the Local Government Act, for 2013/2014 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).

CB13/42 RELEASE AND CREATION OF EASEMENT FOR RIGHT OF CARRIAGEWAY MULLAWAY RESERVOIR, TRAMWAY DRIVE, WOOLGOOLGA

To obtain Council approval to execute the necessary documents to release and create an easement for a Right of Carriageway that services the Mullaway Reservoir at Woolgoolga.

152 RESOLVED (Arkan/Palmer):

1. That Council execute under seal all necessary documents to release an existing easement and create a new easement to for right of carriageway indicated on the plans attached to this report over the land situated at Lot 1 DP48560, Tramway Drive, Woolgoolga.
2. That the owners of Lot 1 DP48560 construct the new section of easement as proposed to Councils requirements.
3. That all costs associated with this matter be borne by the owners of Lot 1 DP48560.

CB13/43 TENDER: RFT-587-TO COFFS HARBOUR INTERNATIONAL SPORTS STADIUM NAMING RIGHTS

To report on the recent tender process for contract RFT-587-TO and to gain Council approval to enter direct negotiations with those companies who expressed an interest in this opportunity with a view to entering into a contract.

153 RESOLVED (Palmer/Sultana):

1. That Council note that no tenders were received for contract no RFT-587-TO.
2. That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the naming rights of the Coffs Harbour International Stadium, advertised as contract no RFT-587-TO.

The reason for not inviting fresh tenders is there is no advantage to Council, and no disadvantage for any interested party.

The reason for entering into negotiations is that it will provide Council with the best opportunity to secure a naming rights sponsor with a mutually agreeable benefit package and financial offer within a reasonable timeframe, and protect the reputation of Coffs Harbour and the Stadium as a regional leader in sports tourism.

3. That Council delegate authority to the General Manager to negotiate and execute an appropriate contract for the naming rights to the Coffs Harbour International Sports Stadium.

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L13/15 NSW PLANNING SYSTEM REVIEW WHITE PAPER

The purpose of this report is to:

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

154 RESOLVED (Arkan/Degens) that Council:

1. Note the information provided in this report which provides an update on the NSW Government's NSW Planning System Review White Paper.
2. Endorse Attachment 1 of this report as a submission to the NSW Government's NSW Planning System Review White Paper.

L13/16 JOINT REGIONAL PLANNING PANEL (NORTHERN) - COUNCIL MEMBERS

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

155 RESOLVED (Arkan/Palmer):

1. That Council, as an interim measure, nominate the following persons to be members of the Joint Regional Planning Panel (Northern):
 - Mayor
 - Deputy Mayor
 - Councillor (alternate member)up until 30 June 2014.
2. That a further report be presented to Council, following the implementation of the new Planning Act, that addresses governance related matters around the future role of Joint Regional Planning Panels, determination of development applications and independent assessment panels.

Councillors Townley, Palmer and Sultana were nominated as alternate Councillor member.

The matter was put to the vote which resulted in Councillor Townley being declared the Councillor alternate member of the Joint Regional Planning Panel (Northern).

L13/17 REQUEST FOR QUOTATIONS: PREPARATION OF PLANNING DOCUMENTS & ENVIRONMENTAL INVESTIGATIONS - DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE / SANDY BEACH, EMERALD BEACH & MOONEE BEACH AREAS - CONTRACT NO: RFQ-590-QI

To report to Council on quotations received for Contract RFQ-590-QI for the preparation of planning documents and environmental investigations to inform a Planning Proposal for the Deferred Areas from draft Coffs Harbour Local Environmental Plan (LEP) 2013 - Hearnnes Lake / Sandy Beach, Emerald Beach and Moonee Beach areas.

The report provides a preferred outcome following the assessment of all submitted quotations under Council's procurement assessment process, and seeks Council's approval to accept the quotation.

The report also seeks Council's endorsement to seek a "gateway determination" from NSW Planning and Infrastructure (P & I).

156 RESOLVED (Palmer/Townley):

1. That Council seek a "Gateway determination" from NSW Planning and Infrastructure for the Deferred Areas from draft Coffs Harbour Local Environmental Plan 2013 - Hearnnes Lake / Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council accepts the conforming tender of Monteath and Powys Pty Ltd for Contract RFQ-590-QI (provision of Planning Studies for the Deferred Areas of Hearnnes Lake / Sandy Beach, Emerald Beach and Moonee Beach), for a consultancy fee of \$123,801.70 (including GST) as submitted.
3. That the contract documents be completed under Seal of Council.

REQUESTS FOR LEAVE OF ABSENCE

No requests for leave of absence.

MATTER OF AN URGENT NATURE

MUN13/4 Artside the Box

Councillor Cowling advised that a group of Councillors had a meeting with RMS on Monday regarding the Artside the Box project where approval was given to go ahead in two weeks time.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 5.43 pm.

Confirmed: 11 July 2013.

.....
Denise Knight
Mayor

COLLECTION OF E-WASTE UNDER THE NATIONAL TELEVISION AND COMPUTER RECYCLING SCHEME

Purpose:

Councillor Sally Townley has given notice of her intention to move:

1. That Council inform the public that E-Waste such as televisions and computers will no longer be able to be collected in the Bulky Goods Rubbish Collection service.
2. That Council establish a collection point where these items can be taken and dropped off without charge.
3. That Council commence steps to sign on as a designated collector of these items as per the Scheme.

Rationale:

Recent legislation Product Stewardship (Televisions and Computers) Regulations sets up recycling for these items, at the manufacturers cost. Several Councils are part of this scheme. Councils can become a designated collection agency and the goods will be picked up by transport participants and shipped to central collection points for processing and recycling.

Councils such as Lismore City Council are already seeing a drop in the disposal of these items to landfill and rather than having to pay for the disposal of these items, are predicting that they will actually derive an income from them.

Staff Comment:

1. The bulky goods collection is part of the Coffs Coast Waste Services domestic contract. Accordingly, consultation with the other two partner Council's, the waste collection contractor and the broader community should be undertaken.
2. A free drop off point has been established for almost two (2) months at the Englands Road Resource Recovery Park. The operational issues are being refined prior to broader advertising within the community.
3. Council has already entered into an agreement with an authorised provider under a Midwaste Regional Waste arrangement; this is for an initial period of twelve (12) months. Under the scheme, collectors are not able to derive an income.

DEVELOPMENT APPLICATION NO. 527/13 - LOT 500, DP776362 AND LOT 1, DP579511, NO. 39-41 CLARENCE STREET, WOOLGOOLGA - PROPOSED SUPERMARKET

Purpose:

The purpose of this report is to present Development Application 527/13 for Council's consideration, for a supermarket to be developed on the former Raj Mahal site situated on the corner of Pullen Street, Moore Street and the Pacific Highway, Woolgoolga.



At its meeting of 15 December 2005, Council resolved:

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

In accordance with this resolution, the application is reported to Council for determination, given that the proposed development has attracted significant public interest and community input, with 119 submissions received following statutory notification of the application.

The Development Application is recommended for conditional approval.

Description of Item:

The legal description of the land is Lot 500 DP776362, No. 39 Clarence Street, Woolgoolga, and Lot 1 DP579511, No. 41 Clarence Street, Woolgoolga. The subject site (comprising both lots) has a combined area of approximately 10,434m² and has frontage to the Pacific Highway, Pullen Street, and Moore Street.

The subject site is currently occupied by a vacant two storey building of Indian architectural styling previously used for tourism purposes (Raj Mahal), a vacant single weatherboard building previously used as a café/restaurant, and other minor structures.

A waterway traverses the site.

The site is located within an existing commercial precinct zoned Business 3D Tourist Service Centre under the Coffs *Harbour City Local Environmental Plan (LEP) 2000*.

Council, at its Ordinary Meeting 9 February 2012, endorsed Planning Proposal 001 - Raj Mahal Site Woolgoolga, to enable development for a supermarket on the site.

The proposed development seeks approval for the following:

- Demolition of existing structures;
- Construction of a commercial building;
- Fit-out for a supermarket containing approximately 3,425.7m² of gross floor area and including a liquor offer;
- Vehicle access driveways, loading dock and at grade car park with surplus car parking spaces;
- Landscaping and stormwater management works; and
- Advertising signage.

A copy of the plans is appended to this report (Attachment 2).

The fit out for a supermarket comprises an ancillary liquor outlet which is accessible only from within the supermarket. The proposed hours of operation for the supermarket are to be from 7am and 10pm daily, seven days a week. Whilst the liquor component is to operate from 8am to 10pm Monday to Saturday, and 10am to 8pm Sunday.

The development has a capital investment value of \$7,350,00.00 and is estimated to employ approximately 100 people inclusive of the creation of a number of trainee positions and apprenticeship opportunities.

Sustainability Assessment:

- **Environment**

The subject site is devoid of high conservation value land and has been previously developed and disturbed. The site is, however, constrained by flood hazard.

The development application has been amended by the submission of an amended flood study addressing the constraints of the subject site in relation to flood hazard to the satisfaction of Council's Flooding Section. The amended development application demonstrates that the development is able to comply with Clause 23A 'Development on Flood Prone Land' of *LEP 2000* and Council's adopted Floodplain Development and Management Policy subject to compliance with the proposed conditions of development consent.

A full discussion of the likely environmental impacts of the proposed development is provided in the Section 79C Evaluation undertaken for the proposed development (Attachment 1).

- **Social and Economic**

The development application has received significant public interest and community input, with 119 submissions, comprising 39 submissions in which objections are made in relation to the proposed development and 80 in support. This includes a petition with 153 signatures in support.

Social Impacts - Proposed Liquor Offer

Following receipt of numerous objections to the proposed development during initial public notification of the application that related to potential social impacts from the liquor component of the development, the application was subsequently amended by the submission of a Social Impact Assessment and the application re-exhibited.

This assessment was referred to Council's Community Services Branch and the NSW Police Licensing Section for technical comment and advice in relation to social impacts on the Woolgoolga locality from a liquor offer within the supermarket.

Advice from Council's Community Services Branch and the NSW Police is that the proposed liquor offer component of the development is unlikely to result in unacceptable social impacts on the locality.

The NSW Police Licensing Section maintains that the nature of trade and density of liquor outlets in the locality does not appear to raise any risk regarding alcohol related offences. It is also pointed out by the Agency that the subject site is within the immediate vicinity of a designated Alcohol Free Zone and that the proposed liquor offer is unlikely to conflict with the use of open space areas within proximity of the development or result in a risk to public safety. This matter is further considered in the Section 79C Evaluation.

Economic Impacts on the Woolgoolga Town Centre

Planning and retail studies undertaken for the Woolgoolga locality have over many years identified considerable supermarket escape expenditure and established the need for a full-line supermarket in the locality to assist existing business precincts in Woolgoolga to increase trading (see Section 79C Evaluation).

Council's previous endorsement of Planning Proposal 001 - Raj Mahal Site, for a full-line supermarket on the subject site was based on the need to reduce this considerable escape expenditure and due to the inability to find a suitable location for a full-line supermarket in the Woolgoolga (Beach Street) town centre.

Endorsement of the planning proposal was, however, based on recommendations from an independent Review of the Coffs Harbour Business Centres Hierarchy (BCH) prepared by Strategy Hunter (December 2011), with the knowledge that economic impacts may result on the Woolgoolga town centre and that supportive action would be required to be undertaken by Council to minimise such impacts.

In response to the recommendations of the Review of the Coffs Harbour BCH, Council at its Ordinary Meeting of 13 June 2013, resolved to undertake a Woolgoolga Town Centre Study Review, comprising: a review and update of the existing Woolgoolga Town Centre Study 1996 (Woolgoolga Master Plan) and a Business Retention and Expansion Survey.

Council also resolved to continue to seek financial assistance from the State Government for an Economic and Social Impact Assessment to mitigate the economic effects of the completed Pacific Highway Bypass Project on the community.

Economic impacts of the proposed development on the Woolgoolga locality will be minimised by the developments compliance with clause 24 of LEP 2000 in relation to limitations on gross floor area and floor space ratio; and by the supportive actions proposed to be undertaken by Council.

Broader Economic Implications

As discussed above, Council's previous endorsement of a planning proposal to enable a supermarket on the subject site was made with the knowledge that economic impacts may result on the Woolgoolga town centre and that supportive action would be required to be undertaken by Council to minimise such impacts.

Delivery Program/Operational Plan Implications

Whilst not specifically related to the subject Development Application, it is noted that project funds have already been allocated within the 2012/13 Operational Plan for the Woolgoolga Town Centre Study Review.

- **Civic Leadership**

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

This proposal is considered to be consistent with the 'Places for Living' theme within the Coffs Harbour 2030 Community Strategic Plan.

Consultation:

The development application has been advertised and notified on two separate occasions, each for a period of 30 days, with a 14 day extension provided for the initial notification period.

In summary, the development application has been publicly notified for a total period of 74 days, with the amended development application being made available on Council's website for a period of 30 days. Such lengthy period for community consultation is considered satisfactory to enable proper review of the proposed development by the community.

A total of 119 submissions have been received following the statutory submission period, comprising 80 submissions in support of the proposed development (including a petition with 153 signatures) and 39 submissions raising objections to the proposed development. It is noted that, 18 submissions were received after the expiration of the submission period, 8 in support of the proposed development (including the petition), and 9 raising objections to the proposed development. All 119 submissions received and they have been considered in the assessment of this development application.

A summary of the submissions and a full discussion of all the issues raised is provided as an appendix to the Section 79C Evaluation. A full copy of all of the submissions is a confidential attachment to this report (Attachment 4) as the submissions may contain personal or private information or other considerations against disclosure as prescribed under the *Government Information (Public Access) Act 2009*.

- **Internal Consultation**

The application has been reviewed by a number of internal Council sections, including City Services (subdivision and development, trade waste, flooding, community services, economic development and landscaping); Land Use Health and Development (waste, contaminated land, acid sulfate soils, building, noise, and food standards); and Corporate Business (finance and property). The proposal has been conditionally supported and the advice received from all sections within Council has been incorporated into the assessment of the proposed development and informs the recommended conditions of development consent (Attachment 3).

- **Statutory Consultation**

The development application (as amended) was referred to the NSW Office of Water as Integrated Development, requiring approval under the *Water Management Act 2000*. General Terms of Approval have been issued and inform the recommended conditions of development consent (Attachment 3).

The development application was also referred to the NSW Roads and Maritime Services (RMS) in accordance with *State Environmental Planning Policy (Infrastructure) 2007*. The RMS is conditionally supportive of the proposed development. The recommended conditions of development consent appended to this report reflect the advice received from the RMS.

Comment on the proposed development has also been sought from the NSW Police in relation to Safer by Design principles and social impacts from the proposed liquor offer. The Crime Prevention Through Environmental Design treatments recommended by the NSW Police have been incorporated into the recommended conditions of development consent.

Related Policy and / or Precedents:

As previously discussed, the application is reported to Council, given that the application has received significant public interest.

Statutory Requirements:

Section 79C of the *Environmental Planning and Assessment Act 1979*, specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined.

The following planning controls are relevant to this development application and are required to be considered as part of the assessment:

- NSW Environmental Planning and Assessment Act 1979 & Regulation;
- State Environmental Planning Policy (North Coast Regional Environmental Plan);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy No. 71 – Coastal Protection;
- State Environmental Planning Policy (Infrastructure);
- Draft State Environmental Planning Policy (Competition) 2010
- Coffs Harbour City Local Environmental Plan 2000;
- Draft Coffs Harbour Local Environmental Plan 2012;
- Coffs Harbour City Council Access and Mobility Development Control Plan;
- Coffs Harbour City Council Business Lands Development Control Plan;
- Coffs Harbour City Council Notification Development Control Plan;
- Coffs Harbour City Council Off Street Car Parking Development Control Plan;
- Coffs Harbour City Council Signs Development Control Plan; and
- Coffs Harbour City Council Waste Management Development Control Plan.

The relevant statutory instruments and controls are considered in detail in the Section 79C Evaluation appended to this report (Attachment 1).

Issues:

A number of issues were raised in relation to the proposed development following statutory notification of the application.

As discussed previously, the two main issues raised relate to economic and social impacts on the Woolgoolga locality.

A full discussion of the issues raised by submissions to the proposed development is appended to the Section 79C Evaluation.

Implementation Date / Priority:

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the development application. Persons who made a submission will be notified at the same time.

With a formal notice of approval, the applicant may choose to act on the development consent at any time, subject to meeting any relevant conditions of the approval.

Summary:

The proposed development generally complies with relevant planning controls as detailed above.

A site specific planning proposal has been previously endorsed by Council to enable a supermarket on the subject site. Further, Council at its Ordinary Meeting of 13 June 2013, resolved to undertake supportive action to minimise economic impacts on the Woolgoolga town centre that may result from the anticipated development.

Many of the issues raised in submissions to the proposed development have been satisfactorily addressed by amendments to the development application. Remaining issues have been adequately addressed by the proposed conditions of development consent.

The site is suitable for the proposed development. Site constraints in relation to flood hazard have been adequately addressed by submission of an updated flood study that demonstrates that the development can comply with Council's Floodplain Development and Management Policy.

Recommendation:

1. That Development Application No. 527/13 for a supermarket (including construction, fit-out; vehicle access and driveways; loading dock, car park, associated works) and demolition of existing structures at Lot 500, DP 776362 and Lot 1, DP 579511, No. 39-41 Clarence Street, Woolgoolga be approved subject to conditions as appended to the report (Attachment 3).
2. That persons who made submissions in relation to the Development Application No. 527/13 be notified of the determination.

Application Details:

Application Number:	527/13
Application is For:	Supermarket (including construction, fit-out; vehicle access and driveways; loading dock, car park, associated works) and demolition of existing structures
Applicant's/Owner's Name:	The Planning Group Pty Ltd/Fabcot Pty Ltd
Land Address:	Lot 500 DP 776362 and Lot 1 DP579511
Land Zoning:	Business 3D Tourist Service Centre
Value of Development:	\$7,350,000
Current use and Development:	Tourist Facility and Restaurant (vacant)

Executive Summary

The development application seeks approval for a supermarket and associated infrastructure.

The Section 79C Evaluation undertaken for the proposal demonstrates that the development complies with relevant environmental planning instruments, draft environmental planning instruments, development control plans, relevant provisions of the *Environmental Planning and Assessment Regulation 2000*, and adopted Council policy.

It is recommended that conditional approval of the development application be supported.

Proposal

The proposed development is permissible on the subject site by virtue of Clause 24 of the *Coffs Harbour City Local Environmental Plan (LEP) 2000* which allows the following development on the land with development consent: '*development for the purposes of a supermarket (being a single self-service store retailing food and household products), with the gross floor area not exceeding 3,850m² and the floor space ratio not exceeding 0.33:1*'.

The development application seeks approval for the following:

- Demolition of existing structures;
- Construction of a commercial building;
- Fit-out for a supermarket containing approximately 3,425.7m² of gross floor area including a liquor offer;
- Vehicle access driveways, loading dock and at grade car park with surplus car parking spaces;
- Landscaping and stormwater management works; and
- Advertising signage.

Subject Site and Locality

An inspection of the site and surrounding area has been undertaken by Council officers.

The subject site (comprising both lots) has a combined area of approximately 10,434m² and has frontage to the Pacific Highway, Pullen Street, and Moore Street.

The subject site is currently occupied by a vacant two storey building of Indian architectural styling previously used for tourism purposes (Raj Mahal), a vacant single weatherboard building previously used as a café/restaurant, and other minor structures.



Development Application and Site History

The land has been previously used as a tourist facility (Raj Mahal) and a Restaurant/Cafe, however such uses have been abandoned for a number of years and the existing structures on the site are in significant disrepair.

Referrals

Referral	Response
NSW Office of Water	Conditional General Terms of Approval
NSW Roads and Maritime Services	Conditional Approval
NSW Police Force (CPTED)	Conditional Support
NSW Police Force (Licensing)	Unconditional Support

Section 79C Evaluation:

Matters for Consideration Section 79C

79C (a)(i) the provisions of any environmental planning instrument

	Applicable Clauses	Development's Compliance
<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>	Clause 7 – Contamination and remediation to be considered in determining a development application	<p>The proposal satisfies the provisions of this clause.</p> <p>The development application has been amended via the submission of a preliminary investigation report that has been carried out in accordance with contaminated land planning guidelines.</p> <p>Council's Environmental Services Section has reviewed the amended development application and is satisfied that the imposition of conditions of development consent will ensure that the land is suitable (after further investigation and remediation - if required) for the purposes of a supermarket.</p> <p>The proposed conditions of development consent reflect this advice, requiring site assessment, remediation, validation, and reporting in accordance with relevant legislation and guidelines prior to the issue of any construction certificate.</p>

	Applicable Clauses	Development's Compliance
<p><i>State Environmental Planning Policy No. 64 – Advertising and Signage</i></p>	<p>Clause 8 – Granting of Consent to Signage</p>	<p>The proposed development complies with the relevant provisions of this clause.</p> <p>The proposal comprises signage which accords with the definition of a '<i>building identification sign</i>' and '<i>business identification sign</i>' under this Policy.</p> <p>The proposed signage complies with the objectives of the Policy in that it is not incompatible with the desired amenity and visual character of the area as a business precinct. The proposed signage is effective in its communication of the development as a supermarket and is of high quality design and finish.</p> <p>The development application is accompanied by an assessment of the criteria specified in Schedule 1 of the Policy. This assessment is satisfactory and demonstrates the developments compliance with the provisions of this clause (see below).</p>
	<p>Schedule 1</p>	<p>The proposed signage is not incompatible with the desired amenity and visual character of the area as a business precinct.</p> <p>The subject site is not within a special area as defined by this Policy.</p> <p>The proposal is unlikely to compromise important views or vistas, and is unlikely to dominate the skyline.</p> <p>The proposed signage is appropriate in relation to streetscape, setting, and landscape.</p> <p>The signage is also</p>

		<p>compatible with a supermarket development and the sites attributes.</p> <p>Associated attributes and logos directly relate to the nature of the proposed development.</p> <p>Illumination of the signage is proposed in accordance with relevant light emission standards.</p> <p>The signage is unlikely to pose a risk for traffic safety, pedestrians, or cyclists.</p>
<p><i>State Environmental Planning Policy No. 71 – Coastal Protection</i></p>	<p>Clause 8 – Matters for Consideration</p>	<p>The provisions of this clause have been satisfied by the proposed development.</p> <p>The proposed development is not inconsistent with the aims of this Policy.</p> <p>The subject site is removed from the coastal foreshore and is therefore highly unlikely to impact on access, amenity, or views to foreshore areas. Similarly, the proposal unlikely to result in overshadowing of coastal foreshore areas.</p> <p>The proposed supermarket is to be located within an existing business precinct and is suitable for the site and surrounding area.</p> <p>The scenic qualities of the New South Wales coast are not likely to be impacted by the proposal. Aesthetics of the site will be significantly improved, thereby benefiting the coastal locality.</p> <p>The subject site is devoid of high conservation values in relation to animals, plants and their habitats, fish and their habitats, and existing wildlife corridors.</p>

		<p>The land is not impacted by coastal hazard or any coastal process requiring mitigation.</p> <p>Conflict with water based uses is unlikely to result from the proposal as the site is removed from recreational waters.</p> <p>No items of Aboriginal cultural heritage or of heritage significance have been identified on the site.</p> <p>The proposed conditions of development consent in relation to stormwater management, water sensitive urban design, and sediment and erosion control will ensure that impacts from the development on the water quality of a first order stream adjoining the site and receiving waterways are avoided.</p> <p>Cumulative impacts of the proposed development are not deemed to be significant.</p> <p>The development comprises satisfactory energy and water efficiency measures.</p>
	Clause 14 – Public Access	<p>The subject site is significantly removed from coastal foreshore areas and is therefore highly unlikely to impact on access rights of coastal foreshore users. The provisions of this clause are satisfied.</p>
	Clause 15 – Effluent Disposal	<p>The proposal comprises disposal of effluent via a reticulated system. The provisions of this clause are satisfied.</p>
	Clause 16 - Stormwater	<p>The proposal incorporates stormwater treatment and water sensitive urban design elements. In addition, the proposed conditions of</p>

		<p>development consent require the treatment of stormwater in accordance with Council's Policy on this matter. The provisions of this clause are satisfied.</p>
<p><i>State Environmental Planning Policy (Infrastructure)</i></p>	<p>Clause 101 – Development with frontage to Classified Road</p>	<p>Council is satisfied that the proposed development accords with the provisions of this clause.</p> <p>The development application has been amended via the submission of a revised traffic response.</p> <p>Vehicular access to the development is predominately provided off the Moore Street frontage of the site, with only limited access provided off the Pacific Highway frontage – with a left in left out arrangement.</p> <p>The NSW Roads and Maritime Services (RMS) and Councils Traffic Engineer have issued conditional support to the amended proposal.</p> <p>The proposed conditions of development consent are reflected in the draft conditions and will ensure that the safety, efficiency and ongoing operation of the Pacific Highway will not be adversely affected by the development as a result of the design of the vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the Pacific Highway to gain access to the land.</p> <p>The proposed supermarket is not a type of development that is sensitive to traffic noise or vehicle emissions.</p>

	<p>Clause 104 – Traffic Generating Development</p>	<p>Written notice of the amended development application has been provided to the NSW RMS in accordance with the provisions of this clause.</p> <p>The submission received by the NSW RMS has been taken into consideration during the assessment of the proposed development and informs the proposed conditions of development consent.</p> <p>Council has taken into consideration the accessibility of the site, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips.</p> <p>The accessibility of the site is currently adequate and will be significantly improved following the completion of the Sapphire to Woolgoolga component of the Pacific Highway upgrade, which is expected to occur at the time that the proposed development would be operational.</p> <p>The proposed development for a full line supermarket in Woolgoolga will reduce the need for residents in the Woolgoolga locality and the northern beaches to travel extensive distances to Grafton, Moonee, and Coffs Harbour to access larger supermarket offerings. The proposed development will result in additional goods and services being available in Woolgoolga, thereby reducing the need for multiple trips to other better serviced localities.</p>
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		<p>As previously discussed, Council's Traffic Section has reviewed an updated traffic response submitted as an amendment to the development application.</p> <p>In this regard, Council has considered potential traffic safety, road congestion, and parking implications of the proposed development.</p> <p>The proposed conditions of development consent will ensure that the provisions of this clause in relation to traffic safety, road congestion and parking are satisfied.</p>
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	Applicable Clauses	Development's Compliance
<i>North Coast Regional Environmental Plan (deemed State Environmental Planning Policy)</i>	Aims and Objectives	The proposed development is not inconsistent with the aims of the Plan that relate to the control of development in the North Coast region.
	Division 2 Catchment Management, Clause 13 – Objectives	The proposed development is not inconsistent with the objectives of this Division which relate to the preservation and enhancement of fishery habitats and associated catchments, and to promote the sustainable use of natural resources.
	Clause 15 Development Control – wetlands or fisheries habitats	<p>Consideration of the matters required by this clause is as follows:</p> <p>The proposed development will result in improvements to the quality and quantity of flows into a first order stream that adjoins the site. In this regard, the proposed development comprises stormwater management, water sensitive urban design, and sediment and erosion control measures. In addition, the draft conditions of development consent</p>

		<p>require the implementation of such measures during the construction and operational phase of the development.</p> <p>The subject site is removed from foreshore areas and aquatic reserves.</p> <p>The proposed development does not comprise the removal of any significant native vegetation.</p> <p>It is unlikely that the proposed development would impact on key fish habitat due to the nature and condition of the adjoining watercourse and the measures proposed via the recommended conditions of development consent (stormwater management and sediment and erosion control).</p>
	<p>Clause 32B Development Control – coastal lands</p>	<p>The relevant provisions of the NSW Coastal Policy, the Coastline Management Manual; and the North Coast Design Guidelines have been taken into consideration as part of the assessment of the proposed development.</p> <p>In this regard, the proposed development does not contravene the relevant provisions within each of the said documents (refer to Tables 1, 2, and 3 below).</p> <p>The proposed development does not impede public access to the foreshore.</p> <p>The proposed development is unlikely to result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time).</p>

	<p>Clause 81 Development Control – development adjacent to the ocean or a waterway</p>	<p>The subject site adjoins a first order stream. Whilst this does not constitute a substantial waterway for the purpose of this clause, the proposed development does not contravene the controls of this clause.</p> <p>The site is well removed from coastal foreshore areas.</p> <p>The proposed conditions of development consent will ensure that the development does not detract from the amenity of the adjoining watercourse.</p> <p>There is currently no foreshore management applicable to the site or the adjoining waterway.</p>
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Table 1: North Coast Design Guidelines

General Design Guidelines	The proposed development complies with controls of this guideline in relation to general design principles.
Landscaping	The proposal incorporates a generous front boundary setback to allow for adequate landscaping.
Material	The proposed development incorporates lightweight materials where possible.
Colours	Recessive colours are proposed for the development, particularly where the building adjoins residential areas.
Guidelines for larger buildings	The design of the building and proposed landscaping will ensure that the development is in keeping with the character of the Pacific Highway Business Precinct.
Industrial/Commercial Buildings	As discussed above, recessive colours are proposed for the development and adequate landscaping is to be provided in the front boundary setback to soften the dominance of the development.

	Applicable Clauses	Development's Compliance
<i>Coffs Harbour City Local Environmental Plan 2000</i>	Aims and Objectives	<p>The proposed development is not inconsistent with the relevant aims and objectives of this Plan.</p> <p>The proposed development will assist in sustainable long term economic growth of the city.</p> <p>The proposal will result in ecologically sustainable</p>

		development and will assist in providing a quality lifestyle to residents within Woolgoolga and to residents of the northern beaches via improved shopping facilities.
	Part 2 – Zoning Controls, Business 3D Tourist Service Centre Zone	<p>The proposal accords with the aim and objectives of the Business 3D Tourist Service Centre zone which is applicable to the site.</p> <p>The proposed development will provide for the tourist service needs of the community and for the local service needs of the community.</p> <p>The objectives of the zone enable tourist service development and other development compatible with the surrounding area. The proposed development is compatible with the surrounding area and the intent of the zone, and is within the environmental capacity of the land.</p> <p>The proposed conditions of development consent will ensure that the development is adequately serviced in accordance with the objectives of the zone.</p> <p>A supermarket is defined as a ‘shop’ under LEP 2000, which is not permissible within the 3D Tourist Service Centre Zone under this Plan.</p> <p>The proposed development is, however, permissible by virtue of clause 24 of LEP 2000 ‘Exceptions’ (refer to discussion below).</p>
	Clause 13 – Landform Modification	Determination of the development application by way of approval will ensure that the provisions of this clause are satisfied.

	<p>Clause 14 – Services</p>	<p>The proposed conditions of development consent will ensure that a water supply and facilities for the removal or disposal of sewage and drainage are available to the development.</p>
	<p>Clause 23 – Potential Acid Sulfate Soils</p>	<p>The development application is accompanied by a preliminary assessment of the proposed works undertaken in accordance with the Acid Sulfate Soils Manual.</p> <p>Council’s Environmental Services Section has reviewed the preliminary assessment report and has determined that development consent is not required for the proposed works in accordance with subclause 23(3) of LEP 2000. In this regard, the provisions of subclause 23(4) are not relevant to the proposed development and the preparation of an acid sulfate soils management plan is not required.</p> <p>Based on the preliminary assessment of potential acid sulfate soils, the likelihood of the proposed development resulting in the discharge of acid water is low.</p>
	<p>Clause 23A – Development on Flood Prone Land</p>	<p>The development application has been amended by the submission of a revised flood study.</p> <p>Following review of the updated flood study by Council’s Flooding Section, it has been determined that the proposed development is able to comply with the objectives and controls of clause 23A of LEP 2000.</p> <p>Determination of the development application by way of conditional approval</p>

	<p>will ensure that the provisions of subclause 23A(3) and 23A(4) are satisfied.</p> <p>In this regard, Council's Flooding Section has recommended the imposition of conditions of development consent requiring the submission of additional detail design and modelling to satisfy the provisions of this clause.</p> <p>The proposed conditions of development consent will ensure that the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties.</p> <p>The proposed conditions of development consent will ensure that the development is unlikely to significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain.</p> <p>The proposed conditions of development consent will ensure safe occupation of the land and ensure that the development does not detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation, or a reduction in the stability of the river bank or watercourse.</p> <p>The proposed conditions of development consent will ensure that the development does not result in unsustainable social and economic costs to the flood</p>
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		<p>affected community or general community, as a consequence of flooding.</p> <p>The proposed conditions of development consent will ensure that the development is compatible with the flow conveyance of the floodway and is compatible with the flood hazard within the floodway.</p>
	<p>Clause 24 – Exceptions</p>	<p>The proposed development is permissible 'with development consent' on the subject land in accordance with the following:</p> <p><i>Development for the purposes of a supermarket (being a single self-service store retailing food and household products), with the gross floor area not exceeding 3,850m² and the floor space ratio not exceeding 0.33:1.</i></p> <p>In this regard, the proposal is for the development of a standalone supermarket with a gross floor area not exceeding 3,850m² (3,425.7 m²) and a floor space ratio not exceeding 0.33:1 (0.3284:1).</p> <p>The controls of this clause are satisfied.</p>

79C (a)(ii) the provisions of any draft environmental planning instrument

	Applicable Clauses	Development's Compliance
<p><i>Draft State Environmental Planning Policy (Competition) 2010</i></p>	<p>Aim</p>	<p>The aim of <i>draft SEPP (Competition) 2010</i> is to promote economic growth and competition, and to remove anti-competitive barriers in environmental planning and assessment.</p> <p>The proposed development of a full-line supermarket on the former Raj Mahal site in</p>

		<p>Woolgoolga does not contravene the aim of this Policy.</p>
	<p>Clause 8 – Commercial viability of proposed commercial development</p>	<p>Clause 8 of this Policy provides that the commercial viability of proposed commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application.</p> <p>The development application has been evaluated accordingly.</p>
	<p>Clause 9 – Loss of trade etc. for other commercial development</p>	<p>Subclause 9(1) of this Policy provides that the likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application.</p> <p>Subclause 9(2) of the Policy, however, provides that any such likely impacts may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities and services to be provided by the proposed development). With the likely impacts referred to in this clause to include loss of trade (subclause 9(3)).</p> <p>In accordance with clause 9 of this Policy, the likely overall impacts of the proposed development on the commercial viability (including loss of trade) of</p>

		<p>other commercial development in Woolgoolga have not been taken into consideration for the purposes of determining this development application.</p> <p>The proposed development is not likely to unreasonably impact on the existing extent and adequacy of business facilities and services within Woolgoolga business precincts.</p>
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	Applicable Clauses	Development's Compliance
<i>Draft Coffs Harbour Local Environmental Plan 2013</i>	Aims of plan	Similar to the previous discussion provided in relation to the aims and objectives of LEP 2000, the proposed development is not inconsistent with the aims of this draft Plan.
	Clause 1.8A – Savings provisions relating to development applications	<p>At the time this Section 79C evaluation was undertaken, draft LEP 2013 was certain and imminent, but had not been formally made.</p> <p>Notwithstanding this, clause 1.8A of the draft Plan provides that if a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.</p>
	2.3(2) – Objectives and land use table	<p>The proposed development is not inconsistent with the objectives of zone B6 Enterprise Corridor which applies to the land.</p> <p>The proposal will result in an additional commercial use along a main road which is compatible with existing</p>

		<p>commercial uses within the business precinct. Further, the proposal will result in additional employment in the retail sector for this business precinct.</p> <p>Impacts on the economic strength of the Woolgoolga town centre will be limited by the developments compliance with clause 24 of LEP 2000 which controls retail activity in this location to a standalone supermarket with restricted gross floor area.</p> <p>The proposed development does not comprise residential uses and will significantly improve the aesthetics of an important nodal site that is currently degraded, thereby positively contributing to the streetscape.</p> <p>The proposed development will contribute to a safe public domain.</p> <p>The proposal does not comprise any office premises.</p> <p>Similar to LEP 2000, the proposed development is defined as a 'shop' which is prohibited in zone B6 under this draft Plan. The proposed development is, however, permissible by virtue of clause 2.5 <i>'Additional permitted uses for particular land'</i> (see below).</p>
	<p>Clause 2.5 – Additional permitted uses for particular land</p>	<p>Development may be carried out on the subject site 'with development consent' as described in Schedule 1(10) of the draft Plan as follows:</p> <p><i>'development for the purpose of retail premises (supermarket only not exceeding 3850 square</i></p>

		<i>metres gross floor area).</i> '
	Clause 2.7 – Demolition	The determination of the development application by way of approval will ensure that the provisions of this clause are satisfied.
	Clause 4.3 – Height of buildings	The maximum height of buildings shown for the land on the Height of Buildings Map is 8.5 metres. The proposed development complies with the controls of this clause, with a maximum height of approximately 8.3 metres.
	Clause 4.4 – Floor space ratio	The maximum floor space ratio (FSR) for a building on the land is not to exceed 0.5:1 under this clause. The proposed development accords with the provisions of this clause, with a proposed FSR of 0.3284:1.
	Clause 5.5 – Development within the coastal zone	<p>The proposed development does not contravene the objectives of this clause.</p> <p>The matters specified by subclause 5.5(2) and 5.5(3) have been considered in the evaluation of the proposed development.</p> <p>Similar to the matters for consideration under Clause 8 of <i>SEPP 71- Coastal Protection</i>, the proposed development does not contravene the controls of this clause.</p>
	Clause 7.1 – Acid sulfate soils	Similar to the discussion of the development's compliance with the provisions of clause 23 of LEP 2000 (see above), the proposed development complies with the controls of clause 7.1 of draft LEP 2013.
	Clause 7.5 – Design excellence	The proposed development complies with the objective of this clause by exhibiting design excellence, contributing to the natural,

		<p>cultural, visual and built character values of the Coffs Harbour Local Government Area.</p> <p>Following consideration of the matters specified by subclause 7.5(3), it has been determined that the proposal exhibits design excellence.</p>
	<p>Clause 7.7 – Earthworks</p>	<p>The proposed development complies with the objectives of this clause.</p> <p>The development is unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural/heritage items or features of the surrounding land.</p> <p>The earthworks associated with the proposed development are contained to the subject site. Further, the proposed conditions of development consent require the implementation of a sediment and erosion control plan during the entire construction phase of the development.</p> <p>No items of Aboriginal cultural heritage or of heritage significance have been identified on the site.</p> <p>The proposed conditions of development consent will ensure that the development accords with the relevant matters of consideration as required by subclause 7.7(3).</p>
	<p>Clause 7.11 – Flood planning</p>	<p>The amended development application comprising a revised flood study demonstrates that the development is able to comply with the objectives and controls of this clause.</p> <p>The proposed conditions of</p>

	<p>development consent will ensure that the flood risk to life and property associated with the use of land is acceptable.</p> <p>The proposed conditions of development consent will ensure that the development is not incompatible with the land's flood hazard.</p> <p>The proposed conditions of development consent will ensure that significant adverse impacts on flood behaviour and the environment as a result of the development are avoided.</p> <p>Following review of the proposed development and amended flood study, Council's Flooding Section is satisfied that development is able to accord with the provisions of subclause 7.11(3) subject to the imposition of conditions of development consent.</p> <p>The proposed conditions of development consent reflect this advice.</p>
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79C (a)(iii) any development control plan

	Applicable Clauses	Development's Compliance
<i>Coffs Harbour City Council Access and Mobility Development Control Plan</i>	New Buildings	<p>The controls of this Plan in relation to new buildings have been superseded by updates to the BCA since the preparation of the Plan and the implementation of the <i>Disability (Access to Premises - Buildings) Standards (the Premises Standards) 2010</i>.</p> <p>The proposed conditions of development consent will ensure that the development complies with the relevant</p>

		provisions of the BCA and the Premises Standards.
<i>Coffs Harbour City Council Business Lands Development Control Plan</i>	Building Design	The design of the proposed development comprises a distinguishable entry point and architectural features that distinguish the mezzanine level within part of the building.
	Density	<p>The bulk, scale and intensity of the proposed development is not inconsistent with the aim of the 3D Tourist Service Centre zone.</p> <p>The proposed development complies with the required floor space ratio (FSR) specified by this control.</p>
	Setbacks	<p>Building setbacks in the 3D Tourist Service zone are to be assessed on merit.</p> <p>The setbacks proposed for the development are considered to be appropriate for the site.</p> <p>The zero setbacks proposed for the northern and western boundaries of the site are considered to be adequate for a commercial development within an existing commercial zone.</p> <p>The western boundary of the development adjoins an unformed lane, whilst the northern boundary of the development adjoins a first order stream, both of which provide an appropriate buffer between the development and adjoining land.</p> <p>The setbacks proposed to the Pacific Highway, Moore Street, and Pullen Street frontages of the site are appropriate for this important nodal site, and enable a sufficient design response, incorporating at grade car</p>

		parking and detailed landscaping treatment.
	Parking and Access	<p>The proposed development complies with the provisions of this Plan in relation to parking and access.</p> <p>The application is accompanied by a traffic assessment in accordance with the requirements of this Plan.</p> <p>Off street car parking is provided as part of the development in accordance with the provisions of Council's Off Street Car Parking Development Control Plan (refer to discussion below).</p> <p>The proposed development complies with the controls of this Plan in relation to safe and efficient ingress and egress, adequate screening of car parking areas from public areas, the use of rear lanes for access to car parking areas and loading docks, and accessible car parking spaces.</p>
	Loading and Unloading Bays	<p>The proposed loading bay accords with the controls of this Plan.</p> <p>The loading bay is designed to ensure that heavy vehicles are contained within the development site during loading and unloading.</p> <p>The loading bay has been designed to cater for the type of vehicles that would usually service supermarkets.</p>
	Flooding	<p>The development application has been amended by the submission of an amended flood study which demonstrates that the development is able to comply with clause 23A of</p>

		<p>LEP 2000 and Council’s adopted flood policy, subject to the submission of final detail design and modelling.</p> <p>The proposed conditions of development consent will ensure that this information is submitted prior to the issue of any construction certificate.</p> <p>In this regard, the proposed conditions of development consent require compliance with Council’s AUS-SPEC ‘Development Specification Design, 0074 Stormwater Drainage (Design)’. This guideline allows for a building floor level of 300mm above the 100 year flood level, which is a minor departure to the controls of this Plan.</p> <p>Such departure has been supported by Council’s Flooding Engineer given that the proposed floor level is suitable for a commercial development in this location and on the basis that the development is able to comply with the provisions of Council’s adopted flood policy.</p>
	Off-site Infrastructure Requirements	<p>The proposed conditions of development consent will ensure that the development incorporates off site infrastructure in accordance with the requirements of this Plan.</p>
	Waste	<p>The proposed conditions of development consent will ensure that waste is adequately managed during the construction phase of the development and that adequate facilities are provided within the development for the management of waste during the operational phase of the</p>

		development in accordance with the controls of this Plan.
	Water and Sewerage Services	The proposed conditions of development consent will ensure that the development incorporates water and sewerage services in accordance with the requirements of this Plan.
	Stormwater	The proposed conditions of development consent will ensure that stormwater treatment and discharge from the proposed development accords with the requirements of this Plan.
	Landscaping	<p>An updated landscape plan has been submitted by an amendment to the development application.</p> <p>The amended landscape plan has been endorsed by Council's Recreational Services Section.</p> <p>The proposed conditions of development consent will ensure that the Plan is implemented and maintained during the life of the development.</p>
<i>Coffs Harbour City Council Notification Development Control Plan</i>	General	<p>The development application has been publicly notified in accordance with the requirements of this Plan and the <i>Environmental Planning and Assessment Regulation 2000 (The Regulations)</i>.</p> <p>The development is classified as advertised development given that the proposal requires approval under the <i>Water Management Act 2000</i>.</p> <p>In accordance with Division 7 - Public Participation, of the <i>Regulations</i>, the development has been publicly notified as advertised development for a period of 30 days.</p>

		<p>In addition, the initial notification period was extended for a further period of 14 days.</p> <p>Public authorities were notified of the development application in accordance with the Regulations.</p> <p>The original development application was amended after the initial notification period via the submission of additional information.</p> <p>The amended application was subsequently notified as advertised development for a further period of 30 days.</p> <p>Adjoining land owners and owners of land other than adjoining land owners were notified in accordance with the controls of this Plan.</p> <p>Public authorities were notified of the amended development application in accordance with the Regulations.</p>
	Industrial and Business Zones	The development application has been advertised in accordance with the controls of this Plan.
<i>Coffs Harbour City Council Off Street Car Parking Development Control Plan</i>	Design and Safety	The proposed conditions of development consent will ensure that the development complies with the controls of this Plan in relation to design and safety.
	Landscaping	Council's Recreation Services Section has endorsed an amended landscape Plan (refer to previous discussion).
	Parking Spaces	The proposed development complies with the controls of this Plan in relation to the provision of car parking spaces. In this regard, surplus parking spaces are

		<p>provided.</p> <p>The proposed conditions of development consent will ensure that the controls of this Plan in relation to car parking design are satisfied.</p>
	Bicycle and Motorcycle Spaces	<p>The proposed conditions of development consent will ensure that the controls of this Plan in relation to bicycle and motorcycle spaces are satisfied.</p>
	Access	<p>The proposed conditions of development consent will ensure that the controls of this Plan in relation to conflict between vehicles and pedestrians are satisfied.</p>
<i>Coffs Harbour City Council Signs Development Control Plan</i>	General Design Controls	<p>Signage for the proposed development has been limited and does not result in visual clutter.</p> <p>The size of the signage complements the bulk and scale of the proposed building and is in keeping with the intent of a business precinct.</p> <p>The proposed signage is unlikely to result in traffic hazards, or impact on the safety of pedestrians or cyclists.</p> <p>The signage complies with the principles of this Plan.</p> <p>The size of the proposed pylon sign exceeds the 6m maximum height control (7.45m).</p> <p>Given that signage for the development has been rationalised and is appropriate for the bulk and scale of the development, departures to the controls of this Plan in relation to the size of signage is supported.</p>
	Business Settings	<p>The proposed signage does</p>

		not contravene the controls for a business setting, save departures to the general size requirements (refer to discussion above).
<i>Coffs Harbour City Council Waste Management Development Control Plan</i>	Waste Management Plan	<p>The development application is accompanied by a Waste Management Plan in accordance with the requirements of this Plan.</p> <p>Council's Waste Section has recommended the imposition of conditions of development consent to ensure that the development accords with the controls of this Plan.</p>

79C (a)(iv) any matters prescribed by the regulations

	Applicable Clauses	Development's Compliance
<i>Environmental Planning and Assessment Regulation 2000 (the Regulations)</i>	Clause 92 - Additional Matters	<p>In accordance with clause 92 of the Regulations, Council is required to take into consideration, the provisions of the NSW Coastal Policy 1997: <i>A Sustainable Future for the New South Wales Coast</i></p> <p>Tables 2 and 3 of the Policy provide a list of matters that must be considered as part of the development assessment process.</p> <p>A discussion of the controls is provided in the tables below. It should be noted in this instance that many of the controls are not relevant to the development due to the nature and location of the proposal.</p> <p>In accordance with clause 92 of the Regulations, Council is required to take into consideration, <i>Australian Standard AS 2601—1991: The Demolition of Structures</i></p> <p>The proposed conditions of development consent will</p>

		ensure that the demolition of any structure as part of the proposal accords with AS 2601-1991.
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Table 2 NSW Coastal Policy 1997 - Strategic Actions Relevant to Development Control

Natural Environment

- 1.1.6 Voluntary Conservation Agreements for lands of significant conservation value: **n/a**
- 1.1.7 Conservation of Seagrass, mangroves, salt marsh and other wetland associated species: **n/a**
- 1.2.3 Fish habitat modification or alienation: **The proposed development complies with the provisions of this action - refer to previous discussion in relation to this matter.**
- 1.2.5 Threatened Species Conservation Act: **The proposed development complies with the provisions of this action - refer to previous discussion in relation to this matter.**
- 1.3.1 EPA licensing of STP and other point source discharges: **n/a**
- 1.31 Non-point source pollution addressed (i.e. Stormwater Management Plans): **The proposed conditions of development consent will ensure compliance with the provisions of this action.**
- 1.3.7 The highest possible quality of coastal waters is to be ensured (waste water discharge): **The proposed conditions of development consent will ensure compliance with the provisions of this action.**
- 1.3.8 Contaminated Stormwater (Trade Waste Management Policies): **The proposed conditions of development consent will ensure compliance with the provisions of this action.**
- 1.3.12 Vessel sewerage pump out facilities: **n/a**
- 1.3.13 Re-use of treated bio solids and effluent: **n/a**
- 1.4.5 Assessment of coastline development proposals (minimise impacts to the coastline): **The proposed development complies with the provisions of this action - refer to previous discussion in relation to SEPP 71 – Coastal Protection**
- 1.4.7 Assessment of estuarine development proposals (acceptable under Rivers & FI Act): **The proposed development complies with the provisions of this action - refer to previous discussion in relation to the issue of GTA from the NSW Office of Water.**

Natural Processes & Climate Change

- 2.1.3 Physical and ecological processes to be considered when assessing development applications: **The proposed development complies with the provisions of this action - refer to previous discussion in relation to flood hazard (clause 23A of LEP 2000).**
- 2.1.4 Acid Sulfate Soils – environmental studies; DNR mapping and EPA guidelines; requirement for EIS; monitoring and restoration works; management plans: **The proposed development complies with the provisions of this action - refer to previous discussion in relation to potential Acid Sulfate Soils (clause 23 of LEP 2000)**
- 2.2.2 Sea Level Change: **The proposed development complies with the provisions of this action - refer to previous discussion in relation to flood hazard (clause 23A of LEP 2000).**

Aesthetic Qualities

- 3.2.1 North Coast Design Guidelines for Tourism Development Adjacent to Natural Areas.

n/a
3.2.4 Design and Locational Principles for Development Applications: refer to Table 3 controls below.
3.2.5 Siting of navigational aids, marine communication towers, warning signs and moorings: n/a
Cultural Heritage
4.2.3 Coastal Sites of Aboriginal Significance: The proposed development complies with the provisions of this action - refer to previous discussion in relation to SEPP 71 – Coastal Protection.
Ecological Sustainable Use of Resources
5.1.11 Ecotourism developments and Guidelines for Tourism Development Adjacent to Natural Areas. n/a
5.3.3 Aquaculture procedures, permits and guidelines: n/a
5.3.4 Development consent for mining: n/a
Ecological Sustainable Human Settlement
6.1.4 Canal Estate Development: n/a
Public Access and Use
7.1.5 Tourism Development and public foreshore access (new developments required to provide public access to foreshores): n/a
7.2.3 Coastal Developments and Surf Life Saving Facilities: n/a
7.2.4 Surf Life Saving Facilities and Section 94 Levies: n/a

Table 3 NSW Coastal Policy 1997 – Design and Locational Principles for Consideration in LEP’s, DCP’s, and Development Control (Strategic Action 3.2.4)
<ul style="list-style-type: none"> • Development on beaches or frontal dunes (compromise cultural values): n/a • Works to beaches and frontal dunes (protect, restore, rehabilitate): n/a • Undeveloped headlands (preserved): n/a • Developed headlands (limited in height and scale to existing buildings): n/a • Beaches and waterfront open space (overshadowing): n/a • Public Setbacks to coastal lakes, estuaries, beaches: n/a • Existing tourist development adjacent to natural areas (not to compromise values): n/a

79C (b) the likely impacts of that development

	Discussion
URBAN AND BUILDING DESIGN	
- context and setting	<p>The proposed development is located within an existing business precinct comprising a mix of uses including service stations, a motel, and a place of public worship.</p> <p>The proposal is not incompatible with the amenity and streetscape of the business precinct.</p> <p>The site is an important nodal point situated at the intersection of the Pacific Highway and Pullen Street. The proposal will significantly improve the aesthetics of the site and benefit</p>

	<p>the main entry to the Woolgoolga township which is currently severely degraded.</p> <p>The subject site is buffered from adjoining land via an unformed lane and a watercourse. Impacts on adjoining land are minimised due to this separation distance.</p>
- site design and internal design	<p>The proposed bulk, height, and mass of the proposed development is appropriate for the size of the subject site.</p> <p>Adequate landscaping is proposed to soften the development from the streetscape.</p> <p>The proposal complies with the BCA and thus will afford adequate lighting, ventilation, and insulation to occupants of the building.</p> <p>Appropriate facilities are to be provided for persons with a disability.</p>
- ecologically sustainable building design	<p>Energy efficient systems are proposed as part of the development with respect to minimising energy consumption and water use. A waste minimisation plan accompanies the development application.</p>
- Access, Transport, and Traffic	<p>The development application has been amended via the submission of an updated traffic response addressing vehicle manoeuvring, and pedestrian/bicycle access to the satisfaction of Council's City Services Department.</p> <p>The proposal provides sufficient off street car parking in accordance with Council's Off Street Car Parking Development Control Plan. Accessible car parking spaces are to be provided in accordance with this Plan and the relevant standards.</p> <p>The development application has been referred to the NSW RMS under the provisions of <i>SEPP (Infrastructure) 2007</i> due to the traffic generation nature of the proposed development.</p> <p>The NSW RMS has issued conditional support for the proposal. The recommended conditions of development consent reflect the advice received from the agency.</p>
- public domain	<p>The proposed development will result in positive benefits to the public domain, with improved aesthetics for a severely degraded nodal point and entry to the Woolgoolga township.</p>

	The proposed conditions of development require the provision of footpaths to ensure that pedestrian linkage to the site from public areas is adequate.
- utilities	The site has adequate access to services, including water, sewer, electricity, and telephone.
- construction	The proposed conditions of development consent will ensure that construction impacts are minimised.
ENVIRONMENTAL IMPACTS	
- water	<p>The proposal incorporates water saving measures.</p> <p>The proposed conditions of development consent will ensure that stormwater from the development is appropriately treated and discharged to minimise impacts on receiving environments.</p>
- soils	The proposed conditions of development consent will ensure that adequate sediment and erosion control measures are implemented during the construction phase of the development to mitigate impacts on receiving environments.
- air and micro-climate	The proposed development is unlikely to result in unacceptable impacts on the air quality and microclimate conditions of the locality. The proposed conditions of development consent will ensure that dust control measures are utilised during the construction phase of the development.
- flora and fauna	<p>The proposal has been assessed against the provisions of Section 5A of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>In this regard, it has been determined that the proposed development is highly unlikely to have an adverse effect on threatened species, endangered ecological populations or communities, or their habitats.</p> <p>The subject land is devoid of high conservation values and has been previously disturbed and developed for commercial use.</p>
- waste	The proposed conditions of development consent will ensure that adequate facilities

	for the disposal and management of waste are available to service the development.
- energy	Energy efficient systems are proposed as part of the development with respect to minimising energy consumption and water use. A waste minimisation plan accompanies the development application.
HAZARDS	
- noise and vibration	The proposed conditions of development consent will ensure that noise generated from the development complies with relevant guidelines and noise criteria during both the construction and operational phase of the development.
- natural hazards	The subject site is constrained by flood hazard. The development application has been amended by the submission of an amended flood study demonstrating that the development is able to comply with clause 23A of LEP 2000 and Council's flood policy, subject to the submission of detailed design and modelling (refer to previous discussion in relation to this matter).
- technological hazards	The site is potentially contaminated due to past land uses. The proposed conditions of development consent will ensure that the provisions of <i>SEPP 55 – Remediation of land</i> are satisfied and that the land is adequate for occupation by the development (refer to previous discussion in relation to this matter).
- safety, security and crime prevention	The development application has been referred to the NSW Police Force for comment in relation to 'Safer by Design'. The proposed conditions of development reflect the advice received from the agency and will ensure that Crime Prevention Through Environmental Design measures are incorporated into the development.
SOCIAL AND ECONOMIC IMPACTS	
- social impact in the locality	<p>Following the initial public notification of the development application a number of submissions were received in which objections were raised in relation to social impacts on the locality from a proposed liquor offer within the supermarket.</p> <p>As a result of such objections, the development application was amended by</p>

	<p>the submission of a social impact assessment.</p> <p>The amended development application was subsequently referred to Council's Community Services Branch and the NSW Police licensing section for comment on the social impact assessment and liquor component of the development.</p> <p>The advice received from both Council's Community Services Branch and the NSW Police Licensing section suggests that unacceptable social impact on the locality is unlikely to result from the proposed liquor offer (refer to assessment of key issues below).</p>
<p>- economic impact in the locality</p>	<p>Following the initial public notification of the development application a number of submissions were received in which objections were raised in relation to economic impacts on the locality from the location of the supermarket away from the Woolgoolga town centre (Beach Street Precinct).</p> <p>The development application was subsequently amended via the submission of additional detail in relation to economic impact.</p> <p>The amended development application and objections to the proposal have been comprehensively reviewed by Council's Economic Development Unit.</p> <p>Advice from Council's EDU is that the most affected parties from the proposed development would appear to be existing supermarket competitors rather than the business and retail community generally.</p> <p>It has been concluded from this review that the proposed development is unlikely to result in unacceptable impacts on the long term sustainability of the locality as a whole, based on the fact that retail uses in the Pacific Highway business precinct is limited to the subject site only, and is limited in size and scale to a standalone supermarket.</p> <p>In addition, a recent Resolution by Council to undertake supportive action for the locality will assist in addressing any economic impacts that may result from the proposal.</p>

	<p>Refer to assessment of key issues below for a detailed discussion in relation to this matter.</p>
CUMULATIVE IMPACTS	<p>The proposed development is permissible on the site by virtue of a specific enabling clause in LEP 2000 that resulted from a site specific planning proposal.</p> <p>The development of a retail use (supermarket) within the Pacific Highway Business Precinct is limited to the subject site only and is limited in size and bulk by this enabling clause.</p> <p>As such, cumulative impacts from the proposed development are unlikely to result due to existing planning controls that apply to the locality.</p>

79C (c) the suitability of the site for the development

<p>(c) the suitability of the site for the development - fit into the locality -site attributes conducive to development</p>	<p>The site is considered to be suitable for the proposed development. The land is mostly devoid of environmental constraints, save flood hazard which has been adequately addressed (refer to previous discussion in relation to this matter).</p> <p>The site is adequately serviced and of suitable size and configuration to enable the development of a full line supermarket and associated infrastructure.</p> <p>The suitability of the site for the purposes of a supermarket is evidenced by the endorsement of a planning proposal in February 2012 by Council and the NSW Department of Planning and Infrastructure to enable such development.</p>
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79C (d) any submissions made in accordance with this Act or the Regulations

<p>(d) any submissions made in accordance with this Act or the Regulations</p>	<p><i>Public Submissions</i></p> <p>A total of 119 submissions have been received following the statutory submission period, comprising 80 submissions in support of the proposed development (including a petition with 153 signatures) and 39 submissions raising objections to the</p>
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	<p>proposed development. It is noted that, 18 submissions were received after the expiration of the submission period, 8 in support of the proposed development (including the petition), and 9 raising objections to the proposed development. All 119 submissions received have been considered in the assessment of this development application.</p> <p>A full discussion of all of the issues raised by way of objections to the proposed development is appended to this report.</p>
	<p><i>Submissions from Public Authorities</i></p> <p>A total of four submissions have been received from public authorities.</p> <ol style="list-style-type: none"> 1) Conditional approval has been issued by the NSW Office of Water. 2) Conditional support has been issued by the NSW Roads and Maritime Services. 3) Conditional support has been issued by the NSW Police Force in relation to Safer by Design. 4) The NSW Police Licensing section has issued comment on the proposed liquor offer. No issues have been raised in relation to social impacts from the proposed liquor offer.

79C (e) the public interest

<p>(e) the public interest - federal, state and local government interests - community interests</p>	<p>Objections to the development received as a result of this public meeting have been considered in the assessment of the application.</p> <p>A summary of the key issues raised by objections to the proposed development is provided below.</p> <p>The proposal is not inconsistent with the principles of ecologically sustainable design.</p> <p>Public interest benefits from the proposed development are expected to outweigh dis-benefits to the public interest (refer to the discussion of key issues provided below).</p>
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	The NSW Government (Department of Planning of Infrastructure) endorsed a planning proposal to enable the development of a supermarket on the site in February 2012.
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Public Participation

Objections:

The development application has received 119 submissions following statutory notification of the application.

A summary of the 39 objections made by submissions to the proposed development is as follows:

- The proposed development will result in significant economic impacts on the Woolgoolga and Moonee town centres;
- The ancillary liquor component of the development will result in significant social impacts on the locality;
- The development is contrary to:
 - Section 79C of the *Environmental Planning and Assessment Act 1979*;
 - *draft SEPP (Competition) 2010*;
 - the Mid North Coast Regional Strategy;
 - SEPP (North Coast Regional Environmental Plan);
 - The Woolgoolga Town Centre Study (1996);
 - The objectives of the B6 Enterprise Corridor zone;
 - The objectives of the Business 3D Tourist Service Centre zone;
 - *The Coffs Harbour City LEP 2000* in relation to:
 - the maximum gross floor area;
 - Clause 23 – potential acid sulfate soils;
 - Clause 23A – development on flood prone land;
 - Clause 7.5 of *draft Coffs Harbour LEP 2013* - design excellence;
 - SEPP 55 - Remediation of land;
 - *SEPP (Infrastructure) 2007*;
 - *SEPP 71 - Coastal Protection*;
 - *The Coffs Harbour City Council Off-Street Car Parking DCP*;
 - *The Coffs Harbour City Council Business Lands DCP*;
- Impacts from the proposed development on adjoining laneways during construction works;
- Failure to implement the recommendations that influenced Council's resolution of the 9 February 2012 to support a planning proposal for a supermarket on the subject site;

- No demonstrated need for the supermarket;
- Requirement for a public meeting;
- The application being deficient in sufficient information;
- The proposed liquor component of the development being a prohibited land use;
- Traffic safety issues, particularly in relation to the intersection of Moore, Mackay, and Pullen Street;
- The development application not being made available on Council's Website;
- The development application referring to speciality shops and mini major retail stores;
- Insufficient public transport options for the site.

Support:

Following statutory notification of the development application, 80 submissions have been received in support of the proposal, including a petition comprising 153 signatures.

A summary of the matters raised in support of the proposed development is as follows:

- Additional employment opportunities;
- Access to major supermarket shopping, including competitive pricing, improved variety, and improved quality of grocery goods and services;
- Reduced escape expenditure;
- Preservation of the village atmosphere in Woolgoolga East;
- Attraction for visitors to the area;
- Additional services for the increasing population in Woolgoolga;
- Reduction in travel times and costs associated with supermarket shopping in Grafton, Moonee, and Park Beach;
- Improved aesthetics of the site;
- More accessible site.

Assessment of Key Issues:

The key issues which have been identified in the review of the development against the heads of consideration listed in Section 79C of the Act are as follows:

Economic Impacts on the Woolgoolga Town Centre

Planning and retail studies undertaken for the Woolgoolga locality have over many years identified considerable supermarket escape expenditure and have established the need for a full-line supermarket in the locality to assist existing business.

Council's previous endorsement of Planning Proposal 001 - Raj Mahal Site, for a full-line supermarket on the subject site was based on the need to reduce such considerable escape expenditure and based on the inability to find a suitable location for a full-line supermarket in the Woolgoolga town centre (Beach Street Precinct).

Endorsement of the planning proposal was, however, also based on recommendations from an independent Review of the Coffs Harbour Business Centres Hierarchy (BCH), with the knowledge that economic impacts may result on the Woolgoolga town centre and that supportive action would be required to be undertaken by Council to minimise such impacts.

In response to the recommendations of the Review of the Coffs Harbour BCH, Council at its Ordinary Meeting of 13 June 2013, resolved to undertake a Woolgoolga Town Centre Study Review, comprising: a review and update of the existing Woolgoolga Town Centre Study 1996 (Woolgoolga Master Plan) and a Business Retention and Expansion Survey.

Council also resolved to continue to seek financial assistance from the State Government for an Economic and Social Impact Assessment to mitigate the economic effects on the community from the completed Pacific Highway Bypass Project.

The developments compliance with the limitations provided by clause 24 of LEP 2000, in conjunction with supportive actions proposed to be undertaken by Council, will address the likely economic impacts of the proposed development and the long term viability of all of the Woolgoolga business precincts.

Social Impacts - Proposed Liquor Offer

Following receipt of numerous objections to the proposed development during the initial notification period that relate to potential social impacts from the liquor component of the development, the application was subsequently amended by the submission of a Social Impact Assessment.

This assessment was referred to Council's Community Services Branch and the NSW Police licensing section for technical comment and advice in relation to social impacts on the Woolgoolga locality from a liquor offer within the supermarket.

Advice from Council's Community Services Branch and the NSW Police is that the proposed liquor offer component of the development is unlikely to result in unacceptable social impacts on the locality.

The NSW Police licensing section notes that the nature of trade and density of liquor outlets in the locality does not appear to raise any risk regarding alcohol related offences. It is also pointed out by the agency that the subject site is within the immediate vicinity of a designated Alcohol Free Zone and that the proposed liquor offer is unlikely to conflict with the use of open space areas within proximity of the development or result in a risk to public safety.

Note: a full discussion of all of the issues raised during public notification of the development application is provided as an appendix to this evaluation report.

Recommendation:

The Section 79C Evaluation undertaken for the proposal, demonstrates that the development generally complies with relevant environmental planning instruments, draft environmental planning instruments, development control plans, relevant provisions of the *Environmental Planning and Assessment Regulation 2000*, and adopted Council policy.

In light of the above, it is recommended that the Development Application be approved subject to the draft conditions of development consent prepared in response to the section 79C evaluation.

Appendix Response to Issues Raised by Objections to the Proposed Development

Issue 1:

An independent economic assessment prepared by Essential Economics (February 2013) on behalf of the Woolgoolga Retail Group states that an additional supermarket in Woolgoolga of 3400m² on the former Raj Mahal site would:

- **result in a high overall provision of supermarket floor space in Woolgoolga relevant to industry benchmarks;**
- **potentially result in high negative impacts on the trading level of current supermarket operators in Woolgoolga;**
- **potentially result in trading levels of supermarkets in Woolgoolga to remain modest, particularly in view of the expectation that spending will continue to be directed to centres at Coffs Harbour and Grafton;**
- **result in a 22% reduction in retail sales in the existing beach street centre, resulting in significant economic impacts and threatening the viability of many businesses within the existing town centre; and**
- **result in an 18% reduction in retail sales in the Moonee Beach town centre, representing a previously unidentified yet highly significant impact in terms of overall retail hierarchy.**

Response:

Council's Economic Development Unit (EDU) has undertaken a comprehensive review of the Woolgoolga Retail Impact Assessment prepared by Essential Economics (February 2013) and has advised that a number of assumptions made in the assessment have not been substantiated and therefore cannot be supported.

In this regard, Council's EDU does not support the claim in the assessment that the likely recovery of escape expenditure from Park Beach and Grafton as a result of a full-line supermarket on the site is likely to be modest, based on previous studies that confirm that current escape expenditure from Woolgoolga is considerable (Hill PDA 2006).

Further, Council's EDU does not support the assumption in the assessment that the current supermarket offering presently available within Woolgoolga performs a "weekly shop" function for a majority of customers.

The EDU suggests that the most affected parties from the proposed development would appear to be existing supermarket competitors rather than the retail community generally.

When considering impacts on existing supermarket competitors, Council's EDU notes that the principle of open competition should be applied, as seen in recent Land and Environment Court appeals in which neither the Council nor the Court were concerned with the mere threat of economic competition between competing businesses, only the economic impact of a development on the locality. The matter of economic competition between competing businesses is covered further in issue number 2 below.

The likely economic impact on the Woolgoolga locality from a full-line supermarket on the former Raj Mahal site was considered by Council as part of its endorsement of Planning Proposal 001 - Raj Mahal Site Woolgoolga at its Ordinary Meeting 9 February 2012.

In this regard, Council's endorsement of the planning proposal was made with the knowledge that economic impacts may result on the Woolgoolga locality and that limitations on the scale of retail development in this locality would be required in addition to supportive action to be undertaken by Council to minimise such impacts (refer to issue number 3 below for detail in relation to the required supportive actions and actions taken by Council to date).

In relation to economic impacts from the proposed development on the Moonee Beach town centre, Council's EDU notes that such matter should also be viewed in light of the principle of open competition, as seen in recent Land and Environment Court appeals, in that, only the economic impact of a development on the locality should be of concern.

In this regard, it is important to note that economic impacts on the Moonee Town Centre are likely to be realised as a result of the proposed development until such time as the catchment and trade area supporting Moonee Beach reach predicted population levels. The development of the shopping centre at Moonee Beach has occurred prior to population of a supportive catchment being maximised and therefore economic impact on the retail performance of the Moonee Town Centre as a result of the proposed development should not be used as a reason for refusal of the application.

In summary, a review of the Woolgoolga Retail Impact Assessment prepared by Essential Economics (February 2013) by Council's EDU concludes that the assessment fails to provide sufficient evidence to demonstrate that economic impacts would be realised for the general retail community in Woolgoolga as a result of the proposed development.

Issue 2:

The development is contrary to Section 79C of the *Environmental Planning and Assessment Act 1979* and draft *State Environmental Planning Policy (SEPP) (Competition) 2010* as the approval of the proposed supermarket would have a significant adverse economic impact on the Moonee Beach locality and on the existing Woolgoolga town centre. The development would place in jeopardy the shopping facilities presently enjoyed by the Woolgoolga and Moonee Beach communities due to both physical and financial causes, including:

- a. the potential closure of food and grocery and liquor related businesses;**
- b. impacts on other retail businesses and non-retail businesses and services;**
- c. a loss of jobs;**
- d. a loss of local business profits;**
- e. damage to the tourist trade through the risk of urban blight of the existing Beach Street shopping strip and a loss of the unique characteristics of Woolgoolga;**

The loss of these services is not mitigated by the services provided by the proposed development.

Response:

In determining the development application, Council is to take into consideration such of the matters of relevance to the development as prescribed by Section 79C of the Act.

The Section 79C Evaluation undertaken for the proposal, demonstrates that the development generally complies with relevant environmental planning instruments, draft environmental planning instruments, development control plans, relevant provisions of the Environmental Planning and Assessment Regulation 2000, and adopted Council policy.

In this regard, the provisions of draft State Environmental Planning Policy (SEPP) (Competition) 2010 have been considered. The proposed development is considered to accord with the provisions of this draft Policy.

Consideration of the relevant provisions of this Policy is provided as follows:

The aim of draft SEPP (Competition) 2010 is to promote economic growth and competition, and to remove anti-competitive barriers in environmental planning and assessment. The proposed development of a full-line supermarket on the former Raj Mahal site in Woolgoolga does not contravene the aim of this Policy and will assist in improving competition between existing supermarket offerings in the locality (and also other areas such as Coffs Harbour and Grafton).

Clause 8 of the Policy provides that the commercial viability of proposed commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application.

In accordance with this provision, the matters taken into consideration for the purposes of determining this development application do not include the commercial viability of the proposed supermarket.

Subclause 9(1) of the Policy provides that the likely impact of proposed commercial development on the commercial viability of other commercial development is not a matter that may be taken into consideration by a consent authority for the purposes of determining a development application. Subclause 9(2) of the Policy, however, provides that any such likely impacts may be taken into consideration if the proposed development is likely to have an overall adverse impact on the extent and adequacy of facilities and services available to the local community (having regard to the likely impact on existing facilities and services and the facilities and services to be provided by the proposed development). With the likely impacts referred to in this clause to include loss of trade (subclause 9(3)).

In accordance with Clause 9 of the Policy, the likely impacts of the proposed development on the commercial viability (including loss of trade) of other commercial development in Woolgoolga has not been taken into consideration for the purposes of determining this development application.

The likely economic impacts from a full-line supermarket on the former Raj Mahal site have been well researched by Council as part of numerous strategic planning processes. A full summary of the history of such research is provided in a report to Council's Ordinary Meeting of the 28 July 2011, which sought Council's initial endorsement to proceed with a planning proposal to enable a supermarket on the subject site.

Of particular note is the Woolgoolga Business Lands Review undertaken by Hill PDA (October 2006) which established a need for a full-line supermarket in Woolgoolga to address considerable supermarket escape expenditure to Moonee and Park Beach. Whilst such review noted mixed economic impacts from the location of a supermarket on the former Raj Mahal site, away from the existing retail centre of Woolgoolga, it also identified significant impediments to locating a full-line supermarket in the existing Beach Street retail precinct.

This issue was further considered in an independent Review of Coffs Harbour Business Centres Hierarchy (BCH) prepared by Strategy Hunter (December 2011). This more recent review supported the advice of Hill PDA (2006) in that the development of a supermarket on the former Raj Mahal site would detract from the Town Centre.

The BCH review, however, acknowledged the issues identified by Hill PDA (2006) in relation to the inability to identify a suitable site in the existing retail centre in Woolgoolga and consequently suggested that there would be merit in considering rezoning a limited area of land along the Pacific Highway at Woolgoolga for a large supermarket.

Following consideration of the likely economic impacts of such approach, the BCH review stressed that if such option were to proceed, then retail development should be controlled by restricting retail to the development of a standalone supermarket, limiting the amount of gross floor area (GFA) to a suitable figure, and limiting the maximum floorspace ratio (FSR) on the site.

The review also recommended that:

- a net community benefit assessment should be undertaken, consistent with the Department of Planning draft Centres Policy;*
- supportive action be undertaken to assist the Woolgoolga Town Centre, including a review and update of the Woolgoolga Master Plan (1996) including improving Woolgoolga's attractiveness as a tourist destination; area improvements; and an improved relationship with the beach and coastal areas;*
- additional surveys and research (such as a more comprehensive Business Retention and Expansion Survey (BRES) to supplement the results of the 2010 survey described in "Enhance and Grow Woolgoolga: A Blue Print 2010) be undertaken;*
- funding be sought from the NSW Roads and Maritime Services to assist the above processes.*

Council's endorsement of Planning Proposal 001 - Raj Mahal Site Woolgoolga at its Ordinary Meeting 9 February 2012 was made on the basis that a net community benefit assessment was undertaken as part of the planning proposal assessment process and that the remainder of the above recommendations would be satisfied.

Following endorsement of the planning proposal, clause 24 of LEP 2000 was subsequently developed in accordance with the recommendations of the review of the Coffs Harbour BCH to enable 'development for the purposes of a supermarket (being a single self-service store with the gross floor area not exceeding 3850m² and the floor space ratio not exceeding 0.33:1)'. Council has also resolved to undertake the required supportive action (refer to issue number 3 below).

In summary, the proposed development's compliance with the limitations provided by Clause 24 of LEP 2000 in conjunction with the supportive actions proposed to be undertaken by Council will reasonably address the economic impacts of the proposed development on the Woolgoolga business precincts.

Issue 3:

Council Resolution (9 February 2012) to support a supermarket on the subject site was influenced by the following recommendations:

- **A net community benefit assessment should also be undertaken, consistent with the Department of Planning draft Centres Policy;**
- **Supportive action will need to be undertaken to assist the Woolgoolga Town Centre, including reviewing and updating the 1996 Woolgoolga Master Plan;**
- **Supportive action will be required to assist the Beach Street area if Council supports a supermarket only on the Raj Mahal site as proposed;**
- **Acknowledgement that there will be impacts from the proposed development and as such appropriate action would be required to limit any adverse impacts on the overall community;**

Despite such recommendations, no economic analysis or net community benefit study has been undertaken by Council or provided by the applicant, and advice from Council's planner dealing with the application is that none was required. Further, no action has yet been taken to assist the Woolgoolga Town Centre.

Supportive action is required prior to the opening of the proposed development and is required beyond minor physical improvements, including advertising and promotion of Beach Street.

In the context of the findings of the economic assessment prepared by Essential Economics (February 2013), it is unlikely that "appropriate action" by Council would help businesses cope with a loss of trade on average 22% (and for some businesses, much higher).

Response:

The development application has been amended by the submission of additional information in relation to economic impact. Council's Economic Development Unit has reviewed the amended application including a review of objections to the proposed development comprising an economic assessment prepared by Essential Economics (refer to Issue No. 1 above for further discussion on this matter).

As discussed previously, Planning Proposal 001 – Raj Mahal Site Woolgoolga to enable a supermarket on the site included a net community benefit assessment.

As part of Council's endorsement of the Planning Proposal, Council resolved to consider in the 2012/2013 Operational Plan, a review of the Woolgoolga Master Plan including undertaking a Business Retention and Expansion Survey in accordance with the recommendations of the review of the BCH undertaken by Strategy Hunter (December 2011).

Council, at its Ordinary Meeting of 13 June 2013, further resolved to undertake a Woolgoolga Town Centre Study Review, comprising: a review and update of the existing Woolgoolga Town Centre Study 1996 (Woolgoolga Master Plan); a Business Retention and Expansion Survey; and to continue to seek financial assistance from the State Government for an Economic and Social Impact Assessment to mitigate the economic effects of the completed Pacific Highway Bypass Project on the community. This review is expected to commence in the 2013/2014 operational plan.

The matter relating to economic impact on the general retail sector in Woolgoolga is addressed above in issue number 1.

Issue 4:

The following studies confirm that a supermarket on the Pacific Highway will threaten the Woolgoolga Town Centre:

- **The Woolgoolga Business Lands Review;**
- **The Employment Lands Strategy;**
- **The Retail Strategy;**
- **Our Living City Settlement Strategy;**
- **Business Centres Hierarchy Study.**

Response:

The Coffs Harbour Retail Strategy prepared by AEC Group (February 2006) concluded that the expansion of convenience shopping (including a full scale shopping centre) in Woolgoolga could be considered as part of a new development in a newly zoned retail area, on the western side of the Highway where future residential development is anticipated to be strongest. The Strategy also acknowledged that site consolidation in existing retail precincts could be difficult.

The subsequent Woolgoolga Business Lands Review undertaken by Hill PDA (October 2006) established a need for a full-line supermarket in Woolgoolga to address considerable supermarket escape expenditure to Moonee and Park Beach. Whilst such review noted mixed economic impacts from the location of a supermarket on the former Raj Mahal site, away from the existing retail centre of Woolgoolga, it also identified significant impediments to locating a full-line supermarket in the existing retail centre.

The Our Living City Settlement Strategy later prepared by Coffs Harbour City Council (February 2008) concluded that there would be no demand for any new supermarkets within the next five years due to the approval of the Moonee Beach Shopping Centre and Aldi developments at that time.

In this regard, it is important to note that the Settlement Strategy did not include an assessment of retail escape expenditure specifically for the Woolgoolga locality.

The Coffs Harbour Employment Lands Strategy prepared by SGS (2009) later concluded that significant retail or commercial expansion in the Woolgoolga Business Precinct (including the former Raj Mahal site) may be appropriate where detailed local planning investigations and retail simulation modelling demonstrated that expansion would not be to the detriment of the Woolgoolga East precinct and where expansion to accommodate forecast demand at Woolgoolga East is not possible given development encumbrances.

This issue was further considered in an independent Review of Coffs Harbour Business Centres Hierarchy (BCH) prepared by Strategy Hunter (December 2011). Whilst this more recent review supports the advice of Hill PDA (2006) in that the development of a supermarket on the former Raj Mahal site would detract from the Town Centre, it does however, acknowledged the issues identified by Hill PDA (2006) in relation to the inability to identify a suitable site in the existing retail centre in Woolgoolga and the need to reduce escape expenditure.

Consequently the BCH review states that there would be merit in considering rezoning a limited area of land along the Pacific Highway at Woolgoolga for a large supermarket.

Detailed local planning investigations undertaken by Council as part of Planning Proposal 001 - Raj Mahal Site Woolgoolga, concluded that the site would be conducive to a full-line supermarket subject to limitations on the scale of this development and a number of supportive actions being undertaken by Council (refer to issue number 3 above).

In summary, previous studies do not discount a full-line supermarket on the former Raj Mahal site and most acknowledge the difficulties in identifying a suitable site in the existing town centre and conclude that the former Raj Mahal site would be a suitable option provided that detailed local planning investigations support such proposal.

Issue 5:

The Mid North Coast Regional Strategy notes the negative impact associated with fragmentation and recommends that fragmentation and out of centre retailing should be resisted unless compelling reasons exist in order to maintain a healthy retail and service functioning of particular centres in the Region.

The proposed development is located away from the existing Beach Street commercial centre and will marginalise the existing non-supermarket businesses in the existing commercial centre, contrary to the intent of the Mid-North Coast Regional Strategy.

Response:

The Mid North Coast Regional Strategy was prepared and endorsed by the NSW Government to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the region.

Ministerial Direction number 30 – ‘Implementation of Regional Strategies’ directs Council’s when preparing a draft Local Environmental Plan (LEP) to ensure that they are consistent with the relevant regional strategy.

Planning Proposal 001 - Raj Mahal Site considered at Council’s Ordinary Meeting of 9 February 2012 adequately addressed the Mid North Coast Regional Strategy in accordance with the above direction. In addition, the NSW Government endorsed the planning proposal and in doing so, has determined that the proposal does not undermine the intent of the Strategy.

Whilst this matter has been adequately addressed as part of the planning proposal process, the following comments are made in relation to the outcomes of the Strategy in relation to out of centre retailing, which the Strategy states should be resisted unless compelling reasons exist in order to maintain the healthy retail and service functioning of particular centres in the Region.

Woolgoolga is currently serviced by three existing and separate commercial areas: the Beach Street precinct; the River Street precinct; and the Pacific Highway precinct. The proposed development is to be located within one of these existing commercial areas and as such the development does not categorically fit into the definition of 'out of centre retailing' given that the site is within one of the three commercial precincts that all contribute to the retail and service function for the Woolgoolga Community.

Also of note is the certain and imminent bypass of the Pacific Highway and associated reduction in local traffic numbers, which will assist in reducing fragmentation issues between the existing commercial areas within Woolgoolga.

Issue 6:

Retail development outside the Woolgoolga Town Centre is contrary to Clause 37 and 47 of the North Coast Regional Environmental Plan and the Woolgoolga Town Centre Study (1996) – adopted by Council.

Response:

Woolgoolga Town Centre Study

The Woolgoolga Town Centre Study prepared by Coffs Harbour City Council (1996) recommends that a planning strategy be pursued to reinforce the town centre as the main commercial and retail area, and that strict land use controls should be applied to the Pacific Highway and River Street precincts to reduce the potential for these precincts to attract the services and facilities that should be provided in the town centre.

The Study also acknowledges the importance of reducing significant escape expenditure from Woolgoolga to Coffs Harbour and Grafton, to assist business precincts to increase sales.

As previously discussed, the likely economic impacts from a full-line supermarket within the Pacific Highway business precinct on the Woolgoolga town centre have been acknowledged and considered by Council as part of its endorsement of Planning Proposal 001 - Raj Mahal Site Woolgoolga, which was based on substantial evidence demonstrating that escape expenditure from Woolgoolga is considerable.

In acknowledging that economic impacts would be realised on the Woolgoolga town centre from such proposal, limitations on the size of retail development in the Pacific Highway Business Precinct have been incorporated into relevant planning controls that apply to the land and Council has endorsed supportive action to be undertaken (refer to issue number 3 above).

The North Coast Regional Environmental Plan

Clause 37 of the North Coast Regional Environmental Plan (REP) specifies objectives for the orderly and economic release of urban land and the identification of growth centres; and the promotion of efficient commercial functioning of subregional and district centres.

The relevant provisions associated with such objectives relate to the preparation of draft LEP's and are therefore not a relevant consideration for the proposed development.

Clause 47 of the North Coast REP relates to a number of principles that Council is required to take into consideration before preparing a draft LEP, and principles that Council is required to take into consideration prior to granting consent to industrial development.

The relevant principles required to be considered before preparing a draft LEP were considered as part of the planning proposal to enable a supermarket on the subject site and are not a relevant consideration for this development application. Further, the proposal does not comprise industrial development hence the matters of consideration for industrial development are not a relevant to the proposed development.

Issue 7:

Why should the subject site be entirely zoned B6 Enterprise Corridor under draft Coffs Harbour LEP 2013, when the supermarket is proposed only on Lot 1 and a car park on Lot 500?

Response:

The decision to zone the subject land B6 Enterprise Corridor under draft Coffs Harbour LEP 2013 is beyond the scope of the assessment of the development application. However, it should be noted in this instance that the proposed zoning of the land is based on the Review of Coffs Harbour Business Centres Hierarchy (Strategy Hunter December 2011) which was commissioned by Council to provide independent advice into the preparation of draft LEP 2013 (refer to Council Resolution 279 dated 15 December 2011).

It is also important to point out that the proposed development is for a supermarket (dominant purpose), comprising an associated car park (ancillary use), therefore the use of the entire site (lot 1 and lot 500) is for the dominant purpose of a supermarket and is permissible by virtue of Clause 24 of LEP 2000 and not the zoning of the land. Similarly, the proposed development is permissible by virtue of Schedule 1 – Additional Permitted Uses of draft LEP 2013 regardless of the proposed land use zone.

Issue 8:

The proposed development is contrary to the objectives of zone B6 Enterprise Corridor under draft Coffs Harbour LEP 2013

Response:

In accordance with Section 79C of the Act, Council is to take into consideration any proposed environmental planning instrument that is or has been the subject of public consultation. In this regard, Council is required to take into consideration the relevant provisions of draft Coffs Harbour LEP 2013 (as reported to Council 9 February 2012).

As previously discussed, draft LEP 2013 proposes to zone the subject site B6 Enterprise Corridor. The objectives of the zone are as follows:

- To promote businesses along the main roads and to encourage a mix of compatible uses;*
- To provide a range of employment uses (including business, office, retail and light industrial uses).*
- To maintain the economic strength of centres by limiting retailing activity.*
- To provide for residential uses, but only as part of a mixed use development.*
- To facilitate the development of small scale business uses, which do not detract from the core commercial functions of the Coffs Harbour Central Business District.*

- *To ensure that new commercial buildings make a positive contribution to the streetscape and contribute to a safe public domain.*
- *To allow for the development of small scale office premises which support uses within the enterprise corridor zone but which do not detract from the primary commercial role of the Coffs Harbour Central Business District.*

Whilst the B6 zone objectives are relevant, higher planning consideration and weight is required to be given to the site specific controls that endorse a limited floor area supermarket. In this regard, the proposal complies with the provisions of draft LEP 2013.

Issue 9:

Given that extensive evidence is available demonstrating the negative impacts from out of town developments, the applicant should be able to find a more suitable location for the proposed development with assistance from Council which is beneficial to the town.

Response:

The applicant has sought approval for a supermarket on the subject site. The planning controls for the site allow for this use with consent. It is therefore not required to consider options for alternate sites in the assessment of this application.

Issue 10:

There is no demonstrated need for the supermarket. There is little escape expenditure from Woolgoolga, simply redistribution to other areas within the LGA hence justification on escape expenditure does not apply.

Response:

Planning and retail studies undertaken for the Woolgoolga locality have over many years identified considerable supermarket escape expenditure and have established the need for a full-line supermarket in the locality to assist business precincts.

Council's previous endorsement of Planning Proposal 001 - Raj Mahal Site, for a full-line supermarket on the subject site was based on the need to reduce such considerable escape expenditure and was based on the inability to find a suitable location for a full-line supermarket in the Woolgoolga town centre.

In addition to the above, it should be noted that following public notification of the development application, approximately 80 submissions have been received in support of the proposal for a full-line supermarket on the former Raj Mahal site based on the following perceived benefits:

- *Additional employment opportunities;*
- *Access to major supermarket shopping, including competitive pricing, improved variety, and improved quality of grocery goods and services;*
- *Reduced escape expenditure;*
- *Preservation of the village atmosphere in Woolgoolga East;*
- *Attraction for visitors to the area;*
- *Additional services for the increasing population in Woolgoolga;*

- *Reduction in travel times and costs associated with supermarket shopping in Grafton, Moonee, and Park Beach;*
- *Improved aesthetics of the site;*
- *More accessible site.*

Issue 11:

A Public Meeting is required followed by an extension to the submission period to enable proper review of the application by the community.

Response:

The development application has been publicly notified on two separate occasions, each for a period of 30 days, with a 14 day extension provided for the initial notification period. In summary, the development application has been publicly notified for a total period of 74 days, with the amended development application being made available on Council's website for a period of 30 days. Such lengthy period for community consultation is considered satisfactory to enable proper review of the proposed development by the community, without the need for a Council facilitated public meeting.

Issue 12:

The proposed development contravenes the Coffs Harbour City LEP 2000 in relation to the maximum gross floor area.

Response:

Clause 24 of LEP 2000 permits development for the purposes of a supermarket (being a single self-service store retailing food and household products), with the gross floor area not exceeding 3850m² and the floor space ratio not exceeding 0.33:1.

The proposed development is for a supermarket with a gross floor area of 3,425.7m² and a floor space ratio of 0.3284:1. In this regard, the gross floor area of the proposed development does not exceed 3850m² and the floor space ratio does not exceed 0.33:1, hence satisfying the provisions of Clause 24 of LEP 2000.

Issue 13:

The development is contrary to the objectives of the Business 3D Tourist Service Centre zone within the Coffs Harbour City LEP 2000.

Response:

The aim of the Business 3D Tourist Service Centre zone is to provide for the tourist service needs of the community, whilst the objectives of the zone are to:

- *Enable tourist service development and other development that is compatible with the surrounding area; and to*
- *Provide for development that is within the environmental capacity of the land, and can be adequately serviced.*

Whilst the 3D zone objectives are relevant, higher planning consideration and weight is required to be given to the site specific controls that endorse a limited floor area supermarket. In this regard, the proposal complies with the provisions of LEP 2000.

Issue 14:

The application is deficient in sufficient information to enable sound decision making, particularly in relation to economic impact, waste management, and soil contamination.

Response:

Economic Impacts

Following the initial public notification of the development application, a number of submissions were received in which objections were made to the proposed development in relation to economic impact.

In response to such objections, the development application was amended by the submission of additional information in relation to economic impact. The amended application and objections to the proposed development in relation to economic impact were subsequently referred to Council's Economic Development Unit for comment (refer to issue 1 above for further discussion in relation to this matter). This matter has been satisfactorily addressed by the amended development application.

Waste Management

Council's Waste Section has recommended the submission of additional information in relation to waste management prior to the issue of any construction certificate. The proposed conditions of development consent reflect this advice and will ensure that adequate waste management facilities are provided to service the development.

Soil Contamination

In accordance with SEPP 55 – Remediation of Land, the development application is accompanied by preliminary site environmental assessment reports. Council's Environmental Services Section has reviewed the application and relevant assessment reports, and has advised that the submitted information accords with the provisions of SEPP 55 – Remediation of Land.

Council's Environmental Services Section has recommended the imposition of conditions of development consent requiring further assessment (and remediation if required) of the site in accordance with SEPP55. The proposed conditions of development consent reflect this advice.

Issue15:

Council should obtain independent advice on the impacts of the proposed development.

Response:

The application has been assessed in the normal administrative manner. The application has been referred to a number of internal branches within Council and external agencies for specialist advice in relation to the likely impacts of the proposed development.

There is no requirement under the Act or Regulations for this matter to be evaluated independently.

Issue 16:

The proposed development is contrary to clause 23 of LEP 2000 and clause 7.1 of draft LEP 2013 in relation to potential acid sulphate soils.

Response:

The development application has been amended by the submission of a preliminary assessment of the proposed development in accordance with the Acid Sulfate Soils Manual.

Following review of the preliminary assessment by Council's Environmental Services Section, it has been determined that the preliminary assessment is satisfactory and that an Acid Sulfate Soils Management Plan is not required. In this regard, the provisions of clause 23 of LEP 2000 and clause 7.1 of draft LEP 2013 have been satisfied.

Issue 17:

The proposed development is contrary to clause 23A of the LEP 2000 and clause 7.11 of draft LEP 2013 in relation to flood hazard, particularly impacts on downstream properties, cumulative impacts, and influencing factors such as sea level rise, global warming, and El Nino.

Properties that are likely to be impacted by flooding as a result of the proposed development should be separately notified and given opportunity to comment.

Response:

The Section 79C Evaluation undertaken for the proposed development demonstrates that the proposal accords with the provisions of clause 23A of LEP 2000, clause 7.11 of draft LEP 2013, and Council's adopted Floodplain Development and Management Policy (refer to Section 79C for further detail in relation to this matter).

Council's adopted flood policy incorporates factors such as sea level rise and ensures that that the development will not increase upstream or downstream flood levels to the detriment of any other property.

The development application has been publicly notified in accordance with Council's Notification DCP and the Regulations. In this regard, the development application has been notified to land owners likely to be impacted by the proposed development and has been advertised in the local media on two separate occasions. Such period for community consultation is considered satisfactory to enable proper review of the proposed development by the community.

Issue 18:

The proposed development is contrary to clause 7.5 of draft LEP 2013 relation to design excellence.

Response:

Development consent must not be granted for development to which clause 7.5 Design Excellence of draft LEP 2013 applies unless Council considers that the development exhibits design excellence. In considering whether the proposed development exhibits design excellence, the consent authority must have regard to the matters specified in subclause 7.5(4).

The matters specified by subclause 7.5(4) have been considered, including an assessment of the developments compliance with such matters that was submitted with the development application. Following such review it is considered that the development exhibits design excellence and satisfies the provisions of clause 7.5 of draft LEP 2013.

The proposed materials, design, and finishes of the development are appropriate for a commercial supermarket building within an enterprise corridor zone. The external appearance and form of the proposed development will significantly improve the quality and amenity of the locality which is currently degraded. Further, the proposal is unlikely to detrimentally impact view corridors.

The proposed developments relationship with neighbouring sites in terms of separation, setbacks, amenity, and urban form are satisfactory. Street frontage height, bulk, mass, and modulation are satisfactory for a commercial supermarket in an enterprise corridor zone.

Solar access and water harvesting has been considered in the design of the proposed development. Overshadowing is unlikely to be an issue due to the height and orientation of the proposed development. The proposed conditions of development consent will ensure that pedestrian and vehicular access to the development is satisfactory.

Issue 19:

The proposed development is contrary to the provisions of SEPP (Infrastructure) 2007

Response:

SEPP (Infrastructure) is of relevance to the proposed development due to the traffic generating nature of the development and the fact that the subject site has frontage to a classified road.

A discussion of the developments compliance with relevant provisions within the Policy is provided as follows:

Clause 101 – Development with frontage to classified road

The objectives of this Clause are to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

In accordance with Clause 101 of the Policy, Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that where practicable, vehicular access to the land is provided by a road other than the classified road, and that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

- *the design of the vehicular access to the land, or*
- *the emission of smoke or dust from the development, or*
- *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development is not contrary to the objectives of clause 101. The proposed traffic response has been supported by the NSW Roads and Maritime Services (RMS) and is not likely to compromise the effective and ongoing operation of the Pacific Highway. Due to the commercial nature of the proposed development it is highly unlikely that traffic noise or vehicle emissions would create unacceptable impacts for the use or occupation of the development for a supermarket.

Clause 104 - Traffic-generating development

Before determining a development application for development to which this clause applies, Council is required to consider the accessibility of the site concerned, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips.

The accessibility of the site is currently adequate and will be significantly improved following the completion of the Sapphire to Woolgoolga component of the Pacific Highway Upgrade Project, which is expected to occur at the time that the proposed development would be operational.

The proposal for a full line supermarket in Woolgoolga will reduce the need for residents in the Woolgoolga locality and the northern beaches to travel extensive distances to Grafton, Moonee, and Coffs Harbour to access larger supermarket offerings. The proposed development will result in additional goods and services being available in Woolgoolga, thereby reducing the need for multiple trips to other better serviced localities.

Council's Traffic Section has reviewed an updated traffic response submitted as an amendment to the development application and has recommended the imposition of conditions of development consent to ensure that the matters for consideration in relation to potential traffic safety, road congestion, and parking implications are adequately addressed in accordance with the provisions of this clause.

Issue 20:

The proposed development is contrary to the provisions of SEPP 55 - Remediation of Land.

Response:

The proposal satisfies the provisions of SEPP 55 – Remediation of land (refer to section 79C Evaluation for further discussion on this matter).

Issue 21:

The proposed development is contrary to the provisions of SEPP 71 - Coastal Protection.

Response:

The proposal satisfies the provisions of SEPP 71 – Coastal Protection (refer to section 79C Evaluation for further discussion on this matter).

Issue 22:

The proposed liquor component of the development constitutes a separate tenancy and is therefore a prohibited land use under LEP 2000

Response:

The proposed development is for the purposes of a supermarket, comprising various components including a building in which the supermarket and loading dock is located, fit out for a supermarket including a liquor offer, adjoining car park, driveways, pedestrian access, and landscaping etc.

All of the above components can be regarded as being for the one dominant purpose of a supermarket and serve the purpose of enabling the supermarket to function on the land.

The liquor offer is consistent with the dominant purpose of a supermarket. The amount of land required for the liquor component relative to the amount of land required for the supermarket is relatively small.

The physical proximity of the liquor offer within the supermarket and the fact that it is only accessible from within the main entrance to the supermarket demonstrates an ancillary relationship to the dominant purpose of the supermarket.

Taking into consideration the above characteristics, the proposed liquor offer is considered to be an ancillary use that is subordinate and subservient to the dominant purpose of a supermarket, and as such is a permissible land use by virtue of clause 24 of LEP 2000.

Issue 23:

The application fails to adequately address the social impacts of the proposed development.

Response:

During the initial public notification of the development application a number of submissions were received in which objections were made in relation to potential social impacts from the liquor component of the development.

In response to such objections, the application was subsequently amended by the submission of a Social Impact Assessment. In this regard, the amended development application satisfactorily addresses the social impacts of the development (see previous discussion).

Issue 24:

The density of alcohol outlets in Woolgoolga is sufficient. An oversupply of alcohol outlets or an increase in density will result in harmful and deleterious effects on the community. Research demonstrates that the number and type of alcohol outlets in local areas affects rates of harm (including violence, heavy drinking, and chronic disease).

Response:

The amended development application (including a Social Impact Assessment of the proposed liquor offer) has been referred to Council's Community Services Branch and the NSW Police licensing section for comment.

Advice from Council's Community Services Branch and the NSW Police is that the proposed liquor offer component of the development is unlikely to result in unacceptable social impacts on the locality.

The NSW Police licensing section notes that the nature of trade and density of liquor outlets in the locality does not appear to raise any risk regarding alcohol related offences. It is also pointed out by the licensing section that the subject site is within the immediate vicinity of a designated Alcohol Free Zone therefore the proposed liquor offer is unlikely to conflict with the use of open space areas within proximity of the development or result in a risk to public safety.

Issue 25:

Council should consider the impacts from the proposed liquor offer on existing local liquor proprietors.

Response:

The Social Impact Assessment submitted as an amendment to the development application addresses this matter and references recent case law, in which it is noted that economic competition between individual trade competitors is not an environmental or planning consideration.

Note: the economic impact from the proposed development on the entire locality is considered above.

Issue 26:

The development is contrary to the Coffs Harbour City Council Business Lands DCP.

Response:

The proposal satisfies the provisions of Council's Business Lands DCP.

Issue 27:

The development is contrary to the provisions of the Coffs Harbour City Council Off-Street Car Parking DCP.

Response:

The proposal satisfies the provisions of Council's Off Street Car Parking DCP (refer to section 79C Evaluation for further discussion on this matter).

Issue 28:

The proposal for five staff car parking spaces for over 100 employees will result in staff parking in the neighbourhood and associated impacts on the amenity of the neighbourhood.

Response:

The proposal satisfies the provisions of Council's Off Street Car Parking DCP. In addition, the development comprises surplus off street car parking spaces which will minimise impacts from the proposed development on the amenity of the neighbourhood.

Issue 29:

The proposed development will generate unacceptable traffic impacts resulting in traffic delays and impacts on intersections, especially at the roundabout at the Pacific Highway/Pullen Street intersection and the intersection of Moore, Mackay, and Pullen Street.

Response:

The application has been amended by the submission of an updated traffic response, comprising upgrades to the Moore Street and Pullen Street intersection, and revised access arrangements to the site from the Pacific Highway.

The amended traffic response has been endorsed by Council's Traffic Section subject to the imposition of conditions of development consent. The development application has also been referred to the NSW RMS for comment in relation to impacts from the proposed development on the Pacific Highway. The RMS has issued conditional support to the amended proposal.

The draft conditions of development consent reflect this advice and will ensure that unacceptable traffic impacts are unlikely to result from the proposal.

Issue 30:

The application should be made available on Council's Website and renotified following the submission of sufficient information.

Response:

The development application was lodged prior to the launch of Council's Development Application tracking tool, therefore the application was unable to be initially accessed electronically on Council's Website.

Following receipt of numerous requests during the initial public notification of the development application for access to an electronic copy of the proposal, the amended development application was made accessible on Council's website for a period of 30 days.

Issue 31:

The Statement of Environmental Effects submitted with the development application erroneously refers to speciality shops and mini major retail stores.

Response:

This matter was raised with the applicant and has subsequently been deleted from the development application by submission of an amended Statement of Environmental Effects.

Issue 32:

The proposed development does not have regard for the characteristics of the site and relationship to neighbouring land.

Response:

The Statement of Environmental Effects accompanying the development application addresses the characteristics of the site and its relationship to neighbouring land. In addition, such matters have been assessed as part of the Section 79C Evaluation undertaken for the proposed development. In this regard, the proposed development is considered to be suitable for the subject site and locality.

Issue 33:

The site has insufficient public transport options.

Response:

The availability of various public transport options to the proposed development is not a matter of consideration for the development application. The proposed conditions of development consent will, however, ensure that adequate pedestrian linkages are available to the site and that the existing bus stop that adjoins the site is upgraded to the satisfaction of Council.

Issue 34:

During construction, the laneway at the rear of our property and at the rear of the proposed development may be blocked by vehicles and construction works. This laneway is used regularly by residents in the locality – will it remain open for free flow of vehicles and pedestrians?

Response:

The draft conditions of development consent will ensure that laneways adjoining the site will not be obstructed by construction vehicles during the construction phase of the development.

Issue 35:

The rear of the proposed development is located to the boundary of the allotment. Should the building be setback from the boundary, particularly to enable access for fire fighting vehicles?

Response:

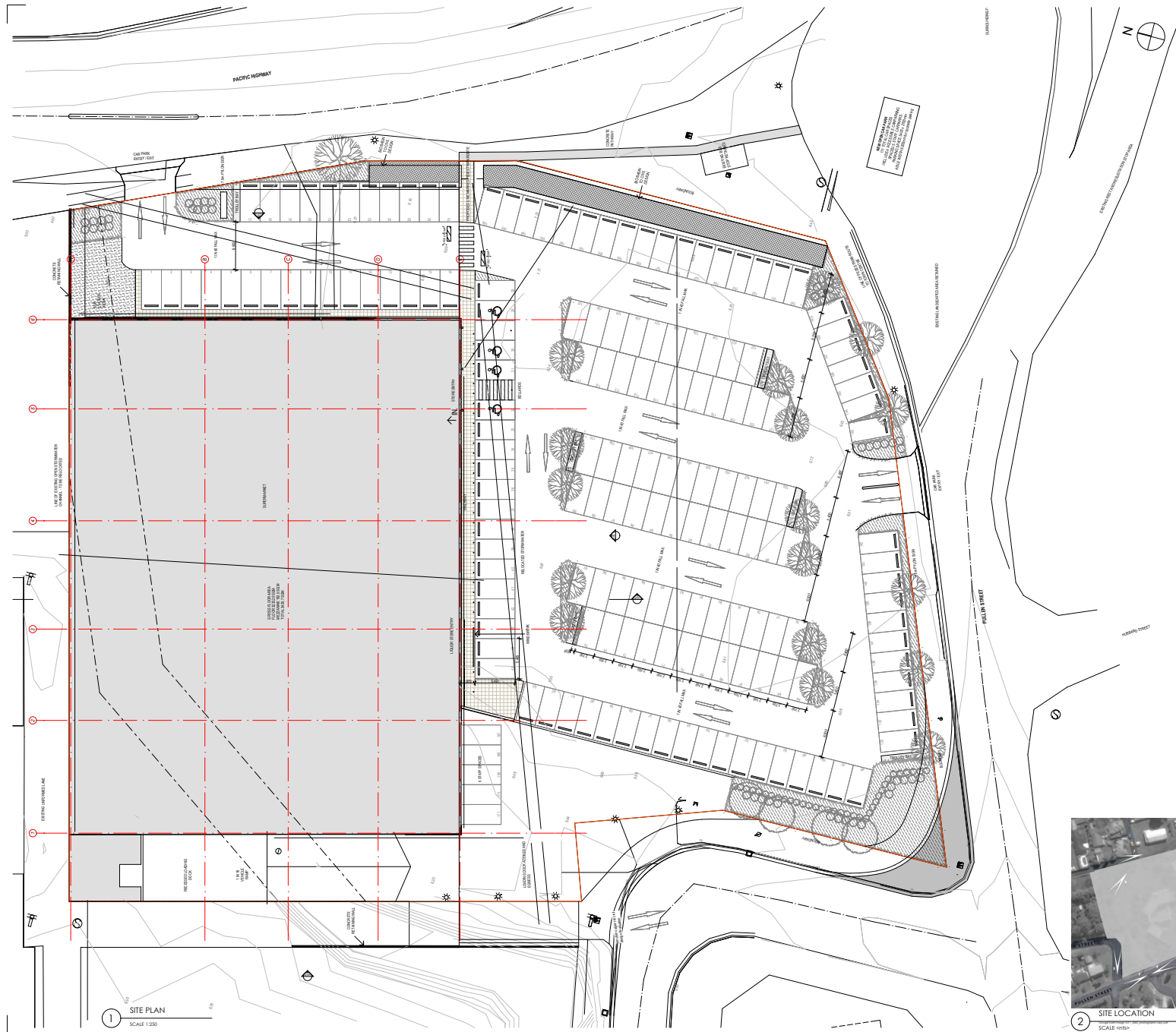
The development is not required to be setback from site boundaries to enable access for fire fighting vehicles.

Issue 36:

The width of the lane does not cater for vehicle maneuvering.

Response:

Access to the proposed development does not rely on adjoining laneways, save an existing unformed lane that adjoins the western boundary of the site. In this regard, the section of the lane to be utilised for access to the development is to be upgraded in accordance with Council's Development Design and Construction specifications and will be of adequate width to cater for vehicle maneuvering.



1 SITE PLAN
SCALE 1:200

2 SITE LOCATION
SCALE 1:500

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LEGEND:
 REFER LANDSCAPE PLAN BY LANDSCAPE ARCHITECTS FOR PLANT AND GROUND COVER LEGEND

D	BL	06.02.13	Approval
C	BL	13.12.12	Approval
B	BL	12.12.12	Approval
A	BL	29.11.12	Approval
PS7	BL	07.11.12	Preliminary
PS6	BL	19.10.12	Preliminary
PS5	BL	17.10.12	Preliminary
PS4	BL	16.10.12	Preliminary
PS3	BL	12.10.12	Information
PS2	BL	27.09.12	Information

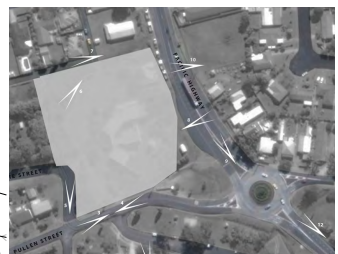
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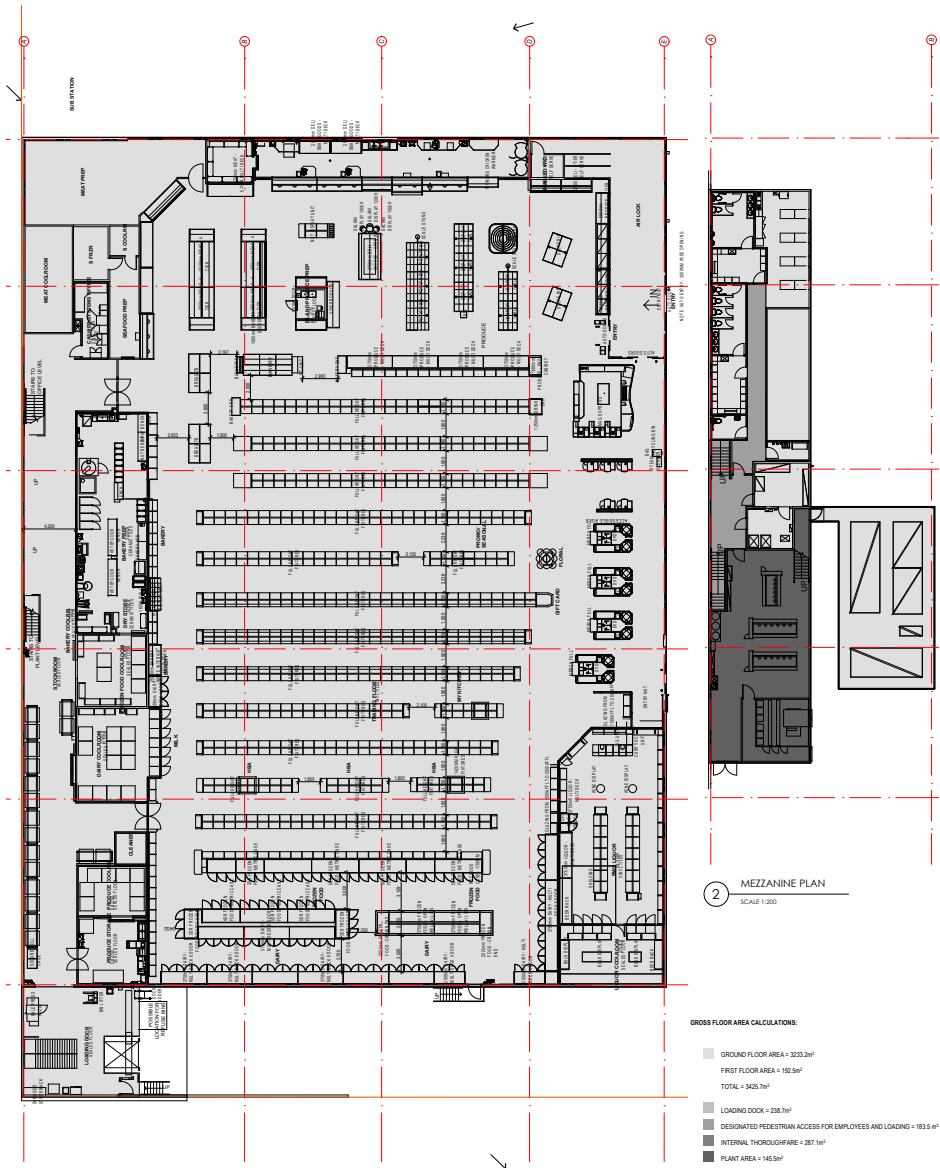
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Proposed Retail Development
 Pacific Highway
 Woolgoolga
 155 WOLWORTH WAY
Site Plan

SCALE	DRAWN BY	CHK	PL/DT DATE
1:500	844	BL	CJM 6/02/2013
PROJECT NUMBER	DRAWING NUMBER	DATE	
12029	DA-04	D	



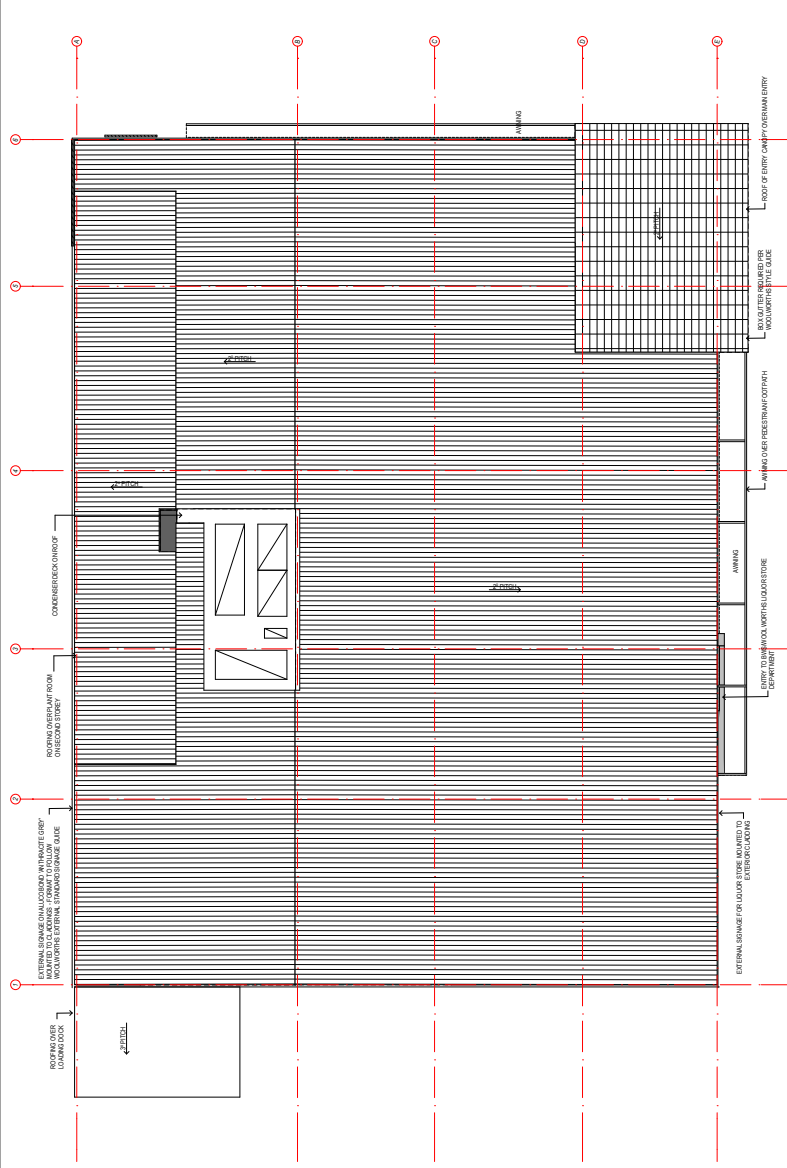


1 GROUND FLOOR PLAN
SCALE 1:200

2 MEZZANINE PLAN
SCALE 1:200

GROSS FLOOR AREA CALCULATIONS:

- GROUND FLOOR AREA = 3233.2m²
- FIRST FLOOR AREA = 192.5m²
- TOTAL = 3425.7m²
- LOADING DOCK = 238.7m²
- DESIGNATED PEDESTRIAN ACCESS FOR EMPLOYEES AND LOADING = 183.5 m²
- INTERNAL THROUGHFARE = 287.1m²
- PLANT AREA = 145.5m²



3 ROOF PLAN
SCALE 1:200

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LEGEND:

A	BL	28.11.12	Approval
P08	BL	13.11.12	Approval
P07	BL	19.03.12	Preliminary
P06	BL	17.10.12	Preliminary
P05	BL	16.03.12	Preliminary
P04	BL	12.10.12	Information
P03	BL	04.03.12	Information
P02	BL	27.09.12	Information
P01	BL	10.08.12	Information

No	DATE	REVISION / ISSUE DETAILS
1		
2		
3		

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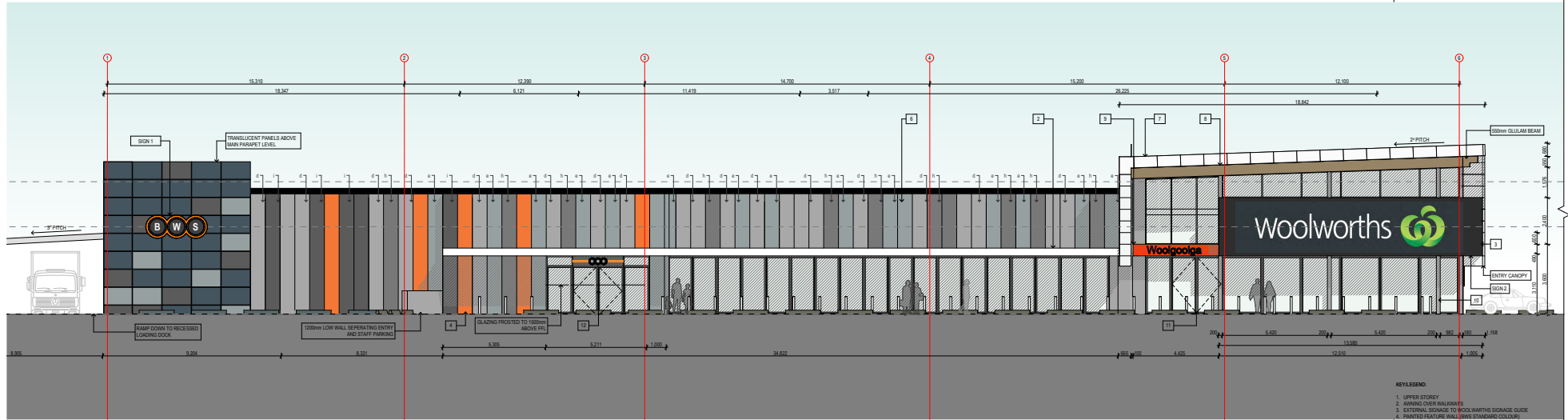
**Proposed Retail Development
Pacific Highway
Woolgoolga**

**Floor and Roof Plans -
Option B**

SCALE	DRAWN BY	CHK	PLG/DATE
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PROJECT NUMBER	DRAWING NUMBER	DATE	
12029	DA-05	A	

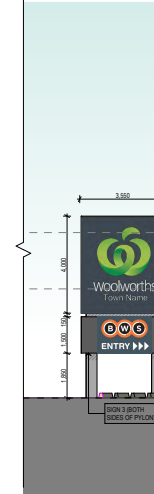
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LEGEND:

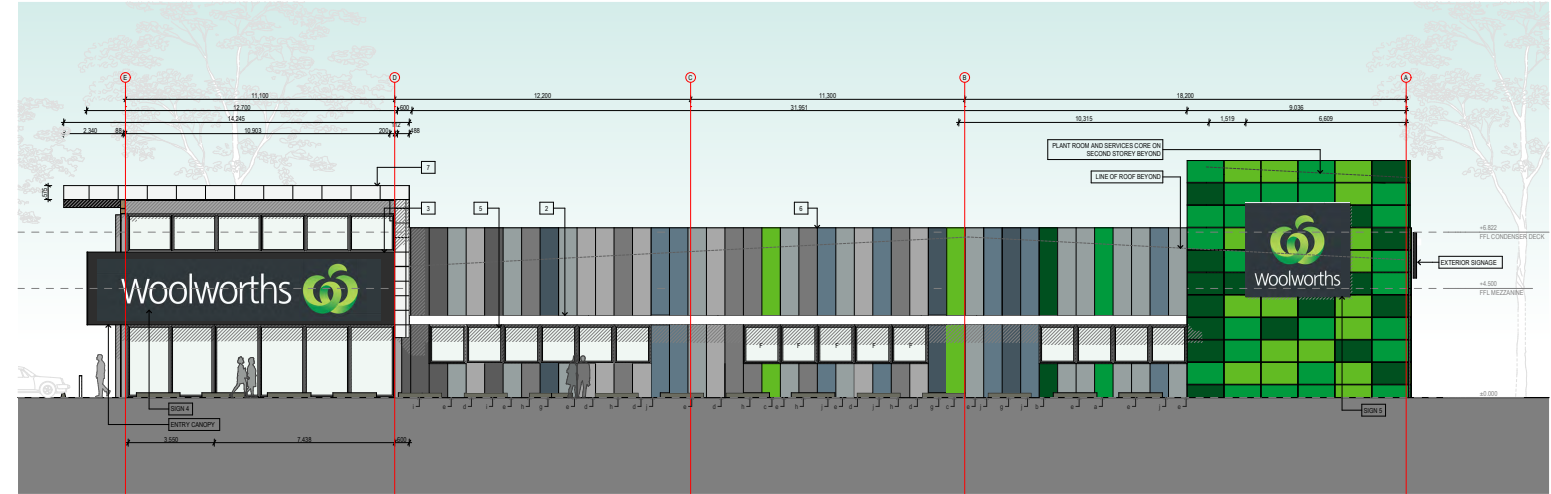


1 SOUTH ELEVATION
 SCALE 1:100

- KEY LEGEND:
- UPPER STOREY
 - MINING OPER WALKWAYS
 - EXTERNAL SIGNAGE TO WOOLWORTHS SIGNAGE GUIDE
 - PAINTED CURB WALL SIGN STANDARDS COLOURS
 - WINDOWS AT 800mm ABOVE FFL
 - EXTERIOR GLAZING - COLORBOND CUSTOMERS
 - ENTRY CANOPY TO WOOLWORTHS STYLE GUIDE
 - GULLAM BEAMS TO WOOLWORTHS STYLE GUIDE
 - ENTRY PLACE NAME SIGNAGE TO WOOLWORTHS STYLE SIGNAGE GUIDE
 - SUPPORT STRUCTURES TO WOOLWORTHS STYLE GUIDE
 - MAIN SUPERMARKET ENTRY (AUTOMATIC SLIDING DOORS)
 - BREE ENTRY (AUTOMATIC SLIDING DOORS)
- F - WINDOWS TO BE TREATED WITH THERMAL AND UV PROTECTIVE FILMS
- | | | | |
|---|-----|----------|-------------|
| D | BL | 13.12.12 | Approval |
| C | BL | 12.12.12 | Approval |
| B | BL | 03.12.12 | Approval |
| A | BL | 29.11.12 | Information |
| | P87 | 07.11.12 | Information |
| | P88 | 26.10.12 | Information |
| | P85 | 16.10.12 | Information |
| | P84 | 12.12.12 | Information |
| | P83 | 03.10.12 | Information |
| | P82 | 27.09.12 | Information |



2 S ELEVATION-PYLON SIGN
 SCALE 1:100



3 EAST ELEVATION
 SCALE 1:100

No	REVISION DATE	REVISION / ISSUE DETAILS
1		
2		

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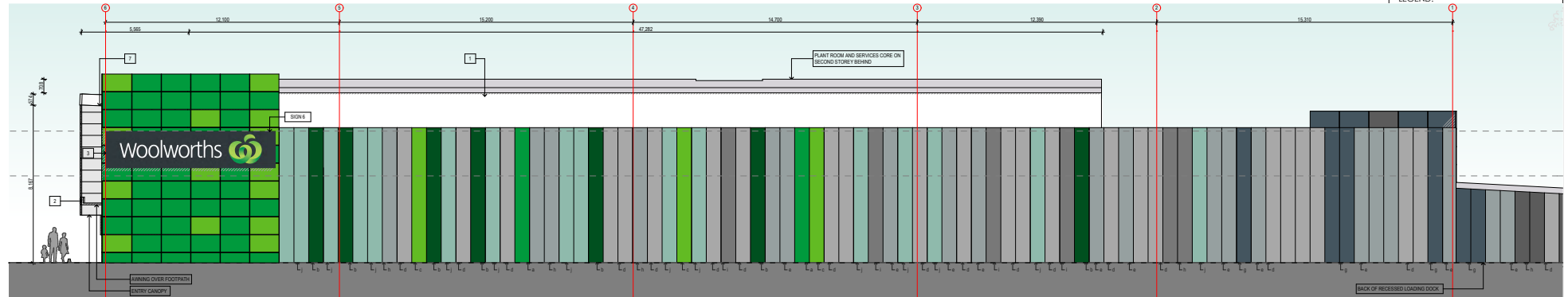
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 WOOLWORTHS LIMITED
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**Proposed Retail Development
 Pacific Highway
 Woolgoolga**

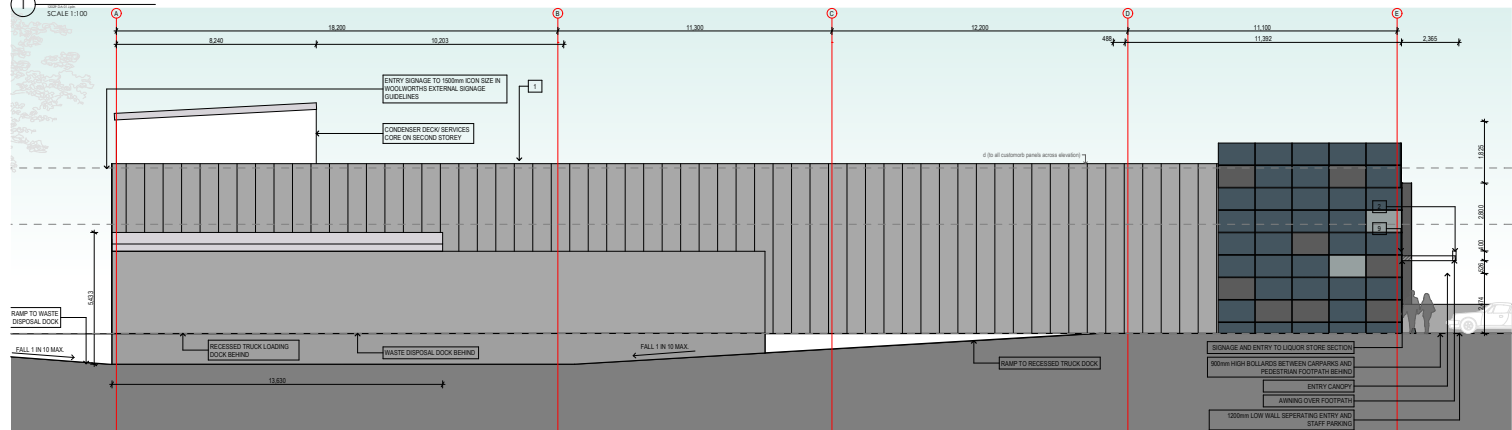
Elevations

SCALE	DRAWN BY	CHECKED BY	PLotted DATE
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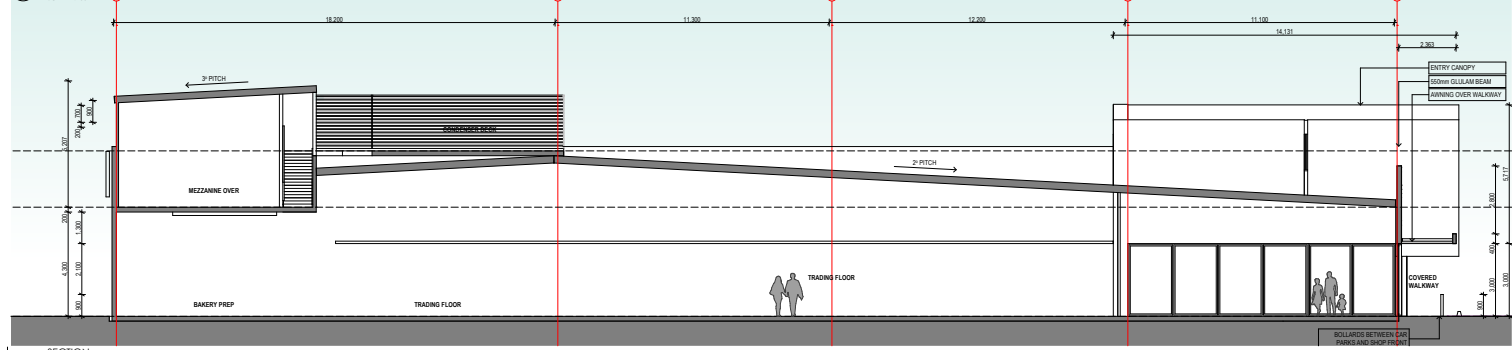
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1 NORTH ELEVATION
 SCALE 1:100



2 WEST ELEVATION
 SCALE 1:100



3 SECTION
 SCALE 1:100

LEGEND:

KEY LEGEND:

- 1. UPPER STOREY
- 2. AWNING OVER WALKWAYS
- 3. EXTERNAL SIGNAGE TO WOOLWORTHS SIGNAGE GUIDE
- 4. PAINTED FUTURE WALL (BMS STANDARD COLOUR)
- 5. WINDOWS AT 800mm ABOVE FFL
- 6. EXTERIOR CLADDING - COLOURS AND CUSTOMERS
- 7. ENTRY CANOPY TO WOOLWORTHS STYLE GUIDE
- 8. GULLUM BEAMS TO WOOLWORTHS STYLE GUIDE
- 9. ENTRY PLACE NAME SIGNAGE TO WOOLWORTHS STYLE SIGNAGE GUIDE
- 10. SUPPORT STRUCTURES TO WOOLWORTHS STYLE GUIDE
- 11. MAIN SUPERMARKET ENTRY (AUTOMATIC SLIDING DOORS)
- 12. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 13. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 14. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 15. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 16. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 17. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 18. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 19. BMS ENTRY (AUTOMATIC SLIDING DOORS)
- 20. BMS ENTRY (AUTOMATIC SLIDING DOORS)

No	DATE	REVISION / ISSUE DETAILS

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Fabco Ply Ltd
 WOOLWORTHS LIMITED
 1 Woolworth Way
 Balby Vale NSW 2153

Proposed Retail Development
 Pacific Highway
 Woolgoolga
 (25/07/2012)

Elevations - Section

SCALE	DRAWN BY	CHECKED BY	PROJECT DATE
1:100	BAI	CJM	12/12/2012
PROJECT NUMBER	DRAWING NUMBER	DATE	
12029	DA-07	B	

- CUSTOMER CLADDING COLOURS:**
- a. WOOLWORTHS GREEN
 - b. WOOLWORTHS DARK GREEN
 - c. WOOLWORTHS LIGHT GREEN
 - d. LIGHT GREY
 - e. WOOLWORTHS BMS LIGHT GREY
 - f. WOOLWORTHS BMS GREY
 - g. DARK GREY/BLUE
 - h. WOOLWORTHS BMS LIGHT GREY 2
 - i. DARK GREY
 - j. LIGHT GREY/BLUE



1 PERSPECTIVE



2 PERSPECTIVE FROM PACIFIC HIGHWAY VEHICULAR ENTRY



3 PERSPECTIVE FROM PULLEN STREET



4 PERSPECTIVE FROM PACIFIC HIGHWAY ROUNDABOUT

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LEGEND:

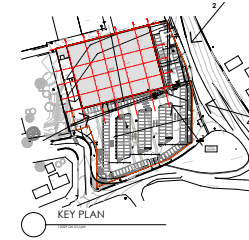
B	BL	12.12.12	Approval
A	BL	28.11.12	Approval
P06	BL	28.11.12	Preliminary
P05	BL	27.11.12	Preliminary
P04	BL	16.10.12	Preliminary
P03	BL	03.09.12	Information
P02	BL	27.09.12	Information
P01	BL	10.09.12	Information

No	DATE	REVISION / ISSUE DETAILS

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CLIENT
Fabco Pty Ltd
 WOOLWORTHS LIMITED
 1 Woolworths Way
 Balra Water NSW 2153
 PROJECT
**Proposed Retail Development
 Pacific Highway
 Woolgoolga**

PROJECT TITLE
Exterior Perspectives
 SCALE: DRAWN BY: GC PLG/DATE: N/A: BL: CJM 12/12/2012
 PROJECT NUMBER: DRAWING NUMBER: 12029 DA-08 B





1 EAST ELEVATION
Scale: 1:50



2 SOUTH ELEVATION
Scale: 1:50

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LEGEND:

D	BL	13.12.12	Approval
C	BL	12.12.12	Approval
B	BL	03.12.12	Approval
A	BL	29.11.12	Approval
PPT	BL	28.11.12	Preliminary

No	REVISION DATE	REVISION / ISSUE DETAILS

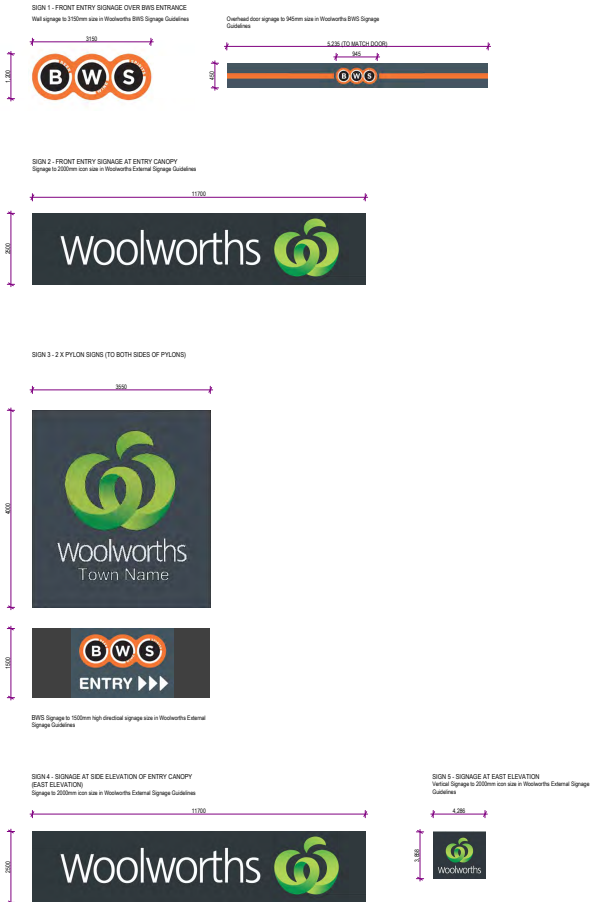
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Client:
Fabco Pty Ltd
 WOOLWORTHS LIMITED
 1 Woolworths Way
 Balra Water NSW 2153

PROJECT:
Proposed Retail Development
Pacific Highway
Woolgoolga
Rendered Elevations

SCALE	DRAWN BY:	CHK	PLG/DATE
N/A	BL	CJM	13/12/2012
PROJECT NUMBER:	DRAWING NUMBER:	DATE:	
12029	DA-08a	D	

SIGNAGE SCHEDULE



NOTE
- ALL SIGNAGE COMPONENTS - SIZE AND MATERIALITY TO WOOLWORTHS EXTERNAL SIGNAGE GUIDE AND BWS SIGNAGE GUIDE
- SYMBOLS USED IN SIGNAGE SCHEDULE FOR INDICATION ONLY. FOR ACCURATE REPRODUCTION OF WOOLWORTHS/BWS SIGNAGE, REFER WOOLWORTHS/BWS SIGNAGE GUIDE

1 Signage Schedule
SCALE: 1:200

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LEGEND:

A	BL	29.11.12	Approval
PT	BL	12.10.12	Information

No	Initial	DATE	REVISION / ISSUE DETAILS
1			
2			

ARCHITECTS

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MBM Architects (Incorporated) is a registered Architect. New South Wales 5504 Gerry Bray 2012

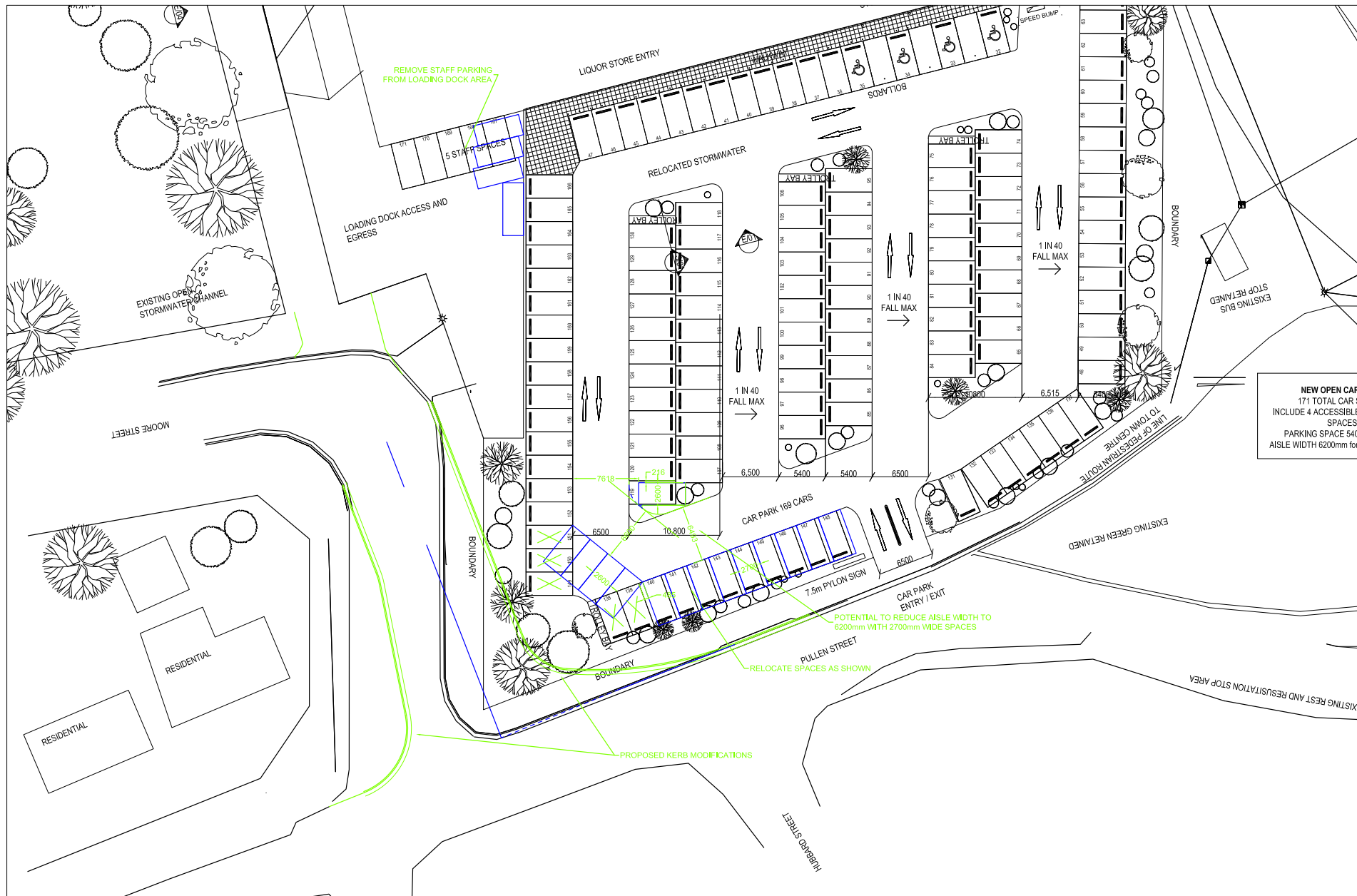
Fabco Pty Ltd

WOOLWORTHS LIMITED
1 Woolworths Way
Bella Vista NSW 2153

Proposed Retail Development
Pacific Highway
Woolgoolga

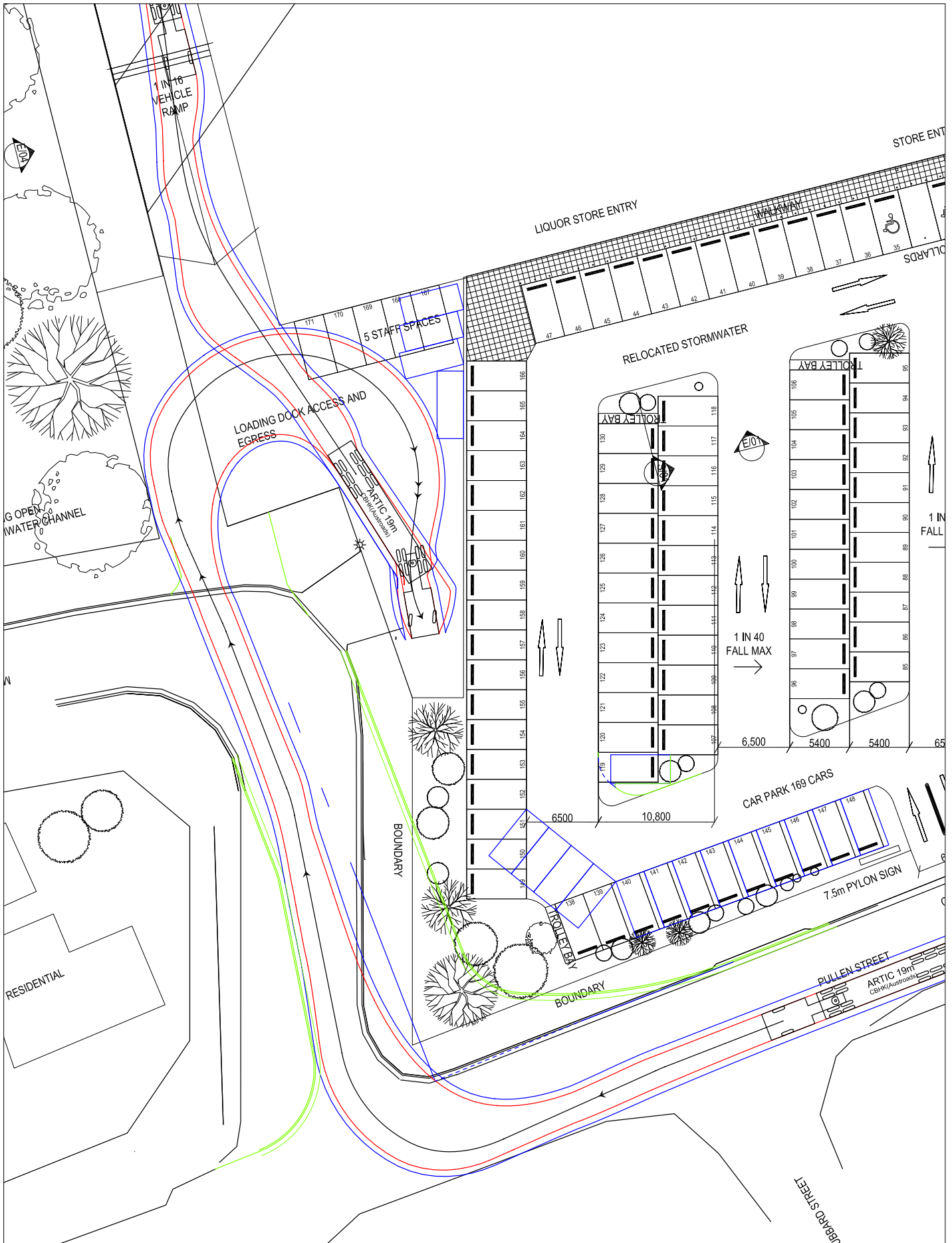
Signage Schedule

SCALE	DRAWN BY:	CHK	PLGT DATE
1:200	BL	CJM	29/11/2012
PROJECT NUMBER	DRAWING NUMBER	DATE	
12029	DA-09	A	



NOTE:
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PROPOSED KERB MODIFICATIONS



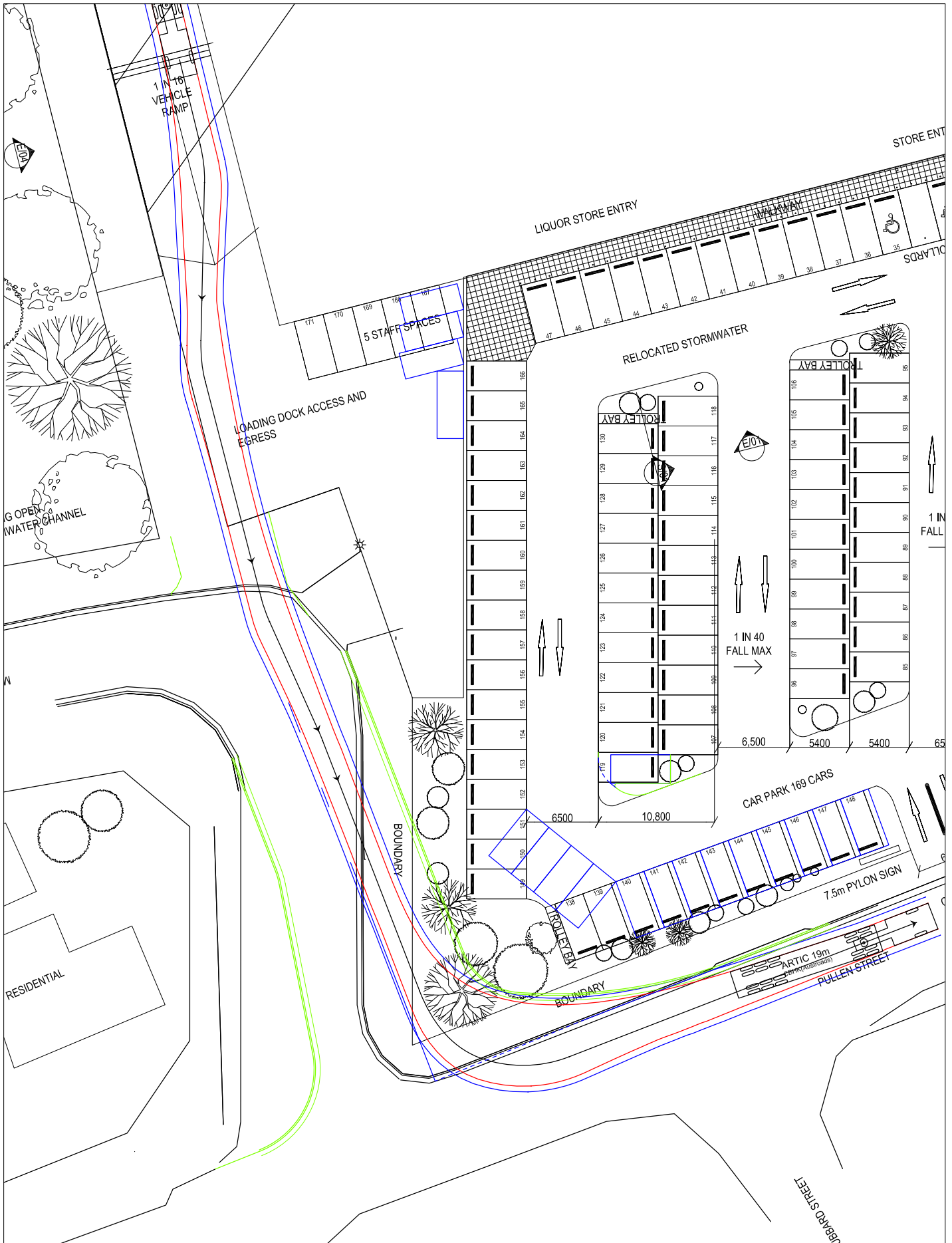
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— Swept Path of Vehicle Body
 — Swept Path of Clearance to Vehicle Body

19.0m ARTICULATED VEHICLE SWEEP PATH

DRAWN BY CBHK Pty Ltd. No. Ref: 8440

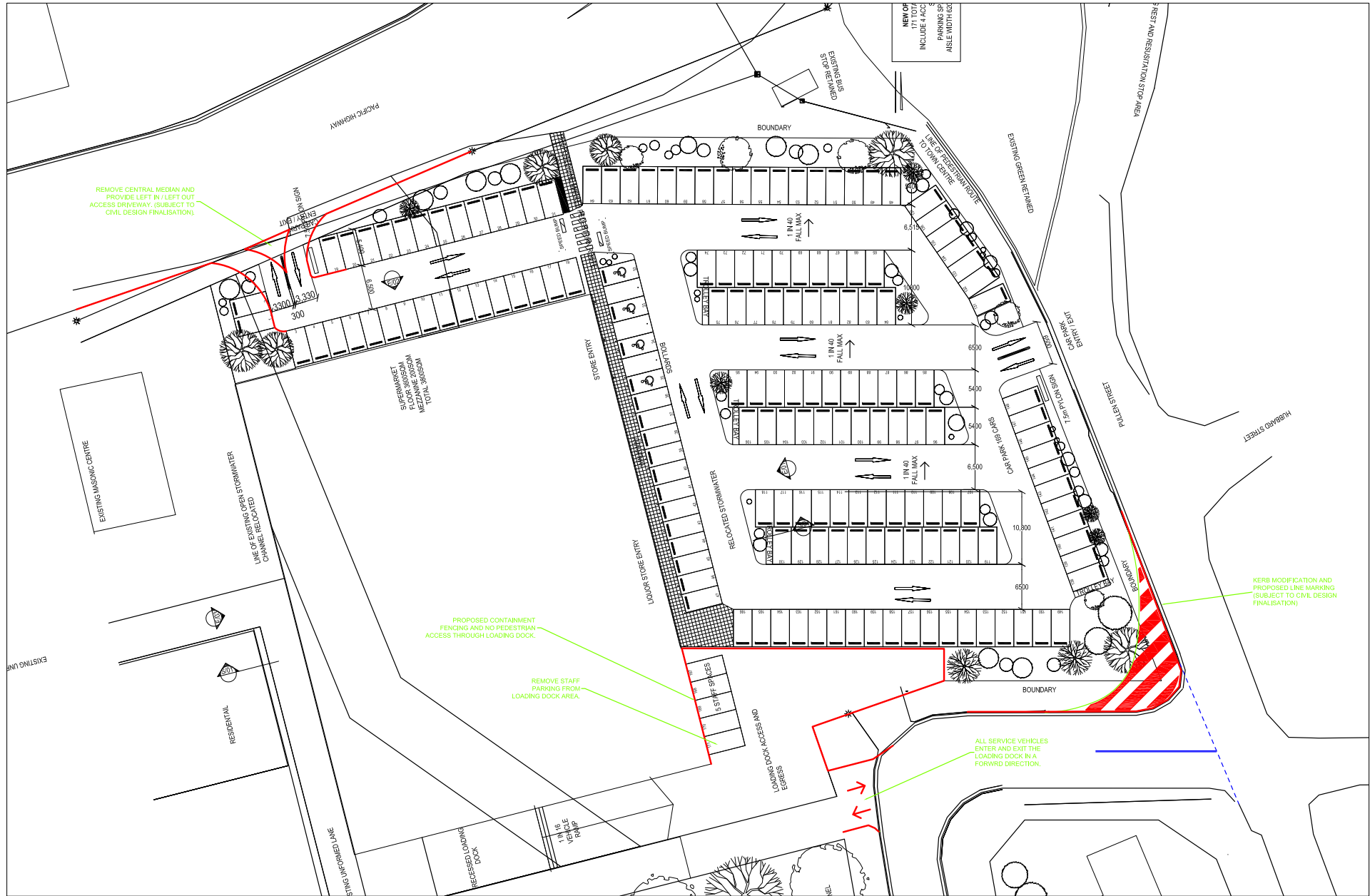
12 JUNE 2013



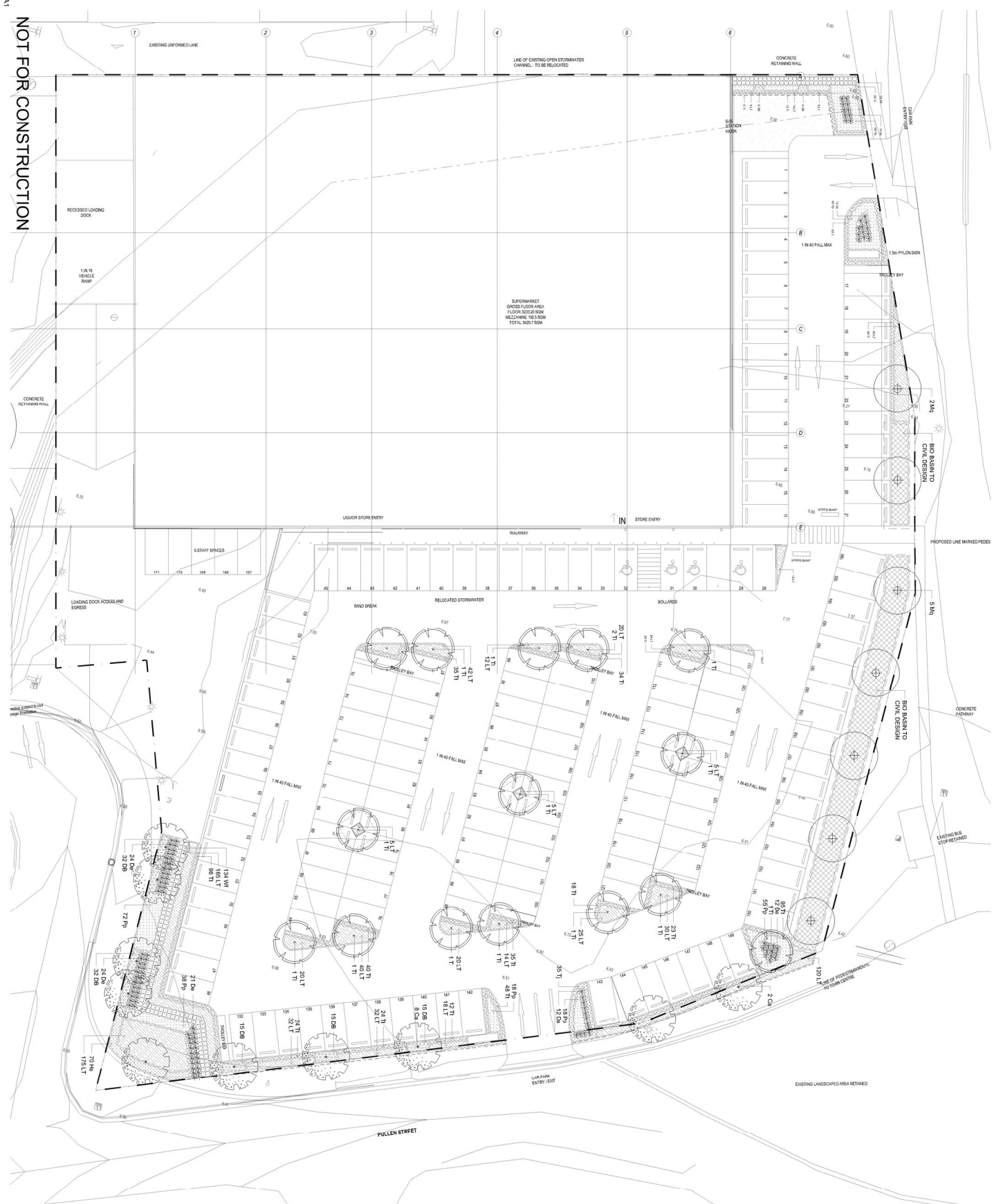
NOTE:
 SKETCH PLAN ONLY. PROPERTY BOUNDARIES, UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.

— Swept Path of Vehicle Body
 — Swept Path of Clearance to Vehicle Body

19.0m ARTICULATED VEHICLE SWEEP PATH



NOTE:
 SKETCH PLAN ONLY. PROPERTY BOUNDARIES, UTILITIES, KERBLINES & DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL DESIGN. TRAFFIC MEASURES PROPOSED IN THIS PLAN ARE CONCEPT ONLY AND ARE SUBJECT TO FINAL DESIGN BY CIVIL ENGINEERS.



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LEGEND

- Property Boundary
- Existing Trees to be Retained
- Proposed Tree (Refer Plant Schedule)
- Structs & Accents (Refer Plant Schedule)
- Groundcover/Grasses (Refer Plant Schedule)
- Groundcover/Grasses (Refer Plant Schedule)
- Boswellia Planting Matrix (Refer Plant Schedule & Landscape Details)
- Timber Edging (Refer Detail)
- Timber Edging (Refer Detail)
- Tree Planter with flush edge
- Subgrade soil system using City Green Urban Landscape Solutions System (refer to detail)
- Winded Slop

Client: Fabool Pty Ltd

Project: Proposed Retail Development Pacific Highway, Woodagooga

Site Image
Landscape Architecture
Level 1, 36 Balfour Street
Aurora NSW 2070
Tel: (61) 2 9433 9000
Fax: (61) 2 9433 9007
Email: info@siteimage.com.au
www.siteimage.com.au
ABN 60 631 302 300

PRELIMINARY

Drawing Name: Landscape Plan

Scale: 1:200 @ A1

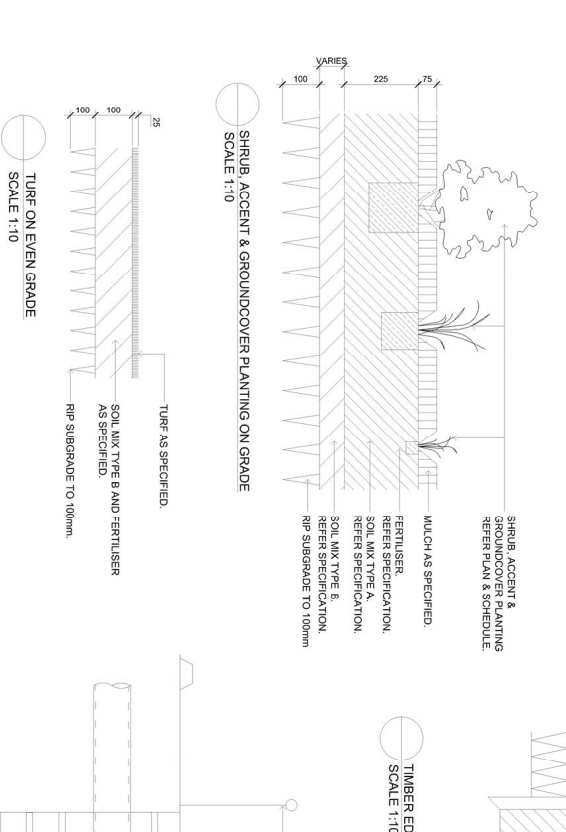
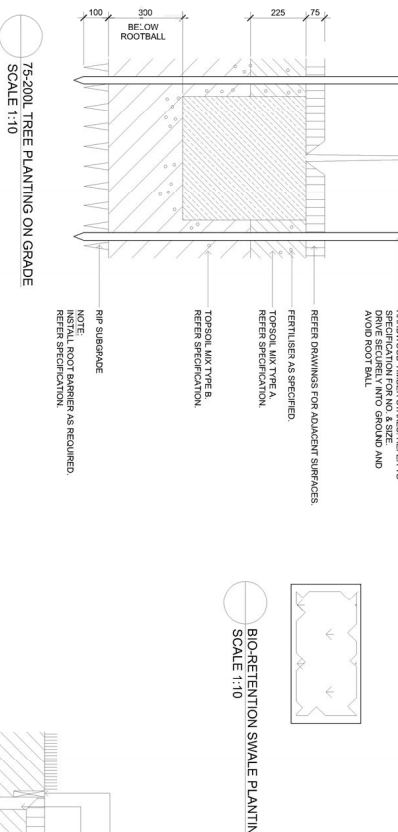
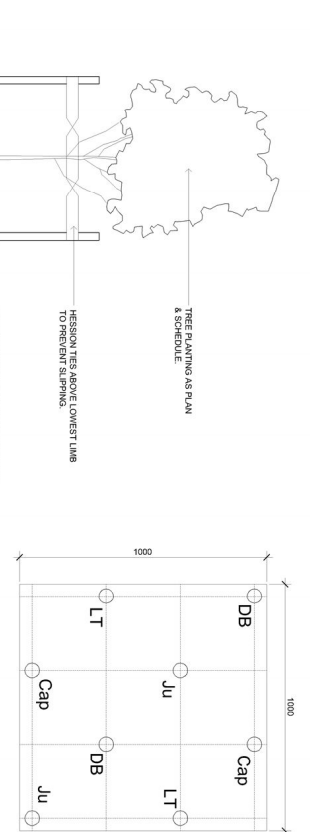
Job Number: SS13-2568

Drawing Number: 101

Date: D

NOT FOR CONSTRUCTION

A1



Symbol	Botanic Name	Common Name	Mature Height (m)	Mature Width (m)	Flt Size	Quantity
Ca	<i>Ceanothus australis</i>	Tuckeroo	7	5	45L	10
Ca	<i>Melaleuca quinquenervia</i>	Broad Leafed Paperbark	15	7	45L	7
Mt	<i>Mitrasacme bartramii</i>	Wool Gum	9	5	45L	15
Shrubs & Accents						
Da	<i>Dryandra aedula</i>	Gymea Lily	2	2	200mm	116
Wt	<i>Wrightia racemosa</i>	Coastal Rosemary	3	2	200mm	192
Groundcover Grasses						
DB	<i>Drosera sp.</i>	Blue Star Lily	0.6	0.6	150mm	721
Lt	<i>Lomatium</i>	Tanka Milk Bush	0.5	0.75	150mm	642
Pp	<i>Panicum</i>	Swamp Foxtail	0.6	0.6	150mm	327
Tt	<i>Taraxacum</i>	Slender Noddy	0.15	2	150mm	683
PLANTING MATRIX						
Cap	<i>Carex appressa</i>	Flat Sedge	0.8	0.6	Tube	812
DB	<i>Drosera sp.</i>	Blue Star Lily	0.6	0.6	Tube	812
Ju	<i>Juncus</i>	Swamp Foxtail	1	0.5	Tube	912
LT	<i>Lomatium</i>	Tanka Milk Bush	0.5	0.75	Tube	912

PROPOSED PLANT SCHEDULE
Woodgonga, Woodgonga

The contractor shall conduct site visits at intervals including visits by the contractor to confirm the landscape schedule. Any discrepancies are to be reported to the contractor immediately. The contractor shall be responsible for the maintenance of the landscape schedule. The contractor shall be responsible for the maintenance of the landscape schedule. The contractor shall be responsible for the maintenance of the landscape schedule.

Legend:
A: FERTILISER
B: SOIL MIX TYPE B
C: SOIL MIX TYPE A
D: FERTILISER
E: FERTILISER
F: FERTILISER
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Y: FERTILISER
Z: FERTILISER

Client: **Fabool Pty Ltd**

Project: **Proposed Retail Development Pacific Highway, Woodgonga**

Site Image

PRELIMINARY

Landscape Architects

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3000 Sydney NSW 2000
Tel: 61 2 9439 8000
Fax: 61 2 9439 8077
Email: info@woodgonga.com.au
www.woodgonga.com.au
A204 61 801 302 200

Drawing Name: **Landscape Details**

Scale: **SS13-2568**

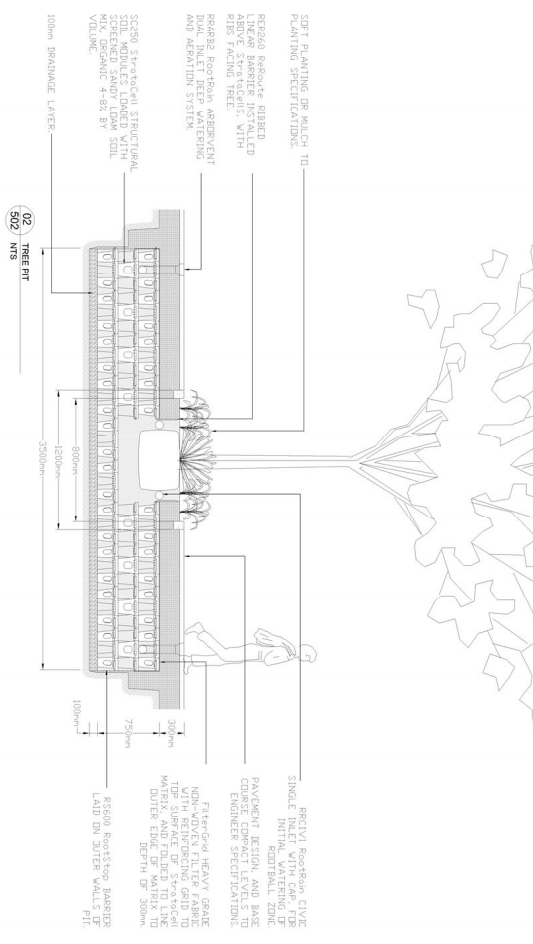
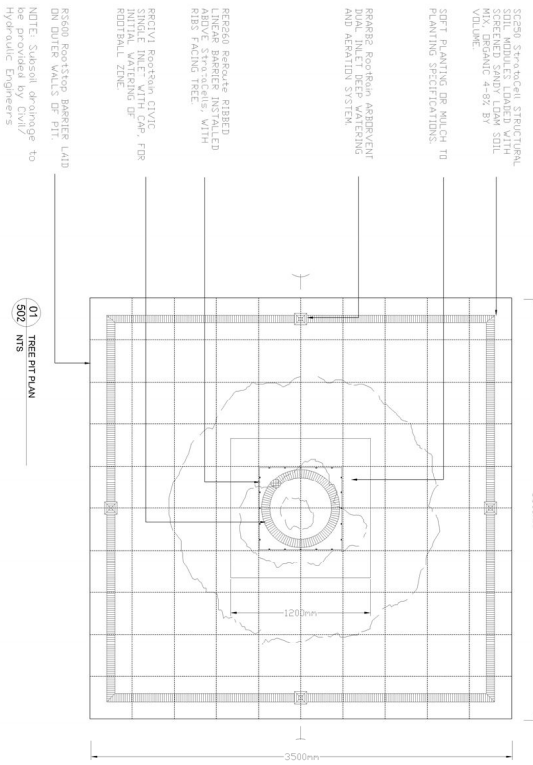
Job Number: **501 D**

Drawing Number: **501 D**

Agenda - Ordinary Meeting 11 July 2013 - LAND USE HEALTH AND DEVELOPMENT DEPARTMENT REPORTS

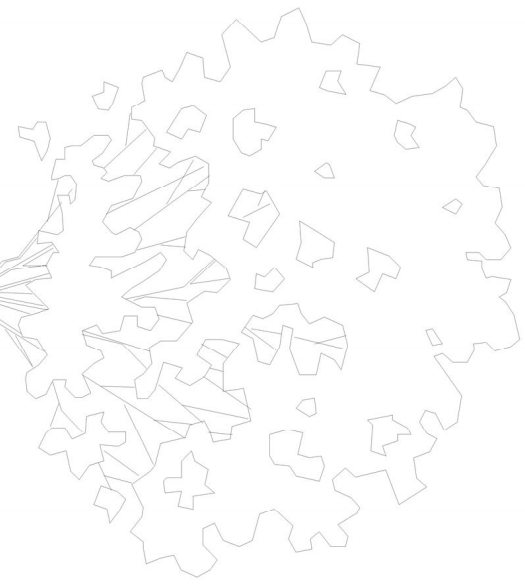
A1

NOT FOR CONSTRUCTION



NOTE
Tree planting in the carpark is to be achieved with a proprietary system of soil containment that can be installed to rest at compaction for m adjacent carpark construction, so as to allow healthy sustainable growth of canopy trees in the carpark.
Green Urban Landscape Solutions system illustrated demonstrates this intent to provide a fully coordinated system to provide more compacted tree will over time access adjacent sub-grade areas. Sub-grade drainage will be provided as part of civil works to ensure reasonable standard of tree draining soil suitable for tree growth.
An equivalent outcome may be achieved with a similar commercial product, and based on detailed market investigation and pricing/ availability an equivalent system may be installed - subject to approval by Council Landscape Officers.

- INSTALLATION/EXCAVATION TIPS**
1. ADD 5% TO OUTER PLAN DIMENSIONS WHEN EXCAVATING
 2. PIT
 3. ALWAYS CHECK PIT DIMENSIONS AT BASE OF PIT.
 4. LEVEL AND SLOPED DRAINAGE LAYER PRIOR TO
 5. PLACEMENT OF CELLS.



Item	Description	Quantity	Unit	Value	Total
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SITE IMAGE

PRELIMINARY

Landscaping Architects

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Auckland Central, Auckland
Tel: 011 633 5000
Fax: 011 633 5001
Email: info@landscaping.co.nz
www.landscaping.co.nz

Client: Fabool Pty Ltd
Project: Proposed Retail Development
Pacific Highway, Woodgonga

Drawing Name: Landscape Details
Scale: 1:100
Job Number: SS13-2568
Drawing Number: 502 B
Issue:

Development Application No. 527/13

Schedule of Draft Conditions

ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Supermarket (including construction, fit-out; vehicle access and driveways; loading dock, car park, associated works) and demolition of existing structures***
 - ***Upgrade works to the intersection of Moore and Pullen Street.***

Prescribed Conditions:

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

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans set out in the following table except where modified by any conditions of this consent (Development Consent No. 527/13).

Plan No.	Revision	Prepared by	Dated
Site Plan DA - 04	D	Morris Bray Martin Ollmann	6/2/2013
Floor and Roof Plans DA - 05	A	Morris Bray Martin Ollmann	29/11/2012
Elevations DA - 06	D	Morris Bray Martin Ollmann	13/12/2012
Elevations DA - 07	B	Morris Bray Martin Ollmann	12/12/2012
Exterior Perspectives DA - 08	B	Morris Bray Martin Ollmann	12/12/2012
Rendered Elevations DA - 08a	D	Morris Bray Martin Ollmann	13/12/2012
Signage Schedule DA - 09	A	Morris Bray Martin Ollmann	29/11/2012

Development Application No. 527/13**Schedule of Draft Conditions**

Proposed Kerb Modifications – 1		Colston Budd Hunt & Kafes Pty Ltd	12/6/2013
Vehicle Swept Path – 2		Colston Budd Hunt & Kafes Pty Ltd	12/6/2013
Vehicle Swept Path – 3		Colston Budd Hunt & Kafes Pty Ltd	12/6/2013
Proposed Access Arrangements onto Clarence Street (Pacific Highway) – 1		Colston Budd Hunt & Kafes Pty Ltd	30/4/2013
Landscape Plan Drawing No. 101	D	Site Image	25/6/2013
Landscape Detail Drawing No. 501	D	Site Image	25/6/2013
Landscape Detail Drawing No. 502	B	Site Image	25/6/2013

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

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

Development in Accordance with Documents:

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

Planning Documentation

- (1) Statement of Environmental Effects, Proposed Retail Development, 39-41 Clarence Street, Woolgoolga, prepared by The Planning Group NSW Pty Ltd, Revised 5 February 2013;
- (2) Trolley Management Plan, Appendix H, Statement of Environmental Effects, Proposed Retail Development, 39-41 Clarence Street, Woolgoolga, prepared by The Planning Group NSW Pty Ltd, December 2012;
- (3) Amended Traffic Response, prepared by Colston Budd Hunt & Kafes Pty Ltd, Letter dated 26 April 2013, **only where it relates to the northern access driveway onto Clarence Street (Pacific Highway)**;

-3-

Development Application No. 527/13

Schedule of Draft Conditions

- (4) Social Impact Assessment, 39-41 Clarence Street, Woolgoolga as a Retail Liquor Department (DA 527/13), prepared by Back Schwartz Vaughnan Lawyers, dated 8 May 2013;
- (5) Crime Prevention Through Environmental Design Assessment Report, 39-41 Clarence Street, Woolgoolga, prepared by The Planning Group NSW Pty Ltd, dated December 2012;

Environmental Assessment Documentation

- (6) Acid Sulfate Soils Assessment, Woolgoolga Shopping Centre Development, 39-41 Clarence Street, Woolgoolga, prepared by Geo Logix Pty Ltd, dated 22 February 2013;
- (7) Preliminary Environmental Investigation, Former Indian Market Place, 39-41 Clarence Street, Woolgoolga, prepared by Geo Logix Pty Ltd, dated 18 May 2011;
- (8) Noise Impact Assessment, Report No. 12-1668-R1, Proposed Retail Development, Pacific Highway, Pullen Street and Mackay Street, Woolgoolga, prepared by Reverb Acoustics, dated October 2012;
- (9) Addendum to Reverb Acoustics Report 12-1668-R1, Proposed Retail Development, Woolgoolga, prepared by Reverb Acoustics, dated 23 January 2013.
- (10) Stormwater Concept Plan and Flood Impact Assessment, proposed Supermarket Development, Woolgoolga, NSW, prepared by Brown Smart Consulting, dated June 2013; and supplementary information provided as per Figures A18 and A19 and associated details as per emails from Brown Smart Consulting dated 28/6/2013 and 27/6/2013;

Inconsistency between Documents:

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

/4

Development Application No. 527/13

Schedule of Draft Conditions

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

Design Modifications:

6. The design of the development shall be amended as follows:
 - (1) Site Plan (DA-04 D) being amended to reflect the revised traffic response detailed in drawing number 1 - Proposed Kerb Modifications, prepared by Colston Budd Hunt & Kafes Pty Ltd, dated 12 June 2013; and to reflect the revised northern access to the site detailed in drawing number 1 - Proposed access arrangements onto Clarence Street (Pacific Highway), prepared by Colston Budd Hunt & Kafes Pty Ltd, dated 30 April 2013.
 - (2) The design of the car park being amended to accommodate bicycle and motorcycle spaces in accordance with condition number 13.

Construction Certificate:

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

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

Street Tree Planting:

8. A plan is to be submitted to Council showing street tree planting, which has been prepared in accordance with the requirements of Council's "*Street Tree Master Plan*".

The Plan shall be prepared by a qualified landscape architect or professional landscape consultant.

The Plan must show all services and planting detail in accordance with Council's minimum requirements; alternatively a higher standard may be considered for tree protection.

The Plan is to be approved by Council **prior to the issue of a Construction Certificate**.

Development Application No. 527/13**Schedule of Draft Conditions**

Access for persons with a Disability:

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

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

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

Stormwater Management Plan:

10. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of the Construction Certificate.**

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site www.coffsharbour.nsw.gov.au.

The design is to incorporate inlet structures and drainage lines collecting existing stormwater piped flow and surface flow from properties currently discharging into the existing open drain.

Flood Study:

11. Detailed design of the flood mitigation works and an updated flood study being submitted to and approved by Council prior to issue of any Construction Certificate. The study is to define the 1% and 5% AEP flood limits and is to comply with the provisions of Council's Development Design and Construction Specifications. Development on flood liable land will only be permitted in accordance with Council policy. Where allotments are to be filled, the study should demonstrate that such filling will not adversely affect flood behaviour upstream, downstream or through the site.

Road Design and Services:

12. The following works:
- a) Pullen Street/Moore Street intersection realignment (see note 1);
 - b) Pullen Street/car park access driveway (see note 1);
 - c) Kerb and gutter along the Clarence Street (Pacific Highway) frontage;
 - d) The proposed realigned sewer main being constructed in HDPE;
 - e) Replace the trunk water main in DICL for the full length of the lane adjoining the western boundary of the site in accordance with the specifications and requirements of Coffs Water.
 - f) Refurbishment of the existing bus shelter on Clarence Street (Pacific Highway) in accordance with Council's requirements;

Development Application No. 527/13**Schedule of Draft Conditions**

- g) Modifications to the pedestrian crossing of Clarence Street to north of the Pullen Street roundabout in accordance with the specific traffic study prepared in relation to this matter (refer to note 3 below).
- h) Footpath works comprising:
 - a. Footpath for the Moore, Pullen, Clarence Street (Pacific Highway) frontages of the site, and to extend along Clarence Street to the southern side of Knox Street, to include kerb ramps;
 - b. Footpath extending from the existing footpath adjacent to 23 Pullen Street to the western corner of Mackay Street, to include kerb ramps on Mackay and Pullen Street. This section of footpath to then extend from the eastern side of Mackay Street to the corner of Sare Street;
 - c. Footpath extending along the northern side of Pullen Street from the reconstructed Moore Street/Pullen Street intersection to opposite 6 Mackay Street, to include kerb ramps;
- i) Reconstruction of the lane adjacent to the western boundary of the development including reinforced concrete construction of the portion of the lane to be trafficked by the service vehicles entering and leaving the loading dock area through to Moore Street.

Note:

- (1) Moore Street to be reconstructed and realigned at its intersection with Pullen Street to cater for 19m articulated vehicle turning paths in accordance with Austroads guidelines. Works to include reinforced concrete pavement reconstruction and widening as required, drainage, kerb and gutter, street lighting, footpath, pram ramps and traffic splitter/pedestrian refuge island in Moore Street in accordance with Council's AUSPEC standards and Austroads guidelines.
- (2) Traffic management works in Pullen Street catering for vehicular access to and from the proposed Pullen Street car park driveway to be carried out in accordance with Council's AUS-SPEC standards and Austroads guidelines.
- (3) In the event that the development is to be operational prior to the completion (and opening) of the Woolgoolga bypass section of the Sapphire to Woolgoolga - Pacific Highway Upgrade Project, a traffic study focused on the Clarence Street pedestrian crossing (north of the Pullen Street roundabout) is required to be prepared and approved by Council and any recommended modifications to the pedestrian crossing being completed prior to the development becoming operational.

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

Plans and specifications are to be submitted to Council under a Civil Works Construction Certificate with this Certificate issued **prior to the issue of a Construction Certificate for the building works**. Plan submissions are to be accompanied by payment of prescribed fee.

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

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

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Car Parking Plan:

13. A car parking plan providing for a minimum of 144 on-site car parking spaces, designed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities" being submitted for approval with the Construction Certificate Application.

The car parking plan shall make provision for six (6) bicycle parking in accordance with Austroads' Guide to Traffic Engineering, and provision for six (6) motorcycle parking in accordance with Australian Standard AS 2890.1:2004 (2.4.7 Provision for Motorcycles)

Operational Waste Management Plan:

14. An Operational Waste Management Plan being submitted to Council for approval **prior to issue of a Construction Certificate**. The Plan is to be prepared by a suitably qualified consultant and address the provisions of Council's Waste Management Development Control Plan and shall include the following:

- details of all bin sizes (including any bulk waste bins), service frequency, location of bin storage area, waste separation and designated collection area for pick up.

Demolition and Construction Waste Management Plan:

15. A Demolition and Construction Waste Management Plan being submitted to Council for approval **prior to issue of a Construction Certificate or commencement of demolition works**. The Plan is to be prepared by a suitably qualified consultant and address the provisions of Council's Waste Management Development Control Plan and shall include the following:

- all waste building materials shall be recycled or disposed of to an approved waste disposal depot; no burning of materials is permitted on site.

Trade Waste:

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

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

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

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

Remediation of Land - Underground Petroleum Storage System Removal and Validation:

17. Site assessment, remediation, validation and reporting being undertaken in accordance with the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy No. 55 – Remediation of Land*, and NSW Environment Protection Authority Contaminated Sites Guidelines and if relevant the “*Australian Standard AS 4976-2008: The removal and disposal of underground petroleum storage tanks*”.

All work undertaken for the decommissioning, removal, remediation, and site validation of the potential existing underground petroleum storage system, shall accord with relevant legislation, industry standards and guidelines including but not limited to the:

- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 (UPSS Regulation); and associated “Guidelines for the Implementation of the POEO (UPSS) Regulation” (NSW Environment Protection Authority - 2009);
- “UPSS Technical Note: Decommissioning, abandonment and removal of UPSS”, (NSW Environment Protection Authority - January 2010);
- “UPSS Technical Note: Site validation reporting”, (NSW Environment Protection Authority -January 2010);
- Australian Standard: AS 4976 – 2008: The removal and disposal of underground petroleum storage tanks;
- NSW State Environmental Planning Policy No. 55 – Remediation of Land;
- NSW Environment Protection Authority Contaminated Sites Guidelines;
- Contaminated Land Management Act 1997.

All work, including reporting, shall be undertaken by suitably qualified and experienced professionals.

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

A Validation Report shall be prepared detailing the compliance with the UPSS Regulation, remedial actions, validation sampling results and discussion on the suitability of the land for the development the subject of the Notice of Determination.

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The Validation Report shall be submitted to Council for its further written approval within 60 days of successful remediation, and **prior to the issue of any Construction Certificate.**

Erosion and Sedimentation Control Plan:

18. An erosion and sediment control plan, together with a management strategy, detailing soil erosion and sediment control measures, shall be prepared by a qualified environmental or engineering consultant in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom.

Details being submitted and approved by the Certifying Authority **prior to issue of a Construction Certificate.**

Fill:

19. Contour plans indicating the location of proposed fill areas being submitted and approved by Council **prior to issue of the Construction Certificate.**

Contour plans are to include a clear description of impact of changes proposed on water movement both to and from the site on all adjacent land and to show stormwater discharge points.

Consolidation:

20. The lots subject to this application, being Lot 500 DP 776362 and Lot 1 DP 579511 being consolidated to ensure that all existing and proposed works are located within the property boundaries of the one lot. Evidence of lodgement of a plan of consolidation being submitted to Council or the certifying authority **prior to issue of any Construction Certificate.**

Food Premises - Fitout:

21. Food premises fitout details being submitted and approved by Council **prior to the issue of any Construction Certificate for the supermarket fitout works** to ensure compliance with the Food Act 2003 and National Food Safety Standard 3.2.3 (Food Premises and Equipment) and Australian Standard AS 4674-2004 (Design, Construction and Fitout of Food Premises).

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22. **No Construction Certificate being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

	Amount/m ²	Total
Works to satisfy increased demand within the area for 3425.7 square metres of retail shop development		
Water	28.47	97,529.68
Sewer	27.23	<u>93,281.81</u>
TOTAL		190,811.49
Less Credit for existing use		
Raj Mahal 5.26 ET \$97,659.33		
Café 1.89 ET <u>\$35,089.74</u>		<u>132,749.07</u>
TOTAL AMOUNT PAYABLE		\$58,062.42

Safer by Design:

23. To maximise the opportunity for crime prevention in accordance with the Crime Prevention Through Environmental Design (CPTED) principles, the development and where relevant the Construction Certificate plans and specifications shall incorporate the measures detailed in the CPTED Report, 39-41 Clarence Street, Woolgoolga, prepared by The Planning Group NSW Pty Ltd, dated December 2012 to the satisfaction of the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

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

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

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Notice to be Given Prior to Commencement / Earthworks

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

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

Erosion and Sediment Control:

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

Demolition Bond:

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

Sanitary Plumbing and Draining:

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

DURING DEMOLITION WORKS:**Removal of Hazardous Materials:**

29. All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Principal Certifying Authority prior to the removal of any hazardous materials.

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Asbestos removal

- (a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001.
- (b) The person having the benefit of the development consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person **prior to the commencement of the proposed works**.
- (c) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

Demolition Works:

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

All demolition material and wastes shall be assessed in accordance with NSW Environment Protection Authority Waste Classification Guidelines (2009) prior to being removed from the site. Materials classified as waste shall only be disposed of to an appropriate NSW Environment Protection Authority licensed facility.

All waste building materials shall be recycled or disposed of to an approved waste disposal depot. No burning of materials is permitted on site. Erosion control measures being erected and maintained until the exposed areas of the site have suitably stabilised with grass cover.

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

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

DURING CONSTRUCTION**Approved Plans to be On-Site:**

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

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Excavated Material:

32. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the *Protection of the Environment Operations Act (POEO) 1997* and the *Waste Classification Guidelines (DECCW)* and shall comply with the terms of any approval issued by Council.

Waste and Contamination:

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

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

Fill:

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

Importation of Fill:

35. Any fill brought onto to the land for the purposes of this approval, shall comply with the statutory definition of Virgin Excavated Natural Material (VENM) in accordance with the NSW Environment Protection Authority Guidelines.

Note: the Protection of the Environment Operations Act 1997 defines VENM as: 'natural material (such as clay, gravel, sand, soil or rock fines): that has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and that does not contain any sulfidic ores or soils or any other waste.'

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Construction Site Access:

36. Construction site access is to be from Pullen Street. Construction workers vehicles and construction activities are not to obstruct access along any adjoining lanes at any time.

Erosion and Sediment Control:

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

Dust Control Measures:

38. Adequate measures being taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) Physical barriers being erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - (3) All materials shall be stored or stockpiled at the best locations;
 - (4) The work area being dampened slightly to prevent dust from becoming airborne but not to the extent that runoff occurs;
 - (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
 - (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
 - (8) Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

Hours of Work:

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

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

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

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Impact of Sub-surface Works – Aboriginal Objects:

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

Finished Floor Level:

41. The finished floor level of the ground floor of the building is to be a minimum of 7.1 metres Australian Height Datum and a registered surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Public Way to be Unobstructed:

42. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

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

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

Driveways:

44. Sealed driveways being constructed over the footpath in accordance with the civil works Construction Certificate. Any existing driveways which are not required for the development are to be removed and the footpath reinstated. All such work is subject to a separate driveway application, fees and approval by Council.

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

Stormwater Management Certification:

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

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Road Design and Services:

46. The following works:

- a) Pullen Street/Moore Street intersection realignment;
- b) Pullen Street/car park access driveway;
- c) Kerb and gutter along the Clarence Street (Pacific Highway) frontage;
- d) The realigned sewer main;
- e) The trunk water main;
- f) Refurbished Clarence Street bus shelter;
- g) Pedestrian crossing on Clarence Street (only if the Woolgoolga section of the Sapphire to Woolgoolga Pacific Highway upgrade project is not open);
- h) Footpath works;
- i) Laneway works;

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

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

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

Car Parking Spaces:

47. A minimum of 144 on site car parking spaces, bicycle and motorcycle spaces as shown on the plan approved in accordance with condition number 13 of this consent being provided on the development site **prior to the issue of an Occupation Certificate.**

All car parking and manoeuvring areas being constructed in accordance with the provisions of Australian Standard AS 2890.1 "Parking Facilities: Off-Street Car Parking" and the provisions of AS/NZS 2890.6:2009 "Parking Facilities: Part 6: Off-Street parking for people with disabilities".

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Restriction on Title:

48. A restriction on title under Section 88B of the *Conveyancing Act 1919*, being registered on the title of the land (as consolidated by condition number 20 above) to the benefit of Council for the purposes of stormwater drainage over the following:

- 1) The proposed drainage culverts from the western boundary of the lots to the connection to the culverts under Clarence Street (Pacific Highway);
- 2) The inlet structures and drainage lines collecting existing stormwater piped flow and surface flow from properties currently discharging into the existing open drain

The restriction on title is to contain restrictions to the effect that:

- The stormwater drainage system the subject of this easement is to be maintained by the property owner and any successors in title;
- Stormwater treatment devices constructed as part of the development shall not be altered or removed without Council's prior approval.

Any Section 88B instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of carriageway to be revoked, varied or modified only with the consent from Council.

Details of the registration of Restriction(s) on the consolidated lot are to accompany the application for Occupation Certificate.

Liquid Trade Waste Approval:

49. Certification from the Trade Waste Section that a Liquid Trade Waste Approval has been granted and the pre-treatment equipment has been installed in accordance with the conditions of the approval is to be provided to the Principal Certifying Authority **prior to issue of the Occupation Certificate**.

Landscaping Works:

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

Street Tree Planting:

51. The street tree planting (as required by condition number 8 above) being carried out to satisfaction of Council, **prior to issue of an Occupation Certificate**.

The planting being maintained for twelve (12) months in accordance with Council's requirements to ensure successful establishment and development. A bond per tree is to be paid to Council **prior to issue of an Occupation Certificate**. The bond will be returned at the end of the twelve month maintenance period provided that plantings have been established successfully. At the end of the maintenance period Council will replace plantings that have failed with the cost of this work taken from the bond.

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Remediation of Land:

52. A Validation Report being approved by Council **prior to the issue of any Occupation Certificate**. The report is to detail the remedial actions and validation sampling results.

Noise Attenuation:

53. Noise attenuation methods specified in the acoustic consultant report *prepared by Reverb Acoustics Report No. 12-1668-R1, dated October 2012* being implemented in the development and the completed works subsequently certified by the acoustic consultant **prior to the issue of an Occupation Certificate**. A copy of the certification being referred to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

One (1) month after the supermarket has commenced trading, a follow up report prepared by the Acoustic Consultant is to be submitted to Council to review noise emissions from the development, the effectiveness of noise attenuation methods and compliance with the noise levels as specified in the report entitled Noise Impact Assessment Proposed Retail Development Pacific Highway, Pullen Street and Mackay Street Woolgoolga NSW, prepared by Reverb Acoustics, dated October 2012.

Should noise emissions from the operation of the subject premises not comply with the project specific noise levels (Intrusiveness Criterion) specified in the report dated October 2012, amelioration measures are to be undertaken and completed within (1) month from the date of the report to achieve compliance, with further certification of compliance being provided to the Principal Certifying Authority.

Food Premises – Registration:

54. The food premises being registered with Council and the NSW Food Authority **prior to the issue of an Occupation Certificate**.

Food Premises - Inspection:

55. The food premises being inspected by Council **prior to the issue of an Occupation Certificate**.

Food Premises - Food Safety Supervisor:

56. A Food Safety Supervisor being appointed and the NSW Food Authority being notified of such appointment **prior to the issue of an Occupation Certificate**.

Regulatory Signage:

57. The proposed left in and left out access to Clarence Street (Pacific Highway) being supplemented with regulatory signage to reinforce turning movements that are banned. The regulatory signage being submitted to the Traffic Committee and approved and installed **prior to the issue of an Occupation Certificate**.

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OPERATIONAL MATTERS

Delivery Times:

58. Deliveries to the development are to be limited to between 6.00am and 6.00pm on any day and for an atypical event (e.g. breakdown, highway blockage, etc.) after 6.00pm but never after 10.00pm, unless prior approval to vary the delivery times is obtained from Council.

Fencing of Service Vehicle Area:

59. A permanent fence being constructed in accordance with the approved plans separating the area of service vehicle maneuvering and the main car park area to prevent conflict between the activities in each of those areas.

Hours of Operation:

60. ***Supermarket***

Hours of operation for the supermarket are to be limited to the following hours unless prior written approval is obtained from Council:

Monday to Sunday 7.00 a.m. - 10.00 p.m.

Liquor Offer

Hours of operation for the liquor offer within the supermarket are to be limited to the following hours:

Monday to Saturday 8.00 a.m. – 10.00 p.m.

Sunday 10.00 a.m. – 8.00 p.m.

INTEGRATED TERMS OF APPROVAL

Water Management Act 2000 - General Terms of Approval:

61. The General Terms of Approval (GTA) listed below apply to the controlled activities described in the plans and associated documentation relating to Development Application No. 527/13 and provided by Council.

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

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Controlled Activity Approval:

62. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the *Water Management Act 2000* from the NSW Office of Water. Waterfront land for the purposes of the development application is land and material in or within 40 metres of the top of the bank or shore of the river identified.

Note: a copy of the CAA being submitted to Council **prior to the issue of Construction Certificate.**

Plans/Documentation:

63. The consent holder must prepare or commission the preparation of:
- Erosion and Sediment Control Plan;
 - Stormwater Management Plan;

Plan Preparation:

64. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval **prior to any controlled activity commencing**. The following plans must be prepared in accordance with NSW Office of Water guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

Certificate of Completion:

65. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Reinstate Waterfront Land:

66. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

Reporting Requirements:

67. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Drainage Works:

68. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

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Discharge Points:

- 69. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion and Sediment Control Works:

- 70. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation on Waterfront Land:

- 71. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

ADVISORY NOTES

Disability Discrimination Act:

- 72. This application has been assessed in accordance with the NSW *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. Australian Standard AS 1428 Parts 2, 3, & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

Protection of the Environment (Operations) Act 1997:

- 73. Noise emanating from the premises shall at all times comply with the provisions of the *Protection of the Environment Operations Act 1997*.

PRIORITY HABITATS AND CORRIDORS STRATEGY: BIODIVERSITY ASSETS - A PLANNING AND COMMUNITY ENGAGEMENT FRAMEWORK

Purpose:

To provide Council with an update on progress and a proposed timetable associated with the preparation, strategic implementation and public consultation process for the delivery of Biodiversity Assets identified within Council's adopted Biodiversity Action Strategy 2012 - 2030.

Description of Item:

A City wide vegetation mapping and Priority Habitats and Corridors Strategy (PHACS) update was considered by Council at its Ordinary Meeting of 28 July 2011. At this meeting, Council resolved:

That a further report be brought back to Council later this year seeking adoption of the draft Class 5 Vegetation mapping for the purposes of public exhibition.

Whilst the July 2011 Council report provided some background information on the progress of PHACS, its primary purpose was to update Council on the fine-scale vegetation mapping. Council subsequently adopted the vegetation mapping at its Ordinary Meeting on 14 February 2013, where it resolved that:

Council adopt the following data layer and accompanying reports, superseding all previous stand-alone and composite vegetation maps and related reports.

Data Layer

- 1. Coffs Harbour Class 5 Vegetation Map (Version 1.1 2012)*

Reports

- 2. Volume 1: Development of a Fine-scale Vegetation Map for the Coffs Harbour Local Government Area (Attachment 2)*
- 3. Volume 2: Vegetation Community Profiles of the Coffs Harbour Local Government Area (Attachment 3).*

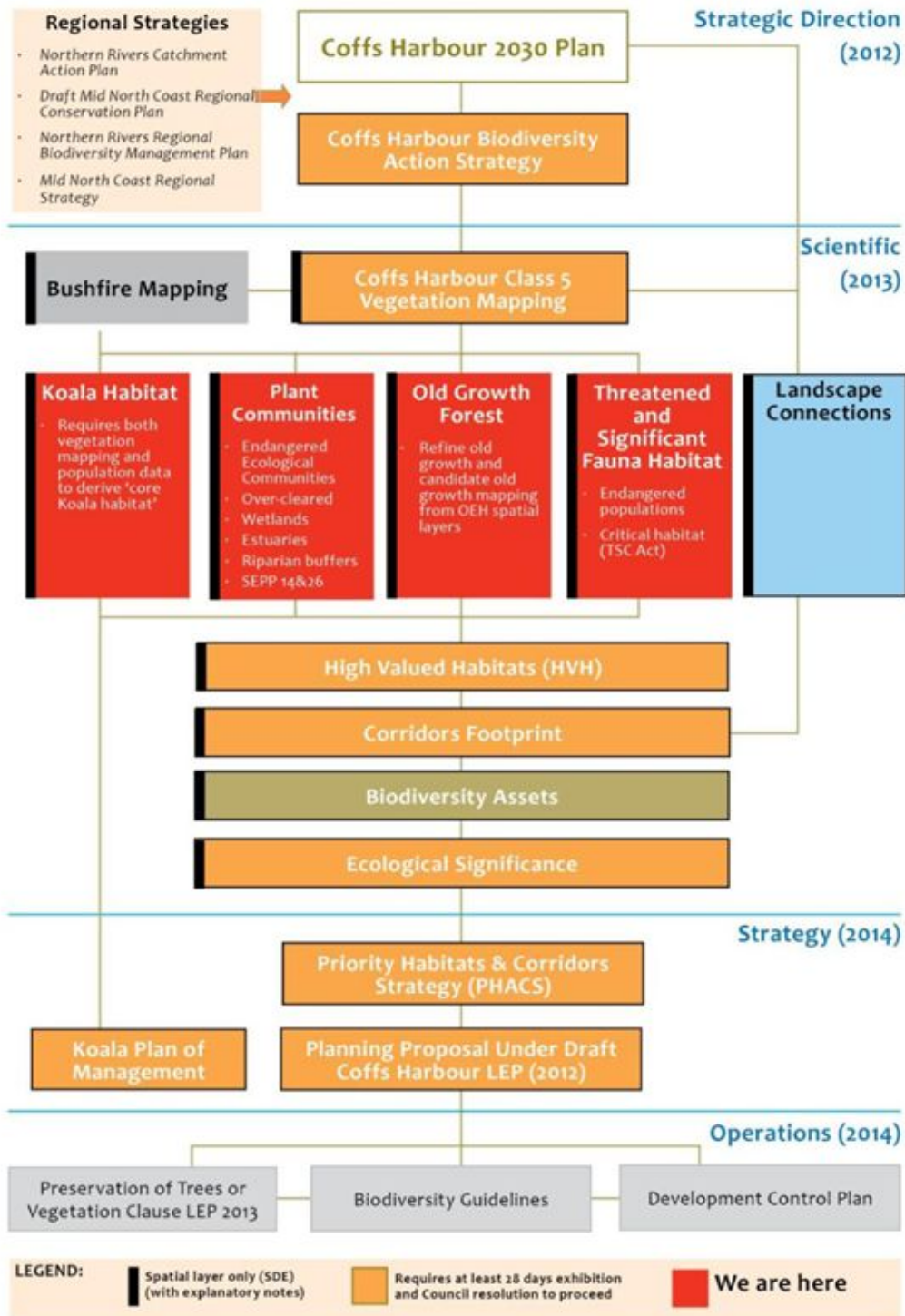
The primary focus of this current report is to provide a detailed assessment of all the environmental layers and reports that are required to complete the science, develop a new draft PHACS and translate this into a Planning Proposal under draft Coffs Harbour Local Environmental Plan 2013.

The following figure, Fig 1 'Strategic Planning (modified from Council's Biodiversity Action Strategy 2012-2030)' details the adopted sequence of studies being undertaken to assist the development of PHACS and inform the Planning Proposal. Additionally, the accompanying Biodiversity Assets Stakeholder Engagement Plan maps out how Council intends to engage with the community to deliver each of the products.

No land use or land management decisions will be made by Council in the development of the science layers. Council will only be informing landholders that a specific land parcel has a unique set of environmental values and seeking feedback on the identified attributes.

In order to provide clarity, and reduce confusion in the community, each environmental science component, resulting strategy (PHACS) and the anticipated Planning Proposal will be separately exhibited and opportunity afforded for community feedback.

Fig 1. Strategic Planning (Modified from Council's Biodiversity Action Strategy 2012 - 2030)



Environmental Science

As set out earlier, there are a number of key environmental science attributes that will inform PHACS. These proposed components, and their proposed schedule of delivery, are detailed in Table 1 below:

Table 1. Biodiversity Assets Delivery Schedule

Exhibition	Type	Planning framework
SCIENCE		
by Sept 2013	Science	(a) Endangered Ecological Communities and Over-cleared Forest Types
by Sep 2013	Science	(b) Old-growth Forest and High Value Arboreal Habitat
by Dec 2013	Science	(c) Koala Habitat
by Dec 2013	Composite Layer	(d) High Value Habitats
by Feb 2014	Science	(e) Corridors Footprint
by March 2014	Science	(f) Biodiversity Assets
by April 2014	Science Ranking	(g) Ecological Significance of Environmental Attributes
STRATEGY		
by June 2014	Strategy	(h) Priority Habitats and Corridors Strategy 2014 – 2030
PLANNING		
by Feb 2015	Planning Proposal	(i) Planning Proposal under Coffs Harbour LEP 2013

Endangered Ecological Communities and Over-cleared Forest Types

Endangered Ecological Communities (EECs) of the Coffs Harbour LGA are identified in the Coffs Harbour fine-scale vegetation mapping and accompanying reports that were endorsed by Council in February 2013. In order to remove any ambiguity, a ‘stand-alone’ layer is being prepared which shows the location and distribution of all known EECs in the LGA. In addition, all known over-cleared forest types, in accordance with the Biometric terrestrial biodiversity tool for the NSW Property Vegetation Planning System, will be included.

Old-growth Forest and High Value Arboreal Habitat

Old growth forests are those where the overstorey is in the late mature to over mature stage (senescent or partly dying) with the presence of relatively large old trees. Their protection is extremely important in maintaining biodiversity, particularly arboreal species. Old-growth forest is defined as greater than 5 hectares in a relatively undisturbed state whereas High Value Arboreal Habitat includes forest of between 1 – 5 hectares of either disturbed or good condition.

Koala Habitat

Combined with population assessment data, the vegetation communities identified in the fine-scale vegetation mapping will be used to derive areas of koala habitat across the entire LGA. This mapping will form the basis for a new Coffs Harbour Koala Plan of Management. Population studies for the northern precinct have been largely completed whilst the southern and western precincts of the LGA are underway.

High Value Habitat (HVH)

The HVH layer is a composite of all the environmental attributes determined to be of high conservation value. The HVH layer will be a composite of endangered ecological communities, over-cleared forest types, koala habitat, old-growth forest landscape connections and other vegetation of conservation value. Note that SEPP14 (wetlands) and SEPP26 (littoral rainforest) have been independently mapped by state government departments.

Corridors Footprint

Corridors are deemed to represent a particularly important subset of overall environmental significance, and are part of a wider landscape matrix where conservation efforts can be focused in order to maintain or enhance local and regional conservation potential.

The NSW Office of Environment and Heritage (OEH) has already adopted and incorporated sub-regional and regional corridors into its Mid North Coast Regional Strategy and Mid North Coast Conservation Plan. The identification of corridors at a local scale will complement this mapping and provide higher resolution and accuracy with regard to corridor placement.

Biodiversity Assets

The Biodiversity Assets layer will be a composite of HVH and the corridors footprint. The layer will represent the total sum of high conservation land (or Biodiversity Assets) in the Coffs Harbour LGA.

Ecological Significance of Environmental Attributes

It will be necessary to rank all the individual attributes that constitute the HVH layer. It is proposed to convene an expert panel to assess and weight each of the environmental values and develop an appropriate ranking system that could be absorbed into a proposed draft PHACS.

The Ecological Significance layer will form the basis for the development of a new *draft Priority Habitats and Corridors Strategy 2014 – 2030*.

Strategy

Draft Priority Habitats and Corridors Strategy 2014 – 2030

The draft PHACS will establish a strategic framework which will bring together all of the above science. It would assist Council in meeting specific objectives embodied in the Coffs Harbour 2030 Plan, specifically 'Looking After Our Environment'.

The draft Strategy will assist Council in meeting its statutory obligations associated with identifying and protecting HVH. Moreover, it will seek to encourage landholders to integrate sustainable practices into land management. It is envisaged that the Strategy would include a carbon bio-sequestration program to establish native mixed species carbon forests and provide mechanisms and incentives to restore and rehabilitate corridors.

Planning Proposal

It is anticipated that a Planning Proposal to amend draft Coffs Harbour LEP 2013 will be required to consider all the preceding science and PHACS. This Planning Proposal will need to look at environmental, social and economic issues in order to update environmental zones of an LEP.

A Planning Proposal would incorporate consideration being given for the inclusion of any new areas of environmental significance and any downgrading of some previously zoned environmental zones to better reflect the confirmed science and on-ground situation.

The completion of the key science outputs identified above will provide Council and the community with a sound basis of information to assist the determination of a Planning Proposal.

Sustainability Assessment:

- **Environment**

The development of PHACS is likely to include a timeframe from 2014 – 2030 to link with Council's Vision 2030. It is expected to influence environmental outcomes for the next 50 – 100 years. In the face of increasing environmental threats, including 'universal' threats such as climate change and regional threats, the linking and buffering of habitat areas is seen as the best practical solution to reducing the impacts of habitat loss, habitat modification, loss of populations and loss of genetic diversity.

Conservation connectivity and building resilience will be a key strategy under a PHACS to ensure that our natural systems have the capacity to adapt to changes in regional climate. Securing, linking and enhancing critical intact habitats throughout the LGA is one of the most important and immediate steps we can take to increase ecosystem resilience.

PHACS would assist the delivery of broader ecosystem services to the community including improved soil, water and air quality within catchments.

- **Social**

These initiatives are likely to drive employment opportunities in the areas of carbon trading, carbon sequestration, bush regeneration and sustainability. Funds raised through the Environmental Levy and Council's newly created Environment Trust, amongst other initiatives, may assist landholders, particularly rural landholders, manage their land.

While the broader community will benefit from better catchment management in terms of improved habitat and biodiversity, soil fertility and water quality, the funds generated through an 'Incentives Package' will be primarily directed towards targeted projects in any identified corridors in the rural sector.

The Coffs Harbour Jaliigirr project is one such example where Federal biodiversity government funding is being spent in rural communities. This sets up local economic drivers which benefit the whole community.

There are also financial incentives in the form of carbon sequestration during the growth of native vegetation. This will encourage landholders to undertake biodiversity based restoration work in targeted areas.

- **Civic Leadership**

The environmental attribute layers, proposed draft PHACS and Planning Proposal are closely aligned with the environmental outcomes of the Coffs Harbour 2030 Plan. They are likely to assist in helping meet the following objectives:

LE1.1.1 Identify and promote the region's unique environmental values

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

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

There is a responsibility on Council to integrate the best available science into future strategic planning documents.

The Precautionary Principle also holds that important planning decisions should be based on the best available science at the time. This body of work is delivering on that commitment to ensure Council's decisions are based on the best available science at the time.

There has been recognition that the attributes of the North Coast that make it attractive are its natural assets. These principles are embedded in the objectives of the Coffs Harbour 2030 Plan and Coffs Harbour Biodiversity Action Strategy 2012 - 2030.

- **Economic**

- Broader Economic Implications**

- Council prepared a Landholder Incentives Guide as part of the initial exhibited draft PHACS. The document proposed a range of possible incentives for landholders who may have priority habitats and corridors mapped over their property. Some of the incentives are available now, while others will take time while policy is developed and considered by Council. It is envisaged that the newly established Coffs Harbour Future Fund (Environment Trust) will generate a significant amount of funds over time.

- The Coffs Harbour Jaliigirr project is already injecting significant funds into local rural communities to connect corridors across the landscape. The program will run for a further 5 years.

- A revised draft PHACS will ensure that environmental values are considered under the one strategy rather than a multitude of biodiversity planning documents and provides a logical and practical solution to repairing and rehabilitating key components of the landscape.

- A revised draft PHACS will identify priority areas for voluntary rehabilitation and re-vegetation which will provide the best outcomes for sustainable farming, carbon sequestration, biodiversity and catchment management.

- Delivery Program/Operational Plan Implications**

- The environmental layers have been, or will be funded through Council's Environmental Levy program or Waste and Sustainability Program (WASiP). These funds have been secured for the 2013/14 financial year.

- Similarly, the financial costs to Council associated with exhibition and consultation have been funded through WASiP.

- **Consultation:**

- This report is provided for information purposes primarily in relation to the actions yet to be undertaken in relation to Council's adopted Biodiversity Action Strategy 2012 - 2030. The following information details proposed consultation to be undertaken with the delivery of various future actions.

- A Community Engagement framework has been developed with the support of Council's Community Collaborative Staff Network (CHAOS), a group of Council staff working collaboratively to improve the way Council engages with the community. This framework will guide the public consultation process to ensure it is transparent and representative across all sectors of the community.

A Biodiversity Assets Stakeholder Engagement Plan maps out what will be delivered, the expected timeframe and how the community will be engaged in the process (refer Attachment 1).

Related Policy and / or Precedents:

The development of PHACS is in accordance with Council's adopted Biodiversity Action Strategy 2012 - 2030.

Statutory Requirements:

Council effectively adopted a 'like for like' translation of its environmental zones from Coffs Harbour LEP 2000 to Coffs Harbour LEP 2013. This approach was taken in recognition of the additional time and resources required to complete the science, strategies and plans to inform future environmental zones under a new LEP.

Council is now able to progress this program in an orderly manner where priority actions and principles can be followed to identify areas of high environmental value that may be considered for incorporation into Coffs Harbour LEP 2013 under a Planning Proposal. These principles and actions are broadly set out in the Mid North Coast Regional Conservation Plan and Mid North Coast Regional Strategy.

Once complete, this information will allow Council to meet its statutory and strategic planning requirements to identify endangered ecological communities, over-cleared forest types, endangered populations, critical habitat, threatened species, old-growth forest, koala habitat, linkages and habitat networks.

This will allow Council to meet its primary statutory obligations under the *Environmental Planning and Assessment Act 1979*, *Threatened Species Conservation Act 1995*, *Environment Protection and Biodiversity Conservation Act 1999* and *Native Vegetation Act 2003*.

Issues:

The introduction of the NSW Government's White Paper – A New Planning System for NSW has unknown consequences for the strategic and planning components of this project.

It is currently unclear what environmental zones will prevail under the new system. For example, there are currently four environmental zones available under the current Standard Instrument (E1 National Parks and Nature Reserves; E2 Environmental Conservation; E3 Environmental Management and E4 Environmental Living).

The White Paper is unlikely to impact on the science outputs associated with this project as they are independent of this process.

Implementation Date / Priority:

- Stage 1** Complete the environmental science for each environmental attribute - Endangered Ecological Communities and Over-cleared Forest Types; Old-growth Forest and Koala Habitat (by Dec 2013).
- Stage 2** Develop a composite layer of High Value Habitat from Stage 1. Use this layer to develop a corridors footprint. Combine HVH and corridors to derive Biodiversity Assets layer (by Feb 2014).
- Stage 3** Develop a ranking system for environmental attributes under the proposed Ecological Significance layer (by March 2014).

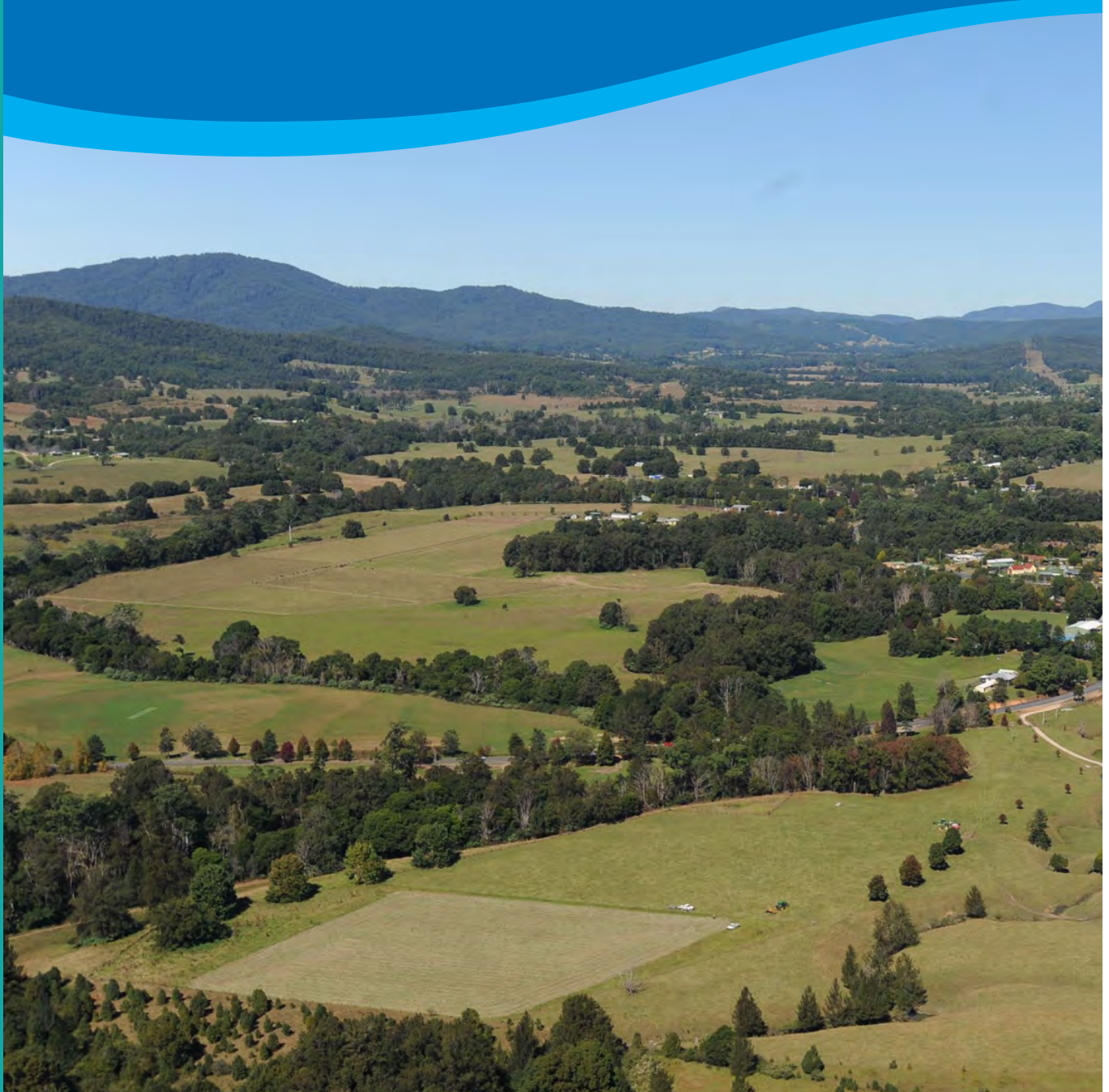
Stage 4 Prepare and consult on the *Priority Habitats and Corridors Strategy 2014 – 2030* (by June 2014).

Stage 5 Assuming PHACS is adopted by Council, that information will be used to inform one or more planning proposals that will amend Coffs Harbour LEP 2013 and associated Development Control Plan 2013. This will be subject to extensive and thorough public exhibition and consultation (Commencing Feb 2015).

Recommendation:

- 1. In accordance with the Coffs Harbour Biodiversity Action Strategy 2012-2030, Council notes the work program in this report which will inform the preparation of a Priority Habitats and Corridors Strategy**
- 2. That Council endorse the attached Biodiversity Assets Stakeholder Engagement Plan**

Biodiversity Assets Stakeholder Engagement Plan 2013–2014



July 2013



THIS IS A LOOKING AFTER OUR ENVIRONMENT PROJECT
Helping to achieve the 2030 Community Vision

Engagement objectives

The objectives of this stakeholder engagement plan are to:

1. Ensure relevant staff and managers are consulted during the development of the science, strategy and planning proposal for biodiversity assets. This includes staff whose key responsibilities that relate to each theme.
2. Ensure all relevant stakeholders receive an electronic copy of the science layers and notes, strategy and planning proposals.
3. Provide written information to individual landholders directly affected by the science, strategy and/or planning proposal.
4. Provide written information to relevant stakeholders who have an interest in the science, strategy and/or planning proposal.
5. Ensure each public exhibition period encourages feedback by landholders and stakeholders, and where possible;
 - a. Offering longer than the standard 28 day period, to allow for timings associated with community group meetings;
 - b. Not holding it over December-February or during the school holidays.
6. Maximise community feedback on the science, strategies and planning proposals by using a range of community engagement techniques.
7. Provide feedback to the community on how their submissions influenced the final science, strategy and planning proposal.
8. Ensure that the science, strategy and planning proposals that are adopted by Council meet the concerns and aspirations of our community.

Engagement Plan outline

To achieve the objectives of this community engagement plan, we will:

- Collaborate with Council staff and Council on the engagement plan to gain their perspective and adapt the strategies and plans to incorporate their advice and recommendations.
- Inform with landholders on the science to ensure additional knowledge of the value of their biodiversity assets is captured.
- Consult with stakeholders to ensure the strategy and planning proposal meets the concerns and aspirations of our community.
- Inform and consult the community regarding the public exhibition periods required to deliver the science, strategy and planning proposal.

The overarching level of Community Engagement selected for this project is to Inform (Science) and Consult (Strategy and Planning Proposal).

Science

Level of Community Engagement selected
Inform

Community Engagement Goal
To provide balanced and objective information to assist understanding of topic, alternatives, opportunities and/or solutions.

Our promise to the community
We will keep you informed.

Strategy & Planning Proposal

Level of Community Engagement selected
Consult

Community Engagement Goal
To obtain public feedback on analysis, alternatives and/or decisions.

Our promise to the community
We will keep you informed, listen to and acknowledge your concerns and aspirations, and provide feedback on how input influenced the decision.



Science: Part A

- Endangered Ecological Communities and Over-cleared Forest Types**
 Exhibition by Dec 2013
 Purpose: Science
- Old-growth forest and High Value Arboreal Habitat**
 Exhibition by Sep 2013
 Purpose: Science
- Koala habitat**
 Exhibition by Dec 2013
 Purpose: Science
- High Value Habitats**
 Exhibition by Dec 2013
 Purpose: Composite layer
- Corridors footprint**
 Exhibition by Feb 2014
 Purpose: Science
- Biodiversity Assets**
 Exhibition by March 2014
 Purpose: Science
- Ecological Significance of environmental attributes**
 Exhibition by April 2014
 Purpose: Ranking



Strategy : Part B

Priority Habitats and Corridors Strategy 2014 – 2030
 Exhibition by June 2014
 Purpose: Strategy



Planning : Part C

Planning proposal under Coffs Harbour LEP 2013
 Exhibition commencing February 2015
 Purpose: Planning proposal



Stakeholder List

This list will be added to and updated as the project progresses.

Stakeholder	Key Stakeholders
Councillors	All
Council Executive Team	All
Council Leadership Team	Managers whose key responsibilities relate to the science or strategy themes
Council staff	Council staff whose key responsibilities relate to key themes; Council's Community Engagement Collaborative Staff Network
Community groups	<ul style="list-style-type: none"> - Coffs Harbour Regional Landcare Network - All Landcare and Rivercare groups in the LGA - Orara Rivercare Groups Management Committee - Jaliigirr Biodiversity Alliance Inc. - Coffs Harbour Farmers Association - Mid North Coast Greens - Ulitarra Society - WIRES - Garlambirla Guyuu Girrwaaw Coffs Elders Group - CH Aboriginal Land Council - Coffs Coast Tourism Association
Specific interest groups/ Individuals	<ul style="list-style-type: none"> - Individual landholders affected by biodiversity assets - Environmental / sustainability related businesses - Bush regeneration groups - Local members of parliament
Government Agencies	<ul style="list-style-type: none"> - National Parks and Wildlife Service - Solitary Islands Marine Park - Forests NSW - Office of Environment and Heritage - NSW Environmental Protection Authority - Northern Rivers Catchment Management Authority - soon to be renamed Local Land Services - Department of Planning and Infrastructure - Department of Sustainability, Environment, Water, Population and Communities
Non-government agencies	<ul style="list-style-type: none"> - Nature Conservation Council - National Parks Association - Southern Cross University (SCU): <ul style="list-style-type: none"> - National Marine Science Centre - Sustainability Facilitator, Office of Community Engagement - North Coast TAFE- Acting Program Manager Ecological Sustainability Initiatives - Great Eastern Ranges Initiative facilitator
Media	<ul style="list-style-type: none"> - Print - The Advocate, Woolgoolga Advertiser and Focus Magazine - Radio- Southern Cross Aus Stereo- 2CS FM and Star FM, ABC Radio Mid North Coast, 2HC Community Radio and 2CHY FM Youth Radio - TV- Coffs Coast Media Centre, NBN and Prime

Community Engagement Actions

Project Phase & Action	Level	Community Engagement Techniques	Who	When
Planning - Inform Council and staff about the project plan.	Inform	<ul style="list-style-type: none"> - Project Plan to Executive and Council for information - Contact staff whose key responsibilities relate to the science, strategy, planning proposal 	Exec. Manager Strategy and Sustainability Team Leader Biodiversity	June 2013
Implementation - Collaborate with staff to develop the science, strategy and/or planning proposal and ensure it correctly reflects their plans and targets related to environmental sustainability.	Collaborate	<ul style="list-style-type: none"> - Meet with staff whose key responsibilities relate to the strategy themes - Meet with the S-Team sustainability collaborative staff network - Presentation to the Leadership Team - Presentation to CHAOS - Form internal group – key players, to review science, strategy and planning proposal. 	Biodiversity officers	2013/14
Implementation - Collaborate with Council to ensure the strategy meets the needs and aspirations of our community.	Collaborate	<ul style="list-style-type: none"> - Councillor briefing on the science, strategy and planning proposal to Council endorsing public exhibition. 	LUHD Director and Team leader - Biodiversity	2013/14
Implementation - Consult with all stakeholders to ensure the strategy and planning proposals meets the concerns and aspirations of our community.	Consult	<ul style="list-style-type: none"> - Key stakeholders to be personally emailed an invitation to submit their comments on the science, strategy and planning proposal, using Council's website and electronic form. - Key individuals whose properties are affected will be notified in writing and offered an on-site visit by Council's Biodiversity officers. 	Biodiversity officers	2013/14
Implementation - Inform the general community of the science, strategy and planning proposal.	Inform	<ul style="list-style-type: none"> - Media release at start of exhibition period and two weeks from end. - Article in Council page of Advocate. 	Biodiversity, Media Officer	2013/14
Implementation - Inform all stakeholders of how their input influenced any changes to the science, strategy and planning proposal.	Inform	<ul style="list-style-type: none"> - Key individuals whose properties are affected will be written to personally detailing the changes. - Key stakeholders to be emailed a link to the website, which will contain information on the public submissions that were made and how this input influenced any changes to the science, strategy and/or planning proposal. - Key stakeholders emailed to notify them once the Strategy has been adopted by Council. 	Biodiversity officers	2013/14



PLANNING PROPOSAL PP_2013_COFFS_001_00 - PROPOSED REZONING OF PART LOT 3, DP270533, DRESS CIRCLE, COFFS HARBOUR

Purpose:

The purpose of this report is to notify Council of the status of the subject Planning Proposal, which is a deferred area from Coffs Harbour Local Environmental Plan (LEP) 2000 Amendment No. 34 (North Coffs).

This report recommends that Council:

- place the Planning Proposal (Attachment 1 to this report) on exhibition;
- place an amendment to Component E15 of draft Coffs Harbour Development Control Plan (DCP) 2013 (Attachment 2 of this report) on exhibition; and
- consider the outcome of the exhibition in a future Council report.

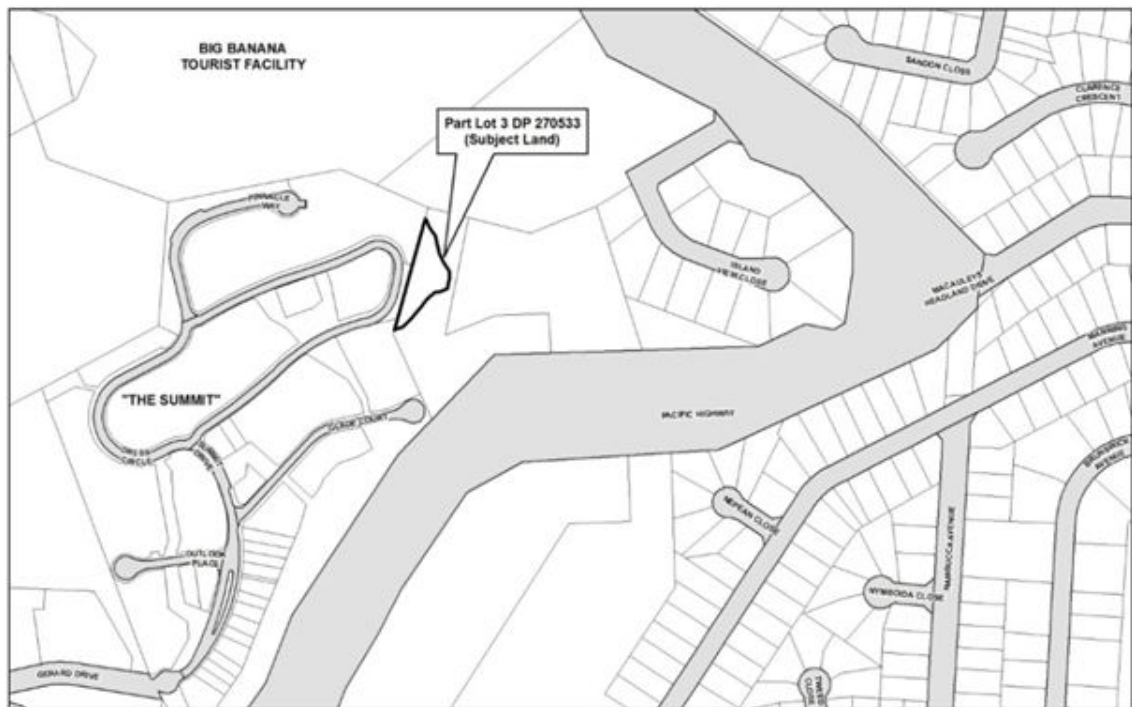
Description of Item:

At its meeting of 27 March 2013, Council endorsed the preparation of this Planning Proposal, as set out below:

1. *That Council prepare a Planning Proposal applying to Part Lot 3, DP270233 in accordance with the Environmental Planning and Assessment Act 1979, to allow the land to be zoned for residential development.*
2. *That the existing zones applying to the Western Precincts of Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) remain.*
3. *That the North Coffs Development Control Plan and North Coffs Developer Contributions Plan be amended to confirm the existing zoning of the deferred areas.*
4. *That the owners of land nominated as 'Deferred Areas' within the North Coffs Investigation Area be notified of Council's decision.*

The subject land is shown on the map below, as the Eastern Precinct of the deferred areas of Coffs Harbour LEP 2000 Amendment No. 34 (North Coffs). The land is approximately 1,450m² in area.

The full details of the proposal are set out in the Planning Proposal, being Attachment 1 of this report.



The owners of Lot 3, DP270533 requested that Council rezone the subject land from Rural 1A Agriculture to Residential 2E Tourist which is the zoning of the adjoining residential development known as The Summit.

The landowners have supplied the appropriate environmental assessments which apply to the land. These assessments were forwarded to NSW Planning and Infrastructure (P&I) in Council's request for Gateway Determination.

Council made a recommendation to P&I to zone the subject land to R1 General Residential, which is the equivalent zone to Residential 2E Tourist under the Standard Instrument LEP template.

The following maps also require amendment as part of this Planning Proposal:

- Lot Size Map: from 400m² (F) to 1,200m² (U1); and
- Height of Buildings Map: from 8.5 metres (I) to 11 metres (L).

The locality map included in Component E15 Tourist Residential Development Requirements (Map 7 North Coffs Harbour) of draft DCP 2013 will also require amendment to include the subject land. This map amendment is attached to this report (Attachment 2), and will be exhibited concurrently with the Planning Proposal, in accordance with the Environmental Planning and Assessment (EP&A) Regulations 2000.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues are addressed by the Planning Proposal. There are no issues raised by the exhibition of the Planning Proposal.

- **Social**

There are no social issues associated with the exhibition of this Planning Proposal.

- **Civic Leadership**

Engagement with the community, by way of the exhibition of this Planning Proposal, provides an opportunity to address sustainable development strategies which are identified by the Coffs Harbour 2030 Plan.

- **Economic**

Broader Economic Implications

The Planning Proposal augments the current residential land stock of Coffs Harbour Local Government Area (LGA) and allows Residential 2E Tourist land uses which are economically beneficial to the locality.

Delivery Program/Operational Plan Implications

There are no implications to Council's current Operational Plan.

Consultation:

Should Council resolve to exhibit this Planning Proposal and draft DCP amendment, Council will consult the community. NSW Planning and Infrastructure does not require consultation with government agencies in its Gateway Determination.

The Gateway Determination from NSW P&I advises that the Planning Proposal should be exhibited for a minimum of 14 days, in accordance with the Gateway Determination and Sections 56(2)(c) and 57 of the EP&A Act 1979.

The draft DCP amendment is required to be exhibited for a minimum of 28 days, in accordance with the EP&A Regulations 2000.

It is therefore proposed that both the Planning Proposal and DCP amendment be exhibited concurrently, for 28 days, in order to satisfy the minimum requirements for each document.

Related Policy and / or Precedents:

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

- Coffs Harbour City LEP 2000;
- draft Coffs Harbour LEP 2013;
- draft Coffs Harbour DCP 2013;
- OLC Settlement Strategy 2008;
- Planning for Bush Fire Protection 2006;
- Mid North Coast Regional Strategy and Growth Area Maps;
- EP&A Act 1979 and Regulations;
- Coffs Harbour 2030 Plan;
- Land Use Conflict in Rural Areas;
- Coffs Harbour City Koala Plan of Management 1999; and
- P&I Section 117 Directions.

Statutory Requirements:

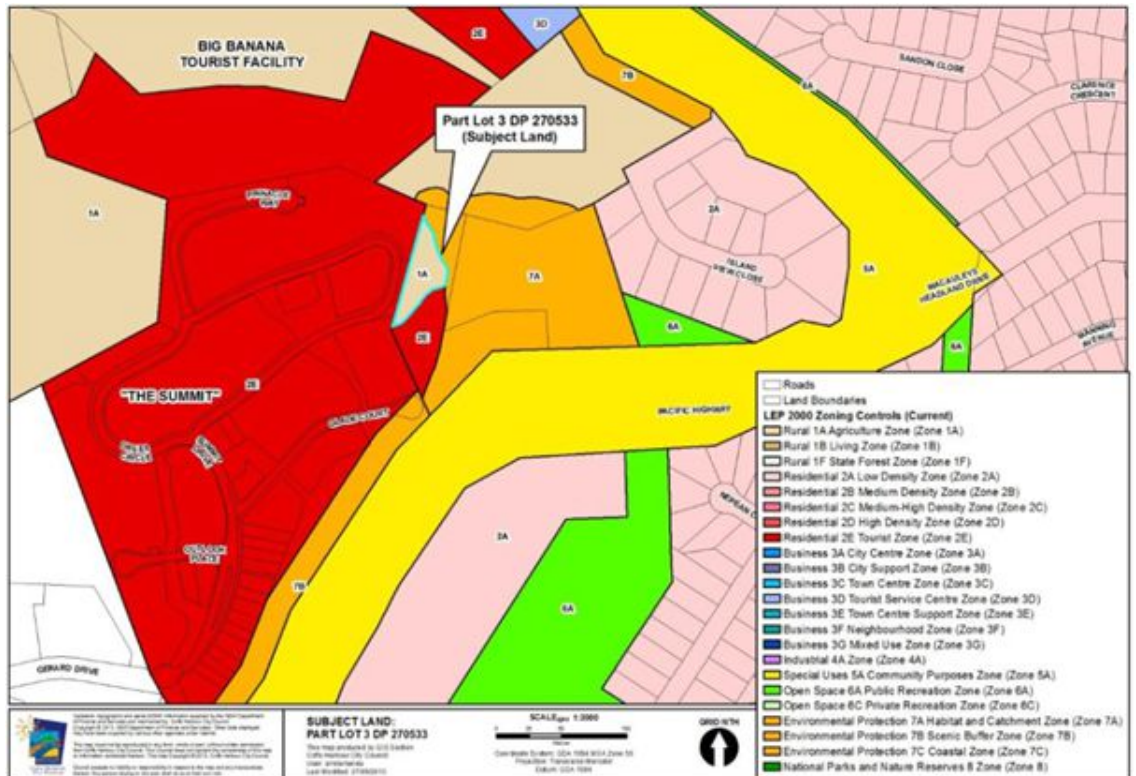
In accordance with advice received from NSW P&I, the land use zone nominated in this Planning Proposal is in accordance with the template for Standard Instrument LEPs.

Exhibition of this Planning Proposal is relevant to Sections 56(2)(c) and 57 of the EP&A Act 1979. Exhibition of this proposed amendment to the draft DCP is relevant to Clause 18(2) of the EP&A Regulations 2000.

Issues:

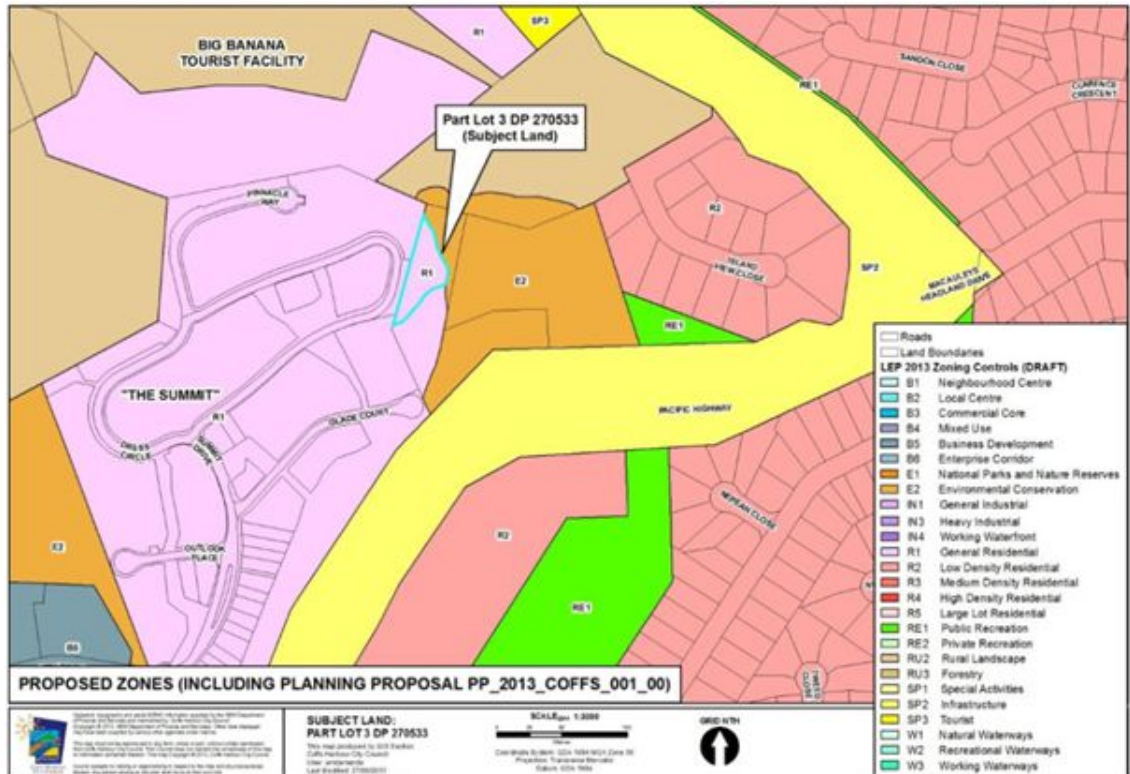
- **Existing Zones (Coffs Harbour City LEP 2000)**

The subject land, showing current zones and the zoning of adjacent lands, is shown in the map below:



- **Proposed Zones (draft Coffs Harbour LEP 2013)**

The subject land, showing the zoning described in the Planning Proposal, is shown on the following map:



Comment:

The subject land is identified as part of the North Coffs Investigation Area.

The proposed rezoning is considered to be of a minor nature and is a logical addition to the existing adjacent residential development. The land is currently an isolated pocket of land zoned for agricultural purposes. The size and location of the subject land is unsuitable for viable agricultural activities.

- **Water Supply**

The land is proposed to be connected to the existing adjacent development known as The Summit, using the same privately managed water supply which services that development.

Comment:

The proposal for water supply to the land is supported. There are no implications to Council's Service Plans.

Implementation Date / Priority:

Should Council resolve to exhibit this Planning Proposal and DCP amendment, the exhibition will take place as soon as possible to expedite the progress of the Planning Proposal. It will involve the concurrent exhibition of both documents for a minimum of 28 days, to satisfy the minimum requirements for each document.

Recommendation:

1. That Council resolve to exhibit PP_2013_COFFS_001_00 (Attachment 1) in accordance with the NSW Planning and Infrastructure's Gateway Determination and Sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979.
2. That Council resolve to exhibit an amendment to draft Coffs Harbour Development Control Plan 2013 Component E15 Tourist Residential Development Requirements (Attachment 2) in accordance with Clause 18(2) of the Environmental Planning and Assessment Regulations 2000.
3. That the Planning Proposal and the draft Development Control Plan amendment documents be exhibited jointly for a period of 28 days.
4. That a further report regarding the outcome of the exhibition be presented to Council.

Attachment 2

b) Controls

i) Density

- Tourist: one unit/300m²; and
- Residential: one dwelling/400m².

ii) Setbacks

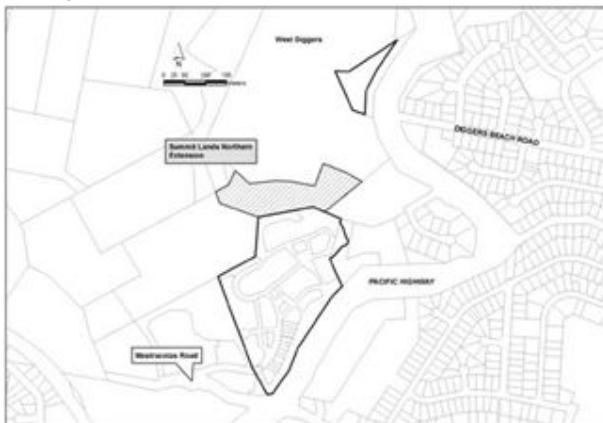
- Front: 20 metres to Pacific Highway, six metres to local roads;
- Side: six metres; and
- Rear: three metres, reduced to one metre where the building height is less than three metres.

Note: Charlesworth Bay (Pacific Bay) is also subject to an approved [Masterplan-No.51-11-2004](#), which includes additional development controls. Contact Council for further information.

E15.3.5 North Coffs Harbour

These controls relate to lands in the North Coffs Harbour area:

MAP 7 - NORTH COFFS HARBOUR



(a) Building Design Statement

- i) Residential development in these areas is to be medium density in nature, and is to enhance the surrounding bushland environment. Such developments are to provide self-contained accommodation in close proximity to shops, services and tourist facilities.

- ii) Buildings should be designed, located and landscaped to reduce amenity impacts on adjoining properties and public places.

- iii) Proposals are to incorporate the use of natural colours (greys, greens and browns) where practicable.

Note: This location supports a style of building on steep land which provides for views and solar access.

(b) Controls

i) Density

- Tourist:
 - West Diggers: one unit/150m²; and
 - Mastrocolas Road: one unit/200m².
- Residential:
 - West Diggers, Mastrocolas Road: one dwelling/200m²

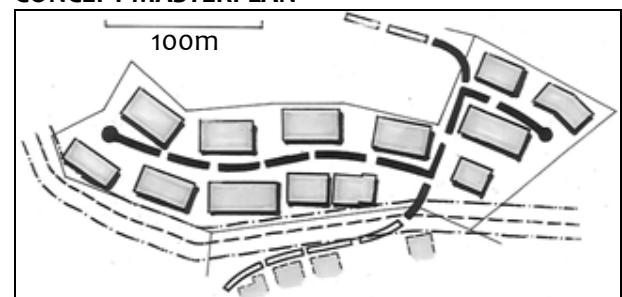
ii) Setbacks

- Front: 20 metres
- Side and Rear: Assessed on merit

E15.3.6 Summit Lands Northern Extension

These controls relate to lands shown in Figure 1 below:

FIGURE 1 - SUMMIT LANDS NORTHERN EXTENSION CONCEPT MASTERPLAN



- KEY**
- Approximate Building Footprint
 - Site Boundary
 - Road Network
 - Approximate Ridgeline
 - 10 metre offset from Ridgeline (20 metres total)

BANK BALANCES AND INVESTMENT FOR MAY 2013

Purpose:

To list Council's Bank Balances and Investments as at 31 May 2013.

Description of Item:

A copy of the state of Bank Balances and Investments as at 31 May 2013 is attached.

It should be noted that Council is required to account for investments in accordance with the Australian International Financial Reporting Standards. As such the ledger balances at the end of each month reflect market value movements which would be inclusive of accrued interest.

Interest when paid, say quarterly, would result in reductions in the market value of the investments.

The Investment Report reflects the above requirements and reflects the interest earned (or accrued) on each investment, based on the acquisition price.

Reports written by CPG Research & Advisory Pty Ltd (Council's investment portfolio advisors) which examine economic and financial markets data for May 2013 and review the performance of Council's investment portfolio for month ended 31 May 2013 are available in the Councillors Resource Centre.

Sustainability Assessment:

- **Environment**

There are no perceived current or future environmental impacts.

- **Social**

There are no perceived current or future social impacts.

- **Civic Leadership**

Council invests surplus funds to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

- **Economic**

Broader Economic Implications

Council's investments are held according to the requirements stated within Council's investments policy and the returns are acceptable in relation thereto. In the long term earnings from investments can vary due to economic conditions and financial markets. Council constructs its investment portfolio with consideration of current conditions and to comply with the DLG investment policy guidelines.

Delivery Program/Operational Plan Implications

For May 2013 it is noted that after deducting, from the total bank and investment balances of \$173,529,666 the estimated restricted General, Trust, Water and Sewerage cash and investments (\$171,384,828), the Unrestricted Cash is \$2,144,838.

Further details are provided as a note on the attachment.

Recommendation:

- 1. That the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and seventy three million, five hundred and twenty nine thousand, six hundred and sixty six dollars (\$173,529,666) as at 31 May 2013 be noted.**
- 2. That the general fund unrestricted cash and investments totaling two million, one hundred and forty four thousand, eight hundred and thirty eight dollars (\$2,144,838) as at 31 May 2013 be noted.**

BANK BALANCES AND INVESTMENTS AS AT 31 MAY 2013

	Credit Rating at 31/5/13	Legal Maturity	Acquisition Price \$	Market Value as at 1/5/13 \$	Market Value as at 31/5/13 \$	Income Earned (net of fees) Financial Yr to Date \$	Monthly Return (Managed Funds) / Current	Risk of capital not being returned
OVERNIGHT FUNDS:								
Cash - Fair Value movements through profit & loss								
NAB - Bank Accounts	AA-			1,193,694	4,054,214	105,468	2.58	Low
UBS Cash Management Trust	AAA			146,120	128,575	(12,186)	2.04	Low
Members Equity Bank - Business Investment Account	BBB			24,354	24,425	779	3.50	Low
NAB Professional Funds Account	AA-			4,158,331	7,530,564	210,737	3.15	Low
Delphi Bank - Cash M'tment Acc't	A-			215,032	222,489	10,639	2.50	Low
Rabodirect - Savings Account	AA			162	162	398	3.45	Low
Rabo bank - Premium Cash Management Account	AA	1,000,000		-	1,003,267	3,267	3.75	Low
Suncorp Business Saver	A-			319	320	7	3.25	Low
CUA Prime Access	NR			81	81	993	0.01	Low
Total				5,738,092	12,964,099	320,102		
BENCHMARK RATE - 11 AM INDICATIVE CASH RATE							2.75	
BENCHMARK RATE - UBS BANK BILL INDEX							3.07	
Term Deposits - Fair Value movements through profit & loss								
Investec 17/11/14	BBB-	17/11/2014	8,000,000	8,569,392	8,018,155	552,888	7.53	Low
Investec 29/6/16	BBB-	29/06/2016	1,000,000	1,062,625	1,068,765	68,355	7.47	Low
Investec 8/7/15	BBB-	8/07/2015	1,000,000	1,064,594	1,064,594	66,174	7.21	Low
Investec 8/8/16	BBB-	8/08/2016	2,500,000	2,621,428	2,635,633	153,503	6.69	Low
Investec 6/6/17	BBB-	6/06/2017	2,000,000	2,098,367	2,107,012	99,858	5.44	Low
Investec 14/8/15	BBB-	14/08/2015	1,800,000	1,881,811	1,891,641	91,641	6.43	Low
AMP 24/5/16	A	24/05/2016	5,000,000	5,343,336	5,007,048	337,295	7.35	Low
AMP 10/3/14	A	10/03/2014	2,000,000	2,012,156	2,020,022	20,022	4.35	Low
Arab Bank* 7/5/18	A-	7/05/2018	1,500,000	-	1,504,636	4,636	4.70	Low
Westpac 27/6/14	AA-	27/06/2014	1,000,000	1,043,630	1,060,192	59,658	6.50	Low
Westpac 6/5/14	AA-	6/05/2014	4,000,000	-	4,011,507	11,507	4.20	Low
NAB 9/3/15	AA-	9/03/2015	2,000,000	2,012,981	2,020,574	20,574	4.47	Low
NAB 12/3/15	AA-	12/03/2015	2,500,000	2,515,136	2,524,712	24,712	4.51	Low
NAB 15/7/13 (Regional Parks)	AA-	15/07/2013	1,300,000	1,302,303	1,307,389	7,389	4.51	Low
Delphi Bank 29/1/15*	A-	29/01/2015	2,000,000	2,014,673	2,007,457	29,347	4.39	Low
Delphi Bank 14/2/14*	A-	14/02/2014	5,000,000	5,066,637	5,102,370	323,527	7.05	Low
Delphi Bank 5/8/15*	A-	5/08/2015	2,000,000	2,232,756	2,244,137	122,986	6.70	Low
Delphi Bank 7/3/14*	A-	7/03/2014	1,500,000	1,515,645	1,524,627	97,058	7.05	Low
Credit Union Australia 11/4/14	BBB+	11/04/2014	1,000,000	1,003,363	1,009,342	62,595	6.82	Low
Credit Union Australia 12/5/14	BBB+	12/05/2014	2,000,000	2,131,125	2,006,667	124,088	6.76	Low
Credit Union Australia 9/5/14	BBB+	9/05/2014	500,000	529,098	531,543	27,305	5.95	Low
Bankwest	AA	27/08/2013	2,000,000	2,082,225	2,092,586	111,973	6.10	Low
Quay Credit Union	NR	9/08/2013	1,000,000	1,112,014	1,117,356	59,658	6.50	Low
Suncorp 11/8/14	A-	11/08/2014	3,000,000	3,135,148	3,151,718	173,466	6.30	Low
Suncorp 23/12/13	A-	23/12/2013	1,000,000	1,042,391	1,046,672	46,258	5.04	Low
Rural Bank	A-	30/10/2013	2,000,000	-	2,006,751	6,751	4.40	Low
Bank of Queensland 3/9/17	BBB	3/09/2017	2,000,000	2,073,992	2,083,589	83,589	5.65	Low
Bank of Queensland 4/2/18	BBB	4/02/2018	3,000,000	3,035,979	3,049,101	49,101	5.15	Low
Bank of Queensland 5/3/18	BBB	5/03/2018	2,000,000	2,015,649	2,024,312	24,312	5.10	Low
Bank of Queensland 17/5/17	BBB	17/05/2017	1,000,000	-	1,001,784	1,784	4.65	Low
Rabo Direct 24/3/16	AA	24/03/2016	5,000,000	5,035,260	5,066,603	328,116	7.15	Low
Rabo Direct 10/8/15	AA	10/08/2015	1,000,000	1,048,460	1,053,967	61,493	6.70	Low
Rabo Direct 13/4/15	AA	13/04/2015	1,000,000	1,002,219	1,006,041	6,041	4.50	Low
ING 17/8/17	A	17/08/2017	2,000,000	2,093,525	2,094,513	94,513	6.01	Low
ING 6/9/17	A	6/09/2017	2,000,000	2,072,416	2,081,929	81,929	5.60	Low
ING 7/5/18	A	7/05/2018	1,500,000	-	1,504,596	4,596	4.66	Low
Wide Bay 29/7/16	BBB	29/07/2016	1,000,000	1,017,701	1,023,732	65,164	7.10	Low
Wide Bay 8/8/16	BBB	8/08/2016	1,000,000	1,015,756	1,021,786	65,164	7.10	Low
ME Bank	BBB	15/05/2014	2,000,000	-	2,003,726	3,726	4.25	Low
Police Credit Union 26/2/15	NR	26/02/2015	1,000,000	1,007,992	1,011,924	11,924	4.63	Low
Police Credit Union 17/5/16	NR	17/05/2016	500,000	-	500,865	865	4.51	Low
Bank of Sydney 9/7/13	NR	9/07/2013	3,100,000	3,107,644	3,119,492	19,492	4.50	Low
Bank of Sydney 24/6/13	NR	24/06/2013	2,000,000	-	2,002,273	2,273	4.61	Low
Bendigo & Adelaide Bank	A-	16/04/2014	2,800,000	2,804,618	2,814,844	14,844	4.30	Low
CBA 16/5/16	AA-	16/05/2016	1,000,000	-	1,002,096	2,096	4.50	Low
CBA 17/5/16	AA-	17/05/2016	1,000,000	-	1,001,973	1,973	4.50	Low
CBA 23/5/16	AA-	23/05/2016	1,000,000	-	1,001,247	1,247	4.55	Low
CBA 30/5/16	AA-	30/05/2016	1,000,000	-	1,001,247	1,247	4.55	Low
CBA 6/6/16	AA-	6/06/2016	1,000,000	-	1,001,247	1,247	4.55	Low
CBA 29/10/17	AA-	29/10/2017	5,001,064	2,779,070	2,779,070	126,254	3.03	Low
Total			102,501,064	83,503,118	102,335,060	3,756,212		

Agenda - Ordinary Meeting 11 July 2013 - CORPORATE BUSINESS DEPARTMENT REPORTS

	Credit Rating at 31/5/13	Legal Maturity	Acquisition Price \$	Market Value as at 1/5/13 \$	Market Value as at 31/5/13 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned
Floating Rate Notes:								
Available for Sale Accounting - movements through equity.								
Queenslanders Credit Union	NR	3/06/2013	503,170	499,975	500,007	41,109	4.08	Low
Sub Total			503,170	499,975	500,007	41,109		
Fair Value through Profit & Loss Accounting - movements through profits & loss.								
Credit Suisse	A+	18/03/2014	501,745	504,665	506,490	27,349	4.23	Low
Bank of Queensland 7/12/15	BBB	7/12/2015	5,034,450	8,087,120	5,091,550	146,559	4.58	Low
Bank of Queensland 30/5/16	BBB	30/05/2016	3,000,000	-	3,000,270	270	4.30	Low
CBA	AA	24/12/2015	13,166,610	13,280,400	13,406,480	803,649	4.11	Low
Macquarie Bank 9/3/17	A	9/03/2017	5,000,000	5,302,295	5,296,130	531,364	5.95	Low
Macquarie Bank 24/2/14	A	24/02/2014	1,001,180	1,014,420	1,006,210	53,065	4.72	Low
Arab	A-	12/12/2014	5,000,000	5,020,050	5,018,985	75,821	4.58	Low
Suncorp	A-	11/04/2016	2,250,000	2,262,870	2,261,025	11,025	4.07	Low
Royal Bank of Scotland 17/2/12^	BBB-	17/02/2017	2,501,100	2,204,950	2,227,725	397,293	3.07	Low
Sub Total			37,455,085	37,676,770	37,814,865	2,046,394		
Total			37,958,255	38,176,745	38,314,872	2,087,503		
CPPI Notes (Constant Portfolio Protection Insurance)								
Available for Sale Accounting - movements through equity.								
Averon # (now ZCB)	AA+	20/06/2013	1,500,000	1,487,400	1,487,400	45,300	0.00	Low
Keolis # (now ZCB)	BBB-	24/08/2013	1,000,000	991,000	993,300	26,700	0.00	Low
Sub Total			2,500,000	2,478,400	2,480,700	72,000		
Fair Value through Profit & Loss Accounting - movements through profits & loss.								
Lehman #	D	15/06/2009	300,000	6,805	-	-	0.00	High
Lehman #^	D	15/06/2009	500,000	34,903	-	42,722	0.00	High
Sub Total			800,000	41,708	-	42,722		
Total			3,300,000	2,520,108	2,480,700	114,722		

Credit Rating at 31/5/13	Legal Maturity	Acquisition Price \$	Market Value as at 1/5/13 \$	Market Value as at 31/5/13 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned
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Floating Rate Term Deposits:

Westpac	AA-	9/09/2013	2,000,000	2,011,065	2,017,536	74,990	3.81	Low
Bank of Queensland	BBB	26/02/2016	1,500,000	1,511,595	1,500,708	17,278	4.31	Low
ING	A	27/02/2015	2,000,000	2,014,607	2,000,694	22,005	4.22	Low
NAB Flexi Deposit	AA	16/08/2013	2,000,000	2,015,199	2,003,115	79,008	3.79	Low
Total			7,500,000	7,552,464	7,522,054	193,282		

Fixed Coupon Bonds

Heritage Bank	BBB+	20/06/2017	6,718,110	6,873,750	6,871,800	303,829	7.25	Low
RBS	A+	27/08/2013	1,004,200	1,024,665	1,027,964	54,704	7.25	Low
Total			7,722,310	7,898,415	7,899,764	358,533		

Floating Rate Transferrable Certificate of Deposit

Greater Building Society	BBB+	15/04/2016	2,000,000	2,003,709	2,013,116	12,867	4.54	Low
Total			2,000,000	2,003,709	2,013,116	12,867		

Other:

Southern Phone Company Shares	N/A	N/A	2	2	2	48,930	N/A	Low
			2	2	2	48,930		

Securities No Longer Held (excluding Managed Funds).

Accumulated at April 2013			-	-	-	5,957,703		
Bank of Sydney TD	NR	2/05/2013	2,500,000	2,528,630	-	29,281	4.75	Low
Suncorp TD	A-	2/05/2013	2,500,000	2,517,100	-	27,000	4.38	Low
Arab Bank TD	A-	13/05/2013	2,100,000	2,177,930	-	81,857	5.25	Low
NAB FRN	AA-	15/02/2017	4,030,700	4,217,560	-	312,756	4.77	Low
ING TD	A	21/05/2013	1,000,000	1,129,525	-	58,941	6.64	Low
Bank of Sydney TD	NR	21/05/2013	1,000,000	1,010,801	-	11,047	4.48	Low
ME Bank TD	BBB	20/05/2013	1,000,000	1,013,501	-	10,849	4.40	Low
Arab Bank TD	A-	31/05/2013	1,500,000	1,551,565	-	58,253	5.25	Low
Quay Credit Union TD	NR	23/05/2013	1,500,000	1,577,301	-	73,911	5.50	Low
Total			17,130,700	17,723,915	-	6,621,598		
GRAND TOTAL (before fees)				165,116,568	173,529,666	13,500,880		
Less Portfolio Fees (Advice & Salary)						(149,116)		
GRAND TOTAL				165,116,568	173,529,666	13,351,764		

Capital Guaranteed at maturity

^ Ex Infrastructure IMP

* Rated by Fitch

The dates quoted alongside the name of the product for FRN's, CDO's and Fixed Bonds are first call dates.

First call dates for FRN's & fixed bonds are the likely date of maturity because the investment issuer is severely penalised if monies are not redeemed by that date, via damage in the market to their reputation, increased coupon rates and additional capital requirements by APRA.

Term deposits of \$250,000 or less per financial institution are covered under the Commonwealth Government Deposit Guarantee Scheme & therefore by default have the same credit rating as the Commonwealth Government i.e. AAA.

Less Unrealised Capital Gains/(Loss) for Available For Sale Investments	\$ 130,402
Income to Profit & Loss	\$ 13,221,361

TOTAL CASH & INVESTMENTS AS AT 31 MAY 2013 **\$ 173,529,666**

LESS ESTIMATED RESTRICTED EQUITY FOR WATER & SEWER FUNDS

Water Fund	\$ 29,790,778	
Sewer Fund	\$ 46,418,690	\$ 76,209,468

GENERAL FUND CASH & INVESTMENTS **\$ 97,320,198**

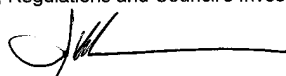
LESS TRUST FUND BALANCES AS AT 31 MAY 2013 **\$ 400,048**

LESS ESTIMATED RESTRICTED EQUITY FOR GENERAL FUND (developer contributions, grants, reserves etc) **\$ 94,775,312**

ESTIMATED GENERAL FUND UNRESTRICTED CASH & INVESTMENTS AS AT 31 MAY 2013

Add:	Unrestricted Cash & Investments as at 30 June 2012	\$ 2,169,818
	2012/13 Budget Deficit (Budget Review - 30/4/13 - adopted 13/6/13)	\$ (24,980)
	Estimated Unrestricted Cash as at 30 June 2013	\$ 2,144,838

I hereby certify that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Council's Investment Policy.

 **JAY WORKMAN** 27/6/2013
 Responsible Accounting Officer. **ACTING EXEC MANAGER FINANCE**

LEASE - HANGAR SITE, 73 AVIATION DRIVE, COFFS HARBOUR AIRPORT, LOT 5 DP790102 - EXECUTION OF LEASE DOCUMENTS UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking authority for the execution of a lease between Coffs Harbour City Council as the registered proprietor of the land known as 73 Aviation Drive Coffs Harbour Airport, being Lot 5 in DP790102 to KWL Family Company Pty Limited under the Common Seal of Council.

Description of Item:

Council is the owner of 73 Aviation Drive Coffs Harbour.

The property has previously been leased to KWL Family Company Pty Limited (the Lessee) under a lease which expired on 31 December 2012 and is now continuing on a month to month basis. The current lessee has constructed an aircraft hangar on the land. This improvement remains the property of the lessee.

The Lessee has requested a renewal of the lease for a further period of 5 years.

KWL Family Company has been a good lessee with all rents paid on time. The proposed rent for the new lease has been set against a market rent assessment for similar leasehold.

Accordingly there is no objection to granting a new lease term.

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

Sustainability Assessment:

- **Environment**

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

- **Social**

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

- **Civic Leadership**

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

- **Economic**

Broader Economic Implications

Leasing the premises to KWL Family Company Pty Limited will continue to support the local economy.

Delivery Program/Operational Plan Implications

Leasing the premises to KWL Family Company Pty Limited at a current market rental will provide additional income for Council. If the site remains vacant then there are still holding costs for Council (rates, insurance, security services, maintenance and repair, etc).

Consultation:

Executive Manager Business Units, Corporate Business.

Related Policy and / or Precedents:

The recommendations are in line with general leasing practices.

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

Statutory Requirements:

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

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

Issues:

The proposed lease represents the continuation of an existing and satisfactory arrangement with the current tenant and does not present any additional matters of concern.

Implementation Date / Priority:

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

Recommendation:

- 1. The Council as registered proprietor of 73 Aviation Drive, Coffs Harbour Airport being Lot 5 in DP790102 (the demised premises) authorises the lease of the demised premises to KWL Family Company Pty Limited for a period of 5 (five) years and subject to the standard terms and conditions of Coffs Harbour City Councils airport hangar site leases.**
- 2. That any necessary documents required to give effect to the lease of 73 Aviation Drive, Coffs Harbour Airport being Lot 5 in DP790102 to KWL Family Company Pty Limited be executed under the common seal of Council.**

JETTY MEMORIAL THEATRE BUSINESS PLAN

Purpose:

To inform Council of the completion and implementation of the Jetty Memorial Theatre (JMT) Business Plan.

Description of Item:

The development of both a strategic and business plan for JMT has been undertaken to clarify the vision and role of the theatre, to engage key stakeholders in the process and to develop a sustainable and equitable business model for the venue's operations.

Council engaged a consultant, in September 2012 to develop the strategic and business plans in consultation with staff and relevant stakeholders.

The consultant has developed the following two documents:

1. A strategic plan – setting out the agreed vision, values and goals of JMT. This was the subject of a report to Council in December 2012, with the following resolution:

That Council adopts the Jetty Memorial Theatre Strategic Plan 2013-18 as appended.

2. A business plan – to implement the strategic plan; including service delivery, marketing, organisational, operational, implementation and financial plans.

The business plan has now been completed and while implementation of this plan is essentially operational in nature there are some potential implications which should be highlighted to Council.

Sustainability Assessment:

- **Environment**

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

- **Social**

JMT provides the Coffs Harbour region with a significant cultural asset for the performing arts sector, with a long history of community involvement and support

- **Civic Leadership**

The JMT strategic plan contributes to the following strategies in the Coffs Harbour 2030 community strategic plan:

- LC3.1.1 Promote local artistic and cultural expression
- LC3.1.2 Build a diverse range of opportunities for artistic and cultural growth
- LC3.1.3 Promote artistic and cultural entertainment opportunities
- LC3.3.1 Develop inclusive community, sporting and recreational activities

Due to the local iconic nature of JMT and its important role in supporting the performing arts, Council has a critical role in developing a strategic plan for this cultural facility.

- **Economic**

Broader Economic Implications

The operation of the theatre and the range of activities and events undertaken at the venue have positive economic outcomes, including the attraction of audiences from a wide region, who contribute to the local economy during their visit.

Delivery Program/Operational Plan Implications

For the last five years, the net cost of operating the JMT has continued to increase, with a net Council subsidy of \$492,374 experienced in 2011/12. This current financial year, (2012/13) a decision was made to take a different approach to ensure this level of cost did not increase while the strategic and business plans were being developed. The budgeted net Council subsidy for this financial year is approximately \$400,000 and at this point in the financial year the expected net Council subsidy for 2012/13 is likely to be in the vicinity of \$250,000.

This level of Council subsidy is unlikely to be maintained each year as this has been achieved through:

- a different approach to staffing the venue which may not be sustainable,
- a very small number of touring productions which is causing customer complaints
- no expenditure on capital items and equipment replacement.

A decision was taken to implement the above restraints while the business plan was being developed to ensure no further increase in the Council subsidy. There are a number of sections within the business plan which consider the past financial management and also make recommendations for the future approach to the management of the venue.

In summary the delivery program/operational plan implications as recommended in the plan are outlined in the table below:

	Year 1	Year 2	Year 3
TOTAL EXPENDITURE	\$468,602.21	\$460,612.43	\$486,430.81
Income - CHCC	\$266,000.00	\$273,980.00	\$282,199.40
- Other	\$252,271.00	\$245,965.65	\$253,344.62
TOTAL	\$518,271.00	\$519,945.65	\$535,544.02
Surplus (Deficit)	\$49,668.79	\$59,333.22	\$49,113.21
Opening Balance	\$0.00	\$49,668.79	\$109,002.00
Closing Balance	\$49,668.79	\$109,002.00	\$158,115.22

The above income figures include a capped investment by Council of the following amounts:

Year 1 \$266,000, Year 2 \$273,980 and Year 3 \$282,199 (this is an increase by 3% each year to cover CPI).

There are some matters with regards to the implications of these figures and the recommended approach which are discussed in detail in the Issues section of this report.

The 2014/15 adopted Delivery Program and Operational Plan include a higher investment than this. This can be amended as the Business Plan is implemented, if approved by Council.

Consultation:

The consultant engaged to develop the JMT business plan has undertaken the following consultative activities:

- Workshops, meetings and correspondence with community theatre groups and other major users of the facility (a table of responses to the draft plan from theatre groups is included as an attachment to this report)
- E-survey with 406 responses of theatre uses (3000 on data base which received the survey)
- Meetings with staff across a range of areas and levels within Council
- Discussions with staff in other Councils in NSW operating similar venues

Related Policy and / or Precedents:

The related document is the Jetty Memorial Theatre Strategic Plan.

Statutory Requirements:

There are no related statutory requirements in relation to this report

Issues:

As can be seen from the attached report the consultant has provided a thorough business plan which sets out clearly what needs to be in place to ensure a 'cap' on the investment Council needs to make in the facility. At the same time allowing for ongoing growth and development in the performing arts within Coffs Harbour.

The salient points taken from the Plan include:

- The Jetty Memorial Theatre Strategic Plan 2013 – 2018 sets the strategic direction for the Theatre for the next five years outlining the vision, values, goals, strategies and key performance indicators necessary to achieve success.
- It was formally adopted by Coffs Harbour City Council on the 13th of December 2012.
- The Jetty Memorial Theatre Business Plan 2013 – 2015 now provides the operational detail to support implementation of the JMT Strategic Plan.
- The Business Plan outlines clearly that the next three years will prove critical to the Theatre in the following four ways.
 1. If implemented effectively this business plan will position the Theatre as a central performing arts venue for Coffs Harbour.
 2. Operational delivery will be based upon critically analysing and streamlining the product offered at the theatre and the manner in which it is offered.
 3. The financial operations of the facility will need to be aimed at curbing the increasing subsidy of the past five years, and positively improving what has been a stagnant revenue level.
 4. There will be renewed focus on quantifying Council's operational and financial investment in the Theatre.

The Business Plan is a positive move forward in the purposeful management of a key community asset.

The Business Plan covers the following 9 areas

- 1 Introduction
- 2 Strategic Direction
- 3 Situation Analysis
- 4 Business Model
- 5 Market Research
- 6 Marketing Plan
- 7 Organisational Plan
- 8 Operational Plan
- 9 Financial Plan

Specifically the issues which need to be highlighted from the Plan include:

Situation Analysis (Section 3)

This section covers both external and internal influences on the operation of the Theatre. It examines venue utilisation and also provides clear information to Council about costs incurred. There is also an outline of the daily and weekly costs for the provision of service by the Theatre. This is useful in relation to options Council may consider for the future and it also provides a picture of the level of 'subsidy' Council needs to absorb when it offers 'reduced' fees and charges to any users of the venue.

An analysis of the costs for touring productions along with attendance levels is covered in detail in this section of the document.

Business Model (Section 4)

It is this section which provides detailed recommendations regarding the future business operations of the venue, including an outline of the key factors for success and options for the business model.

New Thinking

The business model must ensure the move away from Council being positioned as the entity solely responsible for an asset, or as a bottomless financial pit. For success, the model relies on a shift in thinking, behaviour and commitment to establishing the "JMT" as the beneficiary of collaborative effort. It isn't the establishment of a new legal entity – but it is a definite shift in terms of the mindset of everyone involved in the management and use of the facility. This will require disciplined attitudes and behaviors for finding solutions into the future. The diagram contained in the Business Plan outlines the required approach, which requires parties to be flexible and adaptable in their decision-making. It lies at the very centre of the future success for the JMT.

Page 67 of the Business Plan outlines key factors for success in implementing the Strategic and Business Plans.

Whether past actions and hurts are too great to overcome remains the core challenge in moving forward. If Council is not in a position to take a firm but fair line around the operational management of the JMT to achieve the goals of the JMT Strategic Plan, then the future for the JMT holds more of the same: complaints and dissatisfaction with Council, declining audience numbers, council staff dissatisfaction and stress and an ever increasing list of demands from hirers. It would also include increasing financial investment. It will take courage from Council to say no to demands from highly vocal

and passionate groups who it could be argued, act from a position of self-interest. The next three years therefore, could be viewed by Council as a test and measure approach, working under a model that requires all parties to work in a flexible and adaptable manner. At the end of this timeframe, if significant measurable change has not occurred, then Council should consider its role, if any, in the future operations of the JMT.

Key Success Factors

In addition to a new way of thinking, a number of key success factors have been identified. They are

- Community input into JMT's strategic direction;*
- Community input into the management of the Trust Account;*
- Council contribution to the Trust Account, equivalent to original investment made by the community (\$30,181.47);*
- Quota system for non-profit user groups that includes certainty of hire fees, charges and access rights to the JMT;*
- Capacity to generate income through commercial activity;*
- Continued annual Council financial subsidy for operating costs;*
- Formalisation and rationalisation of processes and systems around governance, management and outcomes;*
- A standardisation of service experiences for all customers of the JMT.*

The business model recommended by the Plan is a revised management approach by Council. The proposal requires:

- Establishment of a Management Committee*
- Establishment of a quota system guaranteeing access for all non-profit hirers at 60% and facilitating planning for commercial activities for the balance (40%)*
- Facilitating access to all non-profit hirers in an equitable manner*
- CHCC to pay the capped running costs for the JMT annually for three years, including the cost of wages*
- Setting a hire fee at two levels: non-profit and commercial rates. It is recommended there be no increase to current non-profit rates or to commercial rates. Discretionary decision making on waiving nor reducing fees should be avoided to ensure a fair and transparent process*
- Additional services offered to all users would be on a full-cost recovery basis*
- A dramatic reduction in the number of touring shows*
- Re-calculation of ticket prices, and critical planning and assessment for risk-reward on all commercial activity of the JMT*
- Revision of staffing numbers and roles*
- Expansion into new commercial areas such as film and live broadcast*
- Improved sales around bar/café*
- Review of the ticketing system, following stringent cost-benefit analysis*
- Sophisticated budget management, analysis and reporting.*

Organisational Plan (Section 7)

This section expands and details the recommended Management Committee and outlines the proposed structure and role for the staff.

Financial Plan (Section 9)

It is this section which details the financial implications for Council in relation to financial contributions. This is with regard to both touring product and the local theatre group hirers. In relation to touring productions it is recommended that a much lower number of productions be included in the overall program with a higher focus on activities such as film and commercial hire.

In relation to the local not for profit theatre groups it is suggested that a quota system be established for the use of the venue. That is the venue be available for 60% for not for profit hire, recognising this is not on a cost recovery basis, it is a subsidised rate.

A specific example of this is that the figures contained in the Plan include the cost to Council of providing the current level of service to the local not for profit (community) groups is \$5,123 /week (exclusive of GST). The current fee Council charges is \$1,600 (exclusive of GST). This means Council will provide a subsidy for local not for profit hirers of approximately \$3,500/week.

It should be noted that that \$5,123/week referred to above does not include the costs associated with touring productions at the theatre.

The plan recommends specific targets to be achieved by the staff to ensure successful implementation of the plan and also ensuring the investment by Council is known and limited.

At least two of the local long term not for profit hirers of the venue are concerned about the implications of the business plan on their use of the theatre. The plan suggested a quota of 60% use by not for profit hires and that this be at the subsidised rate outlined above. This will provide opportunities for all non profit uses to access the venue. The two companies which have concerned are of the view that they should have first choice of dates each year. There is an issue here with regards to the fact that Council is required by the Local Government Act to carry out *its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.*

As is outlined in the Business Plan, taking the recommended approach for the next three years provides for a trial. This trial limits the subsidy paid by Council and provides for formal input and review by Council and stakeholders. It is hoped that this approach, if embraced by all involved, will ensure the ongoing development of performing arts for the city and the region.

Implementation Date / Priority:

It is intended to implement the business plan for the theatre commencing 1 July, 2013, although there will be some work undertaken to establish a range of procedures and recruit staff to ensure that commencement date.

Recommendation:

That Council:

Note the Jetty Memorial Theatre Business Plan as the implementation plan for the Jetty Memorial Theatre Strategic Plan 2013 - 2018

CONTRACT NO. EOI-558-TS - EXPRESSION OF INTEREST FOR LEASE OF BUNKER CARTOON GALLERY

Purpose:

To consider expressions of interest received in from the call for interested parties to lease the Bunker Cartoon Gallery.

Description of Item:

During 2011 a consultant engaged by Council consulted stakeholders in the preparation of a business plan examining options to achieve what are deemed to be the key objectives from operation of the facility, namely:

- Create an economically sustainable enterprise
- Improve the public profile
- Increase market share
- Compete in the digital world
- Maintain and enhance the cartoon collection
- Strengthen partnerships in the cartoon arena

Council at its meeting of 24 May 2012 considered a report concerning the future management of the Bunker Cartoon Gallery in light of the recently completed business plan for the facility. At that meeting Council resolved:

"That Council call tenders for the Lease of the operation of Bunker Cartoon Gallery."

Under the Local Government Act, Section 55(1), a decision can be made as to whether an open or selective method of tendering is to be used. Clauses 8,9 and 10 of the General Regulations cover this issue. Unless otherwise determined, Coffs Harbour City Council uses the 'Open Tendering' procedure. The General Manager has delegated authority to determine whether to use open tendering or selective tendering.

In preparing the tender documentation for the lease of the Bunker Cartoon Gallery a significant number of issues were identified. This resulted in a decision to call tenders for the Bunker based on a selective tendering process commencing with a call for Expressions of Interest (EOI).

This selective tendering method is one by which invitations to tender for a proposed contract are invited though a public advertisement asking for Expressions of Interest. This process is covered in Clause 4 of the Act and Clauses 9 & 10 of Regulations and ensures transparency and openness in relation awarding the tender while at the same provides some flexibility when less specific or tangible issues are involved.

Council called tenders for the lease of the Bunker during May 2013. The documentation included the need of the successful company to be suitably experienced, skilled and qualified to take care and control of the Bunker Cartoon Gallery via a lease. It outlined that the lessee would be financially assisted with the initial start up of operations, and then annually contingent upon successful performance of the criteria set out in the lease. The EOI process closed in late May and two applications were received as follows:

1. Julian Francis Faber, Coffs Harbour.
2. Maureen Frances Eley - Round , Bellingen.

An evaluation panel consisting of representatives of the Bunker Cartoon Gallery Inc, Coffs Harbour City Rotary and Council staff have met and evaluated EOI submissions against the assessment criteria in the advertised documentation.

The criteria was based on how the respondents described how they would achieve the objectives of the facility spelt out in the Business Plan for the facility, namely:

- How would you develop a sustainable business (reference to previous business experience is encouraged)?
- How would you promote the facility?
- How would you generate market share?
- How would you manage the collection?
- How would you compete in the digital world?
- How would you strengthen partnerships in the cartoon arena?

Details of applicant along with relevant background, experience and referees were also considered.

Sustainability Assessment:

- **Environment**

There are no specific environment impacts in relation to this report.

- **Social**

The Bunker Cartoon Gallery is a significant cultural entity for Coffs Harbour. This facility provides a range of services on a local, state and international level and its efficient, effective and sustainable future needs to be addressed.

- **Civic Leadership**

Council's role in relation to being both a provider and a facilitator of services such as the Bunker is included in the Coffs Harbour 2030 Plan. Specifically this is included as:

LC 3 – We enjoy a comprehensive range of community, artistic and cultural opportunities

LC 3.1 – Our community has access to a range of options for artistic and cultural expression and entertainment

LC 3.1.2 – Build a diverse range of opportunities for artistic and cultural growth

- **Economic**

Broader Economic Implications

The Business Plan for the facility outlines in detail the broad economic implications.

Delivery Program/Operational Plan Implications

Currently the Bunker Cartoon Gallery is costing Council approximately \$130,000 per annum. Should Council resolve to pursue this selective tendering process the expectation is that this cost will be reduced, although the specific details will need to be worked out during the next phase of the process and reported to Council for consideration at that time.

Consultation:

No specific consultation has been held in relation to the EOI process however the assessment of the submissions has involved representatives from both Rotary and Bunker Board.

Related Policy and / or Precedents:

Council resolved to call for tenders for the Lease of the operation of Bunker Cartoon Gallery following consideration of the Bunker Cartoon Gallery Business Plan.

Statutory Requirements:

Having decided to use the selective tendering method for this project, Council is obliged under Clause 168 of the Local Government (General) Regulation to consider all applications made in response to such an advertisement and, in so doing, must take into account:

- (a) the experience of the applicants in fulfilling the requirements of similar contracts, and
- (b) the capacity of the applicants to fulfill the requirements of the proposed contract.

After considering the applications, the council may either:

- (a) send invitations in writing to all applicants, or such of them as the council thinks will be able to fulfill the requirements of the proposed contract, to tender for the proposed contract, or
- (b) decline to invite tenders from any of the applicants

Issues:

As this is an expression of interest, Council's Tender Value Selection System do not apply. An assessment of each of the submissions was undertaken by the panel and outcomes of this assessment is contained in the confidential attachment to this report

In reviewing the submissions it is noted that neither of the applicants made reference to any specific experience in starting up a new business enterprise nor in business operational planning experience. A passion for the arts in one case and a strong love of cartooning in the other case, was evident. The Committee reviewing the submissions therefore thought that it would be prudent for the preferred tenderer to prepare a business plan, including a comprehensive marketing plan for both the commencement period and also the ongoing operation as part of the tender. Given that next step in the process is for the preferred tenderer to prepare and lodge a formal tender this can become a requirement of the tender submission.

Another issue which will need to be determined and reported to Council as part of the next phase is the level of subsidy to be offered the success applicant. As mentioned earlier the intention of pursuing this approach to the operation of the Bunker was to reduce, on an ongoing basis, the cost to Council. Projections regarding the financial operations have been prepared previously which can be used as basis for discussion with the applicant in preparing both the business plan and the tender. The over-arching principle which will apply to these negotiations will be that of reducing Council's financial and risk liability.

Once Council has decided upon the successful applicant/s, proponent/s will be invited to participate in the framing of tender documents. The applicant/s will then be invited to submit formal tenders.

Implementation Date / Priority:

Subject to Council approval work will commence immediately on the preliminary work with a view to having a report back to Council in September recommending the next steps.

Recommendation:

That Council consider Expressions of Interest received for Lease of Bunker Cartoon Gallery, Contract No. EOI-558-TS, and move the motion as detailed in the confidential attachment.

**CONTRACT NO. RFT-577-TO: COFFS HARBOUR REGIONAL MUSEUM
REFURBISHMENT**

Purpose:

To report on tenders received for Contract RFT-577-TO for the refurbishment of 215A Harbour Drive so as to establish a regional museum and to recommend Council does not accept any tender and undertakes the work using an alternative procurement method.

Description of Item:

In late 2010 Council was successful at purchasing 215A Harbour Drive which is the old Police Station/Court House. The purpose of acquiring the property was to house the Museum. This was following a decision not to return to 189B Harbour Drive which continues to be affected by flooding.

Since that time Council has resolved on how to fund both the purchase of the property and also the costs associated with design services for the refurbishment work. In the 2011/12 budget an allocation of \$425,000 was included for 215A Harbour Drive (Museum) renovations. This was a figure which was arrived at based on what was available from funding sources at the time and not from cost estimates based on planned works.

It was this figure which formed the basis for the request for quotes to undertake the design works. With these budget issues in mind, detailed designs for the work on the property were undertaken and then a professional Quantity Surveyor was engaged to provide detailed cost estimates. The scope of works was reconsidered and reduced to meet the budget. This process went through a number of iterations before the final designs, which were expected to be in line with the budget, were finalised for calling of tenders.

As part of the iterative process to ensure the budget was met, a large of range of reductions to scope occurred. This included reducing the amount of roof repair work and verandah repairs, it also included a reduction in the nature of fittings and fixtures. These types of decisions will have implications in relation to costs for maintenance and repair on the building in the future.

In April and May of 2012, the tender was advertised with the work comprising the supply and delivery of all materials and the provision of all labour and plant necessary for the refurbishment works shown on the plans. It was noted that this is a heritage listed building and as such is subject to certain conservation requirements which were outlined in appended documents.

The work consists of altering and adding some additions which change the current shop and dwelling situated on Lot 101, DP 1041655, street address 215A Harbour Drive, Coffs Harbour into an information and education facility operating as the Coffs Harbour Regional Museum,

Open tenders were called for a Lump Sum and Schedule of Rates contract based on the design in local and capital city newspapers and via Council's electronic Tenderlink portal. The deadline for submission of tenders was 3:30pm on Tuesday 21 May, 2013.

The Scope of the works includes:

- Some internal demolition works.
- Civil works in relation to car park and landscape.
- Internal and external building repair.
- Construction of public toilet facilities within the building.
- Storage and internal construction works.
- Requirements in relation to heritage and hazardous materials management.
- Internal floor and wall finishes.
- External painting.
- Addressing of accessibility issues for the site and building.

Tenders were evaluated on the following criteria:

- Tender Price.
- Work Health and Safety Management Systems including BNG Conserve™ registration and NSW Workcover Certificates of Competency for working with asbestos.
- Details and logic of the tender construction program to demonstrate understanding of the scope of works and contract management skills to achieve completion on time.
- Demonstrated experience and record of performance in meeting time, cost and quality deadlines in a safe and environmentally sustainable manner particularly when renovating buildings with cultural heritage containing potentially hazardous building materials.
- Construction program & methodology.

Four tenders were received. All were conforming offers. They were:

1. CBuild North Coast Pty Ltd – Coffs Harbour
2. Edward Construction Pty Ltd – Coffs Harbour
3. The Bannister Family Trust T/As Bannister Building – Port Macquarie
4. Ware Building Pty Ltd – Tuncurry

Sustainability Assessment:

- **Environment**

Environmental impacts have been addressed as part of the design and planning approvals for this project.

- **Social**

The social impacts have been addressed in previous reports to Council.

- **Civic Leadership**

This aspect of the project has been addressed in previous reports to Council.

- **Economic**

Broader Economic Implications

The proposed upgrading of building is the most cost effective method of providing a regional museum for the city which addresses all current standards.

The budget available for the project has meant that decisions have been made to achieve the most basic functionality requirements for the Museum. This has resulted in there being limited capacity within the budget to minimise the ongoing maintenance costs.

The design, materials and fittings have been selected where possible to lower the maintenance cost so as to minimise the whole of life cost for the building. The ongoing maintenance of the building is an issue and is discussed in detail later in this report.

Delivery program/Operational Plan Implications

This is discussed in the issues section of the report and will be dependent on Council's decision making in relation to this project. The lump sum included as part of the tender price includes GST and is not the net cost to Council.

Consultation:

No consultation has occurred with regards the letting of this Contract

Related Policy and / or Precedents:

As is required, tender procedures and an analysis of the tenders were carried out in accordance with Council policy, in particular the 'Tender Value Selection System'.

Statutory Requirements:

The calling, receiving and reviewing of tenders was carried out in accordance with Part 7 Tendering of the Local Government (General) Regulations 2005.

Issues:

All tenders received are significantly over the funding allocation by Council for these refurbishment works. The designs and tender documentation including technical specifications and furniture, fittings and finishes were all considered as part of a number of cost estimates undertaken on the planned works. The tender documentation represented works which were expected to be delivered within the funding available having regard to the professional quantity survey. The likely reasons therefore as to why the tenders are over the budget is speculation only and is likely to include the following:

- Heritage nature of the building
- The current building environment in the area
- The risks associated with the unknown aspects of the works
- Levels of overheads and contingency
- The nature of the work which involves the engagement of several different subcontractors.

Council is not bound to accept any tender when it calls for submissions on works. As is normal practice however the tenders are evaluated and the results of this evaluation are contained in the confidential attachment to this report.

As the required processes have been followed and the market has been 'tested' regarding the planned works, Council has a number of options regarding how to proceed. These include:

OPTION 1 NOT PROCEED WITH THE PROJECT

OPTION 2 ACCEPT THE MOST ADVANTAGEOUS TENDER (allocating additional funds to meet the shortfall)

OPTION 3 PROCURE THE WORKS USING AN ALTERNATIVE METHOD

Consideration of the options is outlined below.

OPTION 1 Not proceed with the project

Council invested over \$800,000 in the purchase of the property for the express purpose of providing the community of Coffs Harbour with a regional museum facility. Design works and appropriate fees in the vicinity of \$40,000 has been spent to date on preparation of undertaking these works. The artifacts and other collections which make up the museums holdings have been housed for a number of years in 'less than ideal' locations and conditions and therefore an appropriate climate and humidity controlled facility is required. Given the work to date, the community expectation and need to identify an appropriate location for Council and the community's considerable heritage collection this is not seen as a viable option.

OPTION 2 Accept the most advantageous tender (allocating additional funds to meet the shortfall)

As mentioned earlier, the tenders have been assessed to identify the most advantageous tender through the application of Council's Tender Value Selection System. This has resulted in an assessment in detail of the submissions. Should Council resolve to proceed to accept one of these tenders it would require additional budget allocation of between approximately \$120,000 and \$380,000 depending on which tender was accepted.

As part of the tender assessment a comparison was made between the estimated costs from the quantity survey (QS) and the tender prices based on areas of work. So for example the civil works, the building alterations and additions and electrical and mechanical works were compared. These did not vary greatly from the final QS and there was not a great deal of variation within the tenders. The differences were in the expected overheads and contingencies. This is seen, in part, as a reflection of the risks associated with working within an older building.

Some of the \$40,000 mentioned in Option 1 has been used to undertake documentation of hazardous materials including asbestos within the building. Other preliminary works has included a condition report on the whole building and also a thorough report on the roof. All these documents were included in the tender documentation.

It is difficult therefore to suggest that the most cost effective method of procuring these works is through this tender process.

OPTION 3 Procure the work using an alternative method

Should Council resolve not to accept any of the submitted tenders, an alternative method of undertaking the work should be considered. This would be that Council assumed the risks associated with the project itself and looks to procure each element of the works separately. This method has a number of advantages in a situation such as this and they include:

- The capacity to closely monitor the scope and therefore the cost of individual elements within the works.
- The ability to make changes to work as a response to identified risk.
- The possibility of increasing the cost competitiveness of quotes for some aspects of the works.

The method suggested is that a project manager be appointed, either in house or from a local company that has expertise in one of the trades and also project management experience. It is possible the one or more of the existing tenderers may be able to be approached to quote for this work. Essentially this approach means Council assumes the responsibility and therefore the risk of engaging all the sub-contractors direct, scheduling and supervising the works, negotiating prices and managing and monitoring costs to remain with the budget. This approach to procurement is available within the current budget allocations, but may not get the whole scope done.

Conclusion

It is important to note that this approach will not remove any of the risks associated with the project. It will however assist in mitigating some of the risk and being able to be more responsive to issues in certain circumstances.

This approach will not completely remove any potential for the need for additional funds due to completely unforeseen developments within the project.

The limitations in the budget mean that all opportunities to control costs need to be taken. It is also important to note until works commence the specific costs are simply not known. This means that if unexpected and unknown circumstances arise, the risks and the decision regarding mitigation become a matter for Council decision making. The recommended approach to procuring these works means that the progress and scope can be monitored.

It is therefore suggested that in an attempt to minimise the need for additional funds based on the information currently available regarding the works required on the project, at this time that Option 3 be pursued.

Ongoing Maintenance and Repair (M&R)

It is difficult to quantify the potential M&R cost likely to arise with the museum for the same reasons that the submitted tenders were significantly higher than anticipated, that being that there is still a significant amount of "unknowns" with the project. It should be noted that the greater the degree of refurbishment to the building now the lesser the M&R impost will be over the long run and the greater the certainty of M&R cost projections..

Overall Councillors should be aware that the M&R cost for older buildings are, of course, significantly higher than with newer, more modern buildings. This effect is compounded with heritage listed buildings where material and work must comply with strict guidelines, often requiring the use of materials no longer readily available (if at all).

Further when approaching M&R cost allocations it is also necessary to look at the utility of a building and the level of service expected by the community through the operation of the building.

In this instance the significance of the building as the regional museum, underscored by its heritage status, will necessarily dictate a more intensive M&R regime than that of an age equivalent building being used as a storage shed or the like. In other words there will be a need to ensure that the building is presentable (given its location and purpose), functional for the purposes of a public museum and compliant for the purposes of public access and work health and safety regulations.

As previously mentioned the extent of the proposed refurbishment will directly impact on the level of M&R cost likely to be incurred into the future.

Council's first cut Asset Management Plan forecasts maintenance cost for buildings based on the respective estimated replacement value of the building. Forecasted maintenance expenditure is estimated at 1.5% of estimated current replacement value for standard building and 2% for special building such as the Jetty theatre and art gallery.

If the proposed refurbishment serves to increase the condition rating of the essential components to the building (floor, building envelope, roof, internal fit out) to a level which, whilst aged, is in good condition and capable of providing an adequate level of service for the remaining life service potential then it would not be unreasonable to forecast M&R annual expenditure between 2 -3 % of estimated replacement value.

The replacement value of a heritage building is all but impossible to quantify. As a broad estimate however, based on the age of the building and materials used, the proposed use and level of service and the Heritage building constraints and with the caveat that the level of initial refurbishment must serve to increase the condition assessment it is expected that ongoing M&R for this building will not be less than \$30,000 per annum. This has not considered aspects such as the outbuilding on the property and the proposed public car park.

Further funding allocations for the refurbishment works and the required M&R will be reported to Council should the need arise to amend the current Delivery Program/Operational Plan.

Implementation Date / Priority:

Work would commence on the construction works following resolution by Council.

Recommendation:

- 1. That Council not accept any tender for Contract No. RFT-577-TO for the Coffs Harbour Regional Museum Refurbishment**
- 2. That Council agree to procure the works contained in the tender documentation for Contract No. RFT-577-TO via the engagement of a Project Management to procure individual elements of work.**

COMMITTEE MEMBERSHIP - SPORTZ CENTRAL

Purpose:

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

Description of Item:

This report seeks approval from Council for appointment to the following committee:

- Sports Central Management Committee

Sustainability Assessment:

- **Environment**

There are no environmental issues associated with this report.

- **Social**

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

- **Civic Leadership**

This approach is addressed in Coffs Harbour 2030 through:

LC1 We are healthy and strong

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

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

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

- **Economic**

Broader Economic Implications

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

Delivery Program/Operational Plan Implications

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

Consultation:

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

Related Policy and / or Precedents:

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

Statutory Requirements:

This addresses requirements under the Local Government Act.

Issues:

The following community member has expressed interest in participating on the below committee. The nomination has been approved for recommendation to Council at the relevant committee meeting:

- Sportz Central Management Committee
Ms Cassandra Cameron

Implementation Date / Priority:

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

Recommendation:

That the following committee member nomination be appointed to the relevant committee:

- **Sportz Central Management Committee**
Ms Cassandra Cameron

ROUND FIVE OF THE REGIONAL DEVELOPMENT AUSTRALIA FUND (RDAF)

Purpose:

To recommend projects for application by Council for funding under the Round Five of the Regional Development Australia Fund (RDAF)

Description of Item:

Applications for Round Five of the Regional Development Australia Fund (RDAF) opened on Friday 21 June 2013. RDAF Round Five is an allocative funding round, with each local government that was funded under the General Purpose component of the Financial Assistance Grants 2012–2013 eligible to apply for funding for infrastructure projects.

RDAF Round Five will provide \$150 million to eligible local governments, according to an allocative model, for capital infrastructure projects. \$105 million of the funding will be allocated to regional local governments while \$45 million will be allocated to urban local governments.

Funding has been allocated among States and Territories on a per capita basis. A base grant of \$30,000 applies for all eligible local governments with the remaining funding in each State or Territory distributed in the same proportion as the General Purpose funding component of the local government Financial Assistance Grants (as determined by each State and Territory local government grants commission).

Coffs Harbour City Council has been allocated \$484,932 and must submit a project which meets the following criteria;

- Projects must be for the construction of new infrastructure, or the refurbishment or upgrade to existing infrastructure.
- Projects must be 'investment ready', i.e. the project must be completed no later than 31 December 2016. The project must also be ready to commence construction within 12 months of the execution of the Funding Agreement between the applicant and the Commonwealth.
- The project must provide community benefit, economic growth, or support the environment.
- The project must be shown to be viable by providing; Evidence of approvals, Evidence of co-contributions, Evidence of planning—that the project will be delivered on time and to budget. Evidence of costing—that the project has been appropriately costed.

The RDA funding guidelines state “Eligible local governments are expected to make contributions to projects in the form of cash or in kind contributions.” At this stage the expected level of contribution is not defined. Advice sought from the Department of Regional Development and Local Government however indicates that;

‘Although applicants are expected to make contributions to their projects, contributions are not mandatory (under the Round Five Guidelines). Therefore; an application from Council would not be ineligible for having no funding contributions.’

Suggested projects which may be eligible and have a potential source of contribution are discussed in the Issues section of this report.

Sustainability Assessment:

- **Environment**

Any of the projects nominated will need to include a detailed assessment and review of environmental impacts.

- **Social**

Projects nominated for the funding program will need to meet project objectives in stimulating growth and economic activity and supporting productivity and community well-being.

- **Civic Leadership**

The projects listed for consideration will address matters outlined clearly in the Looking After of Communities Theme and the Moving Around Theme of the Coffs Harbour 2030 Community Plan.

Broader Economic Implications

These projects would have positive economic implications during the construction period and also in the long term.

Delivery Program/Operational Plan Implications

Implications of each proposal on the Delivery Program are detailed below.

Consultation:

All projects have been through, or are currently engaged in, extensive community consultation programs. The Hogbin Drive upgrade has been adopted as part of the Coffs Harbour Future Road Network Plan however specific consultation on the construction projects detailed has not been carried out.

Statutory Requirements:

All projects will be required to meet statutory requirements.

Issues:

Jetty Foreshore project

Boardwalk connection between Yacht Club and Jetty Structure. Estimated cost \$1.6 million. Funds are available from Business Development Reserve.

The five key elements of the Draft Jetty 4shore plan are;

- A Market/Picnic Area
- B Kiosk/Urban Design Investigation Area
- C Boardwalk
- D Jetty Pier Precinct
- E Jetty Walkway

Land tenure and design constraints are likely to preclude B Kiosk/Urban Design Investigation Area, D Jetty Pier Precinct and E Jetty Walkway from eligibility for RDA funding submission.

The Boardwalk and Market Picnic Areas however could be developed into an eligible funding submission. This would accord with Scenario 4 in the Draft Jetty 4shore plan.

Risks – The Draft Jetty 4shore plan has not been adopted by Council and the public exhibition period does not end until after RDA funding submissions are due.

Brelsford Park Youth space

Brelsford Park Amenities/Kiosk. Estimated cost \$500,000

RDAF Round 5 guidelines rule out funding amenities blocks however other elements of the current Skate/Youth space plan could be submitted for RDA funding, freeing up funds to be used in establishing a new amenities/Kiosk facility on Brelsford Park. The project would be in accordance with the adopted City Centre Master Plan.

Risks – No design work has been carried out so cost estimates are very preliminary. RDA submission will need to be carefully written to ensure compliance with the funding guidelines as Council has already committed to the project.

Hogbin Drive Upgrade

Construction of additional lanes on Hogbin Drive. Estimated cost \$1 million

Traffic modeling for Hogbin Drive has identified two key upgrade projects required in the near future. Peak hour traffic flows on Hogbin Drive are restricted by the length of merge lanes on the departure side of the Harbour Drive and the Stadium Drive roundabouts. Duplication of the lanes on the northbound departure from the Harbour Drive roundabout and the southbound departure from the Stadium Drive/University roundabout will allow two lane flows through the roundabouts. Section 94 funds and reserve funds (around \$450,000) are available for these works.

Risks – No design work has been carried out so cost estimates are very preliminary. Funds will continue to be collected for these works through the Road Network Developer Contributions Plan.

Castle Street Car Park Upgrade

Provision of lift and shade structure on Castle Street car park. Estimated cost \$1.2 million

The City Centre Masterplan Committee has progressed detail design and cost estimates for installation of lift facilities and shade structures on the Castle Street car park. Detailed cost estimates and concept designs are the subject of a separate Council report. Allocation of RDA funding to this project would ensure sufficient funds are available for projects relating to car parking projects in the CBD in accordance with Council's resolution of 28 February 2013.

Risks – Significant funding from the sale of 218 Harbour Drive and through the CBD Special Rate Levy has already been allocated to the Coffs Harbour City Centre.

Conclusion

If the Jetty Foreshore project is not considered viable, as the Draft Jetty 4shore plan has not yet been adopted, of the remaining listed projects Brelsford Park has no apparent source of additional funding to continue development of the adopted plan. On this basis it is recommended that the Brelsford Park Kiosk be developed for submission for funding under Round Five of the Regional Development Australia Fund.

Implementation Date / Priority:

The nominated project must be completed no later than 31 December 2016. The project must also be ready to commence construction within 12 months of the execution of the Funding Agreement between the applicant and the Commonwealth.

Recommendation:

That the Brelsford Park Youth Space Kiosk be developed for submission for funding under Round Five of the Regional Development Australia Fund.



BRELSTFORD PARK CONCEPT NOV 2012

Project: Brelsford Park (P- BP)

Finding: Brelsford Park is a City Centre asset but currently suffers from the following challenges:

- Underutilisation
- Lack of programming
- Tired infrastructure and facilities
- Lack of safety and surveillance
- Weak connections to the City Centre core

Discussion: In 2011 Council resolved to adopt the Brelsford Park site on the corner of Harbour Drive and Earl Street as the preferred site for the development of a Regional Skate Plaza.

Council's design team have prepared a draft Masterplan for Brelsford Park which was tabled and supported in principle by the City Centre Working Group. The Masterplan team has undertaken a peer review of the design. Key points are outlined below.

Future development of Brelsford Park should reinforce the principles of the Prosperity Plan 2031 by incorporating Street Reconfiguration projects for Harbour Drive and Earl Street into the redevelopment of Brelsford Park as well as the City Sails Project.

The northwestern corner of Brelsford Park at the intersection of Harbour Drive and Earl Street is the eastern gateway to the City Centre and should be designed as such. The proposal for a skate park in this location is supported on this basis and with the understanding that it be detailed as an urban skate park which is inclusive and integrated rather than a single-user group facility.

The Park Avenue to Brelsford Park link is a key City Centre physical and visual connection. Council's sites across Earl Street present the opportunity to create a mixed use and civic node at this critical juncture.

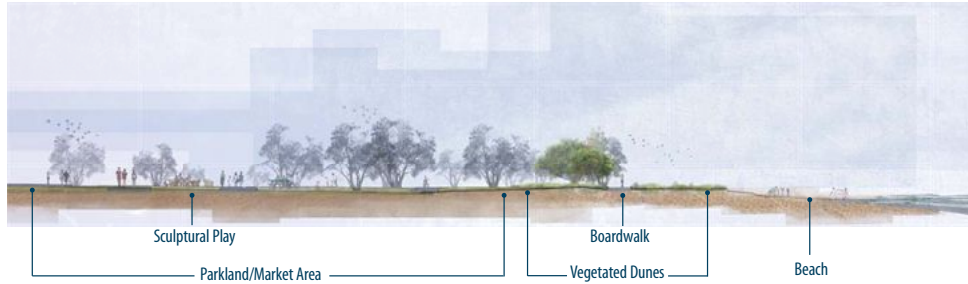
Recommendations: Council to consider adoption of the Brelsford Park Masterplan.

Cost: TBC

Site Plan

draft concept

Artistic Section Through Site



Five Main Character Zones

A. Market/Picnic Area
C. Boardwalk

B. Kiosk/Urban Design Investigation Area
D. Jetty Pier Precinct

E. Jetty Walkway

Design Principles

- Views to ocean and harbour promoted
- New car parking located to edges with close proximity to use areas
- Linked walkways with equal access
- Safer by design principles including lighting, surveillance
- Location of built form with combined uses in key areas
- High quality urban design
- Maritime history, Aboriginal stories and coastal environmental themes included in interpretation and design





03 VIEW OPTION 02



04 VIEW OPTION 02

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PROJECT
**COFFS CENTRAL
 CAR PARK LIFT**

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**35 - 61 Harbour Drive,
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LIFT OPTION 02

REV	DATE	ISSUE	INITIALS
01	18-04-13	ISSUE FOR INFORMATION	DW
02	18-04-13	ISSUE FOR INFORMATION	DW
03	28-06-13	ISSUE FOR INFORMATION	DW
04	28-08-13	update	DW
05	02-07-13	update	DW

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DATE
JUNE 2013

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 1:50 @ A1

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TITLE	Job No.	DRAWING No.	REV.
IEWS	13 07	SK 12	05

CASTLE STREET CAR PARK - LIFT AND SHADE STRUCTURES

Purpose:

To recommend allocation of funding to the Castle Street Car Park – Lift and Shade structures project.

Description of Item:

Council at its meeting of 28 February 2013 resolved that;

"Council allocate all the funds, and any accrued interest, from the sale of 218 Harbour Drive, for projects relating to car parking projects in the CBD, these may include, but are not limited to;

- Shade sails on top of Castle Street car park.*
 - Lift in Castle Street car park*
 - Outstanding maintenance issues associated with Castle Street car park.*
- Council will determine the allocation of funds to projects pending the S94 review and the presentation of detailed reports."*

The City Centre Masterplan Committee has progressed detail design and cost estimates for installation of lift facilities and shade structures on the Castle Street car park. Concept designs are attached to this report.

The concept designs include two steel frame roof structures covering the entire car parking area (approximately 171 spaces) on the top of the Castle street car park. The proposal includes drainage and consideration of replacement of some of the roof sheeting with solar panels. The determination of the extent of solar panels able to be incorporated into the structure will be undertaken as part of the detail design phase and will dependent on the level of energy generation able to be taken up by the car park and adjoining buildings.

The concept lift design includes a single lift shaft with two lift cars (approx 2.0m x 2.0m each) located at the south west corner of the car park. The lift shaft and cars include CCTV, lighting and air conditioning and incorporate west facing glass walls and an additional entry/exit on to Castle Street at ground level. Analysis was carried out on the comparative cost and service levels provided by a single larger lift car versus the dual lift proposal. The dual lift proposal is recommended due to the significantly higher level of service available to all floors of the car park at low cost differential (\$159,138).

The estimated cost of provision of lift and shade structure on Castle Street car park generally in accordance with the concept designs is \$1.25 million.

Sustainability Assessment:

- **Environment**

Detailed design and works specification will include assessment and review of environmental impacts. Part of the final design and cost/benefit consideration will be the use of solar panels for all or part of the shade structure.

The lift will result in easier access to and from the Castle Street car park, while the shade sails will encourage more use of the top levels. This maximises the existing car parks use deferring or removing the need to build additional car parking infrastructure in the CBD.

- **Social**

The proposed lift will provide improved access for people with disabilities, parents with prams, older people with walking frames and the general public to all levels of the car park. The Human Rights and Equal Opportunity Commission has recognised the need to provide lifts for people with a disability in buildings over 3 stories and with upper floor levels over 200sqm.

- **Civic Leadership**

The project will address matters outlined clearly in the Looking After of Communities Theme and the Moving Around Theme of the Coffs Harbour 2030 Community Plan.

Broader Economic Implications

It is estimated that the shade sails recently installed at Toormina contributed to an immediate increase in their sales of 4-5%. The gross retail sales in Coffs Central are approximately ~\$60M and total CBD sales are ~\$240M. Therefore a 5% sales increase could result in additional retail sales of \$3M and \$12M respectively.

The greater benefit of the project is derived through providing more short term parking in the CBD by shifting some 100 long term parkers (CBD employees) up to the roof. Each car space that a shopping centre has such as Coffs Central typically averages \$123k in retail sales per car space per year (2012 URBIS shopping centre industry report for single DDS shopping centres). On that basis, the additional 100 short term spaces could generate up to \$12.3m in additional retail sales per annum.

The City Centre Master plan committee recommends the allocation of \$1.25 million to the Castle Street Car Park Lift and Shade structures project as the cost/benefit of the project clearly justifies the expenditure.

Delivery Program/Operational Plan Implications

Funds for the Castle Street lift and shade structures project are held in reserve from the sale of 218 Harbour Drive and are included in the 2014/15 Delivery Program.

Funding for on-going structural repairs to the car park are also included in the current delivery program.

Lift maintenance is estimated to be in the order of \$7000k per annum for a 'whole of life' maintenance contract. This is usually a 5 year contract with options and it puts the service provider at risk for all major faults.

Gowings have confirmed that the current carpark expenditure budget managed by Gowings in their agreement with Council will be able to absorb this from cost savings.

Consultation:

The proposal has been adopted in principal through the Coffs Harbour City Centre Master Plan.

Issues:

The City Centre Master Plan Parking strategy is based on investigations undertaken by GTA Traffic Consultants. These investigations confirmed a utilisation survey carried out by Council's Rangers some years ago that the upper three levels of the Castle Street car park are under utilised.

Anecdotally, it appears people are unwilling to park on the upper levels due to:

- lack of security (addressed through installation of CCTV, enhanced with lift)
- weather protection (addressed with shade sails)
- pedestrian access (addressed with lift).

The City Centre Master Plan includes a recommendation to convert 100 'all day' carparks (these are on level 5) in the Castle Street Carpark to 3 hour parking, following installation of the sails and lift.

Installation of a lift will mean people are far more inclined to park on the upper levels and increase the turnover on the mid-levels of the car park. Installation of shade sails will result in greater use of the spaces on the roof levels and incidentally reduce infiltration of water through the car park thus mitigating some of the maintenance issues discussed below.

Provision for access to the lifts will require removal of approximately 15 car parking spaces (three at each stop). This loss of spaces will be more than compensated by the effective increase in use of the 171 spaces on the roof levels of the car park. Redistribution of disabled parking spaces may also be possible due to the access improvements resulting from installation of the lifts.

Questions have been raised regarding the age and projected asset life of the car park. Stage 1 of the Castle Street car park was constructed in 1986 and stage 2 in 1991. The industry standard for the design life of a multi-storey car park (given adequate maintenance) is 80 years.

In 2004 Council engaged de Groot and Benson to prepare a report detailing repair priorities for the car park based on an earlier Taylor Thomson Whitting report. In 2006 Council engaged consultants to undertake detail design and cost estimating of the structural repair work.

Since 2007 Council has undertaken a staged program of the repair work including; stairwell repairs, service and lighting repairs and line marking and signage maintenance. In early 2013 Council completed installation of safety rails (\$154,000) to address the issue of unsafe vehicle barriers.

In 2011, an updated list of works required to stem deterioration and maintain the car park as a viable asset was prepared;

Concrete cancer repairs	\$297,678
Repairs to masonry	\$85,775
Waterproofing and joint repairs	\$248,413
Total	\$631,866

The current replacement value of the Castle Street car park is listed as \$22.4M in Council's Asset Management System. With adequate maintenance Council can extend the life of the structure significantly delaying the need to construct new or replacement structures at significantly higher capital cost. This indicates exceptionally good cost/benefit for expenditure of the \$631,866 to stem deterioration and the \$1.25 million to increase utilisation of the Castle Street car park.

Implementation Date / Priority:

Subject to finalisation of designs, agreement on procurement methodology and tender requirements, the works could be programmed such that the facilities would be available for the 2013 Christmas Holiday period.

Recommendation:

That Council allocate \$1.25 million from funds held in reserve from the sale of 218 Harbour Drive for projects relating to car parking projects in the CBD to the Castle Street Car Park Lift and Shade Structures project.



03 VIEW OPTION 02



04 VIEW OPTION 02

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LIFT OPTION 02

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