



# Coffs Harbour City Council

19 March 2013

## ORDINARY MEETING

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

**WEDNESDAY - 27 MARCH 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 – 14 March 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**  
**27 MARCH 2013**

**Contents**

**ITEM DESCRIPTION**

**GENERAL MANAGER'S REPORT**

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

GM13/9 COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS – COURT OF APPEAL JUDGEMENT

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

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and in accordance with Section 10A (1) the meeting may be closed to the public

**CITY SERVICES DEPARTMENT REPORTS**

CS13/17 NEW TENDER FOR SPORTZ CENTRAL

CS13/18 PROPOSED ALCOHOL PROHIBITION - LOWER COFFS CREEK RESERVE

CS13/19 TRAFFIC COMMITTEE REPORT NO. 1/2013

**CORPORATE BUSINESS DEPARTMENT REPORTS**

- CB13/19 SUPPLY OF ELECTRICITY FOR LARGE CONTESTABLE SITES AND STREET LIGHTING
- CB13/20 BANK BALANCES AND INVESTMENT FOR JANUARY 2013
- CB13/21 ASSET ACCOUNTING POLICY

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

- CB13/22 WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL

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

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

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

**LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORT**

- L13/6 DA 1179/09 AND DA 1180/09 - LOT 212, DP 597308, 124-124A NORTH BONVILLE RD, LOT 3, DP 532900, 212 PINE CREEK WAY AND LOT 101 & LOT 102, DP 881242 CASSIDYS ROAD, BONVILLE - LAND ADJOINING AND COMPRISING BONVILLE INTERNATIONAL GOLF RESORT
- L13/7 LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS
- L13/8 COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 AMENDMENT NO. 34 (NORTH COFFS) DEFERRED AREAS



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**14 MARCH 2013**

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

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

The meeting commenced at 5.00 pm 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.

**DISCLOSURES OF INTEREST**

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

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>
Cr Rhoades	CS13/15 - Load Limit to East Bonville Road Bridge, Bonville	Non-Pecuniary - Less Than Significant Conflict as is a property owner within 2km of bridge.
Cr Innes	CB13/18 - Draft Jetty4Shores Concept Plans for Public Exhibition	Non-Pecuniary - Significant Conflict as is the Commodore of Coffs Harbour Yacht Club which is adjacent to the proposed area.
Cr Palmer	CB13/18 - Draft Jetty4Shores Concept Plans for Public Exhibition	Non-Pecuniary - Less Than Significant Conflict as operates 3 businesses within the Coffs Harbour Marina Precinct at 38 Marina Drive, which is approximately 100m from the study area. The sub-lease for the business premises from the Department of Primary Industries Catchment & Lands expires on 31/7/14 and has no intentions to re-sign a commercial lease within this area.

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**PUBLIC ADDRESS**

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**Cr Innes left the meeting, the time being 5.01 pm.**

<b>Time</b>	<b>Speaker</b>	<b>Item</b>
5.00 pm	Ashley Love	CB 13/18 – Draft Jetty4Shores Concept Plans for Public Exhibition
5.05 pm	Wayne Glenn	CB 13/18 – Draft Jetty4Shores Concept Plans for Public Exhibition

**Cr Innes returned to the meeting, the time being 5.28pm.**

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**CONFIRMATION AND ADOPTION OF MINUTES**

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- 53 RESOLVED** (Townley/Innes) that the minutes of the Ordinary meeting held on 28 February 2013 be confirmed as a true and correct record of proceedings.

Cr Rhoades raised that within GM13/5 - Revised Organisational Structure the minutes read that a division was duly "demanded" - should read as duly "called".

- 54 RESOLVED** (Rhoades/Palmer) that the tabled minutes of the Extraordinary meeting held on 7 March 2013 be confirmed as a true and correct record of proceedings.

Cr Rhoades raised that within RM13/1 - Coffs Harbour City Centre Master Plan 2031 - Rescission Motion the minutes read that a division was duly "demanded" - should read as duly "called".

**Cr Innes declared an interest in the follow ing item, vacated the chamber and took no part in the discussion or voting, the time being 5.31 pm.**

## CORPORATE BUSINESS DEPARTMENT REPORT

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### CB13/18 DRAFT JETTY4SHORES CONCEPT PL ANS FOR PUBLIC EXHIBITION

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Approval to place the Draft Concept Plans for the Jetty4Shores Project on public exhibition for a period of 28 days.

**RESOLVED** (Rhoades/Palmer) that:

1. Council, as Corporate Manager of the Coffs Coast State Park Trust, place on public exhibition the Draft Jetty4Shores Concept Plans, attached to this report, for a period of 3 months.
2. A further report be submitted to Council on the completion of that exhibition period providing updated plans and overall works program and associated budgets.

### AMENDMENT

**55** **MOVED** (Cowling/Degens) that:

1. Council, as Corporate Manager of the Coffs State Park Trust, place on public exhibition the Draft Jetty4Shores Concept Plans, for a period of 3 months.
2. A series of scenarios suggesting likely progressions / orders of construction be included in the exhibition.
3. Possible options for the remainder of the Jetty Foreshores precinct be included as part of the exhibition.
4. A further report be submitted to Council on the completion of that exhibition period providing updated plans and overall works program and associated budgets.
5. For a range of options to be put before Council at the conclusion of the public consultation process.
6. For application to be made to the Federal Government to match the \$30 to \$40 million already allocated by the State Government to include infrastructure projects including a permanent sand by pass.

The **AMENDMENT** on being put to the meeting was **CARRIED**.

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### DIVISION

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A division was duly called, and those members voting for and against the motion were recorded:

**FOR**

Cr Cowling  
Cr Sultana  
Cr Arkan  
Cr Degens  
Cr Townley

**AGAINST**

Cr Rhoades  
Cr Palmer  
Cr Knight

**Cont'd**

**CB13/18 Draft Jetty4shores Concept Plans for Public Exhibition ...(Cont'd)**

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It then became the **MOTION** and on being put to the meeting was declared **CARRIED**.

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**DIVISION**

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A division was duly called, and those members voting for and against the motion were recorded:

**FOR**

Cr Cowling  
Cr Sultana  
Cr Arkan  
Cr Degens  
Cr Townley

**AGAINST**

Cr Rhoades  
Cr Palmer  
Cr Knight

**Cr Innes returned to the meeting, the time being 6.19pm.**

**RESCISSION MOTION**

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**RM13/2 REVISED ORGANISATIONAL STRUCTURE - RESCISSION MOTION**

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**56 RESOLVED** (Arkan/Degens) that resolution 38 of Ordinary meeting held on 28 February 2013 regarding item GM 13/5 - Revised Organisational Structure, and reading as follows, be rescinded:

**RESOLVED** (Palmer/Innes):

1. *That in accordance with Section 333 of the Local Government Act 1993 Council adopt the proposed Organisation Structure as identified in the Attachment to this report; and*
2. *That it be noted that applications will be invited for the vacant Director Community Development role.*

**57 RESOLVED** (Arkan/Sultana) that:

1. The 4<sup>th</sup> Director's position be not facilitated.
  2. A re-organisation of responsibilities held by these three departments may take place.
  3. This matter be returned to Council with any recommended restructuring of the organisation with the existing framework.
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## GENERAL MANAGER'S REPORTS

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### **GM13/6 2013 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS**

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Report advising that conference motions to be considered at the next National General Assembly of Local Government are to be matters of policy significance to local government nationally.

**58 RESOLVED** (Rhoades/Arkan) that:

1. Councillors submit any motions in line with the Australian Local Government Association Discussion Paper to the General Manager by Thursday, 28 March 2013.
2. A separate report of any motions received be submitted for Council Meeting of 11 April 2013.

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### **GM13/7 MODEL CODE OF CONDUCT 2013 - COMMENCEMENT AND KEY RESOURCES**

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The purpose of this report is to inform councils of the new Model Code of Conduct Framework which commenced on 1 March 2013; to promote the Model Code Summary as a simple guide to the standards of behaviour required by council officials; and to inform councils of the availability of the Division of Local Government's Model Code of Conduct 2013 webpage, featuring key resources to support implementation of the new code.

**59 RESOLVED** (Rhoades/Arkan) that:

1. The information in this report be noted.
2. Coffs Harbour City Council as a matter of urgency tomorrow submit a electronic recommendation of support to LGNSW and its position on the LG Early Intervention Bill 2013.

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### **GM13/8 GOVERNANCE AND AUDIT COMMITTEE - APPOINTMENT OF INDEPENDENT MEMBERS**

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This report is to inform Council of the appointment to the Governance and Audit Committee the three new independent members.

**60 RESOLVED** (Degens/Townley) that Council note the information provided in this report.



**CORPORATE BUSINESS DEPARTMENT REPORTS**

**CB13/16 MONTHLY BUDGET REVIEW FOR JANUARY 2013**

To report on the estimated budget position as at 31 January 2013.

**61 RESOLVED** (Townley/Degens) that:

The budget adjustments be approved and the current budget position be noted.

Estimated Budget Position as at 31 January 2013:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 24 May 2012	308,365 (D)	4,397,830 (D)	3,542,337 (D)
Approved Variations to 31 December 2012	(22,525) (S)	Nil	Nil
Recommended variations for January 2013	<u>(616) (S)</u>	<u>(554,150) (S)</u>	<u>(686,556) (S)</u>
Estimated result as at 31 January 2013	<u>285,224 (D)</u>	<u>3,843,680 (D)</u>	<u>2,855,781 (D)</u>

**CB13/17 EASEMENT TRANSFERS TO ES SENTIAL ENERGY - VARIOUS PROPERTIES**

The purpose of the report is to obtain approval for the transfer of power line easements to Essential Energy.

**62 RESOLVED** (Arkan/Innes) that:

1. Council dispose of the easements described below for nil compensation on the terms contained within this report.
  - 1.1 Easement for underground power lines 2 wide and variable width within Lot 2 DP 1093437, Lot 2 DP 879883, Lot 53 DP 245407 and Lot 117 DP 248292 situated at Werambie Street, Toormina (see Attachment 1).
  - 1.2 Easement for underground power lines 2 wide and variable width within Lot 6 DP 755536 and Lot 48 DP 1032150 situated at Hulberts Lane, Sawtell (See Attachment 2).
  - 1.3 Easement for underground power lines 2 wide within Lot 2 DP 1067836, Lot 1 DP 999000 and Lots 6 and 7 DP 90246 situated at Christmas Bells Road, Coffs Harbour (see Attachment 3).
2. All necessary documents associated with the disposal of the easements be executed under the common seal of Council.

## CITY SERVICES DEPARTMENT REPORTS

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### CS13/15 LOAD LIMIT TO EAST BONVILLE ROAD BRIDGE, BONVILLE

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To report to Council the recommendations from independent structural assessment and load testing undertaken on East Bonville Bridge, Coffs Harbour and to recommend a load limit be placed in accordance with the report recommendations.

- 63** **RESOLVED** (Palmer/Arkan) that Council, in accordance with Section 115 of the Roads Act 1993, approve the placement of a 10 tonne GVM load limit on East Bonville Road Bridge, Bonville.

### CS13/16 TENDER RFT-580-TO: SUPPLY & DELIVERY OF CHEMICAL DOSING UNIT FOR SAWTELL PUMP STATION

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To report on tenders received for Contract RFT-580-TO, for the supply and delivery of a Chemical Dosing Unit for the Main Sawtell Pump Station to enable the decommissioning of Sawtell Treatment Plant (STP), and to gain Council approval to accept a tender.

- 64** **RESOLVED** (Innes/Arkan) that:
1. Council accepts the tender of Demaher Pty Ltd, ABN 41 106 672 020 for Contract RFT-580-TO, Supply and Delivery of a Chemical Dosing Unit, for the amount of \$275,693.28 inclusive of GST on the basis that:
    - 1.1. The tender is the most advantageous to Council.
    - 1.2. The tenderer has the necessary experience in similar works and its ability and performance are satisfactory.
    - 1.3. The tenderer's financial capacity is acceptable.
  2. The contract documents be executed under the Seal of Council.

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## REQUESTS FOR LEAVE OF ABSENCE

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There were no requests for leave of absence.

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## MATTERS OF AN URGENT NATURE

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There were no matters of an urgent nature.

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**QUESTIONS ON NOTICE**

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There were no questions on notice.

This concluded the business and the meeting closed at 7.03 pm.

Confirmed: 27 March 2013

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Denise Knight  
Mayor

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## **COFFS HARBOUR CITY COUNCIL V MINISTER FOR PLANNING AND INFRASTRUCTURE AND ORS – COURT OF APPEAL JUDGEMENT**

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### **Purpose:**

To provide Councillors with information regarding the judgement handed down by the Court of Appeal on 6 March 2013 - Coffs Harbour City Council v The Minister for Planning and Infrastructure.

### **Description of Item:**

On 23 December 2010 the Department of Planning (DoP) wrote to Council to advise that the Minister had granted Concept Approval for up to 200 lots at Sandy Beach North (Sandy Shores)

The Determination resulted in a development that was some six times larger than that endorsed by Council's adopted Hearnes Lake/Sandy Beach Development Control Plan (DCP) and draft Local Environmental Plan (Amendment 29).

Council challenged the validity of the approval in the Land and Environment Court, with the hearing taking place in Sydney on the 28 and 29 June 2011. Judgement was handed down on the 23 January 2012. The judgement dismissed Council's claims.

At the Council meeting on 23 February 2012 those Councillors present were unanimous in their decision to appeal the judgement and Sparke Helmore Lawyers were instructed to lodge an appeal in the Supreme Court of NSW against the judgement. The appeal was lodged in the Supreme Court on 20 March 2012 and the matter was heard on 14 February 2013. The judgement was handed down on the 6 March 2013, where the appeal was dismissed.

The confidential attachment to this report outlines Council's position and options regarding this decision.

### **Sustainability Assessment:**

- **Environment**

The environmental impacts are indeterminable at this time. The proceedings raised in the appeal are strictly administrative matters.

- **Social**

Council has a role to play in representing the social interests of its community. The views of the community vary greatly on this issue.

- **Civic Leadership**

This report is in line with the 2030 theme: LC2.2 We welcome civic leadership to help achieve better outcomes for Coffs Harbour.

- **Economic**

**Broader Economic Implications**

The broader economic implications are not fully known at this time.

**Delivery Program/Operational Plan Implications**

There have been no provisions made in the 2012/13 budget for this costs related to this appeal. Any costs incurred will need to be included as a budget variation report to Council at a later stage.

**Consultation:**

Consultation has occurred with Council's legal representatives, Sparke Helmore Lawyers, in the preparation of this report.

**Related Policy and / or Precedents:**

Not applicable to this report.

**Statutory Requirements:**

Not applicable to this report.

**Issues:**

Issues are raised in the confidential attachment to this report.

**Implementation Date / Priority:**

Implementation of the decisions surrounding this report will be immediate.

**Recommendation:**

**That Council adopt the recommendation as detailed in the confidential attachment.**

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## NEW TENDER FOR SPORTZ CENTRAL

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### **Purpose:**

To seek support to invite fresh tenders based on different specified details which include the existing and alternative management models.

### **Description of Item:**

Council advertised for tenders in April 2012 for the management of the Sportz Central multipurpose and recreational facility as a Management Agreement for the day to day operations facilitated through a Section 355 Management Committee.

Requests for tender included the following terms:

- Three year lease term.
- \$137,000 per annum plus GST (funded from the operating revenue of the facility).
- Incentive fee 25% of net profit
  - 2010/2011 \$3236.24
  - 2011/2012 \$4584.32
- Council responsible for \$30,000 per annum for internal maintenance (provided to the Management Committee).
- External maintenance responsibility of Council.
- Council responsible for \$25,000 per annum toward operating expense for cleaning (provided to the Management Committee)
- Total gross profit from kiosk before wages and ancillary expenses -
  - 2010/2011 \$63,000
  - 2011/2012 \$69,000
- Management fee subject to CPI adjustment annually

No tenders were received in the month long advertised period. Consequently this has resulted in an internal review process being undertaken.

Currently, the existing management company is in the second six month extension at the advertised management fee, with Council delegating the care, control and management overseen by the Section 355 Committee.

There are a number of options which could be considered in the future management of the facility prior to inviting a new tender. For the purpose of Council's consideration four have been examined in detail. These are:

**Option 1** – invite tenders based on the same Management Agreement and tender documentation.

**Option 2** – invite tenders based on options for alternative operating models.

**Option 3** – Directly negotiate with any person with a view to entering into a contract (must state the Council's reason for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations.

**Option 4** – Direct management by Council.

These options are explored in detail under the Issues section of this report.

Sportz Central is one of Coffs Harbour's most highly used sporting and cultural facilities and is located at 74A Bray Street, Coffs Harbour. Sportz Central has a licensed capacity for 1,000 people and comprises three championship basketball courts which can be modified to provide five junior courts. The Stadium is home to groups such as basketball, volleyball, netball, wheel chair basketball, multi sports, primary and high school sports, disability sports, home school sports days, lifeball for seniors, roller blading and table tennis. Over 5,000 people utilise Sportz Central each week. Regional, State and National sporting competitions and cultural events are held at Sportz Central including Basketball State League, NBL pre-season games, Oz Opera, University Games, Basketball Northern Junior League, State quad rugby, national handball, national martial arts, regional Primary School Sports Association competitions, regional catholic school competitions, childrens' drama performances and dance performances.

The complex has a grandstand spectator seating area for 386 people, stadium management office, commercial kitchen/kiosk, sports administration office, meeting and function rooms, sports supervisor office, first aid room, referees room, equipment storage facilities, change rooms and portable stage/spectator seating equipment.

Sportz Central was built in 1987, expanded in 1997 and further extended and renovated throughout 2008 to 2010.

**Sustainability Assessment:**

- **Environmental:**

No environmental issues are considered of relevant.

- **Social**

No social issues are considered relevant.

- **Civic Leadership**

The proposal supports the themes of the Coffs Harbour 2030 Strategic Plan specifically 'Places for Living' and 'Looking after our Community' by addressing the specific priorities; 'Our built environment connects us and supports us in living sustainably' and 'Our community is healthy, informed and engaged'.

- **Economic**

**Broader Economic Implications**

The economic implications in broadening the management models invited under the tender process may enhance the potential opportunities for service delivery and cost efficiency following receipt of no tenders.

**Delivery Program/Operational Plan Implications**

There are no implications under the tender variation suggested.

**Consultation:**

Ongoing information updates and progress reporting on the review process has been provided to the current Section 355 Management Committee over the entire timeline. This

has included addressing the Committee at the monthly meeting on two occasions and meeting with the Mayor and Committee representatives' on one occasion.

The existing contractor has provided requested information.

The Committee has also provided a response to this report including any concerns which has been included in its entirety as an attachment to this report. This response is followed by comments from staff.

Specialist industry service providers and local Councils have been canvassed to assist in the provision and analysis of relevant information for the purpose of the review.

**Related Policy and / or Precedents:**

This tender has historically been offered as a Management Agreement. Due to no tenders being received alternative management models in addition to the existing model are being considered.

**Statutory Requirements:**

Part 7 Tendering of the Local Government (General) Regulations 2005, Clause 178(3) states:

- (3)A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
- (a) postpone or cancel the proposal for the contract,
  - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
  - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
  - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
  - (e) 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 subject matter of the tender,
  - (f) carry out the requirements of the proposed contract itself.

Subclauses a), c),d),e),f) are not considered appropriate, with subclause b) the preferred tender option.

**Issues:**

The key challenges for the future of the facility are:

- The current shortfall in court space and predicted urgency of this with projected population growth.
- Pressures to maintain a competitive regional facility with the planned proposal and expansion of other centres.
- Increasing requirement for financial contribution from Council.
- Potential increases in asset management costs associated with a 25 year old structure.

Subject to Clause 178(3b) of the Local Government Tendering Regulations, the following management options available include:

**Option 1** – Invite tenders based on the same Management Agreement and tender documentation.



**Option 2** – Invite tenders based on options for alternative operating models.

**Option 3** – Directly negotiate with any person with a view to entering into a contract (must state the Council's reason for declining to invite fresh tenders or applications and the reason for determining to enter into negotiations)

**Option 4** – Direct management by Council.

Key areas identified under each management option examined include:

**OPTION 1: Invite tenders as per previous agreement and document.**

**Cost to Council:** The management fee is supported from the operating revenue, with Council subsidising the internal maintenance and cleaning up to the value of \$55,000 per annum.

In addition Council will fund external structural maintenance.

Council's level of ongoing facilitative engagement through a Section 355 Management Committee requires a level of regular support in terms of day to day operations including a major role in seeking grant funding for improvements and leveraging low interest loans for capital expenditure, in addition to representation at monthly Committee meetings.

**Asset Management:** The Management Contractor has full responsibility for internal maintenance in consultation with the Section 355 Management Committee. Council support has been available to assist with delivery of improvements unable to be totally supported by the facility's operating revenue.

Council is responsible for external maintenance.

**Community Input:** The Management Agreement recognises community input through the structuring of a Section 355 Management Committee to consult in the care and management of the facility. The Committee profile of community members representing user groups also recognises the legacy of community input and commitment in delivering a facility which promotes fair, equitable and diverse access.

**Marketing:** Is the responsibility of the Management Contractor in consultation with the Section 355 Management Committee with outcomes measured as part of the annual performance review by Council.

**Court Hire Fees and Charges:** Court hire fees and charges are at the final discretion of Council in consultation with the Management Committee.

**Operational Expertise:** This is addressed in the advertised tender.

**OPTION 2: Invite tenders which includes potential for alternative models.**

**Cost to Council:** Council would be responsible for the costs of external maintenance in part or in full.

**Asset Management:** An independent contractor would have full responsibility for internal maintenance and cleaning.

External maintenance would be the responsibility of Council.

**Community Input:** An appointed advisory committee or equivalent body comprising community representatives would advocate for user groups and contribute to the delivery of diverse, fair and equitable services whilst continuing to value the past input and commitment of community stakeholders.

**Marketing:** All marketing would be the primary responsibility of the contractor, and would be based on an effective Marketing Strategy within the Business Plan, with regulatory reporting of outcomes to Council as per the model specifications.

**Court Hire Fees and Charges:** Fees and charges are at the discretion of the contractor.

**Operational Expertise:** This is addressed in the advertised tender.

**OPTION 3: Negotiate directly.**

This was not considered as it limits canvassing the broad cross section of the market, and is therefore not based on a competitive approach and potentially reduces the opportunity to secure a premium operation of the facility.

**OPTION 4: Direct management by Council.**

Direct Council Control has been considered however does not present a feasible option due to the associated costs of management under the conditions of the Local Government Act 1993 and the Local Government (State) Award 2010.

**Implementation Date / Priority:**

Should Council approve the recommendation, the tender will be advertised as soon as the documentation is prepared being mindful that the current extension of the Management Agreement expires on 30 June 2013

**Recommendation:**

**That in light of no tenders received for Tender No RFT-501-TO, Council agrees to invite in accordance with Clause 178 3(b) of the Local Government Tendering Regulations fresh tenders based on different specified details which include the existing and alternative management models.**

## Attachment

As part of the consultation with the current 355 Management Committee, a copy of the draft report was provided to the Committee for their response. At the time of providing the draft report there were three options being considered. A fourth, being the direct negotiation (Option 3) was added following advice received. (Part of the normal practice in developing reports is that they are circulated to other sections of the organisation for comment and input.) The Committee's response therefore makes reference to three options.

### **SPORTZ CENTRAL MANAGEMENT COMMITTEE'S RESPONSE TO DRAFT REPORT FOR VARIATION OF TENDER FOR SPORTZ CENTRAL**

#### **Summary**

Whilst the paper is only a draft, the committee feels the report lacks substance in presenting the findings and research of alternative methods used to present the three (3) options.

The committee has pleaded for the current form of management to be continued to ensure that the facility provides the key elements to the community that it was planned, constructed and financed to provide. That being an affordable, extremely clean and well maintained indoor facility that every person in our community is proud of. Under the current management arrangement, the facility self funds the Management contract of \$137000 pa, loan repayments of \$2300.00 per month, floor refurbishment every year at \$10-12000 and internal maintenance and cleaning above Councils contribution of the \$55000. All profits are put back into the facility reducing Councils liability further.

The committee acknowledges that the current tender did not attract any applicants including the present management company, Sportsrite Pty Ltd who for personal reasons at the time did not submit a tender.

The opportunity to have research and feedback from other similar facilities was welcomed by our committee and anticipation was high however as advised, the outcome was disappointing.

#### **Conclusion**

The Sportz Central Management Committee would support the recommendation of Option 2 on the following basis:

1. The current management committee be fully involved in the new tender process, selection criteria and the appointment of the next incoming manager,
2. The Advisory committee selected continue to be consulted on the fees and charges and the fees to be approved by Council so as to maintain an affordable facility for all community users from preschool soccertoos, wheelchair sports through to Life Ball and multi cultural groups
3. The Advisory committee is to undertake an annual performance assessment of management and the results be reported to Council and
4. The structure of the tender agreement to include the yearly refurbishment of all floors to ensure it continues to meet national & international sporting requirements and remains attractive to events of a high standard.

## Attachment

Our committee acknowledges that as the Sportz Central facility ages, it is becoming more costly to maintain but in the present hard economic times for Coffs Harbour and its families, Sportz Central in its present welcoming formation, has never been needed more.

### **Comments on Section 355 Committee response:**

The value of contribution made by the current members of the 355 Management Committee has been acknowledged and it has been part of the consideration in relation to the future of the facility. Issues raised in the Committee response such as the need to ensure the facility provides the key elements being an affordable, extremely clean and well maintained indoor facility that every person in our community is proud of, will be of fundamental importance in the consideration of tenders.

It is acknowledged that the operating revenue funds those items mentioned in the response document. However, Council has the prime responsibility of continuing to afford a sustainable facility into the future,

Under the previous Management Agreement Council increased its contribution from \$30,000 to \$55,000 per annum to accommodate cleaning in addition to maintenance. The future sustainability of the facility is at the core of the decision to canvas broader management models in the tender process.

In response to specific points raised under the 'Conclusion' heading of the Committee's response the following is advised:

As the Management Committee has been involved in the previous tender selection process this would be encouraged to be in this instance.

The Committee request to be included in the decision making process for annual user group fees and charges is a valid consideration. This would be subject to the integrity of the management model selected, mindful that the selection criteria will include the business expertise of the applicant in relation to setting fees and charges whilst addressing the community service conditions.

The role of an advisory committee can vary and this is dependant on the successful management model in terms of responsibilities and accountability, and more specifically its involvement in any performance reviews.

It is paramount that the condition of the facility, including the playing surface is maintained at the required optimum standard with the necessary staged refurbishment works. In all forms of management models, a maintenance and repair agreement or equivalent schedule including projected works will form a major part of the selection criteria.

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## PROPOSED ALCOHOL PROHIBITION - LOWER COFFS CREEK RESERVE

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### **Purpose:**

To recommend the creation of a new 9.00am – 9.00pm alcohol prohibited area for the Lower Coffs Creek Reserve, Coffs Harbour (refer to Attachment).

### **Description of Item:**

Council has received complaints from the NSW Police and the proprietors of Dolphin Marine Magic relating to inappropriate behaviour occurring late into the evening and early hours of the morning at the lower Coffs Creek Reserve. They have requested that Council consider implementing a 9.00pm till 9.00am prohibition at the Reserve.

### **Sustainability Assessment:**

- **Environment**

No negative environmental concerns will occur as a result of the proposed alcohol control. Positive benefits will ensue, as alcohol related broken glass is of particular concern to Reserve users including children and requires regular cleaning up by maintenance staff and locals. Local residents and staff put themselves at risk handling broken glass when cleaning up following disturbances involving alcohol.

- **Social**

A control on alcohol use and a prohibition on antisocial behaviour in the nominated Reserve will have a positive impact on the local amenity. The normal reserve users and local residents will be less likely to be confronted by intoxicated persons using these areas and smashing glass. A reduction in night time disturbance will improve the quality of life of adjacent residents through improved sleep patterns and reduction in stress levels. Police will have powers to act to control alcohol use.

- **Civic Leadership**

This proposal works towards achieving the outcomes identified within the Coffs Harbour 2030 Strategic Plan and is directly connected to the themes "Places for Living" and "Looking after our Community". The proposal will assist in ensuring that:

- We promote healthy living and safe communities; and
- We protect and expand public spaces and facilities and ensure they are accessible and safe for all.

These areas are identified as outcomes/objectives in the 2030 Plan and Council is specified as both provider and facilitator and additionally, in the case of safe communities, an advocate.

- **Economic**

**Broader Economic Implications**

Tourism is a significant economic driver for Coffs Harbour. A reduction in alcohol fuelled violence and other anti social behaviour within our public spaces will increase Coffs Harbour's appeal as a destination for visitors. Reducing the need to tie up limited Police resources on managing alcohol fuelled violence and reducing injuries to police officers will improve local policing outcomes.

Alcohol abuse and associated crime have a negative impact upon the greater community and is detrimental to the economic development of an area.

**Delivery Program/Operational Plan Implications**

The cost of installing new and replacement notices will be absorbed within current and future programs. Costs are estimated to be \$200.

**Consultation:**

The matter has been discussed internally with a range of staff within City Services.

The Police have confirmed their support for the establishment of the proposed Alcohol Prohibition.

**Related Policy and / or Precedents:**

Council has previously used Section 632 (2) (e) and 632A of the Local Government Act 1993 to prohibit the taking and/or consumption of alcohol in reserves controlled by Council between 9.00pm and 9.00am. Council has also previously used this section of the Act to regulate a range of other activities. Council has also used the Local Government Act 1993 (Sections 644, 644A, 644B, 644C, 645 and 646) to create Alcohol Free Zones in roads and car parks

The proposal is considered to be consistent with the intent of Council's existing strategies to manage alcohol related anti social behaviour within our parks and reserves.

**Statutory Requirements:**

It is proposed that Council use powers granted under the Local Government Act 1993 Section 632A which permits Council to establish alcohol prohibited areas in public places.

Under provisions of the Local Government Act, Police will have the powers to confiscate alcohol within the alcohol prohibited areas. In addition Police, under the existing Law Enforcement (Powers and Responsibilities) Act 2002 - Section 197, have the power to give directions to person in public places that are creating disturbance.

It is proposed that Council use powers granted under the Local Government Act 1993, Section 632 (2) (e) to prohibit loitering and antisocial behaviour by notice.

**Issues:**

Council has received complaints from the adjoining property owners concerning alcohol related inappropriate behaviour. Concerns have also been expressed in relation to the safety of their staff and welfare of their animals.

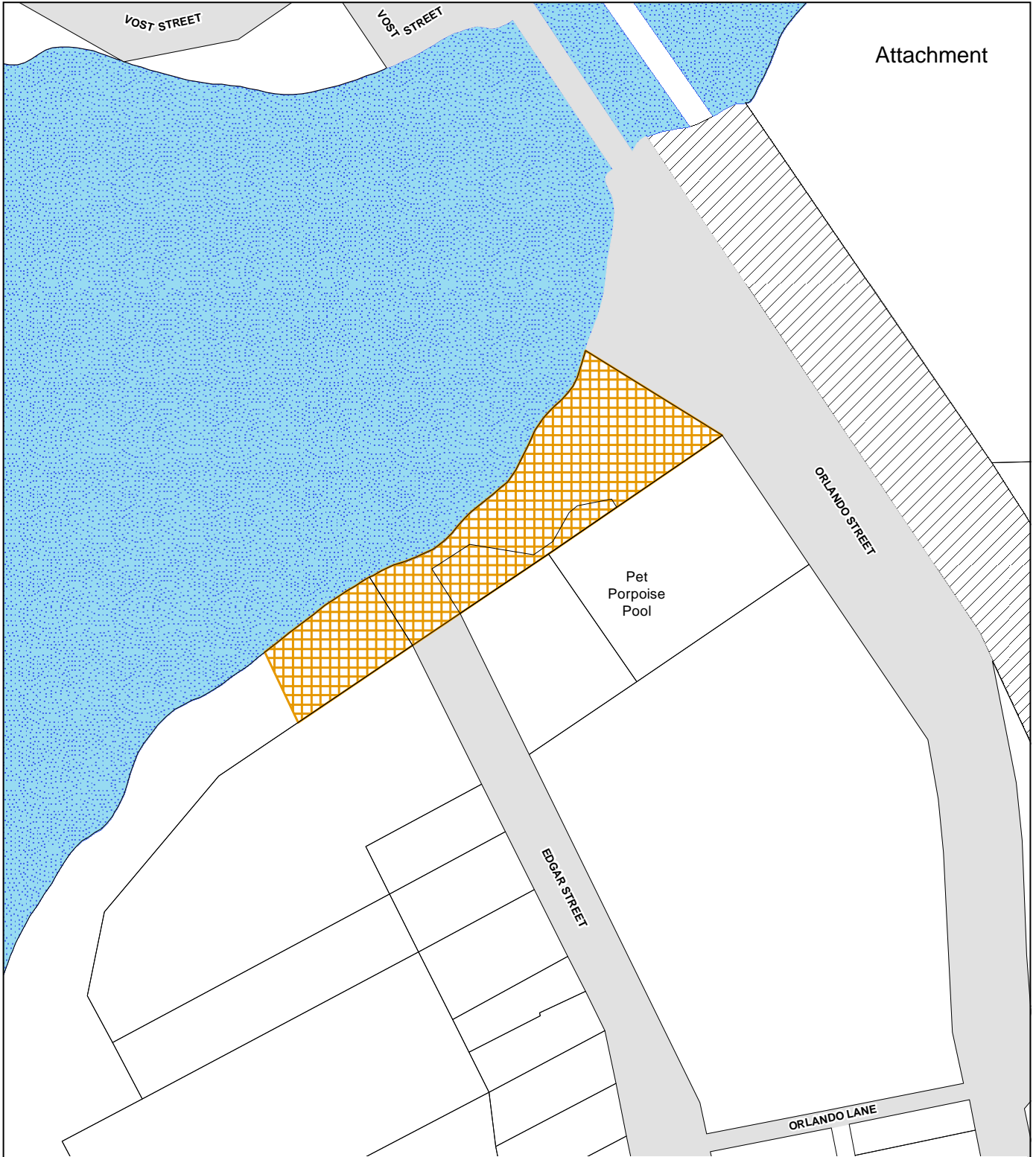
It is not considered that the night time alcohol prohibition would adversely impact the use of the park by normal reserve users.

**Implementation Date / Priority:**

Notices will be installed as soon as possible, and in accordance with legislative requirements, following Council approval by resolution.

**Recommendation:**

1. That Council use the powers granted by Section 632A of the Local Government Act 1993 to prohibit the taking of and/or consumption of alcohol between 9.00pm and 9.00am, except for authorised events, and use the powers granted under Section 632 (2) (e) to prohibit of loitering and antisocial behaviour at all times within Lower Coffs Creek Reserve (Lot 7060 DP 1050246 and part Lot 7036 DP 1051572) as identified on the map attached to this report :
2. That notices, to effect all of the above, be displayed at appropriate locations









Attachment

**PROPOSED ALCOHOL REGULATED ZONE:  
Park at Coffs Creek off Orlando Street & Edgar Street**

Includes the park, reserve and carpark areas highlighted, neighbouring and North-West of the Pet Porpoise Pool.

(except at events licenced by Coffs Harbour City Council)

- |   |   |   |
|---|---|---|
|  Roads           | <b>Proposed Alcohol Regulated Zones</b> |  Proposed Alcohol Free Zone - 24 Hrs 7 Days/Week     |
|  Creeks          |   |  Proposed Alcohol Prohibited Zone - 9:00pm to 9:00am |
|  Railway         |   |   |
|  Land Boundaries |   |   |



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**ALCOHOL REGULATED ZONES**

This map produced by GIS Section  
Coffs Harbour City Council  
User: amdmanda  
Last Modified: 15/03/2013

SCALE @A4 1:2000



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

GRID NTH





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## **TRAFFIC COMMITTEE REPORT NO. 1/2013**

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### **Purpose:**

To confirm the Minutes of the Traffic Committee Meeting held on Thursday, 7 March 2013.

### **Recommendation:**

#### **T.1 - Combine Street Coffs Harbour – Traffic Issues** (R.504240 [3319036])

That Council undertake further traffic counts and RMS be requested to investigate the feasibility of dual right turn lanes from Combine Street, Coffs Harbour, onto the highway as follows:

- with the left lane straight through and right turn, and
- the right lane right turn only.

#### **T.2 - Arthur Street & Manning Avenue Intersection Coffs Harbour – Signage** (R.503760, R. 504950[3319036])

That Council Rangers issue warning notices for vehicles parked illegally in Manning Avenue, Coffs Harbour.

#### **T.3 - Gordon Street Coffs Harbour - Traffic Issues** (R.504620[3319036])

That approval be given to modify the three 60° nose-in parking spaces to parallel parking in Gordon Street, Coffs Harbour subject to RMS narrowing their driveway by 2.5m (1.6m on the south and 0.9m on the north) and associated kerb and gutter reconstruction, as per plan T.3-2013.

#### **T.4 - Various Traffic Hazards - Pacific/Coral Streets & Tasman Street, Corindi Beach** [3245888]

1. That no action be taken to install barrier line marking on the corner of Pacific and Coral Streets, Corindi Beach, as it does not meet the warrants.
2. That no action be taken to install double barrier lines on the bend in Tasman Street, Corindi Beach, as RMS has approved the extension of the 50km/h speed zone in Tasman Street.

#### **T.5 - Bonville Station Road, Bonville, Christian Community School- School Crossing** (R.500700[3319440])

That approval be given to install 'No Stopping' zone on Bonville Station Road, Bonville, adjacent the crossing point from the proposed Christian Community College Design and Technology Centre to the south side footpath leading to the existing building: on the north side 20m on the approach and 10m on the departure side of the crossing; on the south side 40m on the approach and 10m on the departure side of the crossing subject to pedestrian facilities construction meeting Australian Standards, as per plan T.5-2013.

**T.6 - Toormina Library Minorie Drive Toormina – Parking Issues** (R.502140[3339440])

That approval be given for '1 hour' parking limit Monday to Friday 9:30am - 5pm and 9:30am – 12 noon on Saturday for recessed parking zone (7 spaces) adjacent Toormina Library, Minorie Drive, Toormina, as per plan T.6-2013.

**T.7 - Signage - 77 Beryl Street Coffs Harbour** (R.503870[3308690])

That approval be given to install a 'No Stopping' zone adjacent 77 Beryl Street, Coffs Harbour, for 10 metres, as per plan T.7-2013.

**T.8 – Blackspot Funding Works - Harbour Drive and Orlando Street Coffs Harbour**  
(R.504030[2827558])

That approval be given, subject to RMS funding, to the following:

1. 'No Stopping' zone on Orlando Street, Coffs Harbour, opposite Lawson Crescent (western intersection), as per Plan T.8a - 2013.
2. 'No Stopping' zone and relocation of existing bus zone on Harbour Drive, Coffs Harbour, either side of Boambee Street intersection, as per plan T.8b - 2013.

**T.9 - Temporary restricted parking, bus and taxi zones for major events at the BCU International Stadium, Stadium Drive, Coffs Harbour** [3340989]

That approval be given for the installation of temporary parking restrictions, and bus and taxi zones for events for up to 10 000 people at the BCU International Stadium , Stadium Drive, Coffs Harbour, with the zones to be as follows:

- 'Bus Zone' from the western corner of Phil Hawthorne Drive for 88 metres (4 bus lengths).
- 'Taxi Zone' west of the bus zone for 20 metres (4 taxis).
- 'No Parking' west of the taxi zone to existing permanent 'no parking' zone at the stadium entrance intersection.
- 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection, as per plan T9.-2013.
- Approval is subject to transport zones complying with Australian Standards.

**T.10 - NAB Coffs Coast Cycle Challenge - 4 August 2013** [3336441]

1. That the following temporary road closures for the NAB Coffs Coast Cycle Challenge on Sunday, 4 August 2013 for the purpose of conducting the Coffs Coast Cycle Challenge be advertised and providing no substantive objections are received, the closures be approved:
  - Jordan Esplanade between Marina Drive and Camperdown Street between 7.00am and 12.00pm.
  - Orlando Street Coffs Harbour (southbound traffic only) between the hours of 7.55am to 8.15am and 8.40am to 8.45am.
2. The organisers of the Cycle Challenge liaise with affected traders and obtain traders approval.
3. The organisers submit a revised traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers allow access via Camperdown Street entrance for Coffs Harbour High School to use Jetty Foreshore area for a school reunion.

**T.11 - Coffs Harbour Cycle Club- Winter Road Club Events 2013** [3329024]

That approval be given for the following:

1. Use of Pine Creek Way on Saturday afternoons from 1:30pm to 4:00pm and Sunday mornings between 7.30am and 10.00am starting in March and running until October between Archville Station Road roundabout and the Mailman's Track roundabout.
2. Use of Orara Way between Nana Glen and Glenreagh on Saturday afternoons between 1.30pm and 4.00pm be trialled for three months and subject to no complaints, the event can carry on until October as originally requested.
3. Police approval be sought.
4. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
5. Riders to comply strictly with Australian Road Rules.
6. The submitted Traffic Control Plan (TCP) be approved by Council and the Cycle Club be responsible for the warning signage as per the TCP.

**T.12 - Beach Street / Queen Street, Woolgoolga - Temporary Road Closure - Woolgoolga Curry Festival** (R.508400 / 1618[3338788])

That the following be approved:

1. The temporary road closure of Beach Street, Woolgoolga, between Wharf Street and Carrington Street and Queen Street between Beach Street and Younger Lane from 6.00am to 10.00pm on Saturday, 13 April 2013, for the purpose of conducting the Woolgoolga Curry Festival, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Curry Festival liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers. Traffic Control Plan to include a sign posted detour route around the road closure.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers submit a detour plan for traffic to bypass the closure.

**T.13 - Fiddaman Road, Emerald Beach - Temporary Road Closure - Emerald Beach Community Fair** (R.507240 / P/N 2032700[3338788])

Approval for the following:

1. The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 26 May 2013, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Community Fair liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

**T.14 - Beach Street, Woolgoolga - Temporary Road Closure - Anzac Day** (R.500270 / 1618 [3327345])

Approval for the following:

1. The following temporary road closure of Beach Street, Woolgoolga, between Queen Street to Short Street Woolgoolga, associated with the Woolgoolga Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.40am and 11.15am be advertised and providing no substantive objections are received, the temporary closures be approved.
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

**T.15 - First/Second/Fourth Avenues, Sawtell - Temporary Road Closure - Anzac Day**  
(501520 / 501480 / 501550 / 1618 [3329589])

Approval for the following:

1. The following temporary road closures associated with the Sawtell Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.30am and 11:45am be advertised, and providing no substantive objections are received, the temporary closures be approved.
  - First Avenue (Second Avenue to Boronia Street)
  - Second Avenue (First Avenue to Fourth Avenue)
  - Fourth Avenue (Second Avenue to East Street).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. A temporary bus zone be signposted in First Avenue north of Second Avenue as an alternative to the Ex-Services Club bus zone.

**T.16 - Park Avenue / Gordon Street / Vernon Street, Coffs Harbour - Temporary Road Closure - Anzac Day** (R.505670 / R.504620 / R.504180 / 1618 [3338836])

Approval for the following:

1. The following temporary road closures associated with the Coffs Harbour Anzac March to be held on Thursday, 25 April 2013, between the hours of 8.30am and 10.30am be advertised and providing no substantive objections are received, the temporary closures be approved.
  - ♦ Park Avenue (Earl Street to Gordon Street)
  - ♦ Gordon Street (Park Avenue to Vernon Street)
  - ♦ Vernon Street (Gordon Street to Pacific Highway).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

**T.17 - Beach Street / Fawcett Street, Woolgoolga - Temporary Road Closure 9 June 2013 - Woolgoolga Heritage Walk and 125<sup>th</sup> Birthday Celebration Parade** [3336436]

1. The temporary road closures of Fawcett and Beach Street, Woolgoolga, on Sunday 9 June 2013 as follows:
  - Fawcett Street (from Beach Street to Trafalgar Street) between the hours of 1.00pm and 1:30pm
  - Beach Street (from Fawcett Street to Carrington Street West) between the hours of 1:30pm and 2:30pm
  - Beach Street (from Queen Street East to Carrington Street West) between the hours of 1:30pm and 4:30pmfor the purpose of forming and conducting the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade, be advertised, and providing no substantive objections are received, the closure be approved.
2. The organisers of the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up.

**T.18 – Arthur Street, Coffs Harbour - Entrance to Park Beach Plaza - 'Give Way' signage** (R.503760 [3272535])

1. No action be taken for the installation of 'Give Way' signage for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to Park Beach Plaza shopping centre.
2. A refuge for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to the Plaza shopping centre, be listed for consideration in PAMPS.

**T.19 - Application for Class 2 B-Double (25-26m) Routes - Industrial, Engineering and Forge Drives, Isles Industrial Park** [3301228]

That B-Double access be approved for Industrial Drive, Engineering Drive and Forge Drive, North Boambee Valley.

**T.20 - Request for the Jodi Lee Foundation to run Cycle Challenge in March 2013.** [3339085]

That the Jodie Lee Foundation Cycle Challenge to be held in March 2013 on roads through Coffs Harbour, Nana Glen, Glenreagh, Coramba, and Ulong, be approved subject to:

1. Police approval being sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

**T.21 - State Harley Owners Groups Thunder Run – Proposed Route**

That the State Harley Owners Group Thunder Run to be held on 20 October 2013 from Coffs Harbour Jetty to Raleigh and return to the Showground, be approved subject to:

1. Police approval being sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

Minutes

Local Traffic Committee Meeting

**Thursday 7 March 2013**

**VENUE: COFFS HARBOUR CITY COUNCIL  
Committee Room 1  
Council's Main Administration Building**

**TIME: 10.30am**

**PRESENT:**

Cr Nan Cowling, Coffs Harbour City Council  
David Vanderriend, Coffs Harbour Police  
Daniel Boorman, Roads & Maritime Services  
Darren Williams, Sawtell Coaches  
Peter Creenaune, Coffs Harbour Taxi Cab Network  
Robert Fletcher, Coffs Harbour City Council  
George Stulle, Coffs Harbour City Council  
David Brooks, Coffs Harbour City Council  
Anne Shearer, Coffs Harbour City Council

**APOLOGIES:**

Andrew Fraser MP, Member for Coffs Harbour

**Minute Taker**

Sally Miles

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Wednesday, 7 November 2012

## BUSINESS ARISING

### A. FORMAL ITEMS SECTION (Items for approval by Council under the delegation)

#### T.1 - Combine Street Coffs Harbour – Traffic Issues (R.504240 [3319036])

##### **Background:**

Combine Street Coffs Harbour, request to have dual right turning lanes from Combine Street onto the Pacific Highway south and just one straight ahead lane, to prevent traffic backing up as far as Azalea Avenue in peak hour times.

##### **Summary of report:**

Combine Street has two lanes on the western approach at the Pacific Highway. The left lane is only for straight ahead and the right lane for straight ahead or right turn, there is an additional short length of slip lane on the left for vehicles turning north bound onto the Pacific Highway.

An inspection of the intersection queuing was carried out in the morning and afternoon peak hours which showed that vehicles queued up to Hill Street during the red phase, during the green phase of approx 30 seconds all but four vehicles made it through the lights.

If both lanes were allowed to turn right this would not allow the right lane to go straight through and would have to be a right turn only, this would therefore have the possibility of increasing the queuing straight through traffic in the left lane.

##### **Recommendation to Committee:**

That RMS be requested to investigate the feasibility of dual right turn lanes from Combine Street onto the highway :

- with the left lane straight through and right turn
- and the right lane right turn only.

##### **RECOMMENDATION TO COUNCIL:**

**That Council undertake further traffic counts and RMS be requested to investigate the feasibility of dual right turn lanes from Combine Street, Coffs Harbour, onto the highway as follows:**

- with the left lane straight through and right turn, and
  - the right lane right turn only.
-



**T.2 - Arthur Street & Manning Avenue Intersection Coffs Harbour – Signage**

(R.503760, R. 504950[3319036])

**Background:**

Request for, “No Parking” sign to be installed in Manning Avenue back from the intersection with Arthur Street Coffs Harbour, to prevent cars from parking, as when buses go past they have to go over the double white lines.

**Summary of report:**

The double white lines (BB line) extend 30m along Manning Avenue from the intersection of Arthur Street; from kerb to centreline is 4.65m. On street parking standards indicate a minimum width of 2.1m for parallel parking which leaves a lane width of 2.55m for vehicles to travel on. Minimum lane widths are generally 3.0m. NSW road rules have a mandatory no stopping requirement 10m from an intersection.

**Recommendation to Committee:**

That the double white lines in Manning Avenue be reduced to 10m from Arthur Street intersection to allow legal vehicle movements.

**RECOMMENDATION TO COUNCIL:**

**That Council Rangers issue warning notices for vehicles parked illegally in Manning Avenue, Coffs Harbour.**

---

**T.3 - Gordon Street Coffs Harbour - Traffic Issues** (R.504620[3319036])

**Background:**

Request to reconfigure 3 parking spaces, in Gordon Street Coffs Harbour and the Roads and Maritime Services driveway be reduced to one lane to allow clearer and safer vision for vehicles entering Gordon Street from the Roads and Maritime Services exit.

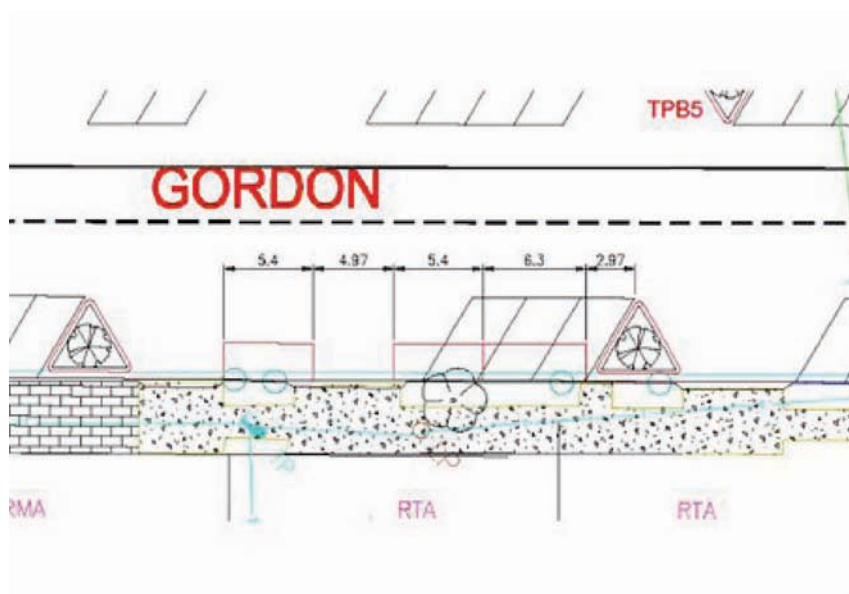
**Summary of report:**

Gordon Street has 60 degrees nose in parking, with three parking spaces between the exit driveway of the Roads and Maritime Services (RMS) office and a kerb of tree planter bed. The available parking distance in this section is 11.5m, Australian Standards for on street parking require a minimum of 11.7m for parallel parking where the end of a space is obstructed and the other end can be left directly with out obstruction.

Figure 1 below shows the current layout superimposed with the minimum layout required for parallel parking.

The RMS currently use the left side of their driveway to exit, with the right side previously used as a drive through section and now appears to be used as staff parking.

**T.3 - Gordon Street Coffs Harbour - Traffic Issues** (Cont'd)



**Recommendation to Committee:**

Subject to RMS narrowing their driveway by 2.5m (1.6m on the south and 0.9m on the north) and associated kerb and gutter reconstruction, that approval be given to modify the three 60 deg nose in parking spaces to parallel parking.

**T.3 - Gordon Street Coffs Harbour - Traffic Issues (Contd)**

**RECOMMENDATION TO COUNCIL:**

That approval be given to modify the three 60° nose-in parking spaces to parallel parking in Gordon Street, Coffs Harbour subject to RMS narrowing their driveway by 2.5m (1.6m on the south and 0.9m on the north) and associated kerb and gutter reconstruction, as per plan T.3-2013.

**T.4 - Various Traffic Hazards - Pacific/Coral Streets & Tasman Street, Corindi Beach [3245888]**

**Background:**

Various requests from a local community group as they are concerned for the safety of residents and motorists after near misses in the following areas:

1. Double white lines on Corner of Pacific and Coral Street, Corindi Beach to prevent cars cutting the corner.
2. Double white lines in Tasman Street, Corindi Beach at the sweeping corner to stop cars cutting the corner.

**Summary of report:**

The residential streets in Corindi Beach are all in the 50km/h speed zone. While the southern half of Tasman Street is unrestricted. RMS delineation guidelines required a minimum 150m sight distance in a 50km speed zone and 300m sight distance in an 100km zone.

**T.4 - Various Traffic Hazards - Pacific/Coral Streets & Tasman Street, Corindi Beach** (Cont'd]

1. The corner of Pacific and Coral Street currently has a sight distance of 170m. Traffic volumes are 1850 vehicles per day and an 85% speed of 50km/h. Kerb to kerb road width is 9.0m
2. Tasman Street is 500m long with a sweeping left hand bend 150m east of the Pacific Highway. The first 300m from the Highway are in a 100km speed zone and the remaining 200m are in a 50km residential speed zone.

Traffic volumes are 2360 vehicles per day and an 85% speed of 65km/h.

RMS have recently approved the extension of the 50km zone in Tasman Street Corindi Beach to 50m east of the Pacific Highway intersection to bring it in line with the existing residential area.

This will reduce the current traffic speed on the bend.

**Recommendation to Committee:**

1. That no action is taken to install barrier line marking on the corner of Pacific and Coral Street as it does not meet the warrants.
2. That as RMS has approved the extension of the 50km/h speed zone in Tasman Street that no action be taken to install double barrier lines on the bend.

**RECOMMENDATION TO COUNCIL:**

1. **That no action be taken to install barrier line marking on the corner of Pacific and Coral Streets, Corindi Beach, as it does not meet the warrants.**
2. **That no action be taken to install double barrier lines on the bend in Tasman Street, Corindi Beach, as RMS has approved the extension of the 50km/h speed zone in Tasman Street.**

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**T.5 - Bonville Station Road, Bonville, Christian Community School- School Crossing**  
(R.500700[3319440])

**Background:**

Proposed new Design and Technology Centre at the Christian Community School, Bonville, a new school crossing is proposed for Bonville Station Road. In accordance with Condition 8 of the DA.

**Summary of report:**

Coffs Harbour Christian Community College in Bonville Station Road, Bonville proposed a new children's crossing to connect their existing building with a new Design and Technology Centre located west of the campus on the other side of the road. However, the school proposed to use the crossing all day, so a children's crossing is not appropriate. The consultants acting on behalf of the College have proposed blisters and bollards to narrow the road at the crossing point, but with no traffic controls so that the onus is on the pedestrians to find a gap in the traffic. The traffic volumes are very small - at most 6 per hour during the lunch hour. To maintain adequate visibility for the crossing point, the College have requested a No stopping zone on both sides of the road;

**T.5 - Bonville Station Road, Bonville, Christian Community School- School Crossing**  
(Cont'd)

This is not a condition of the DA.

**Recommendation to Committee:**

Install 'No Stopping zone' on Bonville Station Road, Bonville adjacent the crossing point from the proposed Christian Community College Design and Technology Centre to the south side footpath leading to the existing building: on the north side 20m on the approach and 10m on the departure side of the crossing; on the south side 40m on the approach and 10m on the departure side of the crossing as per plan.

**RECOMMENDATION TO COUNCIL:**

**That approval be given to install 'No Stopping' zone on Bonville Station Road, Bonville, adjacent the crossing point from the proposed Christian Community College Design and Technology Centre to the south side footpath leading to the existing building: on the north side 20m on the approach and 10m on the departure side of the crossing; on the south side 40m on the approach and 10m on the departure side of the crossing subject to pedestrian facilities construction meeting Australian Standards, as per plan T.5-2013.**

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**T.6 - Toormina Library Minorie Drive Toormina – Parking Issues**  
(R.502140[3339440])

**Background:**

Request to have parking time limit signage placed at the Toormina Library parking area in Minorie Drive to discourage this unintended usage, as patrons have had difficulty getting parks at the front of the Library, due to people visiting the sports fields or the shopping centre.

**Summary of report:**

Request from Toormina Library, Minorie Drive, Toormina, for parking restrictions to be installed on the recessed area adjacent the library. Many of the library customers are elderly or disabled and need parking close to their destination. Spaces are often taken for long periods by people using the sports fields or the other buildings in the street. The library is next door to Centro Toormina and there is ample on street parking in the vicinity. They have requested a 1 hour parking limit. The library opening times are Monday to Friday 9:30am - 5pm and 9:30am - 12 noon on Saturday.

At present there is mostly unrestricted parking in Minorie Drive apart from a fifteen minute limit in front of Toormina Pre School next door to the library. There is one accessible parking space in the recessed parking area.

**Recommendation to Committee:**

Approval for 1 hour parking limit Monday to Friday 9:30am - 5pm and 9:30am – 12 noon on Saturday for recessed parking zone adjacent Toormina Library, Minorie Drive, Toormina.

**RECOMMENDATION TO COUNCIL:**

**That approval be given for '1 hour' parking limit Monday to Friday 9:30am - 5pm and 9:30am – 12 noon on Saturday for recessed parking zone (7 spaces) adjacent Toormina Library, Minorie Drive, Toormina, as per plan T.6-2013.**

**T.7 - Signage - 77 Beryl Street Coffs Harbour** (R.503870[3308690])

**Background:**

Request to have a 'No Parking / Stopping' sign installed at 77 Beryl Street, Coffs Harbour as people are parking in the area causing traffic hazards with buses and school drop offs.

**Summary of report:**

The grass verge adjacent 77 Beryl Street is within 10m of a modified intersection with Joyce Street - the traffic travelling west from Joyce Street has right of way. The resident and Rangers have observed vehicles parking legally close to the intersection. This causes a hazard for vehicles travelling from Joyce Street, particularly school buses also having to negotiate the concrete median at the intersection.

**Recommendation to Committee:**

Install 'No Stopping' zone for 15m adjacent 77 and 79 Beryl Street, Coffs Harbour.

**RECOMMENDATION TO COUNCIL:**

**That approval be given to install a 'No Stopping' zone adjacent 77 Beryl Street, Coffs Harbour, for 10 metres, as per plan T.7-2013.**

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**T.8 – Blackspot Funding Works - Harbour Drive and Orlando Street Coffs Harbour**  
(R.504030[2827558])

**Back ground:**

Applications for National Blackspot Funding works were submitted to RMS last year for Harbour Drive and Orlando Street Coffs Harbour.

**Summary of report:**

Each year council submits applications to RMS for funding road safety works at high accident locations under the National Black Spot Program.

RMS have asked council to submit plans and construction estimates for two locations nominated last year.

The two locations are:

1. Proposed protected right turn at the intersection of Orlando Street and Lawson Crescent, Coffs Harbour.
2. Proposed protected right turn at the intersection of Harbour Drive and Boambee Street, Coffs Harbour.

Subject to final RMS approval it is expected works will commence in July, some road widening and lane adjustments will be required as part of these works and as a result will require the installation of a No Stopping zone on Orlando Street opposite Lawson Crescent (western intersection) and a No Stopping zone and relocation of existing bus zone on Harbour Drive either side of Boambee Street intersection.

**T.8 – Blackspot Funding Works - Harbour Drive and Orlando Street Coffs Harbour**  
(Cont'd)

**Recommendation to Committee:**

That subject to RMS funding the 'No Stopping' zone on Orlando Street, Coffs Harbour, opposite Lawson Crescent (western intersection) and a No Stopping zone and relocation of existing bus zone on Harbour Drive either side of Boambee Street intersection be approved as per the construction plans.

**RECOMMENDATION TO COUNCIL:**

**That approval be given, subject to RMS funding, to the following:**

1. 'No Stopping' zone on Orlando Street, Coffs Harbour, opposite Lawson Crescent (western intersection), as per Plan T.8a - 2013.
2. 'No Stopping' zone and relocation of existing bus zone on Harbour Drive, Coffs Harbour, either side of Boambee Street intersection, as per plan T.8b - 2013.

**T.9 - Temporary restricted parking, bus and taxi zones for major events at the BCU International Stadium, Stadium Drive, Coffs Harbour** [3340989]

**Background:**

The Coffs Harbour City Council (CHCC) Sports Unit has a traffic management plan in place for all major events. They have strategically placed alternative transport zones on Stadium Drive for ease of access and to encourage patrons to use these instead of private vehicles. There is ample parking for private vehicles in the stadium grounds. Stadium Drive is a busy minor arterial road (speed limit 60kph) so the block adjacent the stadium needs to be clear to allow vehicle and pedestrian sight lines with the high level of traffic movements.

**Summary of report:**

The CHCC Sports Unit has requested the installation of temporary parking restrictions, bus and taxi zones to be installed for events for up to 10 000 people at the BCU International Stadium , Stadium Drive, Coffs Harbour.

The zones will be as follows:

- 'Bus Zone' from the Western corner of Phil Hawthorne Drive for 88 metres (4 bus lengths)
- 'Taxi Zone' west of the bus zone for 20 metres (4 taxis)
- 'No Parking' west of the taxi zone to existing permanent no parking zone at the stadium entrance intersection.
- 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection.

The Traffic Management Plan and Traffic Control Plan to be modified to reflect these changes.

**Recommendation to Committee:**

Approval for the installation of temporary parking restrictions, bus and taxi zones to be installed for events for up to 10 000 people at the BCU International Stadium , Stadium Drive, Coffs Harbour.

The zones will be as follows:

- 'Bus Zone' from the Western corner of Phil Hawthorne drive for 88 metres (4 bus lengths)

Attachment 1

**T.9 - Temporary restricted parking, bus and taxi zones for major events at the BCU International Stadium, Stadium Drive, Coffs Harbour [3340989]**

- 'Taxi Zone' west of the bus zone for 20 metres (4 taxis)
- 'No Parking' west of the taxi zone to existing permanent no parking zone at the stadium entrance intersection.
- 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection.

**RECOMMENDATION TO COUNCIL:**

That approval be given for the installation of temporary parking restrictions, and bus and taxi zones for events for up to 10 000 people at the BCU International Stadium , Stadium Drive, Coffs Harbour, with the zones to be as follows:

- 'Bus Zone' from the western corner of Phil Hawthorne Drive for 88 metres (4 bus lengths).
  - 'Taxi Zone' west of the bus zone for 20 metres (4 taxis).
  - 'No Parking' west of the taxi zone to existing permanent 'no parking' zone at the stadium entrance intersection.
  - 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection, as per plan T9.-2013.
  - Approval is subject to transport zones complying with Australian Standards.
- 

**T.10 - NAB Coffs Coast Cycle Challenge - 4 August 2013 [3336441]**

**Background:**

Consideration to a request from the Coffs City Rotary for temporary road closure of Jordan Esplanade between Marina Drive and Camperdown Street between 7.00am and 12.00pm and Orlando Street Coffs Harbour (southbound traffic only) between the hours of 7.55am to 8.15am and 8.40am to 8.45am on Sunday 4 August 2013 for the purpose of holding the 2013 NAB Coffs Coast Cycle Challenge.

**Recommendation to Committee:**

1. The temporary road closure of Jordan Esplanade and Orlando Street, Coffs Harbour, on Sunday, 4 August 2013, for the purpose of conducting the Coffs Coast Cycle Challenge, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Cycle Challenge liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

**T.10 - NAB Coffs Coast Cycle Challenge - 4 August 2013** (Cont'd)]

**RECOMMENDATION TO COUNCIL:**

1. That the following temporary road closures for the NAB Coffs Coast Cycle Challenge on Sunday, 4 August 2013 for the purpose of conducting the Coffs Coast Cycle Challenge be advertised and providing no substantive objections are received, the closures be approved:
  - Jordan Esplanade between Marina Drive and Camperdown Street between 7.00am and 12.00pm.
  - Orlando Street Coffs Harbour (southbound traffic only) between the hours of 7.55am to 8.15am and 8.40am to 8.45am.
2. The organisers of the Cycle Challenge liaise with affected traders and obtain traders approval.
3. The organisers submit a revised traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers allow access via Camperdown Street entrance for Coffs Harbour High School to use Jetty Foreshore area for a school reunion.

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**T.11 - Coffs Harbour Cycle Club- Winter Road Club Events 2013** [3329024]

**Background:**

Coffs Harbour Cycle Club request to hold the annual Winter Road Events from March to October 2013.

- That the Club Road Events are to be conducted on Saturday afternoons between 1.30pm and 4.00pm starting in March running until October. They will be run between Archville Station Road roundabout and the Mailman's Track roundabout which is in Bellingen Shire, the club has received approval from Bellingen Shire Council.
- Proposal to trial Club Road Events on Sunday mornings between 7.30am and 10.00am starting in March running until October. They will be run between Archville Station Road roundabout and the Mailman's Track roundabout which is in Bellingen Shire, the club has received approval from Bellingen Shire Council.
- Proposal for Club Road Event to conduct a monthly Club Event on the Orara Way between Nana Glen and Glenreagh on Saturday afternoons between 1.30pm and 4.00pm. Turn around points will be within the 50kph sections of the two townships.

**Summary of report:**

Coffs Harbour Cycle Club has been given approval to use this section of Pine Creek Way for the last few years for their cycling events without any incidents. In addition the club is seeking approval to conduct events on Orara Way between Nana Glen and Glenreagh on Saturday afternoons.



**T.11 - Coffs Harbour Cycle Club- Winter Road Club Events 2013** [Cont'd]

**Recommendation to Committee:**

1. Use of Pine Creek Way on Saturday afternoons from 1:30pm to 4:00pm and Sunday mornings between 7.30am and 10.00am starting in March and running until October between Archville Station Road roundabout and the Mailman's Track roundabout and on Orara Way between Nana Glen and Glenreagh on Saturday afternoons between 1.30pm and 4.00pm. be approved subject to the following:
2. Police approval be sought.
3. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
4. Riders to comply strictly with Australian Road Rules.
5. The submitted Traffic Control Plan (TCP) be approved by Council and the Cycle Club be responsible for the warning signage as per the TCP.

**RECOMMENDATION TO COUNCIL:**

**That approval be given for the following:**

1. **Use of Pine Creek Way on Saturday afternoons from 1:30pm to 4:00pm and Sunday mornings between 7.30am and 10.00am starting in March and running until October between Archville Station Road roundabout and the Mailman's Track roundabout.**
2. **Use of Orara Way between Nana Glen and Glenreagh on Saturday afternoons between 1.30pm and 4.00pm be trialled for three months and subject to no complaints, the event can carry on until October as originally requested.**
3. **Police approval be sought.**
4. **No obstruction to be caused to the movement of pedestrian or vehicular traffic.**
5. **Riders to comply strictly with Australian Road Rules.**
6. **The submitted Traffic Control Plan (TCP) be approved by Council and the Cycle Club be responsible for the warning signage as per the TCP.**

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**T.12 - Beach Street / Queen Street, Woolgoolga - Temporary Road Closure - Woolgoolga Curry Festival** (R.508400 / 1618[3338788])

**Background:**

Consideration to a request from Woolgoolga Chamber of Commerce for the temporary road closure of Beach Street, Woolgoolga, between Queen Street and Nightingale Street and Queen Street between Market Street and Beach Street on Saturday, 13 April 2013, between the hours of 6.00am to 10.00pm and possibility of utilising some of the car parks overnight for the placement of a couple of generators and portable toilets for the purpose of holding the Woolgoolga Curry Festival.

**Recommendation to Committee:**

That:

1. The temporary road closure of Beach Street, Woolgoolga, between Wharf Street and Carrington Street and Queen Street between Beach Street and Younger Lane from 6.00am to 10.00pm on Saturday, 13 April 2013, for the purpose of conducting the Woolgoolga Curry Festival, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Curry Festival liaise with affected traders and obtain traders approval.

Attachment 1

**T.12 - Beach Street / Queen Street, Woolgoolga - Temporary Road Closure - Woolgoolga Curry Festival** (Cont'd)

3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers. Traffic Control Plan to include a sign posted detour route around the road closure.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
5. The organisers submit a detour plan for traffic to bypass the closure.

**RECOMMENDATION TO COUNCIL:**

**That the following be approved:**

1. **The temporary road closure of Beach Street, Woolgoolga, between Wharf Street and Carrington Street and Queen Street between Beach Street and Younger Lane from 6.00am to 10.00pm on Saturday, 13 April 2013, for the purpose of conducting the Woolgoolga Curry Festival, be advertised and providing no substantive objections are received, the closure be approved.**
2. **The organisers of the Curry Festival liaise with affected traders and obtain traders approval.**
3. **The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers. Traffic Control Plan to include a sign posted detour route around the road closure.**
4. **The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.**
5. **The organisers submit a detour plan for traffic to bypass the closure.**

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**T.13 - Fiddaman Road, Emerald Beach - Temporary Road Closure - Emerald Beach Community Fair** (R.507240 / P/N 2032700[3338788])

**Background:**

Consideration to a request from Coffs Coast Marketing for the temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, on Sunday 26 May 2013, between the hours of 6.00am and 4.00pm for the purpose of holding the Emerald Beach Community Fair.

**Recommendation to Committee:**

1. The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 26 May 2013, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.
2. The organisers of the Community Fair liaise with affected traders and obtain traders approval.

Attachment 1

**T.13 - Fiddaman Road, Emerald Beach - Temporary Road Closure - Emerald Beach Community Fair** (Cont'd)]

3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

**RECOMMENDATION TO COUNCIL:**

**Approval for the following:**

1. **The temporary road closure of Fiddaman Road, Emerald Beach, adjacent the Reserve to the start of Ocean View Crescent, from 6.00am to 4.00pm on Sunday 26 May 2013, for the purpose of conducting the Emerald Beach Community Fair, be advertised and providing no substantive objections are received, the closure be approved.**
2. **The organisers of the Community Fair liaise with affected traders and obtain traders approval.**
3. **The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.**
4. **The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.**

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**T.14 - Beach Street, Woolgoolga - Temporary Road Closure - Anzac Day**  
(R.500270 / 1618 [3327345])

**Background:**

Consideration to a request from the Returned Services League for the temporary road closure of Beach Street, Woolgoolga, on Thursday, 25 April 2013, between the hours of 10.40am and 11.15am, for the purpose of holding the Anzac Day march in Woolgoolga.

**Recommendation to Committee:**

That:

1. The following temporary road closure of Beach Street, Woolgoolga, between Queen Street to Short Street Woolgoolga, associated with the Woolgoolga Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.40am and 11.15am be advertised and providing no substantive objections are received, the temporary closures be approved.
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

**T.14 - Beach Street, Woolgoolga - Temporary Road Closure - Anzac Day** (Cont'd)

**RECOMMENDATION TO COUNCIL:**

Approval for the following:

1. The following temporary road closure of Beach Street, Woolgoolga, between Queen Street to Short Street Woolgoolga, associated with the Woolgoolga Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.40am and 11.15am be advertised and providing no substantive objections are received, the temporary closures be approved.
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

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**T.15 - First/Second/Fourth Avenues, Sawtell - Temporary Road Closure - Anzac Day (501520 / 501480 / 501550 / 1618 [3329589])**

**Background:**

Consideration to a request from the Returned Services League for the temporary road closure of the following streets on Thursday, 25 April 2013, between the hours of 10.30am and 11.45am, for the purpose of holding the Anzac Day march in Sawtell.

- First Avenue (Second Avenue to Boronia Street)
- Second Avenue (First Avenue to Fourth Avenue)
- Fourth Avenue (Second Avenue to East Street)

**Recommendation to Committee:**

That:

1. The following temporary road closures associated with the Sawtell Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.30am and 11:45am be advertised and providing no substantive objections are received, the temporary closures be approved.
  - First Avenue (Second Avenue to Boronia Street)
  - Second Avenue (First Avenue to Fourth Avenue)
  - Fourth Avenue (Second Avenue to East Street).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. A temporary bus zone be signposted in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.

**T.15 - First/Second/Fourth Avenues, Sawtell - Temporary Road Closure - Anzac Day (501520 / 501480 / 501550 / 1618 [3329589])**

**RECOMMENDATION TO COUNCIL:**

Approval for the following:

1. The following temporary road closures associated with the Sawtell Anzac March to be held on Thursday, 25 April 2013, between the hours of 10.30am and 11:45am be advertised, and providing no substantive objections are received, the temporary closures be approved.
  - First Avenue (Second Avenue to Boronia Street)
  - Second Avenue (First Avenue to Fourth Avenue)
  - Fourth Avenue (Second Avenue to East Street).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. A temporary bus zone be signposted in First Avenue north of Second Avenue as an alternative to the Ex-Services Club bus zone.

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**T.16 - Park Avenue / Gordon Street / Vernon Street, Coffs Harbour - Temporary Road Closure - Anzac Day (R.505670 / R.504620 / R.504180 / 1618 [3338836])**

**Background:**

Consideration to a request from Returned Services League for the temporary road closure of the following streets on Thursday, 25 April 2013, between the hours of 9.00am and 10.30am, for the purpose of holding the Anzac Day march in Coffs Harbour.

- Park Avenue (Earl Street to Gordon Street)
- Gordon Street (Park Avenue to Vernon Street)
- Vernon Street (Gordon Street to Pacific Highway)

**Recommendation to Committee:**

That:

1. The following temporary road closures associated with the Coffs Harbour Anzac March to be held on Thursday, 25 April 2013, between the hours of 8.30am and 10.30am be advertised and providing no substantive objections are received, the temporary closures be approved.
  - ◆ Park Avenue (Earl Street to Gordon Street)
  - ◆ Gordon Street (Park Avenue to Vernon Street)
  - ◆ Vernon Street (Gordon Street to Pacific Highway).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

**T.16 - Park Avenue / Gordon Street / Vernon Street, Coffs Harbour - Temporary Road Closure - Anzac Day (Cont'd)**

**RECOMMENDATION TO COUNCIL:**

Approval for the following:

1. The following temporary road closures associated with the Coffs Harbour Anzac March to be held on Thursday, 25 April 2013, between the hours of 8.30am and 10.30am be advertised and providing no substantive objections are received, the temporary closures be approved.
  - ♦ Park Avenue (Earl Street to Gordon Street)
  - ♦ Gordon Street (Park Avenue to Vernon Street)
  - ♦ Vernon Street (Gordon Street to Pacific Highway).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.

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**T.17 - Beach Street / Fawcett Street, Woolgoolga - Temporary Road Closure 9 June 2013 - Woolgoolga Heritage Walk and 125<sup>th</sup> Birthday Celebration Parade [3336436]**

**Background:**

Consideration for a request from the Rotary Club of Woolgoolga for temporary road closures for the purpose of holding the opening of the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade on Sunday 9 June 2013 of:

- Fawcett Street (from Beach Street to Trafalgar Street) between the hours of 1.00pm and 1:30pm for the formation of the parade, and
- Beach Street (from Fawcett Street to Carrington Street West) between the hours of 1:30pm and 2:30pm; and
- Beach Street (from Queen Street East to Carrington Street West) between the hours of 1:30pm and 4:30pm for the parade vehicles and celebration activities.

**Recommendation to Committee:**

1. The temporary road closures of Fawcett and Beach Street, Woolgoolga, on Sunday 9 June 2013 as follows:
  - Fawcett Street (from Beach Street to Trafalgar Street) between the hours of 1.00pm and 1:30pm
  - Beach Street (from Fawcett Street to Carrington Street West) between the hours of 1:30pm and 2:30pm
  - Beach Street (from Queen Street East to Carrington Street West) between the hours of 1:30pm and 4:30pm.for the purpose of forming and conducting the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade, be advertised, and providing no substantive objections are received, the closure be approved.
2. The organisers of the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up.

**T.17 - Beach Street / Fawcett Street, Woolgoolga - Temporary Road Closure 9 June 2013 - Woolgoolga Heritage Walk and 125<sup>th</sup> Birthday Celebration Parade (Cont'd)**

**RECOMMENDATION TO COUNCIL:**

1. The temporary road closures of Fawcett and Beach Street, Woolgoolga, on Sunday 9 June 2013 as follows:
  - Fawcett Street (from Beach Street to Trafalgar Street) between the hours of 1.00pm and 1:30pm
  - Beach Street (from Fawcett Street to Carrington Street West) between the hours of 1:30pm and 2:30pm
  - Beach Street (from Queen Street East to Carrington Street West) between the hours of 1:30pm and 4:30pmfor the purpose of forming and conducting the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade, be advertised, and providing no substantive objections are received, the closure be approved.
2. The organisers of the Woolgoolga Heritage Walk and the 125th Birthday Celebration Parade liaise with affected traders and obtain traders approval.
3. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure and clean up.

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**T.18 – Arthur Street, Coffs Harbour - Entrance to Park Beach Plaza - 'Give Way' signage** (R.503760 [3272535])

RMS have requested safety inspections for Arthur Street Coffs Harbour between Pacific Highway - to entrance to the shopping centre to install 'Give Way' signage, junction line marking, signposting and regulatory line mark junction with reserve.

**Committee advice:**

No action for the installation of the 'Give Way' signage.  
Refuge to be listed for PAMPS.

**RECOMMENDATION TO COUNCIL:**

**That :**

1. No action be taken for the installation of 'Give Way' signage for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to Park Beach Plaza shopping centre.
2. A refuge for Arthur Street, Coffs Harbour, between Pacific Highway and entrance to the Plaza shopping centre, be listed for consideration in PAMPS.

**T.19 - Application for Class 2 B-Double (25-26m) Routes - Industrial, Engineering and Forge Drives, Isles Industrial Park [3301228]**

**Summary of report:**

Council has received an application from De Groot and Benson, Consulting Engineers & Planners to have Industrial Drive, Engineering Drive and Forge Drive as B-Double access to bring them into line intersecting Isles Drive and nearby Elswick Place which are 25/26 B-Double routes. All streets requested are in 4A industrial zone and would have direct B-25/26 B-Double route access to the Pacific Highway.

**Committee advice:**

Application approved.

**RECOMMENDATION TO COUNCIL:**

**That B-Double access be approved for Industrial Drive, Engineering Drive and Forge Drive, North Boambee Valley.**

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**T.20 - Request for the Jodi Lee Foundation to run Cycle Challenge in March 2013. [3339085]**

A team of 20 cyclists to ride 909km, over seven days, from Coffs Harbour to Bondi along the following route:

Day 1 - Coffs-Nana Glen-Glenreagh-Nana Glen-Coramba-Ulong Mountain-Coramba-Coffs 114.76km  
Day 2 - Sawtell to Armidale 188.90km  
Day 3 - Armidale to Walcha 72.58km  
Day 4 - Walcha to Port Macquarie 191.20km  
Day 5 - Port Macquarie to Forster 147.76km  
Day 6 - Forster to Karuah 132.50km  
Day 7 - Karuah to Newcastle East (finishing with a ceremonial ride into Bondi) 60.94km

This is a linear course and no road blockages are required. We will have several support people and cars to assist the riders where required. We are also completing the necessary forms through Cycling Australia and the New South Wales Police Service.

**Committee advice:**

1. Police approval be sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

**RECOMMENDATION TO COUNCIL:**

**That the Jodie Lee Foundation Cycle Challenge to be held in March 2013 on roads through Coffs Harbour, Nana Glen, Glenreagh, Coramba, and Ulong, be approved subject to:**

1. Police approval being sought.
  2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
  3. Riders to comply strictly with Australian Road Rules.
-



**T.21 - State Harley Owners Groups Thunder Run – Proposed Route**

Harley Owners Group (HOG) are proposing to hold a rally on the 18, 19 & 20 October 2013, they are expecting to have approximately 300 participants, a casual ride is proposed on Sunday 20th October commencing at the Jetty down to Raleigh and back via Harbour Drive, Hogbin Drive, Sawtell Road, Lyons Road, Pine Creek Way to Bellingen turnoff then back to Coffs Harbour via Pacific Highway, Lindsays Road, Sawtell Road, Hogbin Drive, Orlando Street and Pacific Highway to the showground. No road closures are proposed and marshals will be at each major intersection directing motor cyclists.

**Committee advice:**

1. Police approval be sought.
2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
3. Riders to comply strictly with Australian Road Rules.

**RECOMMENDATION TO COUNCIL:**

**That the State Harley Owners Group Thunder Run to be held on 20 October 2013 from Coffs Harbour Jetty to Raleigh and return to the Showground, be approved subject to:**

1. Police approval being sought.
  2. No obstruction to be caused to the movement of pedestrian or vehicular traffic.
  3. Riders to comply strictly with Australian Road Rules.
-

**B. INFORMAL ITEMS SECTION (Traffic Engineering Advice)**

**B1**

Signage request for left lane of Pacific Highway northbound at the Bray Street lights as drivers are getting verbally abused by other drivers wanting to turn left on green left arrow while they are waiting to go straight ahead but lights are red. [3325508].

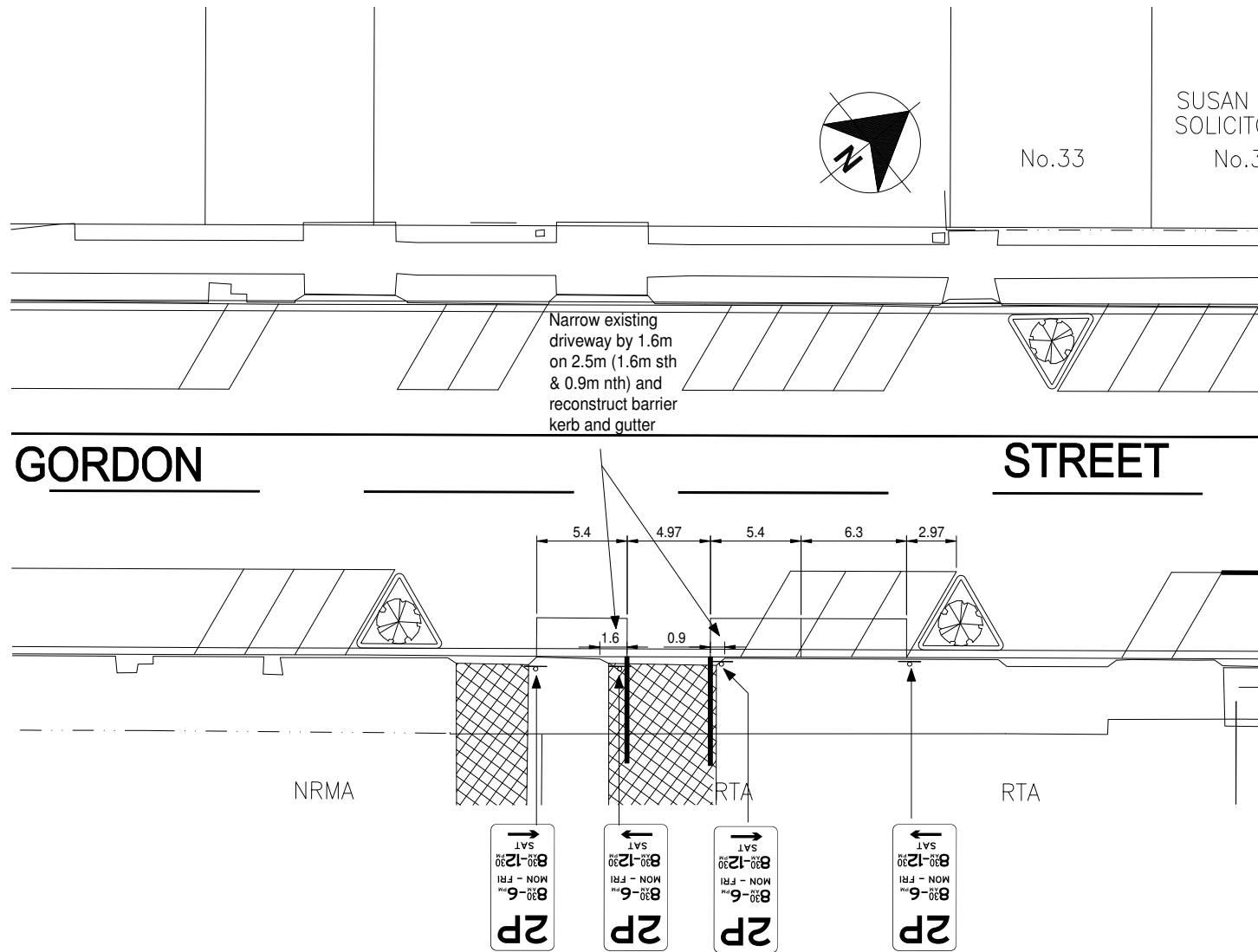
**Committee advice:**  
**No action to be taken.**

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**NEXT MEETING:**

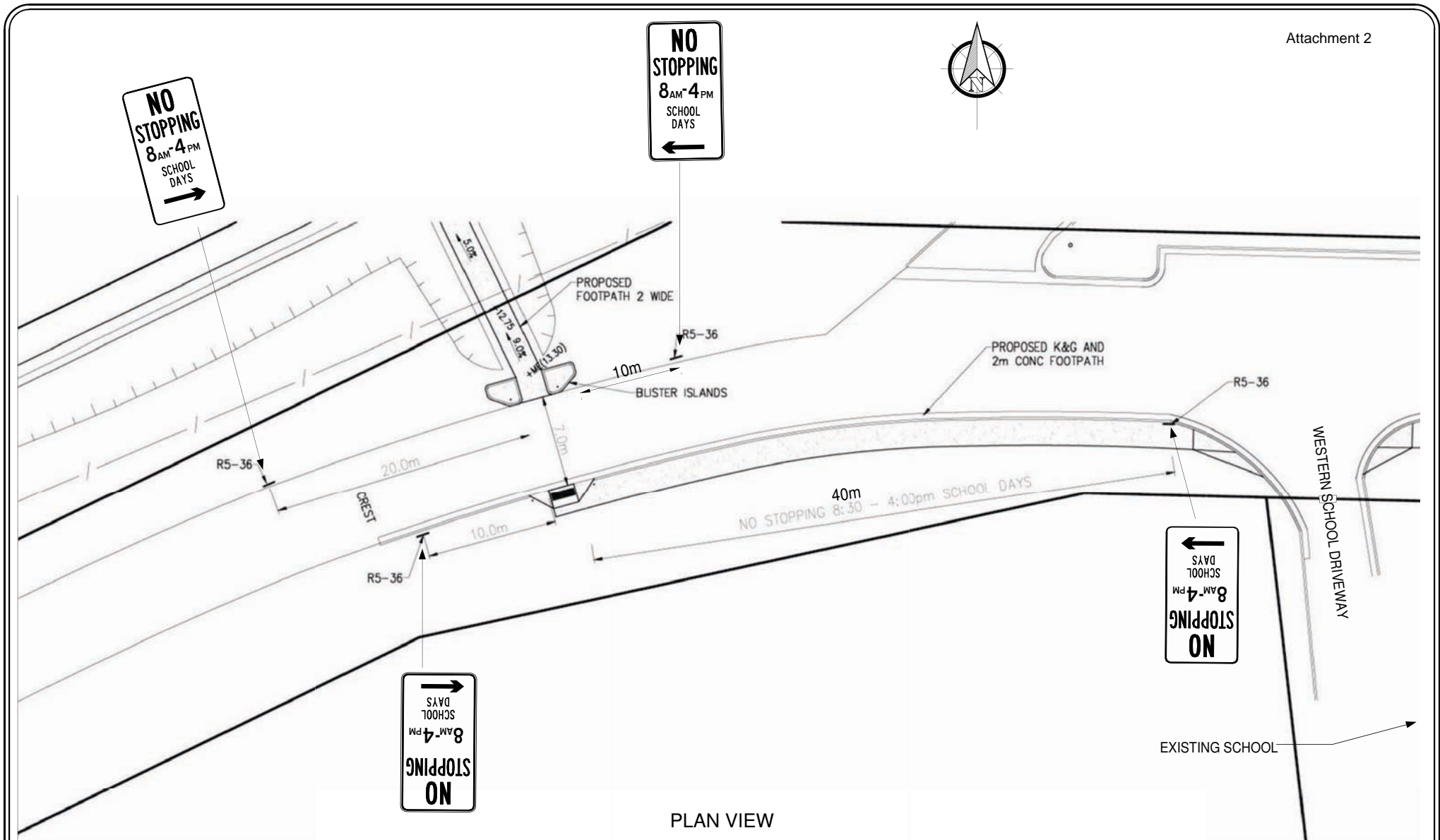
The next meeting of the Local Traffic Committee will be held on TBC May 2013 commencing at 10.30am.

Meeting terminated at 12.10pm.



**NOTES:**  
 That approval be given to modify the three 60° nose-in parking spaces to parallel parking in Gordon Street, Coffs Harbour, at RMS expense, subject to RMS narrowing their driveway by 2.5m (1.6m on the south and 0.9m on the north) and associated kerb and gutter reconstruction

**TRAFFIC INSTRUMENT**  
 T.3-2013  
 GORDON STREET  
 COFFS HARBOUR



PLAN VIEW

NOTES:

That approval be given to install 'No Stopping zone' on Bonville Station Road, Bonville adjacent to the crossing point from the proposed Christian Community College Design & Tech. Centre to the south side footpath leading to the existing building: on the north 20m on the approach & 10m on the departure side of crossing; on the south 40m in the approach & 10m on the departure side of the crossing.

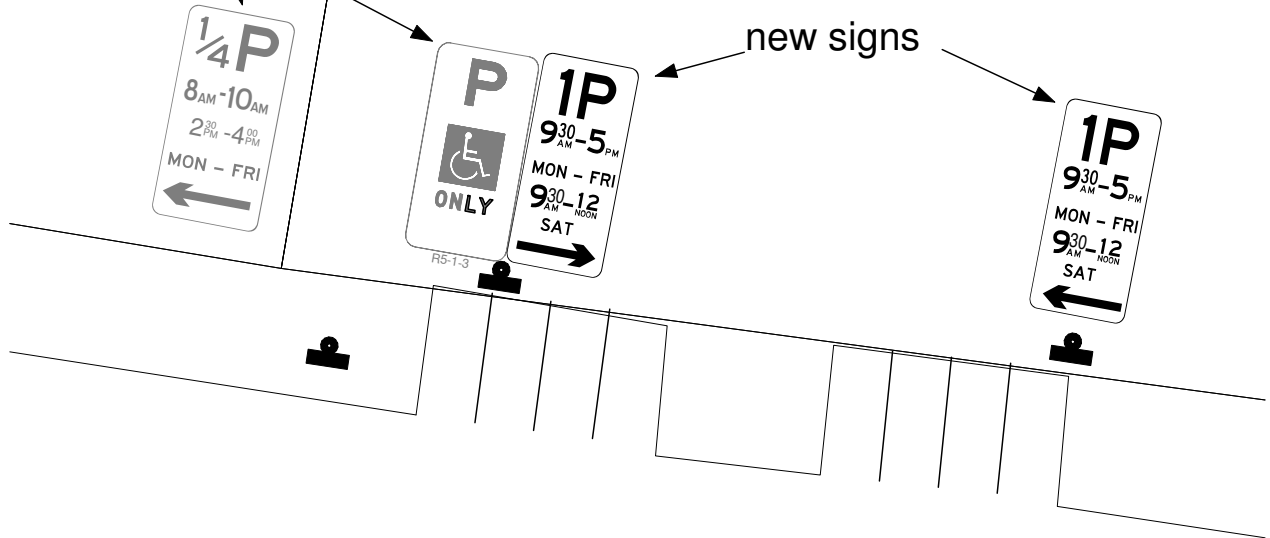
TRAFFIC INSTRUMENT

T.5-2013  
 BONVILLE STATION ROAD  
 BONVILLE

# TOORMINA LIBRARY

existing signs

new signs



# MINORIE DRIVE

## PLAN VIEW

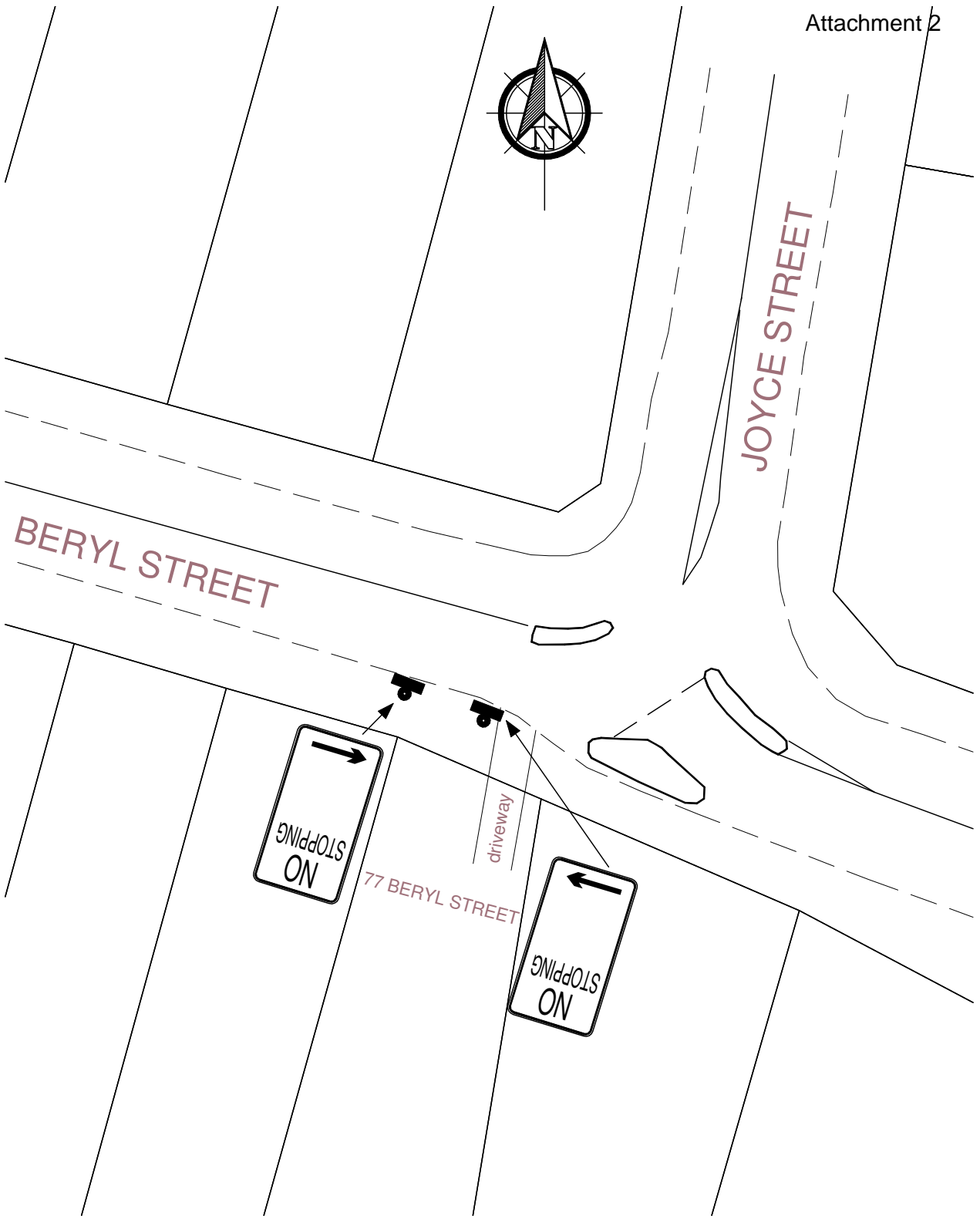
**NOTES:**

That approval be given for 1 hour parking limit Monday to Friday 9:30am-5pm and 9.30 to 12 noon on Saturday for recessed parking zone adjacent to Toormina Library, Minorie Drive, Toormina

**1 hr parking**

T.6-2013  
 Minorie Drive  
 Toormina

Attachment 2



PLAN VIEW

**NOTES:**

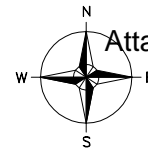
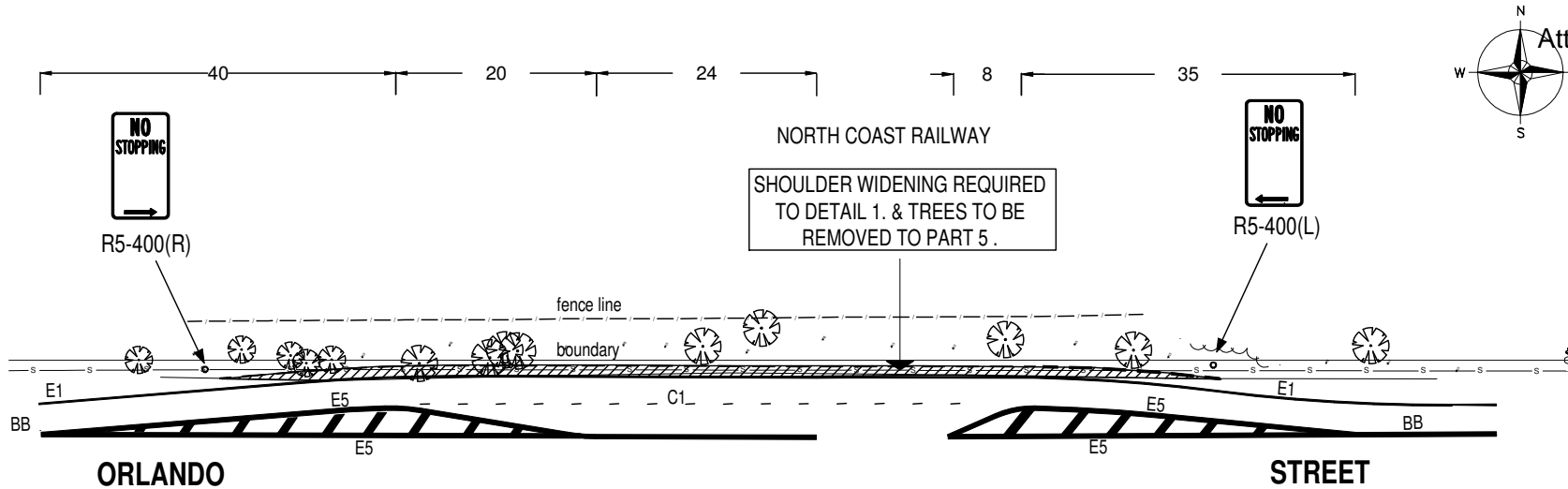
That approval be given to install a 'No Stopping' zone adjacent 77 Beryl Street, Coffs Harbour, for 10 metres, as per plan

**No Stopping**

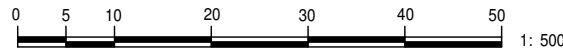
T.7-2013

77 Beryl Street

Coffs Harbour



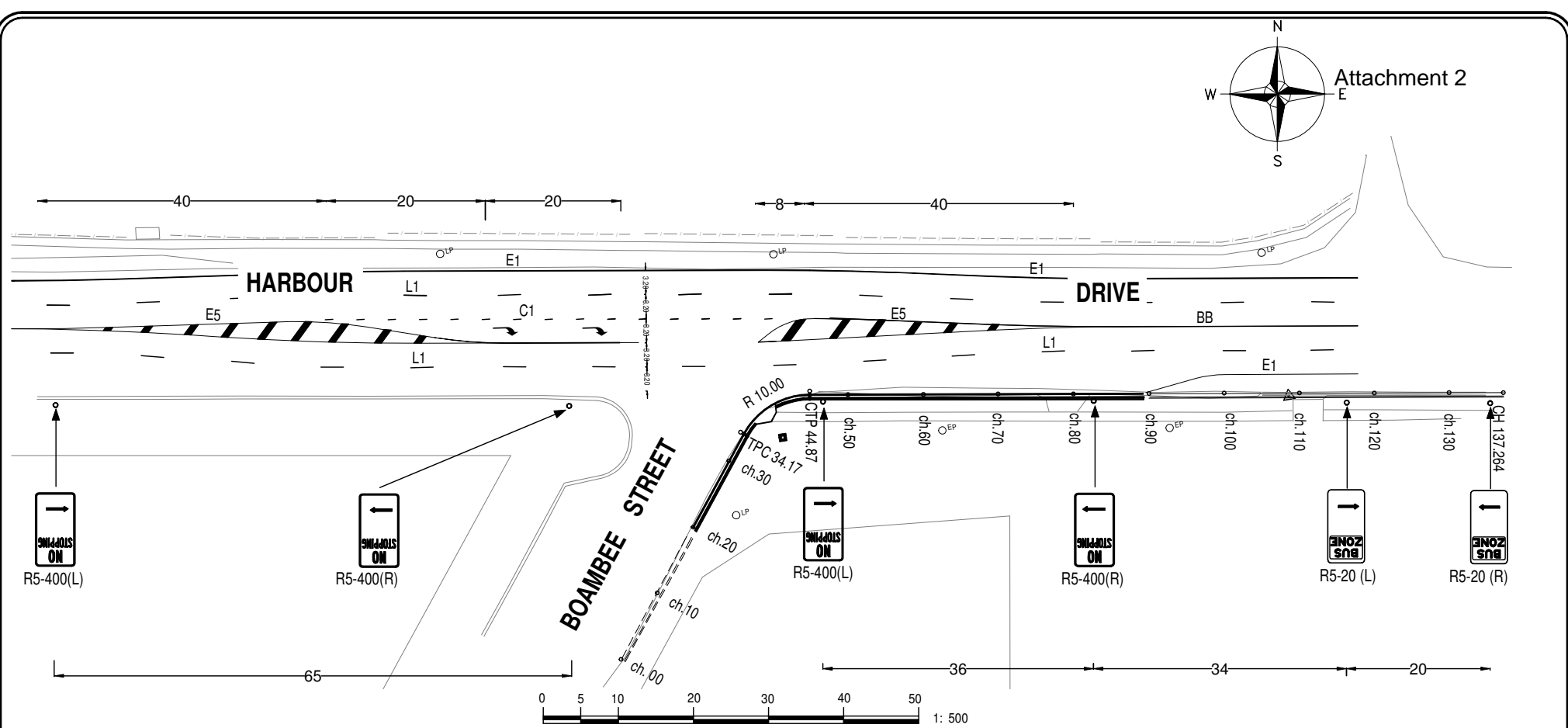
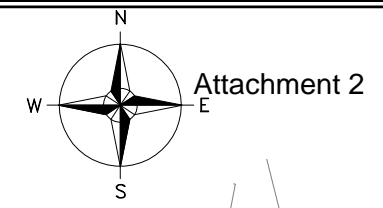
**PLAN**  
**RIGHT TURN FROM ORLANDO STREET**  
**TO LAWSON CRESCENT**



PLAN VIEW

NOTES:  
 That Approval be given to subject to RMS funding the 'No Stopping' zone on Orlando St, Coffs Harbour, opposite Lawson Cr (Western Intersection).

**TRAFFIC INSTRUMENT**  
 T.8a -2013  
 Orlando St & Lawson Cr  
 COFFS HARBOUR



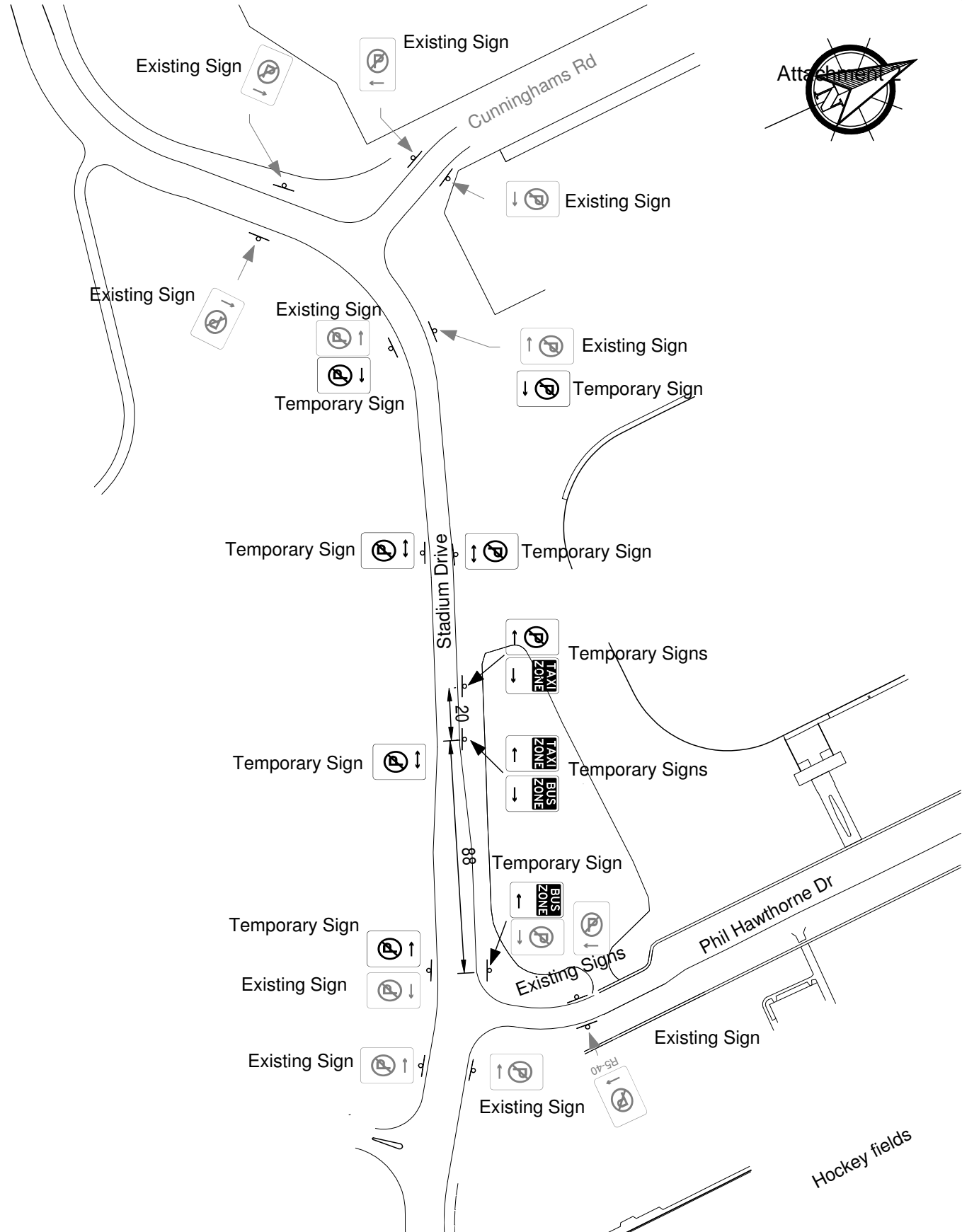
**PLAN**  
**RIGHT TURN FROM HARBOUR DRIVE**  
**TO BOAMBEE STREET**

PLAN VIEW

NOTES:  
 That Approval be given to subject to RMS funding the 'No Stopping' zone and relocation of existing bus zone on harbour Drive either side of Boambee St intersection be approved.

**TRAFFIC INSTRUMENT**  
 T.8b -2013  
 Harbour Dr & Boambee St  
 COFFS HARBOUR





**NOTES:**

- temporary parking restrictions, and bus and taxi zones for events for up to 10,000 people
- 'Bus Zone' from the western corner of Phil Hawthorne Drive for 88 metres (4 bus lengths).
- 'Taxi Zone' west of the bus zone for 20 metres (4 taxis).
- 'No Parking' west of the taxi zone to existing permanent 'no parking' zone at the stadium entrance intersection.
- 'No Parking' on the southern side of Stadium Drive from the crematorium entrance intersection to the curve opposite the stadium entrance intersection.

**TRAFFIC INSTRUMENT**

T9-2013

Temp No Parking, Bus & Taxi Zone  
Stadium Drive - Coffs Harbour

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## SUPPLY OF ELECTRICITY FOR LARGE CONTESTABLE SITES AND STREET LIGHTING

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**Purpose:**

To seek approval from Council to undertake a Reverse Auction process, for the Supply of Electricity for our large Contestable sites and Street Lighting, with Regional Procurement Initiative and in association with their business partner Energy Action.

**Description of Item:**

Coffs Harbour City Council is a member of Regional Procurement Initiative which provides tenders for goods and services on behalf of its MIDROC members. Regional Procurement in co-ordination with Energy Action was responsible for organising our current contract with TRU Energy for the supply of electricity for our Contestable sites (>160MWh per annum) and Street Lighting, which expire on the 30 June 2014.

It is once again proposed to test the market by way of a Reverse Auction with a view to obtaining the most economical outcome. Based on the pre-set opening market benchmark price, the previous Reverse Auction undertaken in June 2010 achieved a final price offer reduction of 21% for our contestable metered sites and 29% for the unmetered Street Lighting.

Whilst the current contract with TRU Energy for the supply of electricity does not expire until 30 June 2014, undertaking a Reverse Auction this financial year will enable Council to take advantage of the current non-volatile market. Factors which tend to increase market prices include weather patterns, drought, reduced generation, and instances where there are significant levels of business simultaneously seeking renewal of energy contracts.

Pre-purchasing energy more than fourteen (14) months in advance of the present contract expiry date will also allow Council to lock in fixed pricing until the 31 December 2015 and potentially beyond this date.

- **Reverse Auction Tender Process**

In a Reverse Auction, the role of buyer and seller is reversed, with the buyer driving the auction, as opposed to the seller. Typically a buyer contracts with a market intermediary and in this case Energy Action to conduct all the necessary preparations in conveying the Reverse Auction. The process includes identifying suppliers, organising the auction, managing the auction event and providing auction data to buyers to facilitate decision making.

Energy Action on behalf of Council issues a request for proposal (RFP) to purchase a supply of electricity. At the designated date and time several suppliers will log on to the auction site and input their offer quotes over a ten (10) minute period. The Reverse Auction process via the internet and in real time, results in dynamic bidding and this assists in driving price quotations down as opposed to the traditional tender process.

- **Tender Methodology**

The tender will be based on several criteria as follows:

Criteria	Weighting
----------	-----------

	%
Total Price offered	85
Quality Assurance- Conform/Not Conform Retailer conforms to the Electricity Retail Suppliers License Conditions	5
Customer Service Number of obligations breached according to the Energy distribution and retail licenses Compliance Report 2011	5
ESD - Conform/Not Conform (Annual Greenhouse Gas Benchmark Statement)	5
<b>Total</b>	<b>100</b>

**Sustainability Assessment:**

- **Environment**

In 2001, Council made a commitment to reduce its greenhouse emissions, and as a consequence a Greenhouse Action Strategy was adopted in 2002. The strategy established key targets including the following:

1. All operations using at least 50% Green power purchase by June 2009.
2. All electricity purchased as Green power by 2010.

To assist Council in determining what percentage component of Green Energy (if any) to purchase, Energy Action on behalf of Wollongong University recently achieved a tender pricing of 4.4cKWh for 20% of Green Energy. Based on the above pricing of 4.4cKWh and multiplied by Council's annualised 2012 electricity consumption of 15,332,542KWh for both contestable metered and unmetered sites, the following costs for the purchase of Green Energy would be added to our yearly billing for the supply of electricity:

- 10% Green Energy - \$67,463.00
- 15% Green Energy - \$101,194.00
- 20% Green Energy - \$134,926.00

In 2005 the NSW State Government requested all NSW Local Government Councils to identify their top ten energy consuming sites with instructions to commence the introduction of strategic energy efficient programs. Coffs Harbour City Council has been vigilant in this area, and has undertaken the following energy cost saving projects:

1. Retrofit all Street Lighting with energy efficient globes (commenced 2002 and now due for a review)
2. Solar power to Rigby House
3. Addressed energy efficient lighting and usage at Coffs Harbour Airport
4. The introduction of variable speed drives to 26 identified Sewerage Pumping Stations.
5. The introduction of energy efficient light fittings to both the Administration and Rigby House Buildings

The current contract for supply of electricity for our metered contestable and unmetered street lighting does not include a component of Green Energy. If Council is to approve the Reverse Auction process, then it is to be noted that it will not include any pricing requests for Green Energy, as Regional Procurement in partnership with Energy Action will need to run a separate tender just for Green Energy.

- **Social**

The Reverse Auction process is only for the supply of the electricity component and there will be no real social impact.

- **Civic Leadership**

Council has demonstrated leadership within the community by promoting our own procurement policy guidelines and there is strong support from the Department of Local Government that Reverse Auctions are considered to be exempt from the tendering provisions of the Act under the exemption in section 55 (3) – “A contract for purchase or sale by a council at a public auction”. It is to be noted that the State Government undertake Reverse Auctions for Fishing Licenses.

The Reverse Auction process is seen as transparent and accountable on behalf of Coffs Harbour City Council.

- **Economic**

**Broader Economic Implications**

Council will demonstrate due diligence in undertaking a Reverse Auction and testing the market place for supply of metered and non-metered electricity.

The expenditure on electricity for our large contestable sites and Street Lighting for the 2011/2012 financial year was as follows:

1. Large Contestable Metered Sites = \$2,633,077.08 GST inclusive
2. Street Lighting = \$ 530,997.81 GST inclusive

All historic evidence suggests that by undertaking a Reverse Auction will deliver Council savings. The University of Sydney recently provided a case Study which identified that for the period covering July 2011 to December 2012 and with the assistance of Energy Action’s online energy procurement platform they achieved a savings of \$1.38 million on energy costs which secured them a savings of 6.75% on their electricity spend for that period.

The introduction of the Carbon Tax by the Federal Government on the 1 July 2012 has seen billing prices increase between 1.98c/KWh- 2.2c/KWh, which roughly equates to about 10% of the total bill.

**Delivery Program/Operational Plan Implications**

The approval to undertake a Reverse Auction for the supply of Electricity for Council’s large Contestable sites and Street Lighting will assist Council in obtaining fixed pricing to 31 December 2015. If anticipated savings on electricity are achieved then it will not have any impact on operational plans or delivery of programs.

### **Consultation:**

Consultation was undertaken with the following Council staff:

- Risk Co-ordinator Governance Section
- Director of Corporate Business
- Manager-Land Use Management.
- Team Leader Environment
- Manager Telecommunications & New Technology.

### **Related Policy and / or Precedents:**

Council set a precedent back in June 2010 when approval was given for Regional Procurement in co-ordination with Energy Action to undertake a Reverse Auction for the supply of Electricity for our Large Contestable Sites and unmetered Street Lighting. It is to be noted that Regional Procurement is currently working with Energy Action to provide Reverse Auction services for the following organisations:

- Cobar Shire Council
- Kempsey Shire Council (pending approval)
- Rous Water
- Cobar Water Authority (pending approval).

### **Statutory Requirements:**

The Local Government (General) Regulation 2005-Part 7 Tendering Division 1 Preliminary 163 Section 55 requires that tenders be called for expenditure over \$150,000. Council has strong evidence that the DLG acknowledge that a Reverse Auction is Exempt from the tendering provisions of the Act under the exemption Section 55 (3) - "*A contract for purchase or sale by a Council at a Public Auction*".

### **Issues:**

Council has access to the following government organisations and agencies who now offer contracts for the supply of electricity and street lighting:

1. NSW Government Procurepoint - 777 contract for Large Sites (>160MWh annum)
2. Local Government Procurement (LGP)
3. Procurement Australia
4. Regional Procurement Initiative - in association with Energy Action.

The major issue was the determination of which of the above organisations offered Council the most cost effective outcome for the supply of electricity for our large metered and unmetered sites. After considerable research it was identified that either LGP or Regional Procurement's contract processes represented the most strategic opportunity to achieve savings.

Whilst LGP offered a process where they are going to call a tender for large Contestable Sites and Street Lighting in the coming months for interested NSW Councils and not for profit organisations, they required Council's General Manager to sign a letter of commitment and have it returned by 18 February 2013. This commitment also required Council to accept the tender results if the successful electricity retailer pricing was equivalent to or better than the benchmark price set by their business associates Trans Tasman Energy prior to the tender.

The Reverse Auction process with Regional Procurement will invite all the major electricity retailers into the market place, with bidding for our business in real time. The key to this Reverse Auction is that Council does not have to accept any outcome if it is not considered to be economically advantageous.

**Implementation Date / Priority:**

Due to the nature of the electricity market, tendered prices can only be held for a short time, and requires formal acceptance by Council within 7 calendar days of the Reverse Auction outcome. This situation requires Council to by-pass the normal reporting approval process.

The proposed contract for Street Lighting and for the large Contestable Sites will commence on the 1 July 2014 and dependent on suitable offers will run for a period of between 18 months – 30 months.

If approval is given by Council to undertake a Reverse Auction, the processes will be as follows:

- Step 1 - Notify Regional Procurement Initiative of the approval of this preliminary report and Council's intention to participate in the Reverse Auction process
- Step 2 - Participate in the Reverse Auction undertaken by Regional Procurement Initiative and co-ordinated by Energy Action. It is anticipated that the Reverse Auction date will be 19 April 2013.
- Step 3 - Regional Procurement to provide Council with the Reverse Auction evaluation Report and the recommended Retailer on 19 April 2013.
- Step 4 - A report to Council is prepared by the Purchasing & Supply Manager outlining the Reverse Auction evaluation report and seeking approval of the recommended retailer at the Council meeting on 25 April 2013.
- Step 5 - After approval of the report by Council, the General Manager will be required to sign-off on the contract agreement on 26 April 2013.

**Recommendation:**

1. **That Council approves the undertaking of a Reverse Auction for the supply of electricity for our large Contestable sites and Street Lighting, with Regional Procurement Initiative in partnership with Energy Action.**
2. **That Council notes the timeframes of this process as set out above in the implementation Date / Priority section of this report.**
3. **That Council review its Greenhouse Action Strategy adopted in 2002 by deferring the purchase of Green Energy and alternatively continues to invest in its energy efficient cost saving programs.**

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## **BANK BALANCES AND INVESTMENT FOR JANUARY 2013**

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### **Purpose:**

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

### **Description of Item:**

A copy of the state of Bank Balances and Investments as at 31 January 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.

A monthly commentary provided by CPG Research & Advisory Pty Ltd (Council's investment portfolio advisors) which examines economic and financial markets data for January 2013 is 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 January 2013 it is noted that after deducting, from the total bank and investment balances of \$167,173,785 the estimated restricted General, Trust, Water and Sewerage cash and investments (\$165,289,807), the Unrestricted Cash is \$1,883,978.

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 sixty seven million, one hundred and seventy three thousand, seven hundred and eighty five dollars (\$167,173,785) as at 31 January 2013 be noted.**
- 2. That the general fund unrestricted cash and investments totaling one million, eight hundred and eighty three thousand, nine hundred and seventy eight dollars (\$1,883,978) as at 31 January 2013 be noted.**



**BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2013**

Credit Rating at 31/1/13	Legal Maturity	Acquisition Price	Market Value as at 1/1/13	Market Value as at 31/1/13	Income Earned (net of fees) Financial Yr to Date	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned	
		\$	\$	\$	\$			
<b>OVERNIGHT FUNDS:</b>								
<b>Cash - Fair Value movements through profit &amp; loss</b>								
NAB - Bank Accounts	AA		3,476,964	4,328,466	(18,300)	2.83	Low	
UBS Cash Management Trust	AA		141,884	274,076	(10,483)	2.18	Low	
Members Equity Bank - Business Investment Account	BBB		23,979	24,056	486	3.75	Low	
NAB Professional Funds Account	AA		11,203,716	14,366,089	142,883	3.40	Low	
Delphi Bank - Cash Mment Acct	NR		177,788	197,897	1,924	2.50	Low	
Suncorp Business Saver	A-		316	317	3	3.25	Low	
CUA Prime Access	NR		81	81	993	0.01	Low	
<b>Total</b>			<b>15,024,728</b>	<b>19,190,983</b>	<b>117,506</b>			
<b>BENCHMARK RATE - 11 AM INDICATIVE CASH RATE</b>						<b>3.00</b>		
<b>BENCHMARK RATE - UBS BANK BILL INDEX</b>						<b>3.21</b>		
<b>Term Deposits - Fair Value movements through profit &amp; loss</b>								
Investec 17/11/14	BBB-	17/11/2014	8,000,000	8,371,342	8,422,505	354,839	7.53	Low
Investec 29/6/16	BBB-	29/06/2016	1,000,000	1,038,066	1,044,411	44,001	7.47	Low
Investec 8/7/15	BBB-	8/07/2015	1,000,000	1,034,766	1,047,013	48,594	7.21	Low
Investec 8/8/16	BBB-	8/08/2016	2,500,000	2,566,442	2,580,647	98,059	6.69	Low
Investec 6/8/17	BBB-	6/08/2017	2,000,000	2,062,597	2,071,838	64,088	5.44	Low
Investec 15/8/15	BBB-	15/09/2015	1,800,000	1,843,759	1,853,589	53,589	6.43	Low
AMP 24/5/16	A	24/05/2016	5,000,000	5,222,514	5,253,726	217,296	7.35	Low
AMP 29/4/13	A	29/04/2013	500,000	517,835	519,756	15,228	4.40	Low
Arab Bank* 13/5/13	A-	13/05/2013	2,100,000	2,141,684	2,151,047	51,047	5.25	Low
Arab Bank* 31/5/13	A-	31/05/2013	1,500,000	1,525,675	1,532,363	32,363	5.25	Low
Westpac	AA	27/06/2014	1,000,000	1,022,280	1,027,781	38,110	6.50	Low
Delphi Bank 29/1/15*	A	29/01/2015	2,000,000	2,011,109	2,001,684	76,561	4.39	Low
Delphi Bank 14/2/14*	A	14/02/2014	5,000,000	5,310,007	5,339,945	207,637	7.05	Low
Delphi Bank 5/8/15*	A	5/08/2015	2,000,000	2,188,701	2,200,082	78,932	6.70	Low
Delphi Bank 7/3/14*	A	7/03/2014	1,500,000	1,586,049	1,595,030	62,292	7.05	Low
Credit Union Australia 11/4/14	BBB	11/04/2014	1,000,000	1,049,328	1,055,121	40,172	6.82	Low
Credit Union Australia 12/5/14	BBB	12/05/2014	2,000,000	2,086,676	2,098,159	79,639	6.76	Low
Credit Union Australia 9/5/14	BBB	9/05/2014	500,000	519,317	521,844	17,606	5.95	Low
Bankwest	AA	27/08/2013	2,000,000	2,042,115	2,052,477	71,863	6.10	Low
Quay Credit Union 11/8/13	NR	11/08/2013	1,000,000	1,090,644	1,096,164	38,288	6.50	Low
Quay Credit Union 23/5/13	NR	23/05/2013	1,500,000	1,550,178	1,557,185	48,596	5.50	Low
Suncorp 11/8/14	A-	11/08/2014	3,000,000	3,073,011	3,089,063	94,241	6.30	Low
Suncorp 23/12/13	A-	23/12/2013	1,000,000	1,025,821	1,030,102	29,688	5.04	Low
Bank of Queensland 28/2/13	BBB+	28/02/2013	2,000,000	2,035,616	2,044,448	44,449	5.20	Low
Bank of Queensland 3/9/17	BBB+	3/09/2017	2,000,000	2,036,841	2,046,438	46,438	5.65	Low
Rabobank Direct 24/3/16	AA-	24/03/2016	5,000,000	5,267,390	5,307,548	220,377	7.15	Low
Rabobank Direct 10/8/15	AA-	10/08/2015	1,000,000	1,026,433	1,032,123	39,465	6.70	Low
ING 11/4/13	A	11/04/2013	2,000,000	2,232,668	2,244,117	79,403	6.74	Low
ING 21/5/13	A	21/05/2013	1,000,000	1,107,695	1,113,335	39,112	6.64	Low
ING 17/8/17	A	17/08/2017	2,000,000	2,044,787	2,054,996	54,996	6.01	Low
ING 6/9/17	A	6/09/2017	2,000,000	2,035,595	2,045,107	45,107	5.60	Low
ING 15/3/13 (Regional Park Trust)	A	15/03/2013	1,300,000	1,325,188	1,330,929	30,929	5.20	Low
ING 14/2/13	A	14/02/2013	1,000,000	1,051,184	1,056,127	34,282	5.82	Low
ING 27/2/13	A	27/02/2013	1,000,000	1,050,883	1,056,005	35,519	6.03	Low
ING 4/3/13	A	4/03/2013	1,000,000	1,050,472	1,055,619	35,696	6.06	Low
Wide Bay 29/7/16	BBB	29/07/2016	1,000,000	1,030,345	1,000,389	41,238	7.10	Low
Wide Bay 8/8/16	BBB	8/08/2016	1,000,000	1,028,205	1,034,236	42,211	7.10	Low
ME Bank	BBB	11/04/2013	1,000,000	-	1,002,962	2,962	4.70	Low
CBA	AA	29/10/2017	5,001,064	3,037,579	3,037,579	68,760	3.11	Low
<b>Total</b>			<b>78,201,064</b>	<b>78,240,780</b>	<b>79,603,490</b>	<b>2,723,672</b>		

**BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2013**

	Credit Rating at 31/1/13	Legal Maturity	Acquisition Price \$	Market Value as at 1/1/13 \$	Market Value as at 31/1/13 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned
<b>FRNs(Floating Rate Notes)</b>								
<b>Available for Sale Accounting - movements through equity.</b>								
Queenslanders CU 3/6/13	NR	3/06/2013	503,170	494,793	497,494	33,599	4.05	Low
Sub Total			503,170	494,793	497,494	33,599		
<b>Fair Value through Profit &amp; Loss Accounting - movements through profits &amp; loss.</b>								
NAB	AA-	15/02/2017	4,030,700	4,172,160	4,148,120	197,394	5.13	Low
HSBC	AA-	14/03/2018	2,000,000	2,009,942	2,028,164	76,431	5.37	Low
Credit Suisse	A+	18/03/2014	501,745	501,966	503,843	19,368	4.33	Low
BNP	A+	18/03/2015	1,004,230	997,385	1,001,575	79,785	4.23	Low
Barclays	A+	17/08/2015	1,500,000	1,521,706	1,535,505	111,346	4.98	Low
Bank of Queensland	BBB+	7/12/2015	3,000,000	3,011,280	3,024,600	24,600	4.65	Low
Royal Bank of Scotland 10/3/14	A+	10/03/2014	5,000,000	5,062,206	5,082,594	285,028	5.06	Low
CBA	AA	24/12/2015	12,264,447	12,437,500	12,437,500	661,581	4.11	Low
ING	A+	22/03/2016	2,500,000	2,566,475	2,580,975	182,232	5.63	Low
Macquarie Bank 9/3/17	A	9/03/2017	5,000,000	5,245,620	5,240,650	400,965	6.01	Low
Macquarie Bank 24/2/14	A	24/02/2014	1,001,180	1,012,280	1,016,110	38,104	5.17	Low
Westpac	AA-	20/02/2017	5,000,000	5,183,100	5,215,250	308,235	4.88	Low
Arab	AA-	12/12/2014	5,000,000	4,999,990	5,009,100	9,100	4.61	Low
Royal Bank of Scotland 17/2/12 <sup>a</sup>	BBB-	17/12/2017	2,501,100	2,005,286	2,013,800	158,374	4.01	Low
Sub Total			50,303,402	50,726,895	50,837,786	2,552,542		
Total			50,806,572	51,221,688	51,335,280	2,586,141		
<b>CPPI Notes (Constant Portfolio Protection Insurance)</b>								
<b>Available for Sale Accounting - movements through equity.</b>								
Averon # (now ZCB)	AA+	20/06/2013	1,500,000	1,473,300	1,479,000	36,900	0.00	Low
Keolis # (now ZCB)	BBB	24/08/2013	1,000,000	964,300	983,000	18,700	0.00	Low
Sub Total			2,500,000	2,437,600	2,462,000	55,600		
<b>Fair Value through Profit &amp; Loss Accounting - movements through profits &amp; loss.</b>								
Lehman #	D	15/06/2009	300,000	6,805	6,805	-	0.00	High
Lehman # <sup>a</sup>	D	15/06/2009	500,000	34,223	34,223	-	0.00	High
Sub Total			800,000	41,028	41,028	-		
Total			3,300,000	2,478,628	2,503,028	55,600		
<b>CDOs(Collateralised Debt Obligations)</b>								
<b>Fair Value through Profit &amp; Loss Accounting - movements through profits &amp; loss.</b>								
Coolangatta 20/3/11	D	20/09/2014	500,000	65,684	65,684	-	0.00	High
Esperance 1	D	20/03/2013	520,000	301,580	341,942	157,387	4.85	High
Miami 20/3/15	D	20/03/2017	50,289	9,071	9,071	-	0.00	High
Beryl Global Bank 20/3/10-13 <sup>a</sup>	D	20/09/2014	600,304	330,717	330,717	-	0.00	High
Coolangatta 20/3/11 <sup>a</sup>	D	20/09/2014	2,000,000	262,735	262,735	-	0.00	High
Esperance 1 <sup>a</sup>	D	20/03/2013	500,000	289,981	341,942	164,486	4.85	High
Miami 20/3/15 <sup>a</sup>	D	20/03/2017	50,289	9,071	9,071	-	0.00	High
Total			4,220,882	1,268,839	1,361,162	321,873		

**BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2013**

	Credit Rating at 31/1/13	Legal Maturity	Acquisition Price \$	Market Value as at 1/1/13 \$	Market Value as at 31/1/13 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned
<b>Floating Rate Term Deposits</b>								
Westpac	AA	9/09/2013	2,000,000	2,005,507	2,011,326	49,974	3.90	Low
NAB Flexi Deposit	AA	16/08/2013	2,000,000	2,010,891	2,017,664	53,086	4.24	Low
<b>Total</b>			<b>4,000,000</b>	<b>4,016,199</b>	<b>4,028,990</b>	<b>103,060</b>		
<b>Fixed Coupon Bonds</b>								
ING	A+	22/03/2016	4,000,000	4,363,848	4,390,292	354,992	7.00	Low
Heritage Bank	BBB+	20/06/2017	3,464,735	3,727,150	3,710,000	220,114	7.25	Low
RBS	A-	27/08/2013	1,004,200	1,047,280	1,050,560	41,050	7.25	Low
<b>Total</b>			<b>8,468,935</b>	<b>9,138,278</b>	<b>9,150,852</b>	<b>441,971</b>		
<b>Other</b>								
Southern Phone Company Shares	N/A	N/A	2	2	2	48,930	N/A	Low
			2	2	2	48,930		
<b>Securities No Longer Held (excluding Managed Funds)</b>								
Accumulated at December 2012						833,549		
Suncorp Term Deposit	A-	31/01/2013	5,000,000	5,105,822	-	127,892	5.15	Low
Rural Bank Term Deposit	BBB	11/01/2013	5,000,000	5,323,877	-	177,904	6.66	Low
<b>Total</b>				<b>10,429,699</b>		<b>1,139,144</b>		
<b>GRAND TOTAL (before fees)</b>				<b>171,818,839</b>	<b>167,173,785</b>	<b>7,537,897</b>		
<b>Less Portfolio Fees (Advice &amp; Salary)</b>						<b>(94,892)</b>		
<b>GRAND TOTAL</b>				<b>171,818,839</b>	<b>167,173,785</b>	<b>7,443,005</b>		

# 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 \$ 116,971  
 Income to Profit & Loss \$ 7,326,033.68

**TOTAL CASH & INVESTMENTS AS AT 31 JANUARY 2013 \$ 167,173,785**

**LESS ESTIMATED RESTRICTED EQUITY FOR WATER & SEWER FUNDS**

Water Fund \$ 38,126,895  
 Sewer Fund \$ 64,171,956 \$ 102,298,851

**GENERAL FUND CASH & INVESTMENTS \$ 64,874,934**

**LESS TRUST FUND BALANCES AS AT 31 JANUARY 2013 \$ 1,609,432**

**LESS ESTIMATED RESTRICTED EQUITY FOR GENERAL FUND (developer contributions, grants, reserves) \$ 61,381,524**

**ESTIMATED GENERAL FUND UNRESTRICTED CASH & INVESTMENTS AS AT 31 JANUARY 2013**

Unrestricted Cash & Investments as at 30 June 2012 \$ 2,169,818  
 Add: 2012/13 Budget Deficit (Budget Review - 31/12/12 - adopted 14/3/13) \$ (285,840)  
 Estimated Unrestricted Cash as at 30 June 2013 \$ 1,883,978

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



Responsible Accounting Officer.

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## ASSET ACCOUNTING POLICY

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### **Purpose:**

For Council to adopt the Asset Accounting Policy.

### **Description of Item:**

The aim of this policy is to contribute to the better management of assets of the council and to provide accurate data regarding assets in all financial documents.

This policy addresses the accounting treatment of non-current assets that provide future economic benefit to Coffs Harbour City Council and the community.

### **Sustainability Assessment:**

- **Environment**

This is not applicable to this report.

- **Social**

This is not applicable to this report.

- **Civic Leadership**

The purpose of Council policies is to ensure transparency and accountability in local government. The implementation enables Council to identify and respond the community. This is consistent with the *Coffs Harbour 2030 Community Strategic Plan strategy LC2.2.1: Enable and support all levels of government to serve the local community.*

- **Economic**

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

### **Broader Economic Implications**

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

### **Delivery Program/Operational Plan Implications**

The ongoing development and review of Council policies and plans are accommodated within Council's budget structure. This expenditure is monitored through Council's monthly and quarterly budget reviews.

### **Consultation:**

The policy has been developed in consultation with the Director City Services and the Director Corporate Business.

**Related Policy and / or Precedents:**

Coffs Harbour City Council Asset Management Plan.  
Coffs Harbour City Council Asset Management Policy.

**Statutory Requirements:**

This is not applicable to this report.

**Issues:**

This is not applicable to this report.

**Implementation Date / Priority:**

Implementation is immediate.

**Recommendation:**

**That Council adopts the Asset Accounting Policy.**

Locked Bag 155,  
Coffs Harbour, NSW 2450  
ABN 79 126 214 487

# COFFS HARBOUR CITY COUNCIL



## Asset Accounting Policy

**Policy Statement:**

The aim of this policy is to contribute to the better management of assets of the council and to provide accurate data regarding assets in all financial documents.

This policy addresses the accounting treatment of non-current assets that provide future economic benefit to Coffs Harbour City Council and the community.

**Director or Manager Responsible for Communication, Implementation and Review:**

The policy implementation is the responsibility of the members of the Council's Executive Team.

**Related Legislation, Division of Local Government Circulars or Guideline:**

IPWEA's Australian Infrastructure Financial Management Guidelines  
 Australian Accounting Standards 2012  
 Local Government Asset Accounting Manual - Update No. 4 - July 1999  
 DLG Circulars 08-07, 09-25, 09-09  
 DLG Code of Accounting Practice and Financial Reporting

**Does this document replace an existing policy?**

**No**

**Other Related Council Policy or Procedure:**

Coffs Harbour 2030 Plan  
 CHCC Delivery Plan  
 Coffs Harbour City Council Asset Strategy  
 Coffs Harbour City Council Asset Management Plan  
 Coffs Harbour City Council Asset Management Plan  
 Expenditure Classification Procedure  
 Assets Tasks and Duties Procedure  
 Determination of Useful life Procedure

**Application:**

This policy is applicable to all staff, asset managers and registrars who are involved with the management including the acquisition, construction or disposal of council assets.

**Distribution:**

This policy will be put on the intranet for all staff to access.

Internet  Intranet  Email  Noticeboard  Dataworks

**Approved by:**

**Executive Team [Meeting date]**

**Council [Meeting date & Resolution No.]**

**Signature:**

\_\_\_\_\_  
*General Manager*

**Council Branch Responsible:**

**Date of next Review:**

**Key Responsibilities**

<i>Position</i>	<i>Directorate</i>	<i>Responsibility</i>
Mayor	Council	To lead councillors in their understanding of and compliance with this policy, its notes and guidelines.
General Manager	Executive	To lead staff (directly and through delegated authority) in their understanding of, and compliance with, this policy and guidelines.
Directors	All Directorates	The Directors must ensure that the asset managers comply with this policy.
Asset Managers	All Directorates	Asset Managers are custodians of the assets and may be users of the asset as well. They are primarily in charge of the asset and responsible for the physical presence and maintenance as well. Any change to the asset through construction, addition, disposal, decommissioning, transfer and renewal, upgrade or an action which changes its value as held in the council's books is to be communicated to the asset accountant. The policy outlines the personnel responsible for Annual Financial Statements under Note 9 Asset Category. It also details the responsibilities of asset managers.
Asset Registrars	All Directorates	Asset Registrars are personnel who are delegated the responsibility by the asset managers to maintain the inventory of the assets in their area. The asset managers still hold the primary responsibility but the registrars are accountable to the asset managers for the asset.
All Council officials	Council	To inform the asset managers and registrars of costs incurred on any asset whether it is through construction, addition, disposal, decommissioning, transfer, renewal and upgrade or an action which changes its value as held in the council's books.

## 1. Introduction

This policy addresses the accounting treatment of non-current assets that provide future economic benefit to Coffs Harbour City Council and the community. The policy also provides guide to the allocation of responsibilities of assets.

An Asset Accounting Policy is necessary to assist in the process of capturing meaningful data for strategic planning purposes (i.e. Asset Management Plans & Long Term Financial Plans). Expenses related to assets will be classified into asset work activities (i.e. operations, maintenance, capital renewal and capital new/upgrade), and useful lives and capitalisation thresholds reviewed.

The separation of maintenance and operating expenses from capital expenditure is necessary for the financial statements to accurately portray council's financial condition.

## 2. Asset Recognition and Disposal

Australian accounting standard AASB 116(10) states that under the recognition principle, an asset is to be recognised when costs are incurred. An item that meets the definition of an Asset shall be measured at cost in accordance with AASB 116:

The cost of an asset will include:

- Purchase price less deductions (rebates, discounts etc.)
- Costs directly attributable to bringing the asset to a location where it can be used as intended. This would include:
  - Employee compensation. This includes costs of employee benefits arising directly from the construction or acquisition of the asset: eg outside wages, inside project management costs, and "on costs" such as superannuation and workers compensation.
  - Site preparation and/or restoration - Assembly costs
  - Professional fees

Purchase Costs excluded from in the cost of an asset include:

- Marketing and advertising costs incurred when opening a new facility.
- Costs incurred after the date an asset is deemed in use (upgrades, maintenance, etc.).
- Avoidable costs.
- Financing Costs – Interest charged on borrowings to fund asset purchase.
- Preliminary Studies.

These accumulated costs represent the value of the asset at cost as at the date in which the asset is deemed to be complete and available for use. Not-for-profit entities may acquire assets at zero or at a nominal value, the asset is deemed to be valued at its fair value at date of acquisition. This initial valuation does not constitute a revaluation, a revaluation will only occur when it is the expressed decision of management to revalue a class of assets due to a change in the future economic benefits of that class.

Australian Accounting Standard AASB 116(67) states that the carrying amount of an item shall be de-recognised on disposal or when no future benefits are expected to arise out of its use or disposal.



The asset thresholds have been determined by the members of the Council's Executive Team as dictated by AASB 1031 (Materiality) which establishes that information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of the users. The asset capitalisation thresholds are outlined in Expenditure Classification Procedure.

Australian Accounting Standard AASB 101 (15) requires the faithful representation of the effects of transactions, in accordance with the definitions and recognition criteria for assets liabilities, income and expenses set out in the International Financial Reporting Standard Framework. The Expenditure Classification Procedure provides a guideline (by Note 9 category from the Annual Financial statements) as to what activities can be classified as operational, maintenance, renewal and new capitalisation/ capital upgrade and also the componentisation thresholds for various assets.

The responsibilities of the asset managers, with regard to the reporting of assets, so that accurate records can be maintained is outlined in the Asset Tasks and Duties Procedure

### **3. Asset Revaluations**

As all Assets are to be recorded at their "Replacement Cost" (Fair Value), they are required to be revalued on a regular basis, not being more than 5 years, to assess the assets carrying value against the assets fair value at reporting date.

When resources allow revaluations should be undertaken on a more frequent basis.

### **4. Depreciation & Impairment**

The method and rate of depreciation will be based on accepted patterns of useful life by Local Government, the experience of localised conditions to assess any environmental impact on those assets, and the verification from an independent valuer.

The depreciation method adopted by Council is the Straight-line Depreciation approach where consumption of benefits is in a uniform manner over the useful life of the asset, calculated on asset cost less residual value.

The nature of the asset in use is a major factor in determining the rate in which an asset is to be depreciated, and this rate will best reflect the useful life that economic benefits are expected to be consumed. A review of charges to the consumption patterns of assets is an ongoing process to ensure fair representation of financial valuations.

When impairment for an asset is found (the carrying amount is greater than the recoverable amount), the asset is then deemed to have been consumed at a faster rate than original estimates, resulting in the expected useful life being shorter. This change in expected useful life may be as a result of an event (for example; flood, fire, and technical obsolescence) or a higher than expected natural rate of deterioration.

### **5. Minor Assets**

The acquisition of minor assets is treated as an expense and is recorded in Attractive Items Register. All Departments within the council are responsible for maintaining their own Attractive Items Register which is subject to periodic internal or external audit. The registers are to be in common format (supplied by the Asset Accountant) and include description, details of location, responsible officer, serial numbers, acquisition and disposal or transfer details. Items in the attractive items register are to be identified by marking or engraving to reduce the likelihood of theft or aid police recovery. Thresholds relating to minor assets are disclosed in the Expenditure Classification Procedure.

## 6. Useful Life Of Assets

The useful life of an asset is defined as the passage of time that the expected consumption of asset services is available to an entity. Over this period the useful life maybe reviewed on a regular basis taking into account new information about future economic value, any adjustments resulting from this review will be made prospectively as changes in accounting estimates (i.e., adjustments to depreciation charges will be made to future periods with no allowable adjustment to prior periods).

A change in accounting estimates is not necessarily deemed an error if the adjustment to the estimate is a result of new information or developments. When referring to the life of an asset, a distinction is made between the terms "Useful Life" and "Economic Life". This distinction is as follows:

- Useful Life – the period in which the entity deems the asset to be available for use, based on an entities assessment of the service value of like assets and / or past experience, and should be reviewed as part of the entities normal policies and procedures.
- Economic Life – the natural life cycle of the asset from which service value would be available if the asset were allowed to be used without entity interference or bias. An entity may choose to dispose of an asset prior to all future economic benefits having been consumed, this decision will be based on the most economical or opportunistic time an entity deems appropriate to dispose or replace the asset. There are many factors that contribute to the assessment of an assets useful life. The overall performance and life expectancy of these assets is influenced by external as well as internal factors. The useful life will be further influenced by the type of materials used in construction, usage volume, normal wear and tear, damage, and known industry standards and established consultancy studies.

Factors that are particular to each asset and the method to follow in ascertaining the useful life for each asset (by note 9 category from the Annual Financial Statements) is detailed in the Determination of Useful Life Procedure.

## 7. Consultation

Director City Services

Director Corporate Business

## 8. References

- a. The NSW Division of Local Government Code of Accounting Practice and Financial Reporting Update 20
- b. Australian Accounting Standards
  - (1) AASB 116 – Property Plant and Equipment
  - (2) AASB 5 – Non Current Assets Held for Sale and Discontinued Operations
  - (3) AASB 108 – Accounting Policies, Change in Accounting Estimates and Errors
  - (4) AASB 136 – Impairment of Assets
  - (5) AASB 140 – Investment Property
  - (6) AASB 1031 – Materiality
  - (7) AASB 1051 - Land Under Roads
  - (8) AASB 138 – Intangible Assets (software)
  - (9) AASB 101 - Presentation of Financial statements
- c. Australian Infrastructure Financial Management Guidelines

- d. Local Government Asset Accounting Manual - Update No. 4 - July 1999
- e. Adelaide Hills Council Accounting Policy – Capitalised Assets 22 September 2009
- f. Department of Local Government Circulars 08-07, 09-09 and 09-25

**9. Appendices**

None

**10. Table of Amendments**

Amendment	Authorised by	Approval reference	Date

DRAFT

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## WORLD RALLY CHAMPIONSHIPS (WRC) ECONOMIC IMPACT REPORT TO COUNCIL

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### **Purpose:**

To provide to Council the Economic Impact report from Rally Australia (RA) detailing the direct economic impact that the 2011 WRC event achieved.

### **Description of Item:**

Coffs Coast hosted a round of the World Rally Championships in September 2011 with the ultimate goal to attract a direct economic impact to the local economy through direct visitation and to promote the destination through significant media coverage.

Rally Australia (RA) has provided an extract from the NSW Government Economic Impact Report for the 2011 WRC Event detailing a Net Economic Impact, including intrastate visitation of \$14,828,691. This significant direct economic impact to the local economy, whilst widely distributed through the local community, provides a much needed boost to the local Tourism industry.

Please note the full economic impact report is yet to be released publicly by the NSW Government and for this reason it is included as a confidential attachment to the report.

In addition to the direct economic impact of the event the event achieved a significant amount of media exposure for the region, including three hour live free to air TV coverage on ONE HD, one hour live free to air TV coverage on TEN. This programming was syndicated globally and achieved an international viewing audience of 56 million viewers (audited). In addition to TV coverage a range of exposure was received through print publications including *The Financial Review*, *The Sydney Morning Herald*, *Escapes* travel magazine, *The Daily Telegraph* online and a range of niche publications.

The direct economic impact of \$14.8 million, International Television audience of 56 million viewers and the range of media exposure received from the event provided positive economic and promotional exposure for the region.

Attached is the confidential extract from the NSW Government Economic Impact Report.

### **Sustainability Assessment:**

- **Environment**

The event approval authority is the NSW Government (Destination NSW – Homebush Motor Racing Authority) enforcing the NSW World Rally Act which allows the event approval to come from the State Government, rather than each of the respective councils involved.

Homebush Motor Racing Authority requested a full environmental report to cover all environmental aspects of the event.

- **Social**

The 2011 WRC provided a range of social opportunities including free access to the service park and Rally Show and an extensive Volunteer program. CHCC also assisted a local Aboriginal group gain funding to provide art and cultural exhibitions as part of the Super Special Stage site.

- **Civic Leadership**

Relevant Coffs Harbour 2030 Community Strategic Plan Strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Promote healthy living;
- Encourage the provision of facilities, services and resources which attract and support young people;
- Establish and promote the Coffs Coast as a lifestyle location;
- Develop Aboriginal learning opportunities
- Develop strategies to promote the unique identity of each community.

- **Economic**

**Broader Economic Implications**

The \$14.8million Direct Economic Impact from the WRC and associated media exposures provides positive broad economic implications.

**Delivery Program/Operational Plan Implications**

The Economic Impact report was a contractual requirement of the 2011 WRC Event.

**Consultation:**

Overall the WRC event implemented a range of public consultations to achieve the positive event outcomes. The economic impact report was based on event participant surveys and standard event economic assessment protocol by Destination NSW.

**Related Policy and / or Precedents:**

Council has hosted many major events resulting in significant economic benefit and media impact for the city. The economic impact delivered by events of this nature provides an excellent return on investment for Council and the community.

**Statutory Requirements:**

A formal hosting agreement with RA was implemented.

**Issues:**

No issues are identified with the economic report.

**Implementation Date / Priority:**

Nil.

**Recommendation:**

**That Council note the economic impact report provided by Rally Australia.**

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**DA 1179/09 AND DA 1180/09 - LOT 212, DP 597308, 124-124A NORTH BONVILLE RD, LOT 3, DP 532900, 212 PINE CREEK WAY AND LOT 101 & LOT 102, DP 881242 CASSIDYS ROAD, BONVILLE - LAND ADJOINING AND COMPRISING BONVILLE INTERNATIONAL GOLF RESORT**

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**Purpose:**

This report describes and provides an assessment of Development Application (DA) 1179/09 and Development Application 1180/09 for Lot 212, DP 597308, 124-124A North Bonville Rd, Lot 3, DP 532900, 212 Pine Creek Way and Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville which are lands adjoining and associated with the Bonville International Golf Resort. These applications are being considered together because there are significant matters that make them related.

It is recommended that the applications be approved subject to conditions.

**Background:**

***Local Environmental Plan Amendments***

On 4 December 2008, Council resolved to prepare a draft Local Environmental Plan (LEP) for lands adjoining and comprising the Bonville International Golf Resort. A draft local environmental plan was prepared (Local Environmental Plan – Amendment No. 46) proposing rezoning of the subject land parcels from 6C Open Space (Private Recreation) and 1A Rural (Agriculture) to 2E Tourist Residential (under City of Coffs Harbour Local Environmental Plan 2000) and another amendment enabling limited shops and business premises on the site.

At this time the adjoining land parcels were primarily zoned 1A Rural Agriculture and land parcels of the Bonville International Golf Resort were primarily zoned 6C Open Space (Private Recreation) with some 7A Environmental Protection (Habitat and Catchment) and 7B Environmental Protection (Scenic Buffer).

Subsequent to preparation of the draft LEP, DA 1179/09 and DA 180/09 were lodged with Council on 30 June 2009. Part 3, Division 4B of the *Environmental Planning and Assessment Act* contains specific provisions that allow for lodgement of a development application even though the development proposed could only be carried out after amendment of the LEP. This division specifies that, development applications made in this manner, should be publicly exhibited at the same time as the public exhibition for the draft LEP.

In response to the LEP amendment process and the development applications some additional provisions to the Residential Tourist Lands Development Control Plan (DCP) were considered appropriate and an amended Residential Tourist Lands DCP was prepared. On 24 September 2009, Council resolved to publicly exhibit the draft LEP (Amendment No. 46), the Draft Residential Tourist Lands DCP, and both development applications concurrently.

Draft LEP Amendment No. 46 and the draft Residential Tourist Lands DCP were reported to Council on 27 October 2011. Council adopted the amending local environmental plan and the draft DCP and resolved to forward the draft LEP to the Minister to “make” the plan.

The local environmental plan amendment that was adopted by Council included additional 7A Environmental Protection zoning over parts of the site previously proposed as 2E Residential Tourist zone. This change was in response to Council staff assessment and consideration of public submissions and responses Council received from government departments.

The amendment to the Residential Tourist Lands DCP included new precinct controls for the site including densities, building design controls relating to setback and height, uses with gross floor area.

Local Environmental Plan (Amendment No. 46) was made by the Minister for Planning on 4 May 2012. The revised Residential Tourist Lands DCP also came into effect on this date.

The result of these amendments is that the development proposed under DA 1179/09 and DA 1180/09 are now permissible with consent and that there are now "precinct" controls that apply to the site.

### ***Existing Approvals Over the Site***

On 21 August 2001, Council determined DA 878/01 which relates to similar parcels of land as DA 1179/09 and DA 1180/09. It must be noted that DA 878/01 also extends to additional parts of the Bonville International Golf Resort to the north. This application was described as a "Land use consent" comprising 280 retreats, 45 hotel/motel rooms, 63 lodges, associated convenience stores, a hairdresser, spa etc, nine hole golf course, driving range / practice area and golf and tennis academy.

This masterplan was responsive to the zoning provisions and planning controls at that time and is inconsistent with the concept proposal under DA 1179/09 and the development under DA 1180/09. This matter is further discussed in the Issues section of this report.

### **Description of Item:**

#### ***The Site***

The land parcels of DA 1179/09 and DA 1180/09 are;

- Lot 212, DP 597308, 124-124A North Bonville Road which adjoins the Bonville International Golf Resort to the west (on the opposite side of Cassidys Road);
- Lots 101 & 102, DP 881242 Cassidys Road which form part of the Bonville International Golf Resort; and
- Lot 3, DP 532900, 212 Pine Creek Way, which adjoins Bonville International Golf Resort to the east.

All four land parcels total approximately 115.4 hectares in area.

There is some native vegetation on all land parcels. There is a watercourse on Lot 212, DP 597308 and Lot 101, DP 881242. The land is now zoned 2E Tourist Residential, 7A Environmental Protection (Habitat and Catchment), 6C Open Space (Private Recreation) and 7B Environmental Protection (Scenic Buffer) under City of Coffs Harbour Local Environmental Plan 2000.

### ***Development Application 1179/09***

DA 1179/09 has been made under the staged development provisions of the *Environmental Planning and Assessment Act* which allow for an application to be made that sets out concept proposals for a site.



Approval of a staged development application does not authorise the carrying out of development on any part of the site, as it is a concept approval only. Separate development applications must be made (and approved) to authorise actual development to commence.

These provisions also require that any future development must be consistent with the concept approval. In this way, a concept approval can establish broad parameters for future development of a site (as all future development must accord with these parameters)

DA 1179/09 seeks concept approval for

- The distribution of uses over the site including
  - Dwelling houses (a total of 318)
  - Multi-unit housing or tourist accommodation (a total of 167)
  - Shops (currently limited by Clause 24 of *Coffs Harbour City Local Environmental Plan 2000*)
  - Business Premises and Office Premises (currently limited by Clause 24 of *Coffs Harbour City Local Environmental Plan 2000*)
- Establishment of densities over the site.
- Overall structure for future development of the site

The plans that relate to the concept proposal under DA 1179/09 are provided as Attachment 3. The distribution of uses over the site as well as proposed densities and overall structure for future development are shown in the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", dated June 2009.

Earlier versions of DA 1179/09 included an additional lot (Lot 2) and an additional road connection (across the watercourse) on Lot 212, DP 597308 (the western part of the site on the other side of Cassidys Road). These were removed to address flooding and access concerns.

#### ***Development Application 1180/09***

DA 1180/09 is for the first stage of development under the above described concept proposal/staged development application. This application depends on the staged development application (DA 1179/09) so it can only be determined after the approval of DA 1179/09.

DA 1180/09 proposes an initial consolidation of all four lots and then re-subdivision into two separate torrens title lots comprising;

- Lot 2 – The Bonville International Golf Resort and all associated facilities.
- Lot 1 – The community title scheme.

Lot 1 will then be further subdivided into 33 "superlots" and community land under a community titles scheme.

Each "superlot" is of a size to allow for future development. They vary in size from 2125 m<sup>2</sup> (Lot 4) to 22 250 m<sup>2</sup> (Lot 25). The concept proposal (DA 1179/09) establishes the density that each of these super lots can be developed into such that the largest lot of 22 250 m<sup>2</sup> (Lot 25) could be developed into 22 lots and the smallest lot of 2125 m<sup>2</sup> (Lot 4) could be developed into three lots, subject to a future development application.

The development will also involve a number of infrastructure services including;

- Extension of reticulated water supply and sewerage to the site
- Installation of electricity and telecommunications
- Road construction
- Intersection construction.

**Sustainability Assessment:**

- **Environment**

Environmental Sustainability is primarily addressed by:

- The Statement of Environmental Effects (SEE) submitted with the proposal;
- Supplementary information which has been supplied to and assessed by Council.

Environmental issues which have been addressed include:

- Flora and Fauna (including koala habitat);
- Bushfire Hazard Management;
- Soil Contamination/Acid Sulfate Soils; and
- Water Management.

On balance the proposed development will not result in an unacceptable impact on the environment.

- **Social**

Assessment of this application has required consideration of the following Social Sustainability issues:

- traffic assessment;
- construction impacts; and
- provision of essential infrastructure.

- **Civic Leadership**

This proposal addresses the following sections of the Coffs Harbour 2030 Community Strategic Plan:

- LP2.1.1: Establish and maintain a balanced mix of retail and residential opportunities.
- PL1.1.3: Create balanced pedestrian friendly communities with a mix of residential, business and services.
- PL2.1.3: Ensure urban areas focus as gathering places for people rather than cars.
- MA2.1.2: Ensure planning requirements include cycleways and footpaths in all new developments.
- LE2.1.1: Ensure land use management policies and practices conserve the region's unique environmental and biodiversity values.
- LE2.2.3: Build ecosystem resilience through a system of local and regional habitat corridors.

- **Economic**

**Broader Economic Implications**

There are considerable economic benefits to be derived from the construction, development, business / retail uses and from the ultimate proposal that comprises up to 318 dwellings and 167 multi unit dwellings.

**Delivery Program/Operational Plan Implications**

There are no implications for Council's Delivery Program / adopted Operational Plan resulting from the proposal. Infrastructure required by the development will be at the developer's cost.

**Consultation:**

DAs 1179/09 and 1180/09, the draft LEP Amendment and the draft Residential Tourist Lands DCP were exhibited between 30 November 2009 and 1 February 2010 in accordance with provisions of the Environmental Planning and Assessment Act 1979 and Regulations:

- at Council's Administration Building;
- Bonville Post Office/General Store; and
- on Council's website.

Council received 119 submissions of support and 83 submissions of objection.

The matters raised in submissions were primarily related to the draft LEP amendment which was considered by Council at its meeting of 27 October 2011. In any event, a summary of the matters raised in the submissions is provided within each Section 79C assessment report (Attachments 1 and 2).

A full copy of the submissions are a confidential attachment to this report. They are a confidential attachment as they contain personal and private information that is not appropriate to be fully disclosed under the Privacy and Personal Information Protection Act.

Both development applications were also referred to

- NSW Office of Water;
- NSW Industry and Investment;
- Department of Environment, Climate Change and Water (DECCW) (now OEH);
- Roads and Traffic Authority (now Roads and Maritime Services); and
- NSW Rural Fire Service.

**Related Policy and / or Precedents:**

- North Coast Regional Environmental Plan (deemed State Environmental Planning Policy);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Coffs Harbour City Local Environmental Plan 2000;
- Residential Tourist Lands DCP; and
- Subdivision DCP.

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

**Statutory Requirements:**

- **Section 79C Evaluation:**

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

The Section 79C evaluation for DA 1179/09 is provided as Attachment 1 to this report. The Section 79C evaluation for DA 1180/09 is provided as Attachment 2 to this report.

**Issues:**

- **Flooding**

Flooding was a concern raised in some submissions. A comprehensive flood study was also provided as part of this process. This matter has been largely addressed in the local environmental plan amendment process by removal of some proposed residential areas affected by flooding.

There remain some areas where, according to the flood study, low level inundation is likely. In these areas, limited site filling can occur so that all lots will have flood free development areas. This limited filling is considered acceptable and will not result in any unacceptable impact on downstream properties.

- **Koala Habitat**

The Bonville International Golf Resort includes substantial stands of vegetation identified as Koala Habitat by Council's adopted Koala Plan of Management.

The majority of this habitat vegetation is classified as Secondary Koala Habitat under the Koala Plan of Management. There are smaller stands of vegetation through the subject lands which are classified as Primary Koala Habitat. These areas will remain undisturbed under these development applications.

A number of measures have been proposed to reinforce a fauna corridor through the site and to adjoining sites in appropriate locations. These include:

- Construction of Koala exclusion fencing.
- Construction of Koala proof fencing.
- Planting to discourage Koala access.
- Installation of a Koala Crossing on North Bonville Road.

These measures will be required by a condition of development consent (1180/09).

A vegetation management plan is also required via a condition of development consent. This will require additional planting in appropriate locations. By imposition of these matters the impact on koala habitat can be managed in the development of the site.

- **Traffic and Access**

As part of necessary infrastructure for the “superlot” subdivision, a number of works will be required as conditions of development consent (1180/09). These include:

- Reconstruction and widening of North Bonville Road.
- Construction of Cassidys Road for the frontage of the site.
- Construction of a roundabout for the North Bonville Road/Cassidys Road/Braford Drive intersection.
- Construction of a new intersection on North Bonville Road at the western subdivision access point.
- Construction of a Type B intersection on Pine Creek Way.
- Installation of a bus turnaround area in Cassidys Road.

These upgrades to the road network will result in an acceptable traffic and transport response for the development and the surrounding area.

- **Provision of Water Supply and Sewerage Infrastructure**

Provision of reticulated water supply and sewerage is required for the “super-lot” subdivision and for any other development that may occur under the concept approval. This is required by a condition of consent (1180/09).

All of the costs associated with extending these services to the site are the responsibility of the developer. Once these services are constructed they will become Council infrastructure. With extension of these services to the site, the development is considered acceptable with respect to water supply and sewerage.

Council previously agreed to allow reticulated water supply and sewerage to the site with consideration of Development Application 878/01.

- **Surrender of Existing Consent**

There are specific provisions of the *Environmental Planning and Assessment Act* that allow for “surrender” of a development consent. A consent can either be surrendered voluntarily or by a condition of development approval.

Both DAs 1179/09 and the existing consent (DA 878/01 as described in the Background section of this report) detail concept proposals for development over similar parcels of land (noting that development consent 878/01 also extends to additional parts of the Bonville International Golf Resort (to the north)).

Any approval of the Development Application 1179/09 considered by Council under this report will result in two concept approvals applying to similar land. While it is possible to have multiple consents that relate to the same land parcels, this is not an appropriate outcome where the concept developments will be inconsistent.

The existing approval (Development Consent 878/01) is described as comprising 280 retreats, 45 hotel/motel rooms, 63 lodges, associated convenience stores, a hairdresser, spa etc, nine hole golf course, driving range / practice area and golf and tennis academy. The character of these uses is tourist related with a connection to the recreational nature of the golf resort. While DA 1179/09 proposes some tourist accommodation, these are restricted to very specific locations on the site.

Rather than require surrender of Development Consent 878/01 upon issue of any approval for these applications, it is considered appropriate to impose a condition, requiring the surrender of Development Consent 878/01 (where it relates to the land subject to DA 1179/09) **prior to the release of any construction certificate** for works that relate to DA 1180/09. This means that, in the event that DA 1179/09 and DA 1180/09 are approved, there will be multiple consents applying to the land, but once the developer formally seeks approval to commence subdivision construction works (by submission of an application for a Construction Certificate) then the earlier approval (Development Consent 878/01 where it relates to the land subject to DA 1179/09) will need to be surrendered under DA 1180/09.

Transfer (and thereby surrender) of the earlier approved development (Development Consent 878/01) was anticipated by the current development application as demonstrated from the following section of the statement of environmental effects which relates to the distribution of uses over the site.

*“The proposed development is to enable the approved tourist accommodation units (DA 878/01)(645 ETs) to be developed to the equivalent number of residential dwellings (low and medium-density multi-unit accommodation) and tourist accommodation (approximately 485 dwellings/units). This lesser figure than the equivalent number of residential dwellings (645 ETs) is to be redistributed in accordance with the Council’s Settlement Strategy and its Priority 1 Urban Investigation Area definition, the adopted mid north coast regional strategy and growth areas”.*

**The Determination Process:**

It is reaffirmed that DA 1180/09 for the superlot community title subdivision of the site can only be determined after the DA 1179/09 (the whole of site concept approval), is determined. In the event that DA 1179/09 is not approved, DA 1180/09 cannot be determined as it "depends" upon DA 1179/09.

**Implementation Date / Priority:**

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

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

**Recommendation:**

- 1. That Development Application 1179/09 for a concept proposal for Lot 212, DP 597308, 124-124A North Bonville Road, Lot 3, DP 532900, 212 Pine Creek Way, Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville be approved subject to the conditions provided in Attachment 5.**
- 2. That upon the approval of Development Application 1179/09, Development Application 1180/09 for Stage One under the concept proposal (“Superlot” Subdivision under a Community Titles Scheme) for Lot 212, DP 597308, 124-124A North Bonville Road, Lot 3, DP 532900, 212 Pine Creek Way, Lot 101 & Lot 102, DP 881242 Cassidys Road, Bonville be approved subject to the conditions provided in Attachment 6.**
- 3. That persons who made a submission on the development applications be informed of Council’s decision.**

**Section 79C Assessment  
Development Application 1179/09**

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

- **Mid North Coast Regional Strategy**

The Mid North Coast Regional Strategy is primarily an overarching planning document which guides Councils in setting regional parameters for future strategic planning. Coffs Harbour is identified in the strategy as one of four major regional centres. Bonville is identified as a village – inland on the Mid North Coast Regional Strategy Map. The proposed development is considered to be consistent with the Mid North Coast Regional Strategy.

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

The North Coast Regional Environmental Plan is a deemed state environmental planning policy. The development is generally consistent with the aims and objectives of the Plan. Clauses of particular relevance are discussed further below:

**Clause 43 - Development control—residential development**

This provision requires that Council be satisfied on the following matters relating to the development

- (a) that the density of the dwellings has been maximised without adversely affecting the environmental features of the land,

*Comment – Development Application 1179/09 is an application for concept approval only. The Concept does establish densities for development over the site. The land is a green field site. The concept plan proposes some sites that will be developed into medium density housing. Densities have been maximised without adversely affecting environmental features.*

- (b) that proposed road widths are not excessive for the function of the road,

*Comment – Development Application 1179/09 is an application for concept approval only. Road widths within the proposed concept are appropriate for the function that they will serve.*

- (c) not applicable,

- (d) that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and

*Comment – Development Application 1179/09 is an application for concept approval only. The Concept does establish a road layout. The layout does allow for “circular” traffic movement so that public transport can access the development.*

- (e) that site erosion will be minimised in accordance with sedimentation and erosion management plans.

*Comment – This is a matter for future development applications under the concept approval.*

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

Clause 7 of this state policy specifies that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Comment: A very small part of Lot 212, DP 597308 (The very north west corner of the site) is identified by Council's constraints mapping as being subject to potential contamination as a former banana plantation site. Testing of areas of potential contamination has been undertaken by a geotechnical consultant (provided under Development Application 878/01). The conclusion of the report was that "*sufficient test results are available to indicate that contamination levels beyond the guidelines do not occur on these identified area. It is recommended that ... this lot be considered safe for possible use as a residential area*".

There is no other evidence to suggest that the subject land parcels are subject to any form of contamination. The land was recently rezoned under Draft Local Environmental Plan (Amendment No. 46) which also required consideration of potential contaminated land over the site.

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

*Zoning*

The proposed uses specified in the concept approval are Shops, Business Premises, Dwelling Houses, Multi-unit Housing and Tourist Accommodation.

The site is zoned

- 2E Tourist Residential
- 6C Open Space (Private Recreation)
- 7A Environmental Protection (Habitat and Catchment)
- 7B Environmental Protection (Scenic Buffer)

All of the proposed uses are proposed to be located within those areas of the site that are zoned 2E Tourist Residential. Under this zone Dwelling Houses, Multi-unit Housing & Tourist Facilities are permitted with consent. Shops and Business Premises are prohibited. The shops and business premises are proposed to be located on Lot 101, DP 881242 only.

Notwithstanding this prohibition, Clause 24 (Exceptions) allows for other uses regardless of other provisions of the Local Environmental Plan.

This provision allows on Lot 101, DP 881242.

- (a) shops (with a maximum of 200m<sup>2</sup> gross floor area per shop, and a total gross floor area not exceeding 2000m<sup>2</sup>) and associated car parks, and
- (b) business premises and office premises (with a maximum of 200m<sup>2</sup> gross floor area per tenancy, and a total gross floor area not exceeding 3000m<sup>2</sup>) and associated car parks,

All proposed uses under Development Application 1179/09 are permissible with consent. It is appropriate that a condition of approval restrict the approval to only those limits allowed by the "Exceptions" provision (Clause 24). This is required by a condition of development consent.



**Attachment 1**

**Clause 12 – Koala Habitat**

This clause requires Council to consider whether the proposed development is in accordance with a Koala Plan of Management.

The Bonville International Golf Resort includes areas of vegetation identified as Koala Habitat by Council's adopted Koala Plan of Management.

The majority of this habitat vegetation is classified as Secondary Koala Habitat under the Koala Plan of Management. There are smaller stands of vegetation through the subject lands which are classified as Primary Koala Habitat. The concept proposal generally locates uses away from identified vegetation under the Koala Plan of Management.

Specific controls of the Koala Plan of Management are more appropriately considered under a development application for development under the concept approval.

**Clause 23A - Development on Flood Prone Land**

In accordance with this clause the site is considered to contain some "flood prone land". In accordance with sub-clause 4, the consent authority must be satisfied that the proposed development:

- (a) *will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (b) *will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and*
- (c) *will enable safe occupation of the flood prone land, and*
- (d) *will not significantly 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, and*
- (e) *will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and*
- (f) *is compatible with the flow conveyance function of the floodway, and*
- (g) *is compatible with the flood hazard within the floodway.*

The concept proposal does not locate development in areas of significant flooding. The concept anticipates that there will be some site filling under future development applications.

**ii. The provisions of any draft environmental planning instrument**

- ***Draft Coffs Harbour Local Environmental Plan 2013***

Zoning

The proposed uses specified in the concept approval are Shops, Business Premises, Dwelling Houses, Multi-unit Housing and Tourist Accommodation.

## Attachment 1

The subject land is zoned R1 General Residential, E2 Environmental Conservation and RE2 Private Recreation under the provisions of the draft Plan. All of the proposed uses will be located within those areas of the site that are proposed to be zoned R1 General Residential. Under the R1 General Residential zone, Dwelling Houses, Multi-unit Housing & Tourist Accommodation are permitted with consent. Shops and Business Premises are prohibited.

Notwithstanding this prohibition, an "additional permitted use" clause allows limited shops and business premises as follows (on Lot 101, DP 881242 only).

- (a) shops (with a maximum of 200m<sup>2</sup> gross floor area per shop, and a total gross floor area not exceeding 2000m<sup>2</sup>) and associated car parks, and
- (b) business premises and office premises (with a maximum of 200m<sup>2</sup> gross floor area per tenancy, and a total gross floor area not exceeding 3000m<sup>2</sup>) and associated car parks,

Development Application 1179/09 proposes shops and business premises on Lot 101, DP 881242 only (and not over other parts of the subject land).

A condition of consent specifies that only shops and business premises that meet the above requirements can occur on the site.

### ***Clause 7.11 – Flood Planning***

This provision repeats the requirements of Clause 23A - Development on flood prone land - of Coffs Harbour City Local Environmental Plan 2000. See that part of this report for relevant consideration of this provision.

### ***Clause 7.12 – Koala Habitat***

This provision repeats the requirements of Clause 12 – Koala Habitat - of Coffs Harbour City Local Environmental Plan 2000. See that part of this report for relevant consideration of this provision.

## **iii. any Development Control Plan**

- **Residential Tourist Lands Development Control Plan**

This plan applies to land zoned 2E Residential Tourist and development for tourist and residential purposes. The plan provides General Controls and Specific Controls.

The following General Controls require consideration.

### General Control - Cultural Heritage

This provision of the plan highlights the potential for artifacts of cultural heritage to be unearthed during subdivision development. It specifies matters to be considered with respect to Cultural Heritage. It specifies need to consult with Local Aboriginal Land Councils and draws attention to requirements of the *National Parks and Wildlife Act 1974*. It makes reference to archaeological assessments being provided with all development applications.

## Attachment 1

### Consultation with the Local Aboriginal Land Council

Council consulted with the NSW Department of Environment, Climate Change and Water (now OEH) as part of the development assessment process. They recommended that there be consultation with Aboriginal stakeholder groups and assessment with respect to Aboriginal Cultural Heritage Issues. Council consulted with the Coffs Harbour and District Local Aboriginal Land Council as part of Draft Local Environmental Plan (Amendment No. 46). The Coffs Harbour and District Local Aboriginal Land Council advised as follows

*“The Coffs Harbour and District Local Aboriginal Land Council strongly recommend that should any development activity be undertaken in this area then consultation with the Aboriginal Community should be undertaken **prior to any associated ground disturbance** activities.*

*Additionally the consultation process will need to follow as per the new “Aboriginal Communities Consultation Requirements” issued by the Department of Environment Climate Change and Water.”*

Council has carried out the required consultation for assessment of Aboriginal Cultural Heritage.

### Requirement for Archaeological Assessment

It is considered that the assessment of Council that has been made during the development assessment process and the local environmental plan amendment process, the investigations undertaken by the applicant, the consultation with the Department of Environment, Climate Change and Water (DECCW) (now OEH) and the consultation with the Coffs Harbour and District Local Aboriginal Land Council satisfy Council’s statutory requirement to consider the issue of Aboriginal Cultural Heritage.

In the circumstances the level of assessment and documentation provided is considered appropriate.

### Special Controls - BONVILLE

This plan includes “Special” controls that only relate to the land covered by this application.

These controls include character statements. The development accords with the character statements.

There are also controls that relate to “dwelling yield”. The proposed development varies from the maximum number of medium density dwellings that can occur in the “western” precinct. The plan specifies a maximum of 97. The application proposes 101 dwellings. This variation is considered minor and acceptable.

There are also “development objectives” under these controls. The proposed development is considered compatible with these development objectives.

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

Clause 92 of the Environmental Planning and Assessment Regulations 2000 requires that the NSW Coastal Policy 1997, be considered in the determination of development applications. The development is consistent with the goals, objectives and strategic actions outlined in the Policy.

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**b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,**

• **The natural environment**

Potential Impacts on Koalas and other Fauna

The majority of vegetation at the site is classified as Secondary Koala Habitat under Council's Koala Plan of Management. There are smaller stands of vegetation which are classified as Primary Koala Habitat.

The layout of the concept and the distribution of uses over the site is appropriate as the development is largely located in areas of the site that are currently cleared. Vegetation removal that will be required to act on the concept approval will be minimal.

Waterway Impacts

A natural watercourse runs through Lot 212, DP 597308 and through Lot 102, DP 881242. The layout of the concept and the distribution of uses over the site are appropriate and will minimise impacts on waterways by providing appropriate buffers.

• **Social and Economic Impacts**

Traffic Impacts

The proposed uses over the site will result in additional traffic to the area.

Appropriate upgrading to the road network can occur with future development applications. This conceptual proposal is considered acceptable with respect to potential traffic impacts.

Aboriginal Cultural Heritage

With respect to this issue the following matters are relevant.

- Council has consulted with the NSW Department of Environment, Climate Change and Water (now OEH)
- Council has consulted with the Coffs Harbour and District Local Aboriginal Land Council
- Reference to Cultural Heritage in the Residential Tourist Lands Development Control Plan.
- Requirements under the National Parks and Wildlife Act 1974 to matters of Aboriginal Cultural Heritage
- Consideration of matters of Aboriginal Cultural Heritage under the Draft Local Environmental Plan (Amendment No. 46)
- Assessment of issues of Aboriginal Cultural Heritage by the applicant

Council consulted with the NSW Department of Environment, Climate Change and Water (now OEH) as part of the development assessment process. They recommended that there be consultation with Aboriginal stakeholder groups and assessment with respect to Aboriginal Cultural Heritage Issues. This matter was addressed further with Draft Local Environmental Plan (Amendment No. 46) by additional consultation with the Coffs Harbour and District Local Aboriginal Land Council.

## Attachment 1

The Coffs Harbour and District Local Aboriginal Land Council advised as follows

*“The Coffs Harbour and District Local Aboriginal Land Council strongly recommend that should any development activity be undertaken in this area then consultation with the Aboriginal Community should be undertaken **prior to any associated ground disturbance activities.**”*

*Additionally the consultation process will need to follow as per the new “Aboriginal Communities Consultation Requirements” issued by the Department of Environment Climate Change and Water.”*

The Residential Tourist Lands Development Control Plan makes reference to Cultural Heritage. It highlights the potential for artifacts of cultural heritage to be unearthed during subdivision development. It specifies matters to be considered with respect to Cultural Heritage. It specifies need to consult with Local Aboriginal Land Councils and draws attention to requirements of the *National Parks and Wildlife Act 1974*.

The *National Parks and Wildlife Act 1974* establishes offences for harm to known Aboriginal objects and also establishes *Aboriginal heritage impact permits* in respect of Aboriginal objects. The provisions of this act apply to developers of land regardless of requirements under the *Environmental Planning and Assessment Act*.

The applicant has considered aboriginal cultural heritage issues by

- Providing consideration of historical uses of the site.
- Undertaking searches for native title applications for the site.
- Consulting with the National Parks and Wildlife Service with respect to known recorded aboriginal sites in and around the subject site.

The site is largely disturbed as a result of historic use. Council is not aware of any specific site related evidence that indicates the likelihood, or otherwise, of items of Aboriginal Cultural Heritage being present on the site. The Department of Environment, Climate Change and Water (DECCW) (now OEH), nor the Coffs Harbour and District Local Aboriginal Land Council did not provide advice that items of Aboriginal Culture Heritage are likely to be found on the site. The site has been rezoned with the issue of aboriginal cultural heritage being considered in the LEP amendment process.

Given the above facts and the level of assessment and consultation that has been undertaken it is considered that the proposed development is unlikely to result in an unacceptable impact on items of Aboriginal Cultural Heritage and that Council’s statutory requirement to consider the issue has been satisfied.

### Economic Impacts

The proposed development is not expected to result in unacceptable economic impacts in the locality. The proposed development will provide additional housing in the longer term.

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

#### Vegetation, Fauna Movement and Watercourses

The vegetation of the site, evidence of fauna movement across the site and existence of watercourses are all constraints to the site. The concept proposal distributes uses over the site in a way that minimises vegetation removal, and provides appropriate buffers to the watercourses on the site.

## Attachment 1

Topography

The topography of the site is suited to the proposed development. There are areas of the site that are sloping and there are other areas of the site that are low lying. Landform modification (both cut and fill) could be carried out under future development applications to improve the suitability and performance of residential lots.

Rural Character and Potential Impacts on Agriculture

Public submissions have raised loss of rural character as an issue. While the subject land parcels will undergo significant physical and visual amenity change as residential development occurs, these changes are less likely for properties that are further from the development site. Generally changes in character will be contained to the site. There will be changes in traffic movement to and from the area. This issue is addressed elsewhere in this report. The proposed development will not result in unacceptable changes to the character of the area.

The NSW Department of Industry and Investment raised concern about potential impact of the development on agriculture. They highlighted the need to minimise and not impact on agricultural land that adjoins to the west. Buffers of 15 to 20 metres have been referenced in their response. The concept proposal does allow for these buffer distances to be provided in future development applications.

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

Below is a summary of all the matters raised in submissions. The matters raised in submissions are either addressed in other relevant parts of this report or, as noted below, relate primarily to the rezoning considerations and hence were considered by Council at its meeting of 27 October 2011.

**Summary of Public Submissions**

- Submissions of Support
  - Enhancement of the Bonville Golf Resort as a major tourist facility (mentioned in 33 submissions)
  - Economic benefits/job creation
  - Increased viability of Bonville Golf Resort (mentioned in 61 submissions)
  - Enhancement of the Bonville locality

(These issues primarily relate to the rezoning considerations and were considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)

- Submissions of Objection
  - Traffic and Access (mentioned in 29 submissions)
    - increased traffic volumes being generated on Cassidy's Road;
    - standard of Cassidys Road is insufficient to accommodate these increases;
    - danger to wildlife (koala/biodiversity crossings);
    - potential for conflict/safety concern with golf course users (carts), pedestrian safety;
    - safety/visibility at intersection of North Bonville Road, Cassidys Road and Braford Drive; and
    - lack of public transport.
  - Loss of potentially productive agricultural land (mentioned in 36 submissions)
  - Loss of rural character (mentioned in 25 submissions)

## Attachment 1

- Flooding/Runoff/Water quality (mentioned in 47 submissions)
- Koala Habitat/Biodiversity (mentioned in 60 submissions)
- Provision/Maintenance of Infrastructure (mentioned in 27 submissions)
- Impacts on Climate Change (mentioned in 18 submissions)  
(This issue primarily relates to the rezoning considerations and was considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)
- Surplus/sufficient residential land still undeveloped (mentioned in 20 submissions)  
(This issue primarily relates to the rezoning considerations and was considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)

### Government Department Submissions

#### NSW Roads and Traffic Authority (RTA) (now NSW Roads and Maritime Services)

The RTA advised of no objection, stating that the Bonville road network, including the recently opened Bonville Deviation, is considered to be of sufficient capacity to support the proposal.

#### NSW Department of Environment, Climate Change and Water (now NSW Office of Environment and Heritage)

The Department provided an initial response highlighting issues including,

- Koala Habitat
- endangered ecological communities – Section 5A
- Aboriginal Cultural Heritage;

The matters raised by the Department resulted in additional information being provided by the applicant. Through the process of Draft Local Environmental Plan (Amendment No 46) Council obtained an external consultant peer review of this documentation.

The matters raised by the Department are considered in more detail in the following other parts of this report;

- Coffs Harbour City Local Environmental Plan (LEP) 2000 – Clause 12 Koala Habitat
- the likely impacts of the development, ... – Potential Impact on Koalas and other Fauna
- the likely impacts of the development ... – Aboriginal Cultural Heritage

#### NSW Office of Water

The NSW Office of Water raised a number of other issues that were relevant to Draft Local Environmental Plan Amendment No. 46 and these matters were considered with the Draft Plan.

#### NSW Industry and Investment

Industry and Investment provided comment on the application with respect to Fisheries. They advised that works over the watercourse will require separate approval under the Fisheries Management Act. This can be required for future development applications.

Industry and Investment also raised “Agricultural Issues”. They highlighted the need to minimise and not impact on agricultural land that adjoins to the west. Buffers of 15 to 20

**Attachment 1**

metres have been referenced in their response. The concept layout does allow for these buffer distances to be provided in future development applications.

**e. the public interest:**

The proposed development is considered to be within the public interest as it is consistent with LEP Amendment No. 46.



**Section 79C Assessment  
Development Application 1180/09**

**a. the provisions of,**

**i. any environmental planning instrument, and**

**• Mid North Coast Regional Strategy**

The Mid North Coast Regional Strategy is primarily an overarching planning document which guides Councils in setting regional parameters for future strategic planning. Coffs Harbour is identified in the strategy as one of four major regional centres. Bonville is identified as a village – inland on the Mid North Coast Regional Strategy Map. The proposed development is considered to be consistent with the Mid North Coast Regional Strategy.

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

The North Coast Regional Environmental Plan is a deemed state environmental planning policy. The development is generally consistent with the aims and objectives of the Plan. Clauses of particular relevance are discussed further below:

**Clause 43 - Development control—residential development**

This provision requires that Council be satisfied on the following matters relating to the development

- (a) that the density of the dwellings has been maximised without adversely affecting the environmental features of the land,

*Comment – Development Application 1180/09 is a subdivision of land under a community title scheme into superlots. The superlots will be further developable to the density specified in the concept approval (Development Application 1179/09). Future development of the superlots into the density specified by Development Application 1179/09 (the concept approval) will ensure that densities are maximized for the site.*

- (b) that proposed road widths are not excessive for the function of the road,

*Comment – The road widths proposed in this application are appropriate for the function of the road and are not considered excessive.*

- (c) not applicable,

- (d) that the road network has been designed so as to encourage the use of public transport and minimise the use of private motor vehicles, and

*Comment –The road layout proposed in this subdivision does allow for “circular” traffic movement so that public transport can access the development. Provision for bus service and circulation is required by a condition of development consent.*

- (e) that site erosion will be minimised in accordance with sedimentation and erosion management plans.

*Comment – Sediment and erosion control plans are required by a condition of development consent.*

**Attachment 2**

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

Clause 7 of this state policy specifies that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Comment: A very small part of Lot 212, DP 597308 (The very north west corner of the site) is identified by Council's constraints mapping as being subject to potential contamination as a former banana plantation site. Testing of areas of potential contamination has been undertaken by a geotechnical consultant (provided under Development Application 878/01). The conclusion of the report was that "sufficient test results are available to indicate that contamination levels beyond the guidelines do not occur on these identified area. It is recommended that ... this lot be considered safe for possible use as a residential area".

There is no other evidence to suggest that the subject land parcels are subject to any form of contamination. The land was recently rezoned under Draft Local Environmental Plan (Amendment No. 46) which also required consideration of potential contaminated land over the site.

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

*Zoning*

The site is zoned

- 2E Tourist Residential
- 6C Open Space (Private Recreation)
- 7A Environmental Protection (Habitat and Catchment)
- 7B Environmental Protection (Scenic Buffer)

The subdivision is proposed to be located on that part of the site that is zoned 2E Tourist Residential and 7A Environmental Protection (Habitat and Catchment). There will be no subdivision of the land that is zoned Environmental Protection. Subdivision is permissible in the 2E Tourist Residential zone with development consent.

***Clause 12 – Koala Habitat***

This clause requires Council to consider whether the proposed development is in accordance with a Koala Plan of Management.

General Comment - The Bonville International Golf Resort includes areas of vegetation identified as Koala Habitat by Council's adopted Koala Plan of Management.

The majority of this habitat vegetation is classified as Secondary Koala Habitat under the Koala Plan of Management. There are smaller stands of vegetation through the subject lands which are classified as Primary Koala Habitat. These areas will remain undisturbed under this development application.

A number of measures have been proposed to encourage a fauna corridor through the site and to adjoining sites in appropriate locations. These include;

- Construction of Koala exclusion fencing
- Construction of Koala Proof fencing
- Planting to discourage koala access
- Installation of Koala Crossing on North Bonville Road

**Attachment 2**

These will be required by a condition of development consent.

A vegetation management plan is also required via a condition of development consent. This will require additional planting in appropriate locations. With imposition of these matters the impact on Koalas can be managed with development of the site.

Relevant Controls of the Koala Plan of Management are as follows

- The following tree species should not be removed. - Tallowwood *Eucalyptus microcorys*, Swamp Mahogany *E. robusta*, Broad-leaved Paperbark *Melaleuca quinquenervia*, Flooded Gum *E. grandis*, Blackbutt *E. pilularis*, Forest Red Gum *E. tereticornis*, Small-fruited Grey Gum *E. propinqua*, or Forest Oak *Allocasuarina torulosa*.

Comment – None of these tree species will be removed as a result of the proposed development.

- There should be zero net loss of Primary Koala Habitat;

Comment – There will be no loss of Primary Koala Habitat.

- Consider threats to koalas which may result from the development;

Comment – There may be threats to Koalas as a result of Koalas moving into the residential area once it is established. A number of measures are proposed to prevent Koalas coming into proposed residential areas including Koala proof fencing, Koala exclusion fencing, hedge planting to prevent movement of Koalas. These measures will minimise the opportunity for Koalas to enter into established residential areas.

- Consider the likely impacts to adjacent or nearby Primary Koala Habitat and existing or potential koala movement corridors;

Comment – There is evidence of Koalas moving through the Bonville International Golf Resort site and travelling either north or south. Specific measures within the North Bonville Road Reserve are proposed which will act as Koala Crossings. These are proposed in specific locations. These measures were proposed as part of flora and fauna assessment documentation that was provided with the application. They are also required as conditions of development consent.

- Consider all other options for preventing or ameliorating impacts from the development on koalas;

Comment – All of the measures proposed to minimise the impact of the development on Koalas are required to be carried out as conditions of development consent. It is considered that these measures will minimise the impact on Koala populations such that there will not be an unacceptable impact.

- Consider whether the land is accredited under the Timber Plantation (Harvest Guarantee) Act 1995

Comment – The land is not accredited under the Timber Plantation (Harvest Guarantee) Act 1995

## Attachment 2

- seek the advice from the NPWS for all development proposals within areas defined as Primary Koala Habitat Type.

Comment – The application was referred to the NSW Office of Environment, Climate Change and Water. Their response has been considered in the assessment of the application.

### **Clause 14 – Services**

This clause requires that Council be satisfied that water supply and sewerage are available to the land.

It is proposed that the development be serviced by Council's reticulated sewer and water systems. This is required by a condition of development consent and is extensively addressed in the statement of environmental effects that forms part of the application

With this arrangement the development will be satisfactory with respect to this provision.

### **Clause 23 – Environmental Hazards**

Acid Sulfate Soils - The majority of the subject land is mapped as being Class 5 potential acid sulfate soils with some of the site being mapped as Class 4 potential acid sulfate soils. The classification of a site is relative to the depth at which acid sulfate soils are likely to be encountered. Potential to encounter acid sulfate soils is extremely unlikely in areas mapped as Class 5. For areas mapped as Class 4 acid sulfate soils are only likely to be encountered where there will be works occurring at greater than two metres below the natural ground surface. Documentation provided with the application has not specified the depth for all excavation works over the site.

As a result, further testing for acid sulfate soils should be provided where

1. Subdivision works will require excavation more than two metres below natural ground level and
2. Those works will occur in areas mapped as Class 4 potential acid sulfate soils.

Further testing is required by a condition of development consent.

### **Clause 23A - Development on Flood Prone Land**

In accordance with this clause the site is considered to contain some "flood prone land". In accordance with sub-clause 4, the consent authority must be satisfied that the proposed development:

- (a) *will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

Comment - The proposed development does not provide any changes to the site that will affect flood behaviour to the area.

- (b) *will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, and*

Comment - The proposed development does not provide any changes to the site that will alter flow distributions and velocities to the area.

**Attachment 2**

- (c) *will enable safe occupation of the flood prone land, and*

Comment - This matter has been largely addressed in the local environmental plan amendment process by removal of some areas of flooding from proposed residential areas. A comprehensive flood study was also provided as part of this process.

There remains some areas where, according to the flood study, low level inundation is likely. In these areas limited site filling can occur so that all lots will have flood free development areas. This limited filling is considered acceptable and will not result in any issue of safety regarding occupation of these limited areas.

- (d) *will not significantly 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, and*

Comment – There are no issues of this nature that relate to the development.

- (e) *will not be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding, and*

Comment - The proposed development will not result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding

- (f) *is compatible with the flow conveyance function of the floodway, and*

Comment - The proposed development does not provide any changes that will effect the flow conveyance function of the floodway.

- (g) *is compatible with the flood hazard within the floodway.*

Comment - The proposed development is not in an area of flood hazard within the floodway.

**ii. The provisions of any draft environmental planning instrument**

**• Draft Coffs Harbour Local Environmental Plan 2013**

Permissibility

The subject land is zoned R1 General Residential, E2 Environmental Conservation and RE2 Private Recreation under the provisions of the draft Plan. The parts of the site where the subdivision will occur are zoned R1 General Residential and some parts are zoned E2 Environmental Conservation.

Subdivision is permissible in the R1 General Residential zone. Under this application there is only subdivision of the land that is zoned R1 General Residential, so the development is permissible under Draft Coffs Harbour Local Environmental Plan 2013.

**Clause 7.1 – Acid Sulfate Soils**

This provision repeats the requirements of Clause 23 - Environmental Hazards - of Coffs Harbour City Local Environmental Plan 2000. See that part of this report for relevant consideration of this provision.

**Attachment 2**

**Clause 7.10 – Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access..

Comment - All of these services are required for the proposed development and are required to be provided by conditions of development consent.

**Clause 7.11 – Flood Planning**

This provision repeats the requirements of Clause 23A - Development on flood prone land - of Coffs Harbour City Local Environmental Plan 2000. See that part of this report for relevant consideration of this provision.

**Clause 7.12 – Koala Habitat**

This provision repeats the requirements of Clause 12 – Koala Habitat - of Coffs Harbour City Local Environmental Plan 2000. See that part of this report for relevant consideration of this provision.

**iii. any Development Control Plan**

- **Residential Tourist Lands Development Control Plan**

This plan applies to land zoned 2E Residential Tourist and development for tourist and residential purposes. The plan provides General Controls and Specific Controls.

The following General Controls require consideration.

General Control - Vegetation Management

A vegetation management plan is required for “green field” subdivision. This is required by a condition of development consent. The condition requires re-vegetation of areas along watercourses and in other areas to encourage fauna corridors.

General Control - Services

Services are required to be provided to all lots in a subdivision. Conditions of development consent require provision of roads, water supply, sewerage, electricity and telecommunications.

General Control - Cultural Heritage

This provision of the plan highlights the potential for artifacts of cultural heritage to be unearthed during subdivision development. It specifies matters to be considered with respect to Cultural Heritage. It specifies need to consult with Local Aboriginal Land Councils and draws attention to requirements of the *National Parks and Wildlife Act 1974*. It makes reference to archaeological assessments being provided with all development applications.

## Attachment 2

### Consultation with the Local Aboriginal Land Council

Council consulted with the NSW Department of Environment, Climate Change and Water (now OEH) as part of the development assessment process. They recommended that there be consultation with Aboriginal stakeholder groups and assessment with respect to Aboriginal Cultural Heritage Issues. Council consulted with the Coffs Harbour and District Local Aboriginal Land Council as part of Draft Local Environmental Plan (Amendment No. 46). The Coffs Harbour and District Local Aboriginal Land Council advised as follows

*“The Coffs Harbour and District Local Aboriginal Land Council strongly recommend that should any development activity be undertaken in this area then consultation with the Aboriginal Community should be undertaken **prior to any associated ground disturbance activities.**”*

*Additionally the consultation process will need to follow as per the new “Aboriginal Communities Consultation Requirements” issued by the Department of Environment Climate Change and Water.”*

Council has carried out the required consultation for assessment of Aboriginal Cultural Heritage but it is appropriate that further consultation be carried out prior to any subdivision works that will involve ground disturbance. This is proposed by a condition of development consent as follows:

#### ***Cultural Heritage – Prior to Ground Disturbance***

Consultation with the Coffs Harbour and District Local Aboriginal Land Council is to be undertaken prior to the carrying out of any ground disturbance activities on the site. The consultation process is to be guided by the document “*Aboriginal cultural heritage consultation requirements for proponents 2010*” prepared by the Department of Environment, Climate Change and Water, NSW.

### Requirements of National Parks and Wildlife Act 1974

The requirements of *National Parks and Wildlife Act 1974* are also reinforced by a condition of development consent as follows;

#### ***Cultural Heritage – During Construction***

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

### Requirement for Archaeological Assessment

It is considered that the assessment of Council that has been made during the development assessment process and the local environmental plan amendment process, the investigations undertaken by the applicant, the consultation with the Department of Environment, Climate Change and Water (DECCW) (now OEH) and the consultation with the Coffs Harbour and District Local Aboriginal Land Council satisfy Council’s statutory requirement to consider the issue of Aboriginal Cultural Heritage.

## Attachment 2

In the circumstances the level of assessment and documentation provided is considered appropriate. Further documentation would be more than that required by the *Environmental Planning and Assessment Act*.

### Special Controls - BONVILLE

This plan includes "Special" controls that only relate to the land covered by this application.

These controls include character statements. The development accords with the character statements.

There are also controls that relate to "dwelling yield". The proposed development varies from the maximum number of medium density dwellings that can occur in the "western" precinct. The plan specifies a maximum of 97. The application proposes 101 dwellings. This variation is considered minor and acceptable.

There are also "development objectives" under these controls. The proposed development is considered compatible with these development objectives.

#### • **Subdivision Development Control Plan**

##### Design requirements

The subdivision meets all the design requirements as required by this plan. Cul-de-sacs that are proposed are limited in length.

##### Energy efficiency

The subdivision accords with lot orientation requirements of this plan which are designed to improve energy efficiency.

##### Density

The application is for the creation of superlots. Consequently the subdivision meets the density requirement of a minimum lot of 400 m<sup>2</sup> for lots fronting a street and 500 m<sup>2</sup> for lots fronting a cul de sac. The subdivision also meets all the minimum frontage requirements of four metres for all lots fronting a street and ten metres for all lots fronting a cul de sac.

##### Services

The subdivision will be provided by all infrastructure services as required by this plan. Provision of these services is required by a condition of development consent.

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

Clause 92 of the Environmental Planning and Assessment Regulations 2000 requires that the NSW Coastal Policy 1997, be considered in the determination of development applications. The development site is not in the Coastal Zone.



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**b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,**

• **The natural environment**

Potential Impacts on Koalas and other Fauna

The majority of vegetation at the site is classified as Secondary Koala Habitat under Council's Koala Plan of Management. There are smaller stands of vegetation which are classified as Primary Koala Habitat. The vegetation removal that will occur under this application, however, is very limited to some lots along Cassidys Road. Areas of Primary Koala Habitat will remain undisturbed. Adverse impact on Koalas as a result of vegetation removal is unlikely.

There is some evidence that Koalas move through the Bonville International Golf Resort site when travelling either north or south. Disturbance to Koala movement is also a potential impact.

Specific measures within the North Bonville Road Reserve are proposed which will act as Koala Crossings. These are proposed in specific locations and were proposed as part of the flora and fauna assessment documentation that was provided with the application. Installation of these measures is required as a condition of development consent. These measures will also benefit other native fauna and not just Koalas.

Another potential threat to Koalas is their movement into established residential areas. A number of measures are proposed to prevent Koalas moving into residential areas including Koala proof fencing, Koala exclusion fencing and hedge planting. All of the proposed measures are required to be carried out as conditions of development consent and will minimise the opportunity for Koalas to enter into established residential areas. It is considered that these measures will minimise the impact on Koala populations such that there will not be an unacceptable impact.

Waterway Impacts

A natural watercourse runs through Lot 212, DP 597308 and through Lot 102, DP 881242. A vegetation management plan is required by a condition of development consent. This will require additional planting along these watercourses and in appropriate locations to rehabilitate these riparian areas. This will minimise the impact of the proposed development on waterways.

Sediment and Erosion control should also occur during construction of the development to minimise the impact on waterways. This is also required by a condition of development consent.

Section 5A Assessment (Environmental Planning and Assessment Act 1979)

a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

Koala

- The proposed development is not likely to result in an adverse effect on the life cycle of Koalas such that they be placed at risk of distinction as
  - a viable local population is unlikely to be dependent on the site in isolation but will likely rely on other sites.
  - Primary and secondary Koala Habitat will be retained on site.
  - Appropriate measures are proposed to minimise the impact on Koalas.

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Masked Owl

- The proposed development is not likely to result in an adverse effect on the life cycle of Masked Owl such that they be placed at risk of distinction as
  - The size of the home range of the masked owl is greater than the subject site.
  - The amount of vegetation that is proposed to be removed for the development is limited.
  - The site in isolation is unlikely to be of significance for the maintenance of any individual Masked Owl.

Little Bent Wing Bat

- The proposed development is not likely to result in an adverse effect on the life cycle of Little Bent Wing Bat such that they be placed at risk of distinction as
  - The species is highly mobile and wide ranging
  - There is a lack of suitable roosting resources for the Little Bent Wing Bat
  - It is unlikely that a viable population would exclusively rely on the site.

Common Bent Wing Bat

- The proposed development is not likely to result in an adverse effect on the life cycle of Common Bent Wing Bat such that they be placed at risk of distinction as
  - The species is highly mobile and wide ranging
  - There is a lack of unique or critical foraging resources for the Common Bent Wing Bat

East Coast Free Tail Bat

- The proposed development is not likely to result in an adverse effect on the life cycle of East Coast Free Tail Bat such that they be placed at risk of distinction as
  - The species is highly mobile and wide ranging
  - There is a lack of unique or critical foraging resources for the East Coast Free Tail Bat
  - There are other areas of similar habitat in the surrounding area

Large Footed Myotis

- The proposed development is not likely to result in an adverse effect on the life cycle of Large Footed Myotis such that they be placed at risk of distinction as
  - It is unlikely that a "viable population" be resident on or dependant on the site.
  - There is a lack of unique or critical foraging resources.
  - The species is mobile

- (b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

Koala

- There is not considered to be an endangered population of Koala on the site.

Masked Owl

- There is not considered to be an endangered population of Masked Owl on the site.

Little Bent Wing Bat

- The Little Bent Wing Bat is not eligible for listing as an endangered population.

Common Bent Wing Bat

- There is not considered to be an endangered population of Common Bent Wing Bat on the site.

**Attachment 2**

East Coast Free Tail Bat

- There is not considered to be an endangered population of East Coast Free Tail Bat on the site.

Large Footed Myotis

- There is not considered to be an endangered population of Large Footed Myotis on the site.

- (c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion may occur on the site. It is only likely to be located in that part of the site that is zoned Environmental Protection where it will be protected. There will be no impact on this potential EEC.

- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Lowland Rainforest in NSW North Coast and Sydney Basin Bioregion may occur on the site. It is only likely to be located in that part of the site that is zoned Environmental Protection where it will be protected. There will be no impact on this potential EEC.

- (d) in relation to the habitat of a threatened species, population or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

Koala

- The proposed development is unlikely to have a significant affect on the habitat of the Koala as
  - Appropriate habitat vegetation will be retained on the site.
  - Additional Koala Habitat will be planted as part of a vegetation management plan.

Masked Owl

- The proposed development is unlikely to have a significant affect on the habitat of the Masked Owl as
  - There will be no removal of relevant or significant areas of habitat for the Masked Owl.
  - The development will not result in an area of habitat for the species becoming fragmented or isolated from other areas of habitat.

**Attachment 2**

Little Bent Wing Bat

- The proposed development is unlikely to have a significant affect on the habitat of the Little Bent Wing Bat as
  - The majority of habitat for the species is to be retained and will not be removed or modified.

Common Bent Wing Bat

- The proposed development is unlikely to have a significant affect on the habitat of the Common Bent Wing Bat as
  - The majority of habitat for the species is to be retained and will not be removed or modified.

East Coast Free Tail Bat

- The proposed development is unlikely to have a significant affect on the habitat of the East Coast Free Tail Bat as
  - The majority of habitat for the species is to be retained and will not be removed or modified.

Large Footed Myotis

- The proposed development is unlikely to have a significant affect on the habitat of the Large Footed Myotis as
  - No habitat of relevance to the species will be removed or modified.

- (e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

No relevant areas of critical habitat have been declared, within the locality, under Part 3 of the Threatened Species Conservation Act 1995, for any of the relevant species.

- (f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

There is no recovery plan or threat abatement plan for:

- Koala
- Little Bent Wing Bat
- Common Bent Wing Bat
- East Coast Free Tail Bat
- Large Footed Myotis

Masked Owl

- The Masked Owl is a subject species of the Recovery Plan for Large Forest Owls (DECC 2006)
  - The planning and environmental assessment process as specified by this plan has been undertaken.
  - The site is unlikely to form "significant owl Habitat" as referred to in this plan.

- (g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Clearing of vegetation is listed as a "Key Threatening Process". The vegetation removal proposed as part of this development is limited.

Koala

- Appropriate vegetation will be retained so there will not be an impact Koala populations as a result of the limited clearing proposed by the development.

Masked Owl

## Attachment 2

- The clearing of vegetation proposed under the development will not result in a loss of habitat for the Masked Owl.

### Little Bent Wing Bat

- The clearing of vegetation proposed under the development will not result in a loss of significant areas of habitat.

### Common Bent Wing Bat

- The clearing of vegetation proposed under the development will not result in a loss of significant areas of habitat.

### East Coast Free Tail Bat

- The clearing of vegetation proposed under the development will not result in a loss of significant areas of suitable habitat.

### Large Footed Myotis

- The clearing of vegetation proposed under the development will not result in a loss of significant areas of habitat.

- **Social and Economic Impacts**

#### Traffic Impacts

The proposed development will result in additional traffic to the area. The road network will be upgraded by the following measures.

- Reconstruction and widening of North Bonville Road
- Construction of Cassidys Road (for the frontage of the site)
- Construction of a roundabout for the North Bonville Road/Cassidys Road/Braford Drive intersection
- Construction of a new intersection on North Bonville Road at the western subdivision access point
- Construction of a Type B intersection on Pine Creek Way
- Installation of bus turnaround area in Cassidys Road.
- Installation of crossings for golf carts to Australian Standards
- Installation of Fauna Crossings on North Bonville Road

These upgrades to the road network will result in an acceptable traffic and transport treatment for the development and the surrounding area.

#### Construction Impacts

With any development there is potential for adverse construction impacts to occur. These can be minimised with appropriate controls. Proposed conditions of consent that relate to sediment and erosion control, preparation of a construction management plan and appointment of a construction liason contact and hours of construction are proposed to minimise impacts.

#### Aboriginal Cultural Heritage

With respect to this issue the following matters are relevant.

## Attachment 2

- Council has consulted with the NSW Department of Environment, Climate Change and Water (now OEH)
- Council has consulted with the Coffs Harbour and District Local Aboriginal Land Council
- Reference to Cultural Heritage in the Residential Tourist Lands Development Control Plan.
- Requirements under the National Parks and Wildlife Act 1974 to matters of Aboriginal Cultural Heritage
- Consideration of matters of Aboriginal Cultural Heritage under the Draft Local Environmental Plan (Amendment No. 46)
- Assessment of issues of Aboriginal Cultural Heritage by the applicant

Council consulted with the NSW Department of Environment, Climate Change and Water (now OEH) as part of the development assessment process. They recommended that there be consultation with Aboriginal stakeholder groups and assessment with respect to Aboriginal Cultural Heritage Issues. This matter was addressed further with Draft Local Environmental Plan (Amendment No. 46) by additional consultation with the Coffs Harbour and District Local Aboriginal Land Council.

The Coffs Harbour and District Local Aboriginal Land Council advised as follows

*“The Coffs Harbour and District Local Aboriginal Land Council strongly recommend that should any development activity be undertaken in this area then consultation with the Aboriginal Community should be undertaken **prior to any associated ground disturbance** activities.*

*Additionally the consultation process will need to follow as per the new “Aboriginal Communities Consultation Requirements” issued by the Department of Environment Climate Change and Water.”*

The Residential Tourist Lands Development Control Plan makes reference to Cultural Heritage. It highlights the potential for artifacts of cultural heritage to be unearthed during subdivision development. It specifies matters to be considered with respect to Cultural Heritage. It specifies need to consult with Local Aboriginal Land Councils and draws attention to requirements of the *National Parks and Wildlife Act 1974*.

The *National Parks and Wildlife Act 1974* establishes offences for harm to known Aboriginal objects and also establishes *Aboriginal heritage impact permits* in respect of Aboriginal objects. The provisions of this act apply to developers of land regardless of requirements under the *Environmental Planning and Assessment Act*.

The applicant has considered aboriginal cultural heritage issues by

- Providing consideration of historical uses of the site.
- Undertaking searches for native title applications for the site.
- Consulting with the National Parks and Wildlife Service with respect to known recorded aboriginal sites in and around the subject site.

The site is largely disturbed as a result of historic use. Council is not aware of any specific site related evidence that indicates the likelihood, or otherwise, of items of Aboriginal Cultural Heritage being present on the site. The Department of Environment, Climate Change and Water (DECCW) (now OEH), nor the Coffs Harbour and District Local Aboriginal Land Council did not provide advice that items of Aboriginal Culture Heritage are likely to be found on the site. The site has been rezoned with the issue of aboriginal cultural heritage being considered in the LEP amendment process.

## Attachment 2

Given the above facts and the level of assessment and consultation that has been undertaken it is considered that the proposed development is unlikely to result in an unacceptable impact on items of Aboriginal Cultural Heritage and that Council's statutory requirement to consider the issue has been satisfied. This position can be further reinforced by the imposition of two conditions of development consent as shown below.

The first condition (shown below) requires that there be consultation with the Coffs Harbour and District Land Council. Under the condition, consultation is required prior to any land disturbance works occurring. Consultation will need to be in accordance with the relevant document specifying the consultation process. This will address the responses provided by both the NSW Department of Environment, Climate Change and Water (now OEH) and the Coffs Harbour District Local Aboriginal Land Council.

### ***Cultural Heritage – Prior to Ground Disturbance***

Consultation with the Coffs Harbour and District Local Aboriginal Land Council is to be undertaken prior to the carrying out of any ground disturbance activities on the site. The consultation process is to be guided by the document "*Aboriginal cultural heritage consultation requirements for proponents 2010*" prepared by the Department of Environment, Climate Change and Water, NSW.

The second condition (shown below) will ensure compliance with the National Parks and Wildlife Act 1974 in the event that any works disturb Aboriginal cultural materials.

### ***Cultural Heritage – During Construction***

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

### **Economic Impacts**

The proposed development is not expected to result in unacceptable economic impacts in the locality. The proposed development will provide additional housing in the longer term.

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

### **Vegetation, Fauna Movement and Watercourses**

The vegetation of the site, evidence of fauna movement across the site and existence of watercourses are all constraints to the site. The development has been located to minimise vegetation removal, impact on fauna movement can be minimised by installation of fauna crossings, and appropriate buffers have been provided to the watercourses on the site.

### **Topography**

The topography of the site is suited to the proposed development. There are areas of the site that are sloping and there are other areas of the site that are low lying. Landform modification (both cut and fill) is proposed to improve the alignment of roads, improve the access to sites and provide lots which are above a one percent ARI flood level. The extent of landform modification is typical of many subdivisions in Coffs Harbour and is considered acceptable.

## Attachment 2

Sediment and erosion control is important with significant landform modification and this is required by a condition of development consent.

### Rural Character and Potential Impacts on Agriculture

Public submissions have raised loss of rural character as an issue. While the subject land parcels will undergo significant physical and visual amenity change as residential development occurs, these changes are less likely for properties that are further from the development site. Generally changes in character will be contained to the site. There will be changes in traffic movement to and from the area. This issue is addressed elsewhere in this report. The proposed development will not result in unacceptable changes to the character of the area.

The NSW Department of Industry and Investment raised concern about potential impact of the development on agriculture. They highlighted the need to minimise and not impact on agricultural land that adjoins to the west. Buffers of 15 to 20 metres have been referenced in their response. It is not possible with the creation of "superlots" to determine precisely the setback between the adjoining rural land and future residential development on the proposed lots. This issue will be considered when future development of each "superlot" occurs. Subject to the provision of appropriate buffers the proposed development is considered acceptable with respect to potential impacts on agriculture.

### Bushfire Considerations

The site is mapped as bushfire prone. The NSW Rural Fire Service has issued general terms of approval. These have been incorporated into conditions of development consent. While bushfire is an issue it does not affect the suitability of the site for the proposed development.

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

Below is a summary of all the matters raised in submissions. The matters raised in submissions are either addressed in other relevant parts of this report or, as noted below, relate primarily to the rezoning considerations and hence were considered by Council at its meeting of 27 October 2011.

#### **Summary of Public Submissions**

- Submissions of Support
  - Enhancement of the Bonville Golf Resort as a major tourist facility (mentioned in 33 submissions)
  - Economic benefits/job creation
  - Increased viability of Bonville Golf Resort (mentioned in 61 submissions)
  - Enhancement of the Bonville locality

(These issues primarily relate to the rezoning considerations and were considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)

- Submissions of Objection
  - Traffic and Access (mentioned in 29 submissions)
    - increased traffic volumes being generated on Cassidy's Road;
    - standard of Cassidys Road is insufficient to accommodate these increases;
    - danger to wildlife (koala/biodiversity crossings);
    - potential for conflict/safety concern with golf course users (carts), pedestrian safety;
    - safety/visibility at intersection of North Bonville Road, Cassidys Road and Braford Drive; and



## Attachment 2

- lack of public transport.
- Loss of potentially productive agricultural land (mentioned in 36 submissions)
- Loss of rural character (mentioned in 25 submissions)
- Flooding/Runoff/Water quality (mentioned in 47 submissions)
- Koala Habitat/Biodiversity (mentioned in 60 submissions)
- Provision/Maintenance of Infrastructure (mentioned in 27 submissions)
- Impacts on Climate Change (mentioned in 18 submissions)  
(This issue primarily relates to the rezoning considerations and was considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)
- Surplus/sufficient residential land still undeveloped (mentioned in 20 submissions)  
(This issue primarily relates to the rezoning considerations and was considered by Council at its meeting of 27 October 2011 through consideration of the draft LEP.)

### Government Department Submissions

#### NSW Roads and Traffic Authority (RTA) (now NSW Roads and Maritime Services)

The RTA advised of no objection, stating that the Bonville road network, including the recently opened Bonville Deviation, is considered to be of sufficient capacity to support the proposal.

#### NSW Department of Environment, Climate Change and Water (now NSW Office of Environment and Heritage)

The Department provided an initial response highlighting issues including,

- Koala Habitat
- endangered ecological communities – Section 5A
- Aboriginal Cultural Heritage;

The matters raised by the Department resulted in additional information being provided by the applicant. Through the process of Draft Local Environmental Plan (Amendment No 46) Council obtained an external consultant peer review of this documentation.

The matters raised by the Department are considered in more detail in the following other parts of this report;

- Coffs Harbour City Local Environmental Plan (LEP) 2000 – Clause 12 Koala Habitat
- the likely impacts of the development, ... – Potential Impact on Koalas and other Fauna
- the likely impacts of the development, ... – Section 5A Assessment
- the likely impacts of the development ... – Aboriginal Cultural Heritage

#### NSW Office of Water

This application was referred to NSW Office of Water (as integrated development) requesting general terms of approval.

Development Application 1180/09 originally proposed a road connection across a watercourse on Lot 212, DP 597308 (the western lot). The application was been amended and the road connection was deleted. There remains in the application reference to golf cart paths and pedestrian connections over the area where the watercourse is located on Lot 212, DP 597308

## Attachment 2

but no further detail (such as construction plans that would enable a full assessment of these components) has been provided. General Terms of Approval were not provided by NSW Office of Water in their response. Given the lack of detail provided for works and structures to occur in proximity of the watercourse, it is appropriate that a condition of consent require further, separate approval for these works.

The NSW Office of Water raised a number of other issues that were relevant to Draft Local Environmental Plan Amendment No. 46 and these matters were considered with the Draft Plan.

### NSW Rural Fire Service

The referral to the NSW Rural Fire Service was an integrated development referral. They provided their “general terms of approval” to the application and these have been imposed as conditions of approval.

### NSW Industry and Investment

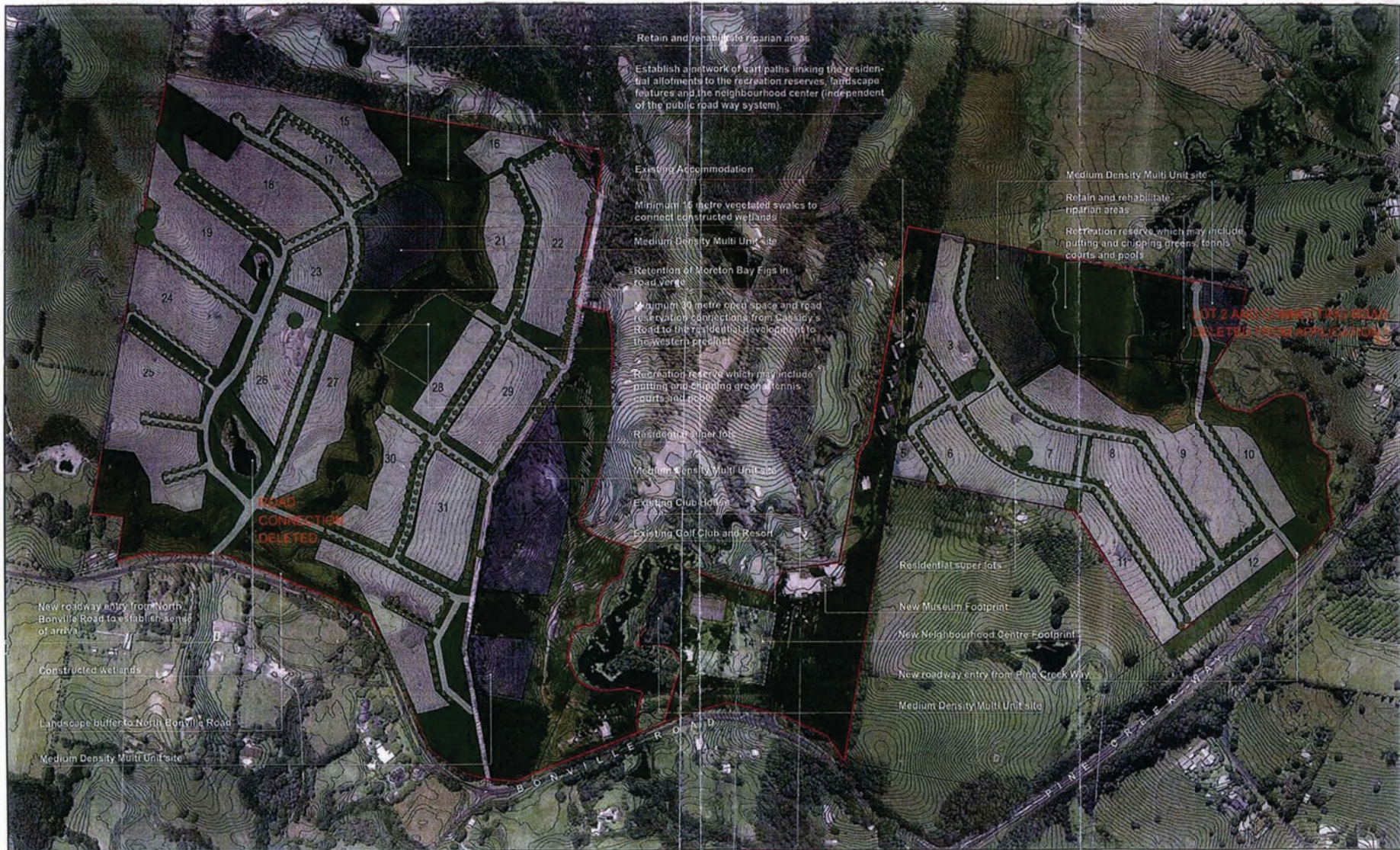
Industry and Investment provided comment on the application with respect to Fisheries. They advised that works over the watercourse will require separate approval under the Fisheries Management Act. Separate Approval of works and structures in proximity of the watercourse is required by a condition of development consent.

Industry and Investment also raised “Agricultural Issues”. They highlighted the need to minimise and not impact on agricultural land that adjoins to the west. Buffers of 15 to 20 metres have been referenced in their response. It is not possible with this application (where only the “superlots” are being created) to determine precisely the setback that there will be between the adjoining rural land and future residential development on the proposed lots. This issue will be considered when future development of each “superlot” occurs.

#### **e. the public interest:**

The proposed development is considered to be within the public interest as it is consistent with LEP Amendment No. 46.





The proposal (refer to Section 4 Table 2 of the Statement of Environmental Effects) incorporates a general development structure and form based on a comprehensive constraints and opportunities analysis, and with the aim of providing an environmentally sound and site responsive development outcome. It provides for the generation of a character that draws upon both the immediate and broader contextual landscape, the landscape qualities of the existing Bonville International Golf Resort and environmentally sound development principles.

The proposal enables:

- Retention of the riparian areas and setbacks from the identified one in 100 flood areas;
- Minimises development of the ridgelines (incorporating landscaped road reservations);
- Minimises impacts on the key environmental characteristics and landform;
- Incorporates appropriate Water Sensitive Urban Design measures; and
- Establishes a structure that will create an attractive and safe living environment and a sense of community identity



Source: Coffs Harbour City Council - date of aerial photo March 2007  
 File Identity: 2071021\Graphics\2009\Concept Proposal Final.dwg  
 Date Modified: 29 June 09

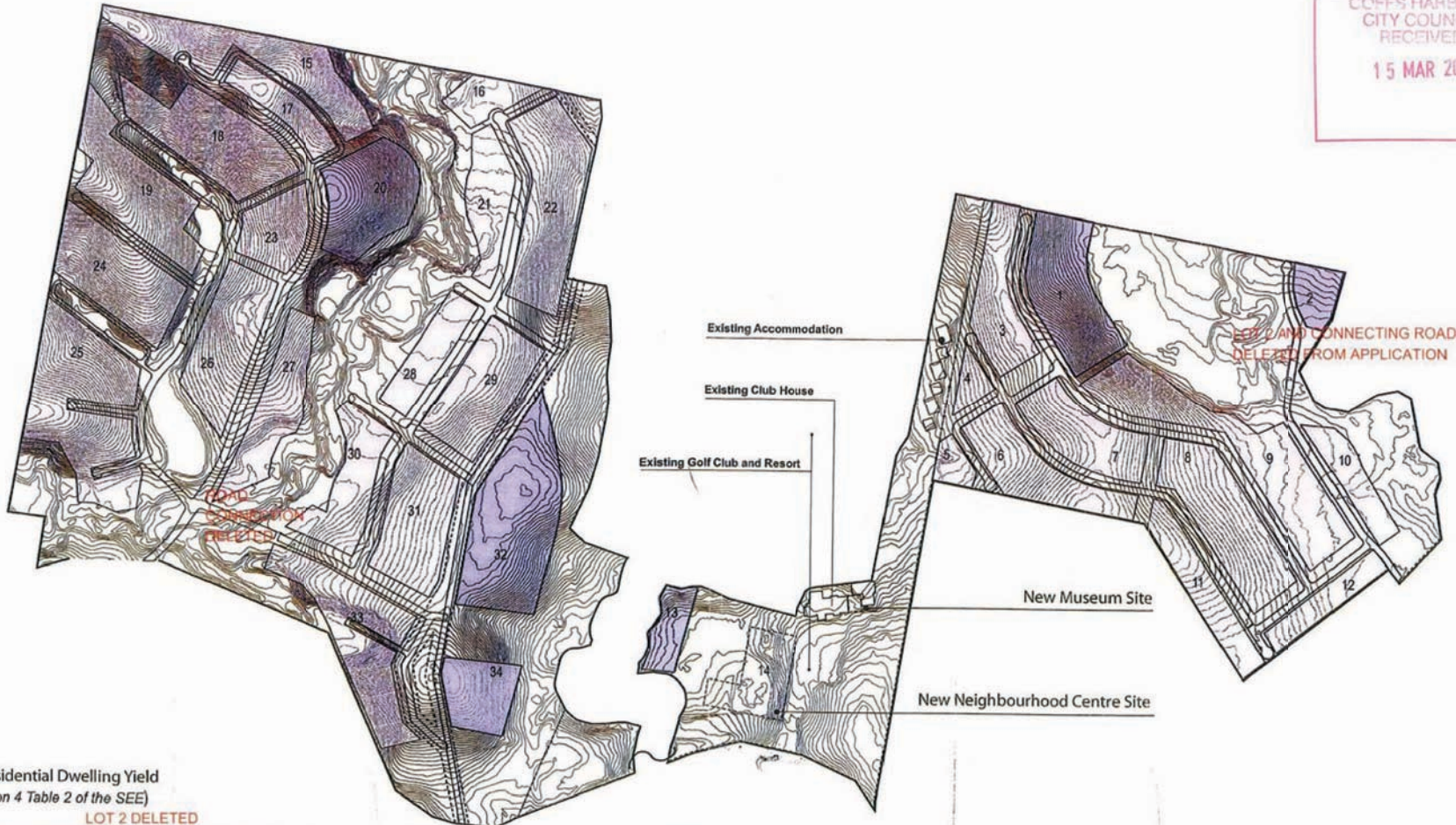


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STAGED DA CONCEPT PROPOSAL  
 Bonville International Golf & Country Club



COFFS HARBOUR  
CITY COUNCIL  
RECEIVED  
15 MAR 2013



Indicative Residential Dwelling Yield  
(Refer to Section 4 Table 2 of the SEE)

LOT 2 DELETED

Type / Super Lot Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	Total	
Dwelling House			11	3	2	13	13	19	26	6	9	7		N/a	12	4	6	15	15		8	21	8	13	22	15	12	7	14	10	13		14		318	
Multi Unit	44	10											12 or	N/a						34												42 or	25 or		157 167	
Tourist Accommodation													12																				42	25		475 485
																												<b>Total</b>								

Other Floorspace (Indicative)  
Neighbourhood Centre - GFA = 8000m2 (area = 4500m2)  
Museum - GFA = 300m2 (area = 200m2)

AMEND A LOT 2 DELETED FROM APPLICATION  
ROAD CONNECTION WEST AREA DELETED



Source: Coffs Harbour City Council  
- date of aerial photo March 2007  
File Identity: 2071021\Graphics\2009.ai  
Date Modified: 29 June 09

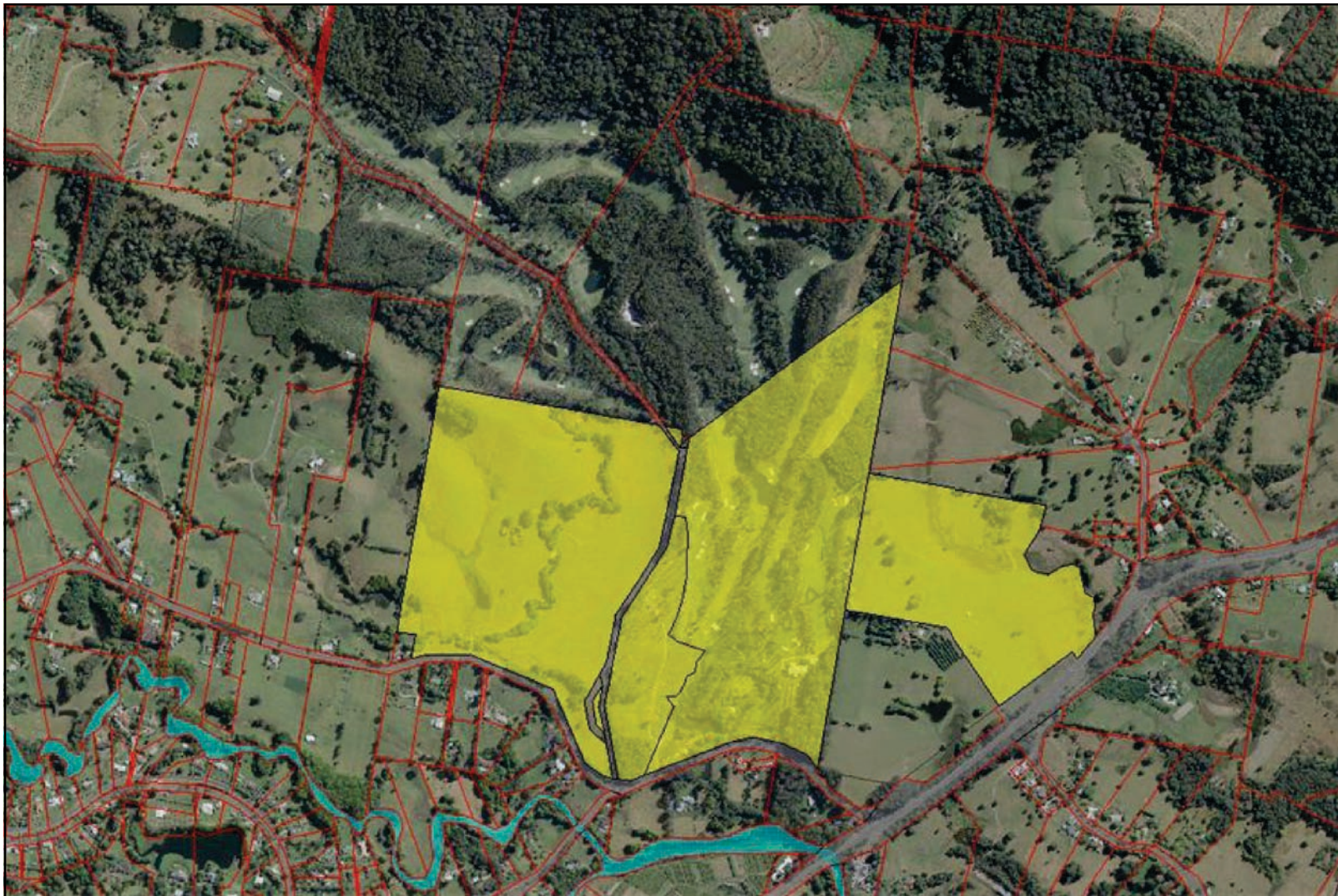


CONCEPT PLAN - USE & DENSITY  
Bonville International Golf & Country Club



**Attachment 3**

-  Property House Numbers
-  Land Parcels
-  Roads
-  Creeks
-  Bedrock Extent
-  State Forest
-  National Parks 2009 50cm



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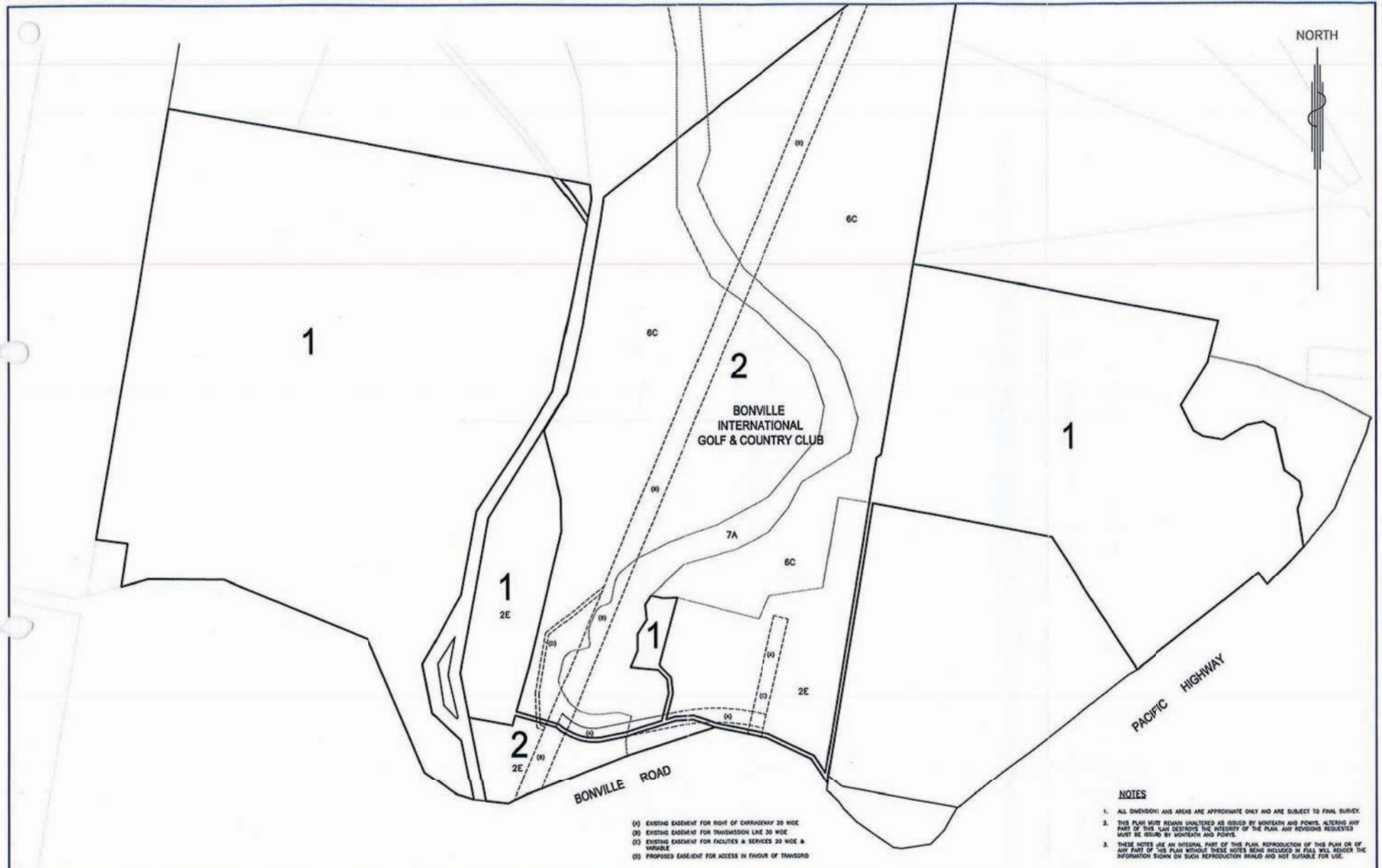
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Projected Coordinate System- GDA 1994, MGA Zone 56



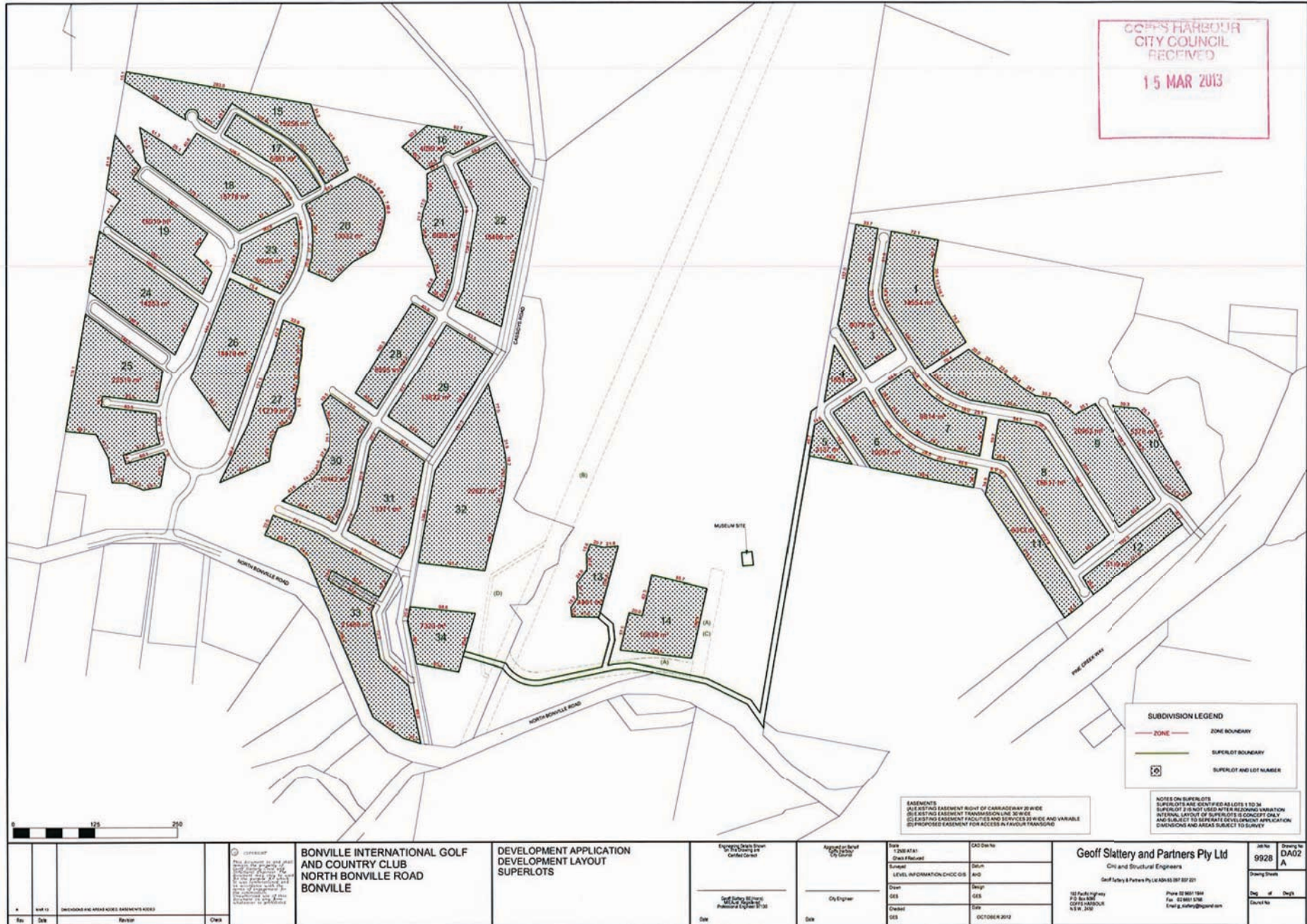




- (E) EXISTING EASEMENT FOR RIGHT OF CARRIAGEWAY 30 WIDE
- (T) EXISTING EASEMENT FOR TRANSMISSION LINE 30 WIDE
- (A) EXISTING EASEMENT FOR FACILITIES & SERVICES 30 WIDE & VARIABLE
- (A) PROPOSED EASEMENT FOR ACCESS IN FAVOUR OF TRANSDRO

- NOTES**
1. ALL DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
  2. THIS PLAN MUST REMAIN UNALTERED AS ISSUED BY MONTEATH AND POWYS. ALTERING ANY PART OF THIS PLAN DESTROYS THE INTEGRITY OF THE PLAN. ANY REVISIONS REQUESTED MUST BE ISSUED BY MONTEATH AND POWYS.
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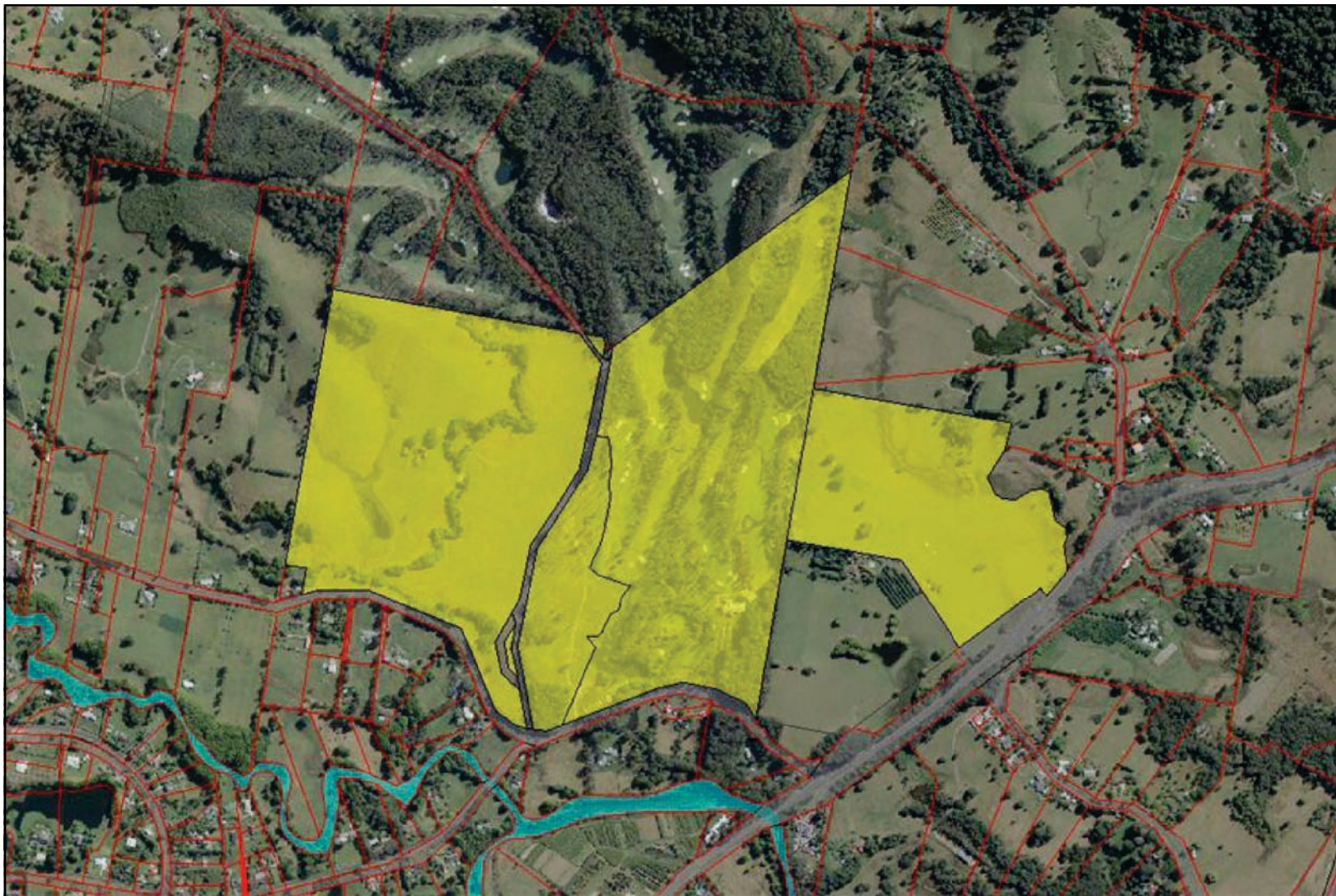
REVISIONS	No		Revision		Drawn	Date	<p><b>COPYRIGHT NOTICE</b> THIS DOCUMENT REMAINS THE PROPERTY OF MONTEATH &amp; POWYS PTY LTD.</p> <p><b>CONDITIONS OF USE:</b> THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED. USE OF THE DOCUMENT FOR ANY OTHER PURPOSE IS NOT PERMITTED UNLESS FROM WRITTEN APPROVAL HAS BEEN OBTAINED FROM MONTEATH &amp; POWYS PTY LTD.</p>	<p>ACN 010 081 110</p> <p><b>SURVEYING</b> <b>PLANNING</b> <b>ENGINEERING DESIGN</b> <b>PROJECT MANAGEMENT</b></p> <p>128 Bull Street Newcastle NSW 2300 PO Box 726 Newcastle NSW 2300 T 61 2 4926 1388 F 61 2 4926 3475 E <a href="mailto:enquiry@monteathpowys.com.au">enquiry@monteathpowys.com.au</a> W <a href="http://www.monteathpowys.com.au">www.monteathpowys.com.au</a></p>	Surveyed SS Drawn SS	Dated SS Checked RJA	Client *	Sheet No 1/3
	<p><b>TITLE</b> PLAN OF SUBDIVISION OF LOT 101 &amp; LOT 102 DP 681242 &amp; LOT 3 DP 532900 &amp; LOT 212 DP 597308 TO CREATE TORRENS TITLE SCHEME</p>								Registered Surveyor Scale @A1: 1:2500 Original Size @A3: 1:5000 DO NOT SCALE A1	CAD File: 080/5b.dwg Ref No: 08/0/5 Date: 26-6-2009	Revision *	





**Attachment 4**

-  Property House Numbers
-  Land Parcels
-  Roads
-  Creeks
-  Bedrock Extent
-  State Forest
-  National Parks 2009 50cm



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Projected Coordinate System- GDA 1994, MGA Zone 56





**Development Application No. 1179/09**

**Schedule of Draft Conditions**

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**Staged Development Application:**

1. This application for Concept Approval has been determined as a Staged Development under the provisions of Section 83B of the *Environmental Planning and Assessment Act 1979*

**Development Description:**

2. Development consent is granted only to carrying out the development described in detail below:
  - Concept Approval for the site consisting of:
    - Distribution of uses for the site;
    - Density of development for the site; and
    - Overall structure for future development of the site.

**Limit of Approval:**

3. This approval constitutes a Concept Approval for the site and does not authorise the carrying out of development on any part of the site. This consent approves only:
  - Distribution of uses for the site consisting of:
    - Shops with a maximum of 200m<sup>2</sup> gross floor area per shop and a total gross floor area not exceeding 2000m<sup>2</sup> and associated car parks, located in accordance with the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
    - Business premises and office premises with a maximum of 200m<sup>2</sup> gross floor area per tenancy and a total gross floor area not exceeding 3000m<sup>2</sup> and associated car parks, located in accordance with the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
    - Dwelling houses with a total of 318, distributed over the site in accordance with the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
    - Multi-unit housing or tourist accommodation with a total of 157, distributed over the site in accordance with the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
  - Density of development for the site in accordance with the plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
  - Overall structure for future development of the site in accordance with the plan of Worley Parsons titled "*Staged DA Concept Proposal, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.

**Development Application No. 1179/09**

**Schedule of Draft Conditions**

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**Separate Approval for Future Development under this Concept Approval:**

4. Further separate approval(s) is/are required for any development in accordance with the Concept Approval and the following plans and documents.
  - Plan of Worley Parsons titled "*Concept Plan – Use & Density, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
  - Plan of Worley Parsons titled "*Staged DA Concept Proposal, Bonville International Golf and Country Club*", date stamped by Council 15 March 2013.
  - Statement of Environmental Effects of Worley Parsons dated 29 June 2009 and associated reports appended to the Statement of Environmental Effects.

**Future Development in Accordance with Concept Approval:**

5. Whilst this consent remains in force, all future development must not be inconsistent with this consent.

**Reticulated Water, Recycled Water and Sewerage Services:**

6. No actual development can be effected regarding any of the proposals included in this approval until public reticulated water, recycled water and sewerage services are available to the land to be developed.

\*\*\*\*\*

**Development Application No. 1180/09**

**Schedule of Draft Conditions**

**ADMINISTRATIVE CONDITIONS**

**Development Description:**

1. Development consent is granted only to carrying out the development described in detail below:
  - **Consolidation of four lots and re-subdivision into two Torrens Title lots**
  - **Thirty Three Lot Community Title Subdivision.**

**Prescribed Conditions:**

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

**Development is to be in accordance with approved plans:**

3. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 1180/09).

<b>Plan Reference</b>	<b>Prepared by</b>	<b>Dated</b>
DA02-A Development Application, Development Layout, Superlots	Geoff Slattery & Partners Pty Ltd	October 2012
08/075	Monteath and Powys	26 June 2009

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

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

**Development in Accordance with Documents:**

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

**Planning Documentation:**

- (1) *Statement of Environmental Effects, prepared by Worley Parsons, dated 29 June 2009.*

**Environmental Assessment Documentation:**

- (1) Engineering Report, prepared by Geoff Slattery and Partners Pty Ltd, dated June 2009.
- (2) Flora and Fauna Assessment Report, prepared by Whelans Insites Pty Ltd, dated June 2009.

**Development Application No. 1180/09**

**Schedule of Draft Conditions**

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- (3) Water Management Plan, prepared by Worley Parsons, dated 29 June 2009.
- (4) Traffic and Parking Impact Report, prepared by McLaren Traffic Engineering, dated June 2009.
- (5) Bushfire Assessment Report, prepared by Australian Bushfire Protection Planners Pty Ltd, dated 26 June 2009.
- (6) Landscape Concept Plan prepared by Worley Parsons, dated June 2009.
- (7) Report of Whelan Insites titled, Response to Council, dated 26 March 2010.
- (8) Phase 1 Environmental Site Assessment, prepared by Coffey Geotechnics dated 16 September 2010.
- (9) Site Specific Koala Plan of Management, prepared by Environmental Insites, dated 8 June 2010.
- (10) Development Application - Concept Bulk Earthworks plan, prepared by Geoff Slattery & Partners Pty Ltd, dated October 2012.
- (11) Plan of Worley Parsons titled Bonville Development - Proposed Koala Measures, dated October 2010.

**Surrender of Consent:**

- 5. In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall, **prior to the release of any Construction Certificate that relates to the development**, and in the manner prescribed by Clause 97 of the Regulation, surrender that part of the development consent described below that relates to those parts of Stage 2 located on Lot 212, DP 597308, Lot 3, DP 532900, Lots 101 and 102, DP 881242.

<b>Development Application No. 878/01</b>	
<b>Land Description</b>	Lots 1, 2 and 3, DP 802412, Lot 21, DP 776103, Lot 212, DP 597308, Lot 3, DP 532900, Lots 101 and 102, DP 881242, North Bonville Road and Pacific Highway, Bonville
<b>Development Description</b>	Tourist Facility, comprising:  Stage 1 - 20 accommodation units for tourist purposes;  Stage 2 - the Master Plan, excluding Stage 1 and the parts of that Plan which affect lands described as "Proposed easement for transmission line 30m wide" and "Site of proposed easement for access over existing track" respectively in Deposited Plan 1008561
<b>Date</b>	21 August 2001

**Development Application No. 1180/09****Schedule of Conditions**

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**Inconsistency between Documents:**

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

**Agreement – Water Supply, Sewerage and Recycled Water:**

7. Prior to lodgement of any Construction Certificate the proponent is to enter into an agreement with Council regarding the ownership and operation of water supply, sewerage and recycled water infrastructure.

The proponent is to meet the costs of the preparation of this agreement.

The terms of the agreement are to be referenced in the community management statement.

**PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE****Stormwater and Drainage Works Design (Subdivision):**

8. Design plans of the stormwater drainage systems and treatment measures within the proposed subdivision, prepared by a qualified practising Civil Engineer and in accordance with the requirements of Council, shall be submitted to and approved by the Certifying Authority **prior to the issue of a Construction Certificate for the stage of work to be constructed.**

A plan of any required interallotment drainage and easements to facilitate this drainage is to be approved by Council. Design details are to include consideration of the impact of concentration of stormwater on receiving land parcels.

**Stormwater Management Plan:**

9. 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 for the stage of work to be constructed.**

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au).

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council WSUD Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows.

The design shall be accompanied by an Operation and Maintenance Plan for the system.

**Development Application No. 1180/09****Schedule of Conditions**

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**Road Design and Services:**

10. The following works:

- (a) Construction of water mains to the site from Council's existing reticulated water system at Lindsays Road;
- (b) Water supply reservoir to service the proposed development;
- (c) Sewer pump stations and sewer rising mains to service the development. (the rising main shall be extended to Council's sewer pump station at the Sawtell Treatment Works site at Hulberts Road);
- (d) A booster pump station and recycled water main sufficient to transfer recycled water from the Sawtell Treatment Works to the site;
- (e) extension of water and sewer services to all lots;
- (f) Pedestrian/cycle paths;
- (g) Roads;
- (h) Water and sewerage to all lots;
- (i) Stormwater Drainage including WSUD;
- (j) Interallotment drainage,

**Note 1:**

The following works are required for lots with access to Cassidys Road:

- (a) Upgrade of North Bonville Road, from Pine Creek Way to the Cassidy's Road/Braford Drive intersection, to councils rural collector road standard including:
  - 7m wide road with 1m wide sealed shoulders.
  - pavement strengthening by the addition of roadbase and resurfacing.
- (b) Construct Cassidy's Road from the North Bonville Road intersection to the northern boundary of the development stage to collector road standard in accordance with Auspec standards.
- (c) Design and construct any formal pathway/cart crossings on Cassidys Road in accordance with Austroads Standards.
- (d) Construct a roundabout on North Bonville Road at the Cassidy's Road/Braford Drive intersection in accordance with Austroads and Auspec standards.

**Note 2:**

The following works are required for **lots with access off North Bonville Road west of Cassidy's Road:**

- (a) Upgrade of North Bonville Road, from the intersection of Cassidy's Road/Braford Drive to the western subdivision access road, to councils rural collector road standard including:
  - 7m wide road with 1m wide sealed shoulders.
  - pavement strengthening by the addition of roadbase and resurfacing.

**Development Application No. 1180/09**

**Schedule of Conditions**

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- (b) Construct an intersection on North Bonville Road at the western subdivision access road in accordance with Austroads and Auspec standards.

**Note 3:**

The following works are required for lots with access off Pine Creek Way:

- (a) Construct a Type B intersection on Pine Creek Way in accordance Austroads and Auspec standards.

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

Plans and specifications are to be submitted to Council and approved **prior to issue of the Construction Certificate**. Plan submissions are to be accompanied by payment of prescribed fee.

The developer is liable for all design and construction costs and no developer contribution offsets are available.

**Sewer Pumping Stations:**

- 11. **Prior to the issue of the first Construction Certificate for the development** the proponent shall provide to the satisfaction of Council and the Certifying Authority, evidence of appropriate legal agreements with the owner of the relevant land parcels as well as the creation of any relevant easements or instruments on title, for the construction of the sewer pumping stations and associated infrastructure over these lots.

**Street Names:**

- 12. A street name application being submitted to Council **prior to issue of any Construction Certificate**.

**Erosion and Sedimentation Control Plan:**

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

**Fill:**

- 14. Contour plans indicating the location of proposed fill areas in the subdivision being submitted and approved by Council **prior to issue of the Construction Certificate for the relevant stage**.

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.

/6

**Development Application No. 1180/09****Schedule of Conditions**

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**Design Matters:**

15. The following design matters are to be incorporated into the development:

- a) link between the east and west section of the western portion of the development, (suitable for motorised passenger golf buggies, pedestrians and emergency vehicles).
- b) road design to provide for bus circulation such that pedestrian access to a bus service is not more than 400 metres from any future dwelling location.
- c) provision for bus turning along Cassidys Road.

Separate development consent is to be obtained for any works that will involve a crossing of the watercourse.

Details of the proposed measures to meet requirements b) and c) are to be submitted to Council and approved **prior to issue of the Construction Certificate for the relevant stage**. The works are to conform with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

**Fauna Crossings - North Bonville Road:**

16. Measures for fauna crossing of North Bonville Road being provided in accordance with the detail specified in;

- Report of Insites titled "*Flora and Fauna Report (Koala Update) Development Applications 1179/09 and 1180/09 – Staged DA and Subdivision DA*" dated 21 June 2010.
- Report of Insites titled "*Site Specific Koala Plan of Management*" undated.
- Plan of Worley Parsons titled "*Figure 1, Bonville Development – Proposed Koala Measures*" dated October 2010.

Details of all proposed measures within the North Bonville Road Reserve being submitted to Council and approved prior to release of the construction certificate for lots with access off North Bonville Road.

**Vegetation Management Plan:**

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

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

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

- (i) detail buffer plantings 20m either side of defined creeks and flow lines (blue lines on CMA 1:25,000 topographic maps);



**Development Application No. 1180/09****Schedule of Conditions**

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- (ii) detail further plantings, including compensatory planting for trees removed as part of the development, to enhance native fauna (including Koala) corridors (as shown on "Figure 1, Bonville Development – Proposed Koala Measures" of Worley Parsons dated October 2010).

**Note:** a controlled activity approval under the Water Management Act 2000 may be required for works within 40m metres of watercourses.

**Acid Sulfate Soils:**

18. An Acid Sulfate Soils assessment is to be carried out prior to issue of a Construction Certificate where;
- Subdivision work will require excavation greater than two metres below natural ground level and;
  - Those works will occur in areas mapped as Class 4 Potential Acid Sulfate Soils (under the Acid Sulfate Soils Risk Maps).

Where Acid Sulfate Soils are identified an Acid Sulfate Soils Management Plan is to be prepared in accordance with the ASSMAC Manual. The management plan is to be submitted to Council and approved prior to issue of any Construction Certificate.

**Liaison Person:**

19. The proponent is to appoint a liaison person to consult with adjoining property occupiers before, and during construction activities. A 24 hour contact telephone number is to be provided to Council and adjoining property occupiers at least 48 hours prior to commencement of any construction work.

**PRIOR TO COMMENCEMENT OF WORKS****Cultural Heritage – Prior to Ground Disturbance:**

20. Consultation with the Coffs Harbour and District Local Aboriginal Land Council is to be undertaken prior to the carrying out of any ground disturbance activities on the site. The consultation process is to be guided by the document "*Aboriginal cultural heritage consultation requirements for proponents 2010*" prepared by the Department of Environment, Climate Change and Water, NSW.

**Site Notice:**

21. 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.

**Development Application No. 1180/09**

**Schedule of Conditions**

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**Erosion and Sediment Control:**

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

**DURING CONSTRUCTION**

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

23. 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.

**Excavated Material:**

24. 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 Office of Environment and Heritage “*Waste Classification Guidelines*” and shall comply with the terms of any approval issued by Council.

**Fill:**

25. 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:**

26. 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.’

**Development Application No. 1180/09**

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**Erosion and Sediment Control:**

27. Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom are to be undertaken at each appropriate construction stage to prevent to erosion of soil.

**Dust Control Measures:**

28. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
- (1) All materials shall be stored or stockpiled at the best locations;
  - (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
  - (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
  - (4) Cleaning of footpaths and roadways shall be carried out regularly;
  - (5) Rumble grids being installed at access points to the site.

**Hours of Work:**

29. 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.

**Cultural Heritage:**

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

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

**Community Management Statement:**

31. Submission of a draft Community Management Statement to Council for approval with the Subdivision Certificate Application.

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**Council Access – Community Title:**

32. The following Clause being included in the community management statement:
- a) Council, its servants and agents have the full and free right at all times to enter upon Neighbourhood Property and to operate vehicles and other equipment for the purpose of garbage and recycling collection, and to repair and maintain the statutory services and statutory service lines.
  - b) Council, its servants or agents shall not be liable for any damage caused to the Neighbourhood Property arising from the operation of any vehicle or other equipment except where such damage is caused by the negligence or recklessness of Council, its servants or agents;
  - c) The terms of this Clause may not be varied except with the prior written agreement of Council.

**Section 94 Monetary Contributions:**

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

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

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

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

	\$ Per Lot
- Coordination and Administration	375.84
- Coffs Harbour Road Network	2,060.16
- Surf Rescue Equipment	67.36
- District Open Space	2,516.99

**The Section 94 contribution is currently \$150,610.50 for the proposed 30 additional lots proposed in the subdivision.**

**This includes a 4 lot rate credit of \$20,081.40.**

Contributions **have been imposed under the following plans:**

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

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

**Development Application No. 1180/09**

**Schedule of Conditions**

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**Water and Sewerage Services – Developer Services Charges:**

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

The current contribution rate is:

	<b>Amount/Lot</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>
Works to satisfy increased demand within the area for 34 lots.		
Water	9,490.67	322,682.78
Sewer	9,075.76	308,575.84
<b>TOTAL AMOUNT PAYABLE</b>		<b>631,258.62</b>

**Access and Services:**

35. The following works:
- (a) Construction of water mains to the site from council's existing reticulated water system at Lindsays Road.
  - (b) Water supply reservoir to service the proposed development.
  - (c) Sewer pump stations and sewer rising mains to service the development (the rising main shall be extended to Council's sewer pump station at the Sawtell treatment works site at Hulberts road).
  - (d) A booster pump station and recycled water main sufficient to transfer recycled water from the Sawtell treatment works site to the BIG club.
  - (e) extension of water and sewer services to all lots.
  - (f) Pedestrian/cycle paths.
  - (g) Roads.
  - (h) Water and sewerage to all lots.
  - (i) Stormwater Drainage including WSUD.
  - (j) Interallotment drainage.

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

**Development Application No. 1180/09****Schedule of Conditions**

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**Note 1:**

The following works for lots with access off Cassidys Road:

- (a) Construct North Bonville Road to Rural Collector Road standard, minimum 7.0m Upgrade of North Bonville Road, from Pine Creek Way to the Cassidy's Road/Braford Drive intersection, to councils rural collector road standard including:
  - 7m wide road with 1m wide sealed shoulders.
  - pavement strengthening by the addition of roadbase and resurfacing.
- (b) Construct Cassidy's Road from the North Bonville Road intersection to the northern boundary of the development stage to collector road standard in accordance with Auspec standards.
- (c) Design and construct any formal pathway/cart crossings on Cassidys Road in accordance with Austroads Standards.
- (d) Construct a roundabout on North Bonville Road at the Cassidy's Road/Braford Drive intersection in accordance with Austroads and Auspec standards.

being constructed in accordance with the approved plans and specifications and completed **prior to issue of the Subdivision Certificate for stages with access off Cassidys Road.**

**Note 2:**

The following works for lots with access off North Bonville Road west of Cassidy's Road

- (a) Construct North Bonville Road to Rural Collector Road standard, minimum 7.0m wide carriageway with 1.0m wide sealed shoulders from the intersection of Cassidy's Road/Braford Drive to the western subdivision access road in accordance with Austroads and Auspec standards.
- (b) Construct an intersection on North Bonville Road at the western subdivision access road in accordance with Austroads and Auspec standards.

being constructed in accordance with the approved plans and specifications and completed **prior to issue of the Subdivision Certificate for Stages with access off North Bonville Road west of Cassidy's Road.**

**Note 3:**

The following works for lots with access off Pine Creek Way.

- (a) Construct a Type B intersection on Pine Creek Way in accordance Austroads and Auspec standards.

being constructed in accordance with the approved plans and specifications and completed **prior to issue of the Subdivision Certificate for Stages with access off Pine Creek Way.**

**Development Application No. 1180/09****Schedule of Conditions**

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**Services:**

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

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

**Work as Executed Plan:**

37. **Prior to the issue of Subdivision Certificate for the relevant stage of development**, a work as executed plan endorsed by a Registered Surveyor or Consulting Engineer (hard or digital format) being submitted to Council certifying that:
- All drainage lines, sewer lines, services, and structures are wholly contained within the relevant easement;
  - The plans accurately reflect the work as executed.

**Water Services and Sewer Junction:**

38. A water service and sewer junction being provided (or being available) within each lot **prior to issue of Subdivision Certificate for the relevant stage of development**, with the works conforming to the requirements of Coffs Water.

**Fill - Certification:**

39. **Prior to the release of the Subdivision Certificate for the relevant stage of development**, a final contour plan is to be submitted to Council showing the location, depth, and type of fill located on the site. Alternatively, where no fill has been placed on the site, a written statement to that effect is to be submitted to Council.

**Sediment and Erosion Control:**

40. **Prior to the issue of a Subdivision Certificate for the relevant stage of development** the site shall be stabilised to the Principal Certifying Authority's satisfaction which, as a minimum, shall be at least 50% grass cover or application of mulch or hydroseeding to all disturbed areas.

**Design Matters:**

41. The following works:
- a) A link between the east and west section of the western portion of the development, (suitable for motorised passenger golf buggies, pedestrians and emergency vehicles).

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### Schedule of Conditions

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- b) Road design to provide for bus circulation such that pedestrian access to a bus service is not more than 400 metres from any future dwelling location.
- c) Provision for bus turning along Cassidys Road.

being constructed in accordance with the approved plans and specifications and completed **prior to issue of the Subdivision Certificate for lots with access off North Bonville Road.**

#### Fauna Crossings - North Bonville Road (Construction):

- 42. Measures for fauna crossing of North Bonville Road being constructed in accordance with the approved plans and specifications and completed **prior to issue of the Subdivision Certificate for lots with access off North Bonville Road.**

#### Vegetation Management Plan:

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

#### Vegetation Management – Community Title:

- 44. The following Clause being inserted into the Community Management Statement.

The Community Association must at all times comply with the environmental obligations, including the follow-up maintenance works set out in the approved Vegetation Management Plan.

#### Density & Design Controls – Community Title:

- 45. The Community Management Statement shall reference density and design controls for the future development of the superlots relative to the Concept Approval (DA 1179/09) and the Coffs Harbour Residential Tourist Lands Development Control Plan.

#### Koala Exclusion Fencing:

- 46. All Koala Exclusion fencing as specified in:
  - Report of Insites titled "*Flora and Fauna Report (Koala Update) Development Applications 1179/09 and 1180/09 – Staged DA and Subdivision DA*" dated 21 June 2010.
  - Report of Insites titled "*Site Specific Koala Plan of Management*" undated.
  - Plan of Worley Parsons titled "*Figure 1, Bonville Development – Proposed Koala Measures*" dated October 2010.

being completed, with certification of completion from a flora and fauna consultant being provided, **prior to release of the first Subdivision Certificate.**



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**GENERAL TERMS OF APPROVAL**

**Inner Protection Area (Property):**

- 47. At the issue of the first Subdivision Certificate and in perpetuity, the land surrounding the existing villas on existing Lot 101, DP 881242, to a distance of 20 metres (or to the property boundary where insufficient), shall be maintained as an inner protection area as outlined within Section 4.1.3 and Appendix 5 of *“Planning for Bush Fire Protection 2006”* and the NSW Rural Fire Service’s document *“Standards for Asset Protection Zones”*.

**Services:**

- 48. Water, electricity and gas are to comply with Section 4.1.3 of *“Planning for Bush Fire Protection 2006”*.

**Access:**

- 49. Property access roads shall comply with Section 4.1.3(2) of *“Planning for Bushfire Protection 2006”*.

**Ember Protection:**

- 50. The existing villas on existing Lot 101, DP 881242, are to be upgraded to improve ember protection **prior to issue of the first Subdivision Certificate**. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.

**Landscaping:**

- 51. Landscaping to the site is to comply with the Principals of Appendix 5 of *“Planning for Bush Fire Protection 2006”*.

**ADVISORY NOTES**

**Separate Approvals:**

- 52. No work is to occur within 40 metres of any watercourse on the site unless separate approval has been obtained from the NSW Department of Primary Industries (NSW Office of Water) and/or the NSW Department of Primary Industries (Fisheries) if required.

**Approval under Roads Act 1993:**

- 53. Separate approval is to be obtained under the Roads Act 1993 (NSW) prior to any works occurring within any road reserve, including the Pacific Highway road reserve.

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## LOCAL ENVIRONMENTAL STUDY FOR THE DEFERRED AREAS FROM DRAFT COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/SANDY BEACH, EMERALD BEACH AND MOONEE BEACH AREAS

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### **Purpose:**

The purpose of this report is to commence the preparation of environmental studies and associated planning documents which will inform a Planning Proposal for lands deferred from draft Coffs Harbour Local Environmental Plan (LEP) 2013 within the Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach localities.

### **Background:**

Draft Coffs Harbour LEP 2013 was considered by Council at its Ordinary Meeting of 13 December 2012. At this meeting, Council resolved that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnese Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the time frame, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. Council confirms the Moonee Beach Development Control Plan and Hearnese Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.

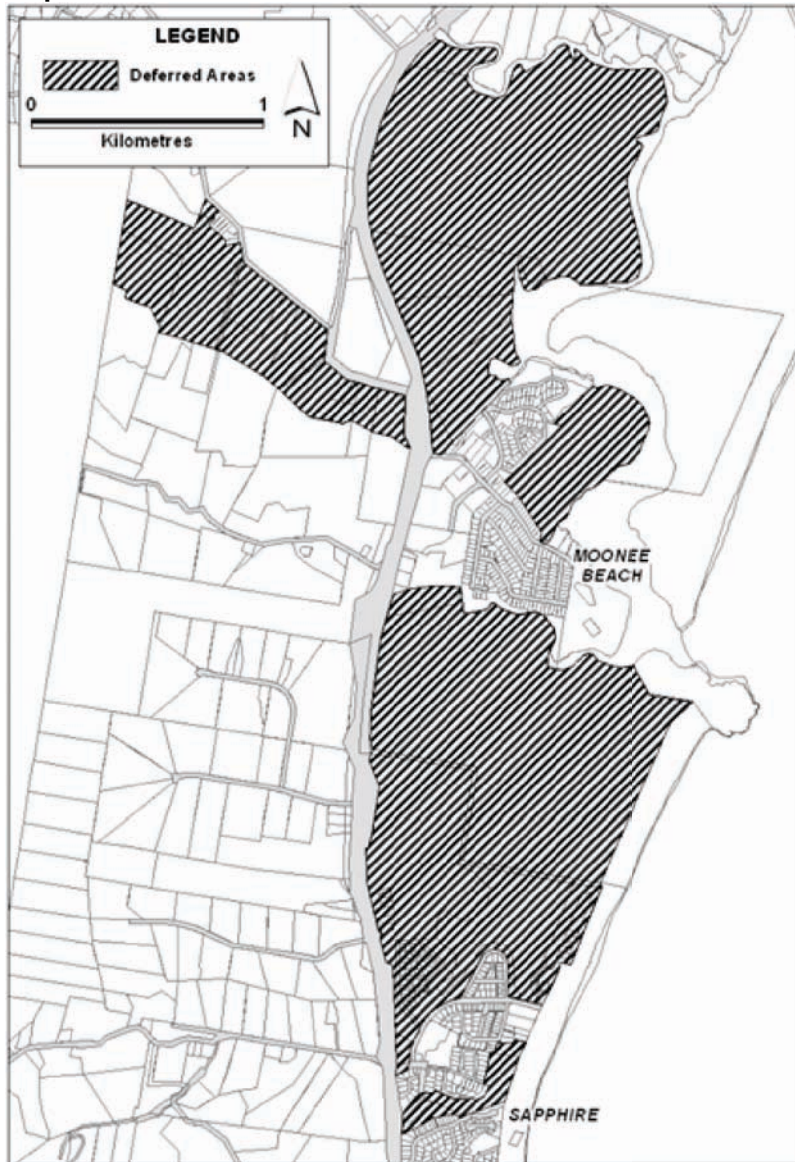
Council's decision to defer these lands was a result of representations received from land owners, during the exhibition of draft Coffs Harbour LEP 2013, that the proposed zones recommended under draft Coffs Harbour LEP 2013 were applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken.

The previous environmental work undertaken for these lands was a considerable period of time ago. As a result, it was considered that the most appropriate method to determine the potential use of the land was to defer the subject lands from draft Coffs Harbour LEP 2013 until such time as the environmental investigations are reviewed and a local environmental study undertaken. Once further investigations are completed, they can be used to inform a Planning Proposal to the NSW Department of Planning and Infrastructure. In the interim, these deferred areas as identified on Map 1 and Map 2 will continue to be subject to the provisions of Coffs Harbour City LEP 2000 and associated Development Control Plans (DCPs).

**Map 1: Hearnese Lake/Sandy Beach/Emerald Beach**



**Map 2: Moonee**



**Description of Item:**

In accordance with Council's resolution of 13 December 2012, it is appropriate that Council now allocate funds to progress local environmental studies to complete the rezoning for the deferred areas. It is considered an estimated \$150,000 of funding would be sufficient to complete this project. This funding allocation acknowledges that there are existing information in the form of flora and fauna assessments, flooding data, water quality analysis and traffic assessments, among a number of other studies that already exist for a large portion of the lands contained within the deferred area.

It should also be noted that a number of properties in the deferred areas have been subject to Part 3A approvals and assessments (Major Projects and Infrastructure) under the Environmental Planning and Assessment (EP&A) Act 1979 over the past seven years and the information contained within these assessments can also be utilised to assist in the preparation of a local environmental study and associated Planning Proposal.

Expressions of interest will be called to undertake services to prepare:

- local environmental study and associated Planning Proposal;
- updated DCPs for Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas; and
- updated Section 94 Developer Contributions Plans for the Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach areas.

#### **Sustainability Assessment:**

- **Environment**

Environmental analysis of the subject lands have been previously conducted to review relevant environmental considerations and constraints, such as ecological significance, flooding, bushfire hazard, acid sulfate soils, contaminated soils, land capability, water quality, and traffic levels/movements. However, as described previously, this information needs to be revisited and reviewed.

- **Social**

Any future amendments to Draft Coffs Harbour DCP 2013 will need to consider the social impacts of proposed changes to the LEP.

- **Civic Leadership**

The preparation of environmental studies and the review of existing information for the deferred areas will ensure that appropriate land use planning frameworks are applied to relevant properties and ensure transparency in the decision making process.

Draft Coffs Harbour DCP 2013 and associated Section 94 Contributions Plans will need to be amended to reflect the findings of the review. This will guide development and provide appropriate facilities and relevant works within each deferred area.

- **Economic**

#### **Broader Economic Implications**

The continued economic growth and development of the local government area (LGA) is a primary aim of draft Coffs Harbour LEP 2013 and draft Coffs Harbour DCP 2013. Future amendments to these documents as a result of environmental investigations into the deferred areas will ensure compatible development to prevail.

The Section 94 Contributions Plans will continue to implement a "user-pays" system for the provision of services and facilities.

#### **Delivery Program/Operational Plan Implications**

There has been no provision of funds in the adopted Operational Plan for this year to progress the local environmental studies into the deferred areas. This is due to the fact that the matter was first raised at Council's Ordinary meeting of 13 December 2012 and is now considered to be a high priority.

The December Quarterly Budget Review for 2012/13 identified savings of \$50,000 from salaries that could be utilised for this project. In addition, \$100,000 in savings from the Bonville Rural Residential investigation can now be allocated for the subject local environmental study.

**Consultation:**

The requirement for Council to undertake appropriate local environmental studies for the deferred areas to inform and progress a Planning Proposal to establish the final land use planning framework for these areas was the outcome of the consultation and exhibition process of draft Coffs Harbour LEP 2013 and draft Coffs Harbour DCP 2013. Once the relevant local environmental study for the deferred areas has been completed, the outcomes will be reported back to Council and publicly exhibited in accordance with the EP&A Act 1979.

**Related Policy and / or Precedents:**

The current DCP for Moonee and Hearnes Lake/Sandy Beach is the result of draft LEP Amendment No. 24 and draft LEP Amendment No. 29 respectively under the provisions of Coffs Harbour City LEP 2000. Council has received representations that these documents are considered to be outdated due to their perceived reliance on dated information, particularly with respect to constraints mapping. Once the environmental investigations and review has been completed, these DCPs will be repealed and an amendment to draft DCP 2013 will be undertaken.

In addition, the existing Contributions Plans for Moonee and Hearnes Lake/Sandy Beach will require review.

**Statutory Requirements:**

The EP&A Act and Regulations establish the statutory processes to be followed in the preparation of the necessary local environmental studies to enable a Planning Proposal to be progressed.

**Issues:**

• **Current Status**

Since Council resolved at its Ordinary meeting of 13 December 2012 to defer those areas subject to Coffs Harbour City draft LEP No. 24 (Moonee) and Coffs Harbour City draft LEP No. 29 (Hearnes Lake/Sandy Beach) and a third area of land north of Emerald Beach, Coffs Harbour City LEP 2000 and the existing DCPs for these areas are to be maintained on an interim basis to provide development guidelines.

Funding is required in order to progress the local environmental studies and review of existing information for the deferred areas, as well as preparation of planning documents (DCP and Section 94 Contribution Plans).

• **Estimate of Costs for Local Environmental Studies and Preparation of Planning Documents**

It is estimated that the local environmental study and associated planning documents can be undertaken for \$150,000. This can be funded from already identified salary savings (\$50,000) as well as surplus funds from the Bonville Rural Residential Planning Proposal (\$100,000) from the 2012/2013 financial year. This funding allocation of \$150,000 acknowledges the large proportion of existing data/studies that have been undertaken.



**Implementation Date / Priority:**

The local environmental study for the deferred areas, which will help to inform and enable a Planning Proposal to be progressed, should be progressed as a priority matter. This will ensure greater certainty in the decision making process and improved transparency in Council's planning instruments.

**Recommendation:**

- 1. That Council reallocates surplus funds totaling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.**
- 2. That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.**

COFFS HARBOUR CITY COUNCIL



## **PREPARATION OF PLANNING DOCUMENTS AND ENVIRONMENTAL INVESTIGATIONS – DEFERRED AREAS FROM DRAFT LOCAL ENVIRONMENTAL PLAN 2013 - HEARNES LAKE/ SANDY BEACH; EMERALD BEACH AND MOONEE BEACH AREAS**

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*Expression of Interest to prepare relevant studies that cover a broad range of issues/constraints identified for the deferred areas to accompany a Planning Proposal for the rezoning of these lands.*

*The services to prepare:*

- The equivalent of a Local Environmental Study;*
- A Planning Proposal in accordance with the provisions of Coffs Harbour City Local Environmental Plan 2000 and draft Coffs Harbour Local Environmental Plan 2013;*
- Development Control Plans for the Hearnnes Lake/Sandy Beach, Emerald Beach and Moonee Beach areas; and*
- Preparation of Section 94 Developer Contributions Plans for the Hearnnes Lake/Sandy Beach, Emerald Beach and Moonee Beach areas.*

Coffs Harbour City Council

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## **PART 1 - BACKGROUND**

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### **PURPOSE OF THE PROJECT**

A report was presented to Council 13 December 2012 with the results of the public exhibition of the Coffs Harbour draft Local Environmental Plan (LEP) 2012, the draft Development Control Plan (DCP) 2012 and a draft Boundary Adjustment Clause (draft LEP 2012 is now referred to as “draft LEP 2013”).

The report included a summary of submissions received and issues raised by the community and Government agencies. An assessment of all submissions was made and attached to the report for Council consideration. Coffs Harbour LEP 2013, when made, upon gazettal, will apply to the whole of the Coffs Harbour City Council Local Government Area (LGA); with the exception of specific deferred areas; and will repeal the provisions of both the Coffs Harbour City LEP 2000 and the Coffs Harbour City Centre LEP 2011.

The Coffs Harbour DCP will similarly apply to the whole of the LGA, with the exception of the areas covered by the current DCPs for Moonee and Hearnes Lake/Sandy Beach deferred areas, and will supersede the provisions of all current DCPs.

This project involves the preparation of a local environmental study and a planning proposal that will inform an amendment to the Coffs Harbour City Local Environmental Plan (LEP) 2000 and draft Coffs Harbour LEP 2013, the preparation of Development Control Plans (DCP) 2013 and Developer Contributions Plans (CP) for the deferred areas.

Council is seeking expressions of interest for the services from firms capable of completing the tasks required.

### **BACKGROUND**

- **General History Of Environmental Planning Instruments (EPI's) In Coffs Harbour**

The Coffs Harbour Planning Scheme was gazetted on 1 May 1959 (applied to the main Coffs Harbour Urban Area extending from Charlesworth Bay in the north, the airport to the south and Roberts Hill to the west).

IDO (Interim Development Order) No. 6 was gazetted on 20 October 1967 (covered the whole of the then Shire as well as introducing Non Urban (Agriculture) zones; 40 hectare subdivision standard and zoned coastal and hinterland settlements for village purposes).

IDO No. 80 was gazetted on 30 May 1980 (replaced broad “village” zones with specific land use zones relating to business, residential, open space and special uses).

LEP 1988 was gazetted on 6 April 1988 and contained objective based zones providing for flexibility, with a range of uses permitted under the zone categories, subject to merit consideration. Land in the Moonee, Hearnes Lake/Sandy Beach and Emerald Beach areas were zoned for urban purposes in 1988. These areas were zoned for residential uses.

Council prepared a city-wide settlement strategy called “Our Living City (OLC) Settlement Strategy” in 2008. The preparation of the OLC Settlement Strategy resulted in the identification of additional candidate areas for residential zoning within different localities of Coffs Harbour.

The OLC was used by the Department of Planning and Infrastructure (P&I) to identify the Growth Area Maps for urban areas of the Coffs Harbour LGA, these maps included Moonee, Hearnese Lake/Sandy Beach and parts of Emerald Beach. It should be noted that the deferred area in Emerald Beach is not included in the growth area map.

An assessment of the physical catchment has been undertaken during the preparation of the existing Moonee and Hearnese Lake/Sandy Beach DCPs to determine the environmental capacity of the urban lands to support residential development. The constraints considered included flooding, water resources, ecological significance, bushfire hazard, water quality, land capability, acid sulfate soils (ASS) and contaminated soils.

To best determine appropriate zones for the deferred areas, further up-to-date environmental investigations and studies need to be prepared. The preparation of amendments to the existing DCP 2013 and current CP is also a requirement of this brief.

It should be noted that this project will inform a review of Coffs Harbour City LEP 2000 and draft Coffs Harbour LEP 2013 (prepared under the provisions of the Standard Instrument (LEPs) Order 2006) in the form of a Planning Proposal.

## STUDY AREA

Maps 1 and 2, showing the deferred areas, are pictured on pages 3-4.

The three locations within the deferred areas support different levels of community services/facilities and health and emergency services – on a limited basis. A public primary school is located at Sandy Beach and Moonee has an area owned by the Department of Education and previously earmarked for a school.

With the completion of the Pacific Highway upgrade (i.e. Sapphire to Woolgoolga), a safer and more efficient road network will be available to service the deferred areas. This is further enhanced by the availability of new connections of interchanges to the Pacific Highway at Moonee Beach Road, Fiddamans Road, Graham Drive South and Hearnese Lake Roads. The deferred areas have good access to the nearby centres of Moonee and Woolgoolga although they are not in close proximity to the City Centre or Park Beach Plaza.

The majority of the study area is currently zoned residential and environmental protection under Coffs Harbour City Local Environmental Plan 2000. Two draft LEP amendments 24 & 29 have previously been prepared for two of the three deferred areas but were never made by the then Department of Infrastructure, Planning and Natural Resources (DIPNR). This was partly due to a number of landowners expressing their concern with the application of additional Environmental Protection 7A Habitat and Catchment zone applying to their land and the lodgement of a number of applications to the Minister for Planning under Part 3A (Major Projects State Environmental Planning Policy (SEPP)) of the Environmental Planning and Assessment (EP&A) Act 1979.

Map 1: Hearnese Lake/Sandy Beach/Emerald Beach



Map 2: Moonee



## STUDY OBJECTIVES

The local environmental study will address the environmental, social and economic issues described in this brief, assessing the general suitability of the area for development purposes and the appropriateness of zonings that would be complementary to surrounding land uses. The studies will inform a Planning Proposal to appropriately zone the subject land.

The consultant is to also prepare DCPs and CPs for the deferred areas.

## STATUTORY CONSIDERATIONS

There is a hierarchy of statutory planning instruments and policies that will affect zoning of the deferred areas including:

- Environmental Planning and Assessment Act, 1979 (EP&A Act);
- State Environmental Planning Policies (SEPPs);
- Section 117 directions from the Minister for Planning;
- Mid North Coast Regional Strategy 2009;
- Draft Coffs Harbour Local Environmental Plan 2013 (Local Environmental Plan Standard Template);
- Section 94 Developer Contributions Plans; and
- Other legislation e.g. Rural Fires Act 1997, Native Vegetation Act 2003, Water Management Act 2000, National Parks and Wildlife Act 1974, Threatened Species Conservation Act 1995, etc.

At the local level there are several planning strategies, which guide the implementation of these statutory and policy documents as they apply to the deferred areas. These include:

- Coffs Harbour City Council “Our Living City” Settlement Strategy 2008;
- NSW Coastal Policy 1997;
- Mid North Coast Regional Strategy 2009;
- Settlement Planning Guidelines, 2007;
- Mid North Coast Farmland Protection Project 2007;
- Catchment Action Plan (Northern Rivers Catchment Management Authority -CMA);
- The Vegetation of the Coffs Harbour City Council LGA (1996);
- Flora and Fauna Assessment - Moonee Release Area. (Greg P and Val A Clancy 1998);
- Moonee Flora and Fauna Study Area 1 (Greg P A Clancy 1989);
- Moonee Flora and Fauna Study Areas 2 & 3 (Greg P A Clancy 1999);
- Moonee Creek Flood Study. (Paterson Consultants Pty Ltd 1998);
- Stormwater Management Plan (Jeliffe 1998);

- Coffs Harbour Vegetation Management Strategy (including Study (Ecograph 2002) & Coffs Harbour Local Vegetation Management Plan (Ecograph 1999);
- Draft Local Vegetation Management Plan (VMP);
- Draft LEP 2000 (Amendment No. 23 Vegetation);
- Draft Vegetation Conservation DCP;
- The Vegetation of the Coffs Harbour City Council LGA (1996);
- Hearnes Lake Estuary Management Plan (2009);
- Hearnes Lake Flooding Maps (2009/2010);
- Moonee Creek Estuary Management Plan (2008);
- MUSIC Modelling (2004/5);
- Koala Plan of Management (NPWS/CHCC 1999);
- Bushfire Prone maps 2004;
- Acid Sulfate Soils Maps;
- Biodiversity Conservation Lands (2009);
- Hearnes Lake Aboriginal Heritage Assessment (2004);
- Hearnes Lake Water Quality and Impacts Assessment (2004/5);
- Hearnes Lake Sandy Beach Structure Plan (2004/5);
- Class Five Vegetation Mapping 2012; and
- SEPP 14 Wetlands.

#### **LOCAL ENVIRONMENTAL PLAN 2000**

- LEP 2000 was gazetted on 20 April 2000 and provided a greater degree of certainty in relation to land use decisions. It contained a balanced mix of performance and prescriptive provisions.

#### **DEVELOPMENT EMBARGO**

- The embargo on development in the Northern Beaches Area came into effect on 15 October 1998 to enable the connection of the Moonee areas.
- The Northern Beaches Sewerage Embargo was lifted on 1 July 2003.

**MOONEE RELEASE AREA - Moonee Beach DCP and LEP 2000 Amendment 24**

- Detailed planning for the Moonee Release Area commenced in 1998 in the form of a development control plan (DCP) and contributions plan (CP) and these plans became effective from 22 May 1999.
- Amendments to the Moonee Release Area DCP and CP were commenced in June 2003 (in the knowledge that the Development Embargo would likely be lifted) and the amended DCP and CP became effective from 22 September 2004.
- Draft LEP No. 24 was the result of inconsistencies between LEP 2000 and the newly adopted Moonee DCP. These changes are:
  - Heavily constrained land currently zoned residential to be zoned environmental protection;
  - Neighbourhood Business 3F Centre to be zoned Business 3C Town Centre;
  - Residential Tourist to be zoned 2A Low Density Residential.
- 29 September 2004 – Council requests that DIPNR issue a s.65 Certificate.
- 8 November 2004 – DIPNR advises Council that the Director-General has decided that there is no need for an environmental study and that Council can use section 65 delegations to allow the exhibition of the plan, provided there are no unresolved objections from a public authority arising during section 62 consultation.
- Draft LEP No. 24 exhibited from 4 April 2005 to 2 May 2005 with 28 submissions being received from State government agencies, landowners, community organisations and other interested parties.
- Draft LEP No. 24 was to be reported to Council meeting of 16 June 2006 but matter deferred pending outcome of meeting with DoP on 28 June 2006. The outcome of this meeting was that the LEP be deferred subject to the determination of the Part 3A

Several relevant studies have been initiated by Council over the years, but generally cover a wide geographic range. These have been outlined on the previous page.

- **Draft LEP 2013**

Council determined at its 21 August 2008 meeting to defer further consideration of draft Local Environmental Plan Amendment No. 24 with the exception of that part of the amendment applying to Part Lot 1, DP725785 until the major review of Coffs Harbour City Local Environmental Plan 2000 is undertaken in accordance with the Department of Planning's Standard Local Environmental Plan Template.

Draft LEP 2013 is the review of Coffs Harbour City Local Environmental Plan 2000 in accordance with the Department of Planning's Standard Local Environmental Plan Template.



Draft LEP 2013 incorporated the proposed changes as exhibited under LEP 2000 Amendment 24. Council determined at the 13 December 2012 meeting that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints was to defer the land from draft LEP 2013 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

### **HEARNES LAKE/SANDY BEACH RELEASE AREA – Hearnese Lake/Sandy Beach DCP and LEP 2000 Amendment 29**

- Detailed planning for the Hearnese Lake/Sandy Beach Release Area commenced in 2004 in the form of a DCP and these plans became effective from 7 December 2005 and the DCP was amended on 7 February 2008.
- The purpose of draft LEP Amendment No. 29 was to provide for the conservation of biodiversity by protecting areas of high conservation value and providing adequate buffers between developable land and sensitive areas.
- CHCC resolved to prepare a draft Local Environmental Plan for zone changes in the Hearnese Lake / Sandy Beach area and seek a Section 65 Certificate from the Department of Planning to enable exhibition of the Plan on 15 December 2005.
- Subsequently on 23 January 2006, the Department of Planning issued a letter indicating that Council could use its delegations to issue the Section 65 Certificate for draft LEP Amendment No. 29, enabling the Plan to be placed on public exhibition.
- Exhibition of draft Local Environmental Plan (LEP) 2000 (Amendment No. 29) – Hearnese Lake and Sandy Beach (various lots) took place from Wednesday, 22 February 2006 to Wednesday, 22 March 2006. Eleven (11) submissions were received during the exhibition of the draft LEP; four from Government agencies and seven from landowners, their representatives of the community.
- During the exhibition process, a land parcel became subject to an application under Part 3A of the EP&A Act 1979. The Part 3A application lodged with the Department of Planning applies to the land south of Hearnese Lake, east of the Pacific Highway, known as Lot 22, DP1070182. The application was for a subdivision to create 300 residential allotments.

Several relevant studies have been initiated by Council over the years and these have been listed earlier in this document.

- **Draft LEP 2013**

Draft LEP 2013 is the review of Coffs Harbour City Local Environmental Plan 2000 in accordance with the Department of Planning's Standard Local Environmental Plan Template.

Draft LEP 2013 incorporated the proposed changes as exhibited under LEP 2000 Amendment 29. Council determined at the 13 December 2012 meeting that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints was to defer the land from draft LEP 2013 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnes lake/Sandy Beach). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

#### **EMERALD BEACH AREA**

- During 2003 a draft Vegetation Strategy, Management Plan and Local Environmental Plan amendment (LEP Amendment No.23) were prepared to identify significant vegetation within the LGA. Much of the Emerald Beach site was identified as having a 'Very High' ecological status.
- During 2004, a preliminary Urban Land Capability Assessment was undertaken of certain land zoned for urban development within Coffs Harbour LGA. This report noted that the Emerald Beach site contained significant environmental constraints.
- In 2004, the Coffs Harbour City Revised Land Capacity Assessment was prepared as a background document to establish the land capacity of existing residential zones in Coffs Harbour. The Emerald Beach site was listed in the Land Capacity Assessment as being 'highly constrained – unlikely to be developed'.
- In 2009 the Our Living City (OLC) Settlement Strategy was endorsed by Coffs Harbour City Council. It listed the Emerald Beach site as 'highly constrained urban zoned land – unlikely to be developed' and with the recommendation to 'undertake environmental studies to determine appropriate zonings (environmental constraints) and action accordingly.

## **PART 2 – ENVIRONMENTAL INVESTIGATIONS**

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### **FLORA AND FAUNA**

- **Scope of Work**

Large parts of the study area are vegetated and potentially provide habitat suitable to a range of threatened flora and fauna species and ecological communities. The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- prepare a detailed vegetation map using the Class 5 vegetation mapping as the basis, to identify major plant assemblages in the study area and connective importance of vegetation;
- identify areas of significant vegetation in the study area from existing studies and field investigations where deemed necessary. Significant flora would include species listed on the Schedules to the Threatened Species Conservation Act 1996, or on the Schedule of the National Parks and Wildlife Act 1974;
- identify measures for the conservation of existing and potential wildlife corridor values and/or any connective importance of vegetation within the study area and adjoining lands, including buffer zones to protect remnant vegetation and riparian areas;
- identify all threatened species populations, or endangered ecological communities or critical habitat;
- specifically, investigate the conservation significance of Moonee Quassia (*Quassia* sp. Moonee Creek) known to be at its southern most distribution at this location;
- conduct a limited fauna survey utilising spotlighting and Anabat detection techniques;
- assess the conservation significance of all fauna identified habitats, particularly their importance as habitat or linkages in a local and regional context, and their resilience to potential development;
- identify measures for the conservation of flora and fauna (within the meaning of the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994) and their habitats;
- outline measures for the long-term management of conservation/open space areas proposed within the study area, including measures for revegetation and rehabilitation, ownership and access; and
- Identify all Old Growth and hollow bearing trees in the study area and map their location.

- **Existing Information**

Class 5 Vegetation Mapping has been completed and endorsed for use in December 2012 by Coffs Harbour City Council and this is available to the consultant.

Coffs Harbour LGA contains important habitat for a diverse array of native fauna and flora. Certain areas have high conservation value and contain a number of endangered ecological communities and regionally significant vegetation communities.

The location of flood prone lands, the retention of vegetation corridors and their associated buffers establish the basis for a network of habitat links and/or corridors within the area.

The Threatened Species Conservation Act 1995 and Environment Protection and Biodiversity Conservation Act 1999 aim to protect threatened species and significant flora and fauna corridors. It is therefore necessary to incorporate appropriate constraints for vegetation management. It is also a requirement of the Mid North Coast Regional Strategy (2009) and the North Coast REP, 1988 that significant vegetation be protected. It is therefore necessary to incorporate appropriate constraints for vegetation management in any land suitability analysis.

The Vegetation of the Coffs Harbour City Council LGA (1996) identifies vegetation communities and identifies the conservation significance of these communities.

A Koala Plan of Management (KPoM) prepared for the Coffs Harbour City Council area and endorsed by DoP. The KPoM outlines the primary, secondary and tertiary habitat within the LGA. The KPoM also identifies appropriate assessment techniques and actions where koala habitat is identified.

The Coffs Harbour City Council Koala Plan of Management (1999) provides a consistent approach to koala management and planning throughout the LGA. Koala habitat has been defined and mapped in this plan and specific management and planning guidelines established. Council's planning policy is designed to protect koala habitat, reduce threats to Koala survival and health, allow for free movement of koalas across the development site where appropriate and provide enhancement planting where possible.

There are three types of koala habitat that have been mapped: Primary Koala Habitat, Secondary Koala Habitat and Tertiary Koala Habitat. These categories relate to the value of the habitat with Primary Habitat being the most important and Tertiary Habitat the least important.

As Primary Koala Habitat aims to prevent further clearing, disturbance, fragmentation or isolation of this habitat and the planning controls have zero net loss in these areas.

Secondary Koala Habitat aims to minimise further loss, fragmentation or isolation of this habitat and as the planning controls have a minimal net loss of this habitat.

Tertiary Koala Habitat encourages minimal removal or disturbance to preferred koala tree species and reducing barriers to Koala movement.

A number of sites in the study area have been the subject of Part 3A applications as well as had other environmental studies prepared for them during the past 15 years. These are to be reviewed by the consultant and this is a core requirement of this brief.

NSW P&I have recently revised the location of SEPP No. 14 Wetland boundaries within the Coffs Harbour LGA. It is important that any review of flora and fauna identify the revised locations of these lands.

## ACID SULFATE SOILS (ASS)

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- investigate and identify ASS map soil groups within the study area and its immediate surrounds;
- assess soil susceptibility to ASS and erosion, to identify where and what controls would be needed to minimise the possibility of ASS and erosion; and
- prepare ASS maps which are consistent with requests and mapping guidelines for the SiLEP, and which can be used as the Acid Sulfate Soils (ASS) Map Sheet in amendments to draft LEP 2013.

- **Existing Information**

ASS commonly occurs on coastal floodplains below five metres AHD (Australian Height Datum).

ASS are likely to occur when soils are drained, excavated or dredged. These soils include those that are producing acid (actual ASS) and those that could become acid producing (potential ASS).

Potential ASS are naturally occurring soils containing iron sulfides (pyrite). They become actual ASS when the pyrite is exposed to air, usually because of human activity. Once oxidised the addition of water results in the production of sulfuric acid.

The Coffs Harbour City Council LEP 2000 states that any ASS areas that may be disturbed, due to development, will require Council's consent and an ASS management plan in accordance with the Acid Sulfate Soil Manual. Coffs Harbour City Council has adopted the former Department of Land and Water Conservation, *Guidelines for the Use of Acid Sulfate Soil Risk Maps* (1998).

ASS areas are divided into three primary map classes which indicate the risk of encountering problems with it and the depth in the soil profile at which it is likely to occur. The classes include high probability of occurrence of ASS, low probability of occurrence of ASS and no known occurrence of ASS. The mapping has been designed to provide information on ASS distribution and indicate land uses, which are likely to create an environmental risk by disturbing ASS.

## GEOTECHNICAL ASSESSMENT

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- undertake a geotechnical assessment of geology and geomorphology of the site and assess the subsurface profile and depth to bedrock;
- prepare a geotechnical report presenting the results of the investigation and a slope stability risk assessment in accordance with the Australian Geomechanics guidelines; and
- comment on the geotechnical suitability of the site for development and identify any geotechnical issues which will require detailed assessment during the design phase.

## BUSHFIRE HAZARD MANAGEMENT

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications; and
- undertake a bushfire assessment of the study area, in accordance with Section 117(2) of the EP&A Act 1979 as amended, and the Rural Fire Service publication *Planning for Bushfire Protection (2006)*.

- **Existing Information**

The *Rural Fires Act 1997* and *EP&A Act 1979* ensure all development must comply with the requirements of these documents. These requirements include the identification of bushfire-prone areas and the provision of Asset Protection Zones (APZ's).

Bushfire protection can be seen as a major development constraint, especially land located within or adjacent to bushfire prone areas. The slope of the land, aspect and the vegetation types present, determines the level of bushfire hazard.

Coffs Harbour City Council categorises bushfire prone land into Vegetation Category 1 and Vegetation Category 2. Vegetation Category 1 is bushfire prone land is that land within (or within 100 metres) of a high risk bushfire hazard area. Category 2 bushfire prone land is that land within (or within 30 metres) of a medium risk bushfire hazard area. These maps are available on Council's website <http://maps.coffsharbour.nsw.gov.au/eview-html/index.html> (Note: Commercial use of any of council's data should be subject to a Data Licence Agreement (refer page xx of this Brief)).

## TOPOGRAPHY

- **Scope of Work**

The consultant must:

- investigate and map soil groups, underlying geological formations, and slope classes within the study area and its immediate surrounds;
- assess soil susceptibility to erosion, to identify where and what controls would be needed to minimise the possibility of erosion; and
- map the study area to delineate areas with risk of soil instability such as high erosion potential.

- **Existing Information**

Slope is a significant factor influencing soil erosion, drainage and bushfire hazard. Slopes greater than 14 degrees (15.5%) are likely to have geological constraints and are susceptible to mass movement and high to very high erosion hazard. In addition, slopes greater than 14 degrees can cause installation problems for effluent treatment systems, from being evenly distributed across the site therefore affecting the performance of the system.

Protected lands are listed under the Native Vegetation Conservation Act 1997 and represent land that generally has a slope greater than 18 degrees (20%) from the horizontal; and land situated in, or within 20 metres of the bed or bank of any specified river or lake or land that is in the opinion of the Minister, environmentally sensitive, effected or liable to be effected by soil erosion.

Relatively flat grades (less than 10 degrees (11%) significantly reduce costs associated with the installation of infrastructure to service proposed development. Therefore due to the cost efficiency of lesser grades for industrial and commercial development a ranking of 1 will be used for slopes less than 10 degrees (NSW PEC: 1978).

## FLOOD LIABLE LAND

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- identify and map local and catchment drainage characteristics for the study area and its immediate surrounds; and
- undertake a land capability assessment to determine the suitability of the study area for development.

- **Existing Information**

Flood liable land presents a constraint to development as it has implications with regard to the provision of infrastructure and cost implications applying to hydraulic infrastructure, roads and services installed within floodplains.

The flood constraint is based on the indicative 1 in 100 year flood level. Planning controls for the constraint are outlined in *Coffs Harbour City Council LEP 2000, Floodplain Development and Management, Study and Floodplain Risk Management Study*. Coffs Harbour Council's Floodplain Risk Management strategy is to minimise future potential flood damage both by structural protection and by planning controls to ensure that only appropriate and compatible development occurs on floodplains in the future.

Flooding maps for Hearn's Lake were prepared in 2009/2010 and are available from Council.

## ARCHAEOLOGY

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- undertake an assessment as to the items or areas of Aboriginal culture and heritage, as well as European heritage;
- provide appropriate management strategies if Aboriginal or European sites of significance are found; and
- liaise with the Office of Environment and Heritage and Coffs Harbour and District Local Aboriginal Land Council.

- **Existing Information**

The study area has been disturbed, though areas may exist where potential for Aboriginal cultural heritage may remain.

A list of European Heritage and potential European Heritage Items can be supplied.

## CONTAMINATED LANDS

- **Scope of Work**

Some of the study area has either previously been used, or currently is being used, for banana growing. Therefore the consultant must undertake an assessment of the subject site to confirm the likelihood of contamination. This assessment would also determine the nature and extent of any contamination and provide suitable options for remediation.



The consultant must:

- undertake a review of past land uses for the study area and any relevant documents associated with past activities on the site;
- develop a preliminary soil sampling strategy, incorporating the analysis of soils for organo-phosphates, organo-chlorines, pesticides and heavy metals to determine if any portions of the site are not suitable for future development or require remediation;
- map the extent and nature of any contamination; and
- develop a management plan for potential contamination issues outlining further investigation requirements and remediation options.

- **Existing Information**

Parts of the deferred area have been identified as having potentially contaminated land due to the former use of the land for banana cultivation. Banana cultivation formally used arsenic and dieldrin as insecticides.

The EP&A Act 1979 and SEPP No. 55 require Coffs Harbour City Council to consider the suitability of land for a proposed development. The risk to health and the environment from contamination must be included in a preliminary assessment, which includes a preliminary site inspection of the contaminated lands. SEPP 55 requires that Council be satisfied that a site is suitable for its proposed use or can and will be made suitable. A site can be made suitable through measures such as site remediation.

## WATER QUALITY

- **Scope of Work**

The consultant must:

- review all existing studies and data applicable to the deferred areas including approved Part 3A applications;
- address the potential impacts on the water quality of surface and groundwater, on watercourses, and on ground water dependent ecosystems, including erosion and sediment impacts; and
- investigate the requirement for buffers or environmental buffers or other suitable strategies to maintain the integrity of Moonee Creek (and tributaries), Double Crossing Creek, Hearnese Lake, Fiddamans Creek and any other significant waterways and/or tributaries to maintain suitable water quality standards.

- **Existing Information**

A document titled “*Assessment of New Options Moonee Creek Water Quality Study for Proposed Moonee Release Area*” was prepared by Jelliffe Environmental Pty Ltd in March 1999 and is available from Council. In addition, the “*Hearnese Lake Water Quality and Impacts Assessment*” (2004/05) is also available to the successful consultant.

## **PART 3 – OTHER CONSIDERATIONS**

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### **WATER SERVICES**

- **Scope of Work**

This requires an analysis of existing infrastructure, including supply mains capacities, service reservoir capacities, water storage and supply capacity for the City. The analysis is to include the ability to supply existing zoned, undeveloped areas, and the ability to increase supply capacity for the proposed zoned areas.

Following this analysis, identify a strategy for progressive upgrading and extension to capacities to supply to the Study Area, including a likely timing of provision of supply, and what additional cost items would arise from this strategy.

- **Existing Information**

Water Development Servicing Plan 2003.

### **SEWERAGE SERVICES**

- **Scope of Work**

This requires an analysis of existing infrastructure, including sewer mains capacity, rising mains and pump station capacities, sewerage treatment and disposal capacities. The analysis is to include the ability to service existing zoned, undeveloped areas, and the ability to increase service capacities for the proposed zoned areas.

The study report shall include a likely program for all sewerage services upgrading and augmentation works.

- **Existing Information**

Council's Sewerage Strategy.

## **ROAD NETWORK**

The consultant will review the conceptual road network contained in the current DCPs for the Moonee and Hearnese Lake/Sandy Beach Areas. The road network will demonstrate its relationship with the existing and proposed road networks that serve the study area (including the current Sapphire to Woolgoolga Pacific Highway Bypass), and all access/egress points, proposed intersections, road hierarchy, and relationship with any cycleway and footpath network.

## **PROVISION OF SERVICES**

The consultant will provide an outline of requirements for the provision of services (electricity, telephone, broadband, etc) for any recommended urban environments. The services network will demonstrate its relationship with the existing services network adjacent to and within the study area.

## **INFRASTRUCTURE COSTS AND STAGING**

The consultant will provide cost estimates for the provision of water services, sewerage services and the road network described above. This requirement should represent a realistic estimate based on maximum usage of the proposed infrastructure.

The consultant should also identify if staging of infrastructure works will be required.

## **ECONOMIC IMPACT – AFFORDABILITY, STAGING**

The consultant will also identify what economic impacts the recommended land uses/proposals will have on Council's Operational Plan and affordability of proposals. The consultant is also to identify an appropriate staging of implementation of any proposal/recommendation to allow for economic impacts.

## **PART 4 – RECOMMENDATIONS**

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### **DRAFT LOCAL ENVIRONMENTAL PLAN (LEP)**

The consultant will make recommendations for the future zoning of the land consistent with Coffs Harbour City LEP 2000 and draft Coffs Harbour LEP 2013, and prepare a Planning Proposal to amend LEP 2000 and draft Coffs Harbour LEP 2013 based on the findings of studies undertaken.

The consultant will also supply a map showing where the recommended zones apply.

### **DEVELOPMENT CONTROL PLAN (DCP)**

The consultant will prepare a DCP for the three deferred areas of land consistent with Coffs Harbour City LEP 2000 and draft Coffs Harbour LEP 2013, as well as the requirements of the EP&A Act 1979, based on the findings of the Planning Proposal. The DCP is to address the following considerations:

- Prepare Masterplan that provides clear guidance for each localities' unique attributes;
- define and establish the character of the area;
- road connectivity network, neighbourhood business centre (existing and proposed), open space, community services provisions;
- pedestrian connections within and surrounding the study area;
- habitat restoration, rehabilitation and landscaping;
- significant vegetation, flooding, slope/topographical constraints;
- geotechnical considerations; and
- other site specific natural hazards.

The final product will be in a form that is easy to understand and implement. The format of the DCP must be consistent with Council's draft Standard DCP 2013 where appropriate, and must conform to the requirements of the EP&A Act 1979.

### **DEVELOPER CONTRIBUTIONS PLAN (CP)**

The consultant will prepare a CP to ensure developers meet the cost of servicing demand generated by the development. The CP is to be consistent with Coffs Harbour City LEP 2000 and draft Coffs Harbour LEP 2013, as well as the requirements of the EP&A Act 1979, and based on the findings of the Planning Proposal.

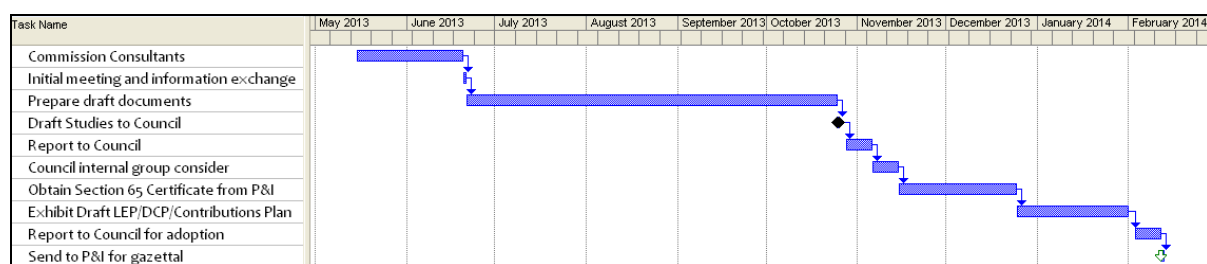
## PART 5 - ADMINISTRATION AND REPORTING

### COUNCIL CONTACT

Harpreet Jenkins is the Project Manager and should be the first point of contact for this project.

The Consultant shall nominate a representative responsible for all consultancy matters relating to this project.

### TIMING



### REPORTS

Draft documents - the consultant will provide two draft copies of the documents at draft stage for assessment by Council prior to exhibition. Two hard copies and one digital copy of each draft document are to be provided for exhibition purposes.

Final documents – The consultant will incorporate comments from Council and the public exhibition process and produce the final documents.

Two hard copies and one digital copy of each of the final documents, plus digital copies of any required images/drawings/plans are to be provided to Council. Electronic format will be discussed with Council to ensure the files are readily accessible and readable (for web access).

### MEETINGS AND LIAISON

An initial meeting between the consultant and Council staff is to be held within the first week of commissioning of the study, with progress meetings to be held following commencement of the project. The consultant is to nominate a suitable timeframe for such meetings.

## PROCESS

The consultant will recommend an appropriate process (examples include flowchart, Gantt chart, etc) describing the process involved in the preparation of the Draft LEP, DCP and CP for the Study Area. The process description will include time estimates where possible.

## COFFS HARBOUR CITY COUNCIL DATA LICENCE AGREEMENT

1. Spatial data is to be distributed to third parties only under the usage and disposal terms of a Coffs Harbour City Council Data Licence Agreement.
2. **Full** disclosure of the project duration, spatial data users (including legal names of all contractors and sub consultants), key contacts and required data (including data format) to be provided, for generation of the relevant Council Data Licence Agreement to occur.
3. The provision of spatial data to third parties is to be made under the understanding that Council may only distribute information for which it is the holder of the relevant intellectual property (e.g. Copyright), or for data whereby Council has obtained relevant written distribution permission from the Copyright holder.
4. Spatial data is to be provided to third parties according to Council's current software data format capabilities. Any required conversion of spatial data outside of this capability is to be undertaken at the responsibility of the data recipients.
5. The return of spatial data (e.g. model outcomes) is to be within a format acceptable by Council, and is to be accompanied by relevant metadata (including an indication of accuracy, purpose and constraints), and a clear, **contractualised** understanding of intellectual property ownership and usage terms.
6. Council's GIS Turnaround times are to be factored into project management and third party expectations. Note that the drafting of Data Licence Agreements, sourcing non-Council data, extracting data, undertaking file conversions, etc. are all typical GIS tasks, each with their own turnaround time targets.

## **PART 6 – CONSULTANCY PROPOSALS AND CONDITIONS OF ENGAGEMENT**

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### **FEE PROPOSAL**

Proposals to undertake this brief are to include:

- (a) an itemised consulting fee for each module;
- (b) the consultant shall state any adjustment that needs to be made for GST in its fee proposal;  
and
- (c) a description of the method for undertaking the scope of work, and any recommended variations or refinements.

Two copies of proposals are to be submitted.

### **GST**

The consultant must provide Council with its Australian Business Number (ABN) and indicate that it is registered for GST.

### **PAYMENT**

Upon submission of the draft documents, the consultant may lodge a claim for payment for up to 50% of the agreed cost. The balance of the fee may be claimed with submission of the final report.

Council will only make payments if it is satisfied the work meets the requirements of the brief.

Council must agree to any claims for extras in writing before undertaking the extra work.

**CONSULTANT SELECTION**

The selection of a consultant will be based on Council’s value selection process. The following criteria will be used by the Council to assess proposals.

<b>Criteria</b>
• Price
• Understanding of the brief
• Experience and capability
• Key Personnel
• Methodology for delivery

**TERMINATION**

The consultant’s commission may be terminated due to non-performance or inability to meet set target dates. The consultant will be informed in writing of such termination, which will not be subject to further correspondence.

**INSURANCES AND LICENCES**

Consultants must specify that they have the following insurances and be able to produce certificates of currency upon request.

- Workers Compensation Insurance;
- Motor Vehicle Insurance;
- Public Liability Insurance \$10 million; and
- Professional Indemnity Insurance \$5 million.

Consultants undertaking the koala and threatened species module must be licensed by National Parks and Wildlife Service to undertake trapping specified in the brief.



## **CONFIDENTIALITY, OWNERSHIP AND COPYRIGHT**

Investigations and reports will remain confidential unless or until released by Council.

Where any matter within the report relates to private property the consultant shall provide, when requested by a land owner, a copy of the specific information relating only to the particular private property, to the landowner and advise Council of any such provision.

Where as a result of carrying out the study the consultant or any sub consultant obtains information regarding any matter not related to the study the information shall not be used or disseminated elsewhere.

Ownership and copyright at all times shall be vested in the Council and any distribution whether for money or otherwise of the Study should only be with the authority of the Council. Details of the content and progress of the Study shall be confidential and shall not be made available to any third party without the authority of Council.

Council will have complete ownership of the content of the report and the reproduction and/or distribution of the report, in part or full, is prohibited without Council permission.

Council may permit the consultant to utilise information gained in the course of the Study for the purpose of learned papers or other publications provided that these are appropriately acknowledged and that confidentiality is respected.

# Attachment

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## *Council reports and minutes of Meetings:*

- 13 December 2012

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## COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN AND COFFS HARBOUR DEVELOPMENT CONTROL PLAN

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### **Purpose:**

The purpose of this report is to present the results of the public exhibition of the Coffs Harbour draft Local Environmental Plan (LEP) 2012, the draft Development Control Plan (DCP) 2012 and a draft Boundary Adjustment Clause. A copy of the draft LEP and draft DCP has been made available in the Councillor's room and is on Council's website.

The report includes a summary of submissions received and issues raised by the community and Government agencies. A full copy of all submissions has been made available for perusal by Councillors in the Councillor's Room. A summary of the submissions is attached as Attachment 1. An assessment of all submissions has been made and this is attached to this report as Attachment 1.

The Coffs Harbour LEP, upon gazettal, will apply to the whole of the Coffs Harbour City Council Local Government Area (LGA); with the exception of specific deferred areas; and will repeal the provisions of both the Coffs Harbour City LEP 2000 and the Coffs Harbour City Centre LEP 2011.

The Coffs Harbour DCP will similarly apply to the whole of the LGA, with the exception of the areas covered by the current DCPs for Moonee and Hearnes Lake/Sandy Beach, and will supersede the provisions of all current DCPs.

### **Background:**

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

The City-wide draft Coffs Harbour LEP 2012 for the whole LGA, has been prepared in accordance with the Standard Instrument Orders.

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

Coffs Harbour City Council, at its Ordinary Meeting 23 February 2012, resolved:

1. *That Council endorse draft Coffs Harbour Local Environmental Plan 2012.*
2. *That Council seek authority from NSW Planning and Infrastructure to issue a certificate under Section 65 of the Environmental Planning and Assessment Act, 1979 to allow draft Coffs Harbour Local Environmental Plan 2012 to be exhibited.*

3. *That upon complying with all conditions established at Section 65 certification, draft Coffs Harbour City Local Environmental Plan 2012 be exhibited for a period of six weeks (or such other period to be advised by NSW Planning and Infrastructure) in accordance with NSW Planning and Infrastructure's project timeframe.*
4. *That Council seek a suitable split lot subdivision clause from NSW Planning and Infrastructure for insertion into draft Coffs Harbour Local Environmental Plan 2012 (and any modification of the Lot Size Maps to suit the intention of the clause), as a condition of the certificate under Section 65 of the Environmental Planning and Assessment Act, 1979, should such a clause become available prior to the exhibition of draft Coffs Harbour Local Environmental Plan 2012.*
5. *All persons directly affected by the draft Plan be advised of Council's decision by notification in relevant newspapers at the time the draft Plan is placed on exhibition.*

Council, subsequently at its Ordinary Meeting 24 May 2012 resolved:

1. *That Council adopt the draft Coffs Harbour Development Control Plan 2012 as separately appended.*
2. *That Council in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Act Regulations 2000, publicly exhibit the draft Coffs Harbour Development Control Plan 2012 for a period of six weeks, concurrent with draft Coffs Harbour Local Environmental Plan 2012.*
3. *That Council notes that the following matters have been identified during the preparation of draft Coffs Harbour Development Control Plan 2012 and require further investigation:*
  - *The creation of site specific controls for the lands zoned B6 Enterprise Corridor under draft Coffs Harbour Local Environmental Plan 2012, located (east) adjacent to the Pacific Highway within the South Coffs urban release area.*
  - *The creation of site specific controls for the lands zoned IN1 General Industry under draft Coffs Harbour Local Environmental Plan 2012, located (west) adjacent to the Pacific Highway within the South Coffs urban release area.*
  - *A detailed investigation into the effectiveness of the Local Environmental Plan 2000 Environmental Protection 7B Scenic Buffer zone and determine its future status/application.*
  - *A review of the application of the place management strategies and character statements for Nana Glen/Bucca, Coramba/Karangi/ Upper Orara, Bonville, Lowanna/Ulong and the Coastal and Hinterland Rural Lands.*
  - *A detailed examination of the existing character statements, and development of appropriate site specific controls for the draft Coffs Harbour Local Environmental Plan 2012 R1 General Residential zoned lands within the local government area.*
  - *A review of the Moonee Creek Estuary Management Plan, and application to the Moonee Beach Development Control Plan provisions, including but not limited to the buffer requirements for Skinners Creek.*
  - *That any future Coastal Zone Management Plans and Estuary Management Plans be accompanied by a concurrent Development Control Plan review to establish the most appropriate Development Control Plan controls to meet the objectives of the Plans.*
  - *A review of Section 94 Contributions Plans be undertaken to establish which lands zoned for open space are to be dedicated to Council, and at what cost, and to liaise with appropriate landowners and State Government authorities.*

- *A detailed investigation to establish specific controls that address potential land use conflicts in rural areas.*

**Description of Item:**

In accordance with Council's resolution of 23 February 2012, authority was sought from NSW Planning and Infrastructure (P&I) to issue a certificate under Section 65 of the Environmental Planning and Assessment (EP&A) Act, 1979 to allow draft Coffs Harbour LEP 2012 to be exhibited for a period of six weeks in accordance with NSW P&I's project timeframe.

Also, in accordance with the above resolution, successful negotiations were held with NSW P&I to obtain a split lot clause. The split lot clause and resultant amendment to lot size maps were forwarded to NSW P&I with a request that the written instrument and maps be replaced in draft LEP 2012, prior to certification.

Council subsequently resolved at its meeting on 24 May 2012 that Council, in accordance with the provisions of the EP&A Act 1979 and EP&A Act Regulations 2000, publicly exhibit the draft Coffs Harbour DCP 2012 for a period of six weeks, concurrent with draft Coffs Harbour LEP 2012.

The Section 65 Certificate and covering letter was received by Coffs Harbour City Council on 27 August 2012, however it contained a typographical error. A replacement Section 65 Certificate and letter was received by Council on 29 August 2012. This final certificate allowed Council to exhibit the draft Plan as required by the EP&A Act 1979. The covering letter attached to each Certificate was also required to accompany the exhibition of the draft LEP 2012.

The Certificate contained several conditions requiring amendments to be made to draft LEP 2012 prior to exhibition. These conditions are summarised below:

- i) amend the written instrument to one supplied by NSW P&I titled 'Exhibition draft' and dated June 2012;
- ii) amend the written instrument and the additional permitted uses map to include use of certain land at Beryl St, Coffs Harbour, so as to support the proposed development of State infrastructure on the subject site;
- iii) amend the written instrument and certain maps, so as to support the proposed Sandy Shores development at Sandy Beach, Coffs Harbour, in accordance with the Part 3A Application 05\_0083 granted on 20 December 2010; and
- iv) minor administrative amendments to legend titles on certain maps.

Amendments were made to draft LEP 2012 to satisfy all conditions of the Certificate, to allow the draft LEP to commence exhibition.

Administrative amendments were also made to draft LEP 2012 post the report to Council on 23 February 2012, in accordance with the intent of five amendments which have been made to Coffs Harbour City LEP 2000 during 2012. These amendments consist of:

- LEP 2000 Amendment No 34 (land in North Coffs);
- LEP 2000 Amendment No 38 (Thakral lands in North Coffs);
- LEP 2000 Amendment No 46 (lands adjoining Bonville Golf Resort);
- LEP 2000 Amendment No 48 (land on the corner of Clarence Street and Pullen Street, Woolgoolga); and
- LEP 2000 Amendment No 49 (land fronting Backhouse Street, Woolgoolga).

These administrative amendments to draft LEP 2012 consisted of changes to maps and written instrument to reflect Council's policy intent for the lands affected by the five amendments listed above.

NSW P&I also advised that a boundary adjustment clause was available for Council to use and whilst it could not be included at this late date into the draft LEP, certified it for exhibition. Council adopted a clause allowing for boundary adjustments between certain rural and rural residential lots in 2010 (8 July 2010). However, the Department, at the time, instructed this clause be removed.

The draft Boundary Adjustment Clause provides a mechanism to allow for boundary adjustments in certain rural and rural residential zones, which may or may not contain lands zoned for environmental conservation, which are not able to be approved using Standard Instrument Clause 4.6 Exceptions to Development Standards or State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008.

It is proposed that a boundary adjustment would be permissible where one or more resultant lots do not meet the minimum lot size as shown on the Lot Size Map, where no additional lots, dwellings or dwelling entitlements would be generated, where potential for land use conflicts would not be increased; and where agricultural viability of rural land would not be compromised. Further, it would be necessary to establish that any land zoned E2 Environmental Conservation in the resultant lots will be able to be protected and maintained long term.

The draft Clause was exhibited as a separate matter to draft Coffs Harbour LEP 2012. However, it is intended for inclusion in the LEP when made, if appropriate.

The draft documents were exhibited and 99 submissions were received. A summary of the matters raised and how these will be addressed are attached to this report.

The primary matters raised in submissions are addressed in the Issues section of this report.

- **Public Hearing**

All Council owned land is given a classification as either community or operational land. Community land, as the name suggests is "community" focused land such as parks and walkways. Operational land includes Council's infrastructure, such as sewer pump stations, car parks and gravel pits.

With the reclassification of Council land it is a necessary procedure to hold a public hearing. A public hearing was held 14 November 2012, as the draft LEP 2012 proposed to reclassify the following Council owned lands as Operational lands:

- Lot 30, DP262078, Bray Street, Coffs Harbour;
- Lot 3, DP841017, Opal Boulevard, Korora; and
- Lot 37, DP1123008 (formerly being Lots 5 and 18, DP1140702), 8 Estuary Drive, Moonee

The public hearing was advertised on 18 October 2012 in the newspaper in accordance with the EP&A Act 1979. This matter is further discussed in the "Issues" section of this report.

- **Requests for Public Hearing**

In addition to the Public Hearing for reclassification of Council lands, three submissions sought a public hearing be held into the draft LEP under Section 68 of the EP&A Act.

This matter is also discussed in the “Issues” section of this report.

- **Reason for Deferral of Some Lands**

The deferred area is over the land that numerous landowners have had concerns that the proposed zoning has been applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken. The previous environmental work undertaken for these lands was a considerable period of time ago. Accordingly, and after reviewing these submissions in detail, it is considered the most appropriate method to determine the potential use of the land is to defer the subject lands from the draft Coffs Harbour LEP 2012 until such time as the environmental investigations are updated and completed.

Following on from the above, it is also important to highlight that the Minister for Planning and Infrastructure announced in September 2012 that the NSW Government would not endorse the additional use of E2 and E3 environmental zones in council local environmental plans (LEPs). This announcement primarily related to proposed environmental zones over rural land in a number of LEPs on the far north coast.

Council staff have liaised with Department of Planning and Infrastructure over this issue. It has been confirmed that if draft Coffs Harbour LEP 2012 included additional E2 zones that have been opposed by landholders or the community, then the Department of Planning and Infrastructure would apply the same principles above and thereby excise from the LEP those areas proposed to be covered by the increased E2 zone.

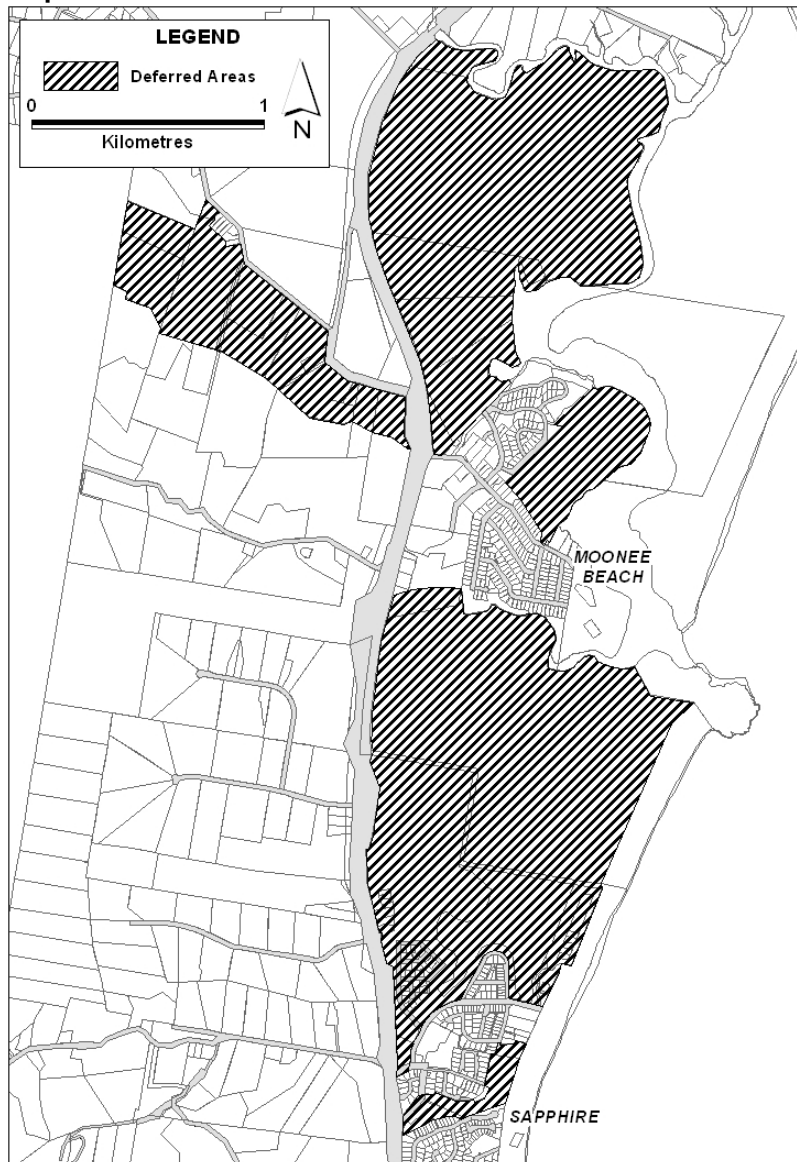
It is recommended that this deferral apply to the lands that are shown on the following maps:

**Map 1: Hearnese Lake/Sandy Beach**





**Map 2: Moonee**



Once further investigations are complete, they can be used to inform a Planning Proposal to NSW P&I. In the interim these “deferred areas” would remain subject to the provisions and zones of Coffs Harbour City LEP 2000. Council would also need to ensure the existing 2000 series DCPs for these areas are maintained on an interim basis to provide development guidelines.

**Sustainability Assessment:**

Any amendment to the Coffs Harbour LEP (and DCP) has to address environmental, social and economic sustainability criteria.

Many of the Standard Instrument zones to be used in the LEP directly relate to existing zones in LEP 2000, others have no equivalent. Whenever possible, zones were transferred to those that closely reflect existing zones but in some cases minor changes to the zone nature or intent have been applied to better reflect the endorsed strategic policies of State Government and Council. The zones in the Coffs Harbour City Centre Plan 2011 have also been transferred into the draft Coffs Harbour LEP 2012.

In addition to previously prepared information Council completed the Business Centres Hierarchy (BCH) Review to identify/confirm appropriate zones for the subject lands and appropriate land uses permitted.

- **Environment**

The Coffs Harbour LEP and DCP 2012 aim to ensure the City's development is carried out in an environmentally sustainable manner. Environmental protection measures incorporated under LEP and DCP 2012 are adapted from the existing LEP 2000 and existing DCPs where appropriate and in accordance with instructions received from NSW P&I. It is not anticipated that these documents will result in any deterioration of environmental protection measures. To ensure environmental protection the LEP and DCP:

- apply appropriate provisions for Koala Habitat;
- recognises appropriate zoning and control provisions for protection of riparian areas;
- apply appropriate protection to ecologically significant vegetation, SEPP No. 14 Wetlands and SEPP No. 26 Littoral Rainforest;
- identify heritage items and includes provisions for culturally significant places;
- apply provisions for preservation of trees and vegetation; and
- apply provisions protecting terrestrial biodiversity.

Further environmental work is being completed under the Class 5 Vegetation Mapping, the Coffs Harbour Coastal Zone Management Plan process and the revised Koala Plan of Management (KPoM) Study. Once these projects are completed and adopted by Council it is expected they may inform future Planning Proposals, to amend the LEP and incorporate necessary changes, which will be put to Council.

- **Social**

The Coffs Harbour LEP and DCP 2012 seek to promote equitable provision of social services and facilities for the community, to improve health and safety for residents and to protect and enhance the character and livability of our communities. This is achieved by including provisions and objectives which reflect Council's long term strategic vision for the City as endorsed in the Our Living City (OLC) Settlement Strategy, Industrial Lands Strategy, Rural Residential Strategy, Business Lands Strategy and the Coffs Harbour 2030 Plan.

- **Civic Leadership**

The preparation of the Coffs Harbour LEP and DCP 2012 will implement appropriate and relevant actions of the Coffs Harbour 2030 Plan to achieve the following outcomes:

- Council has a strong and diverse local economy underpinned by sustainable business and industry;
- our City is a lively and diverse place where people live, work and play;
- our built environment achieves sustainable living by only best practice urban design and infrastructure development to create attractive buildings;
- Council has a diverse range of housing options that are affordable and adaptable for all the community;
- Coffs Harbour has urban spaces that are functional, accessible and useable by all the community to enjoy;
- Coffs Harbour has integrated, accessible, eco focused transport system achieved by implementing plans and policies with cycleways, walking tracks and footpaths; and
- Our transport system and road network is well maintained safe and functional.

By implementing these community endorsed actions, as part of the Coffs Harbour LEP and DCP 2012 project, Council demonstrates a decision making process integrating the aims and objectives of the 2030 Plan.

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

- **Economic**

The continued economic growth and development of the City is a primary aim of the draft LEP 2012 and DCP 2012. The process for these documents has identified appropriate areas for proposed land uses to enable compatible development to prevail.

The draft LEP 2012 and DCP 2012 reinforce the business hierarchy established in the endorsed OLC Settlement Strategy, Business Lands Strategy and BCH Review, leading to enhancement of functional smaller business centres whilst maintaining the primacy of the CBD and ensuring Council's longer term strategic vision is achieved.

#### **Broader Economic Implications**

The draft LEP 2012 and DCP 2012 aim to improve our City as a place to live, work and play.

The aims, objectives and controls contained in the draft LEP 2012 and DCP 2012 seek to improve educational and employment opportunities; foster new business and industry opportunities that serve our community while creating a highly livable urban place in both the built environment and public domain while making efficient use of existing and future infrastructure.

#### **Delivery Program/Operational Plan Implications**

There are no immediate financial implications or impacts on Council by progressing the draft LEP 2012 and draft DCP 2012. However sufficient funds will need to be allocated to undertake appropriate environmental investigations for the deferred areas to inform and progress a Planning Proposal to establish the final zone configuration for the deferred areas.

The implementation of a new LEP and DCP are key outcomes sought by the Council's Delivery Program. Council's resolution to progress the plans will enable these outcomes to be achieved.

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

#### **Consultation:**

Council staff have been working closely with the NSW P&I and other Government agencies to finalise the draft LEP 2012 and draft DCP 2012.

Section 62 Consultation with Government agencies has been carried out and relevant matters raised have been incorporated into the draft LEP 2012 and draft DCP 2012. The S62 commenced in 2007 for the draft LEP, however letters have continued to be received from government agencies over the life of the plan preparation. These have been provided to Council as part of the Section 62 consultation requirements over the time.

Community consultation in accordance with the provisions of the EP&A Act and Council's Community Consultation Plan for the project has been carried out.

A number of briefings with the elected Council have been held throughout the course of preparation of the draft LEP 2012 and draft DCP 2012.

Explanatory information sheets, including a plain English version of the draft LEP, were prepared to assist with community engagement and were placed on public exhibition with the draft LEP 2012 and draft DCP 2012.

Council, at its meeting of 23 February 2012, resolved the LEP would be exhibited for a six week period. Council subsequently resolved, on 24 May 2012 to publicly exhibit the draft Coffs Harbour DCP 2012 for a period of six weeks, concurrent with draft Coffs Harbour LEP 2012.

The exhibition period of the draft documents and additional clause was from 13 September 2012 to 26 October 2012 and copies of the LEP, DCP and associated documentation were available to be viewed at Coffs Harbour City Council Administration Building, Coffs Harbour Library, Toormina Library and Woolgoolga Library during normal office hours. A free copy of the documents was available on CD and the documents were provided on Council's website.

A Strategic Management Plan (SMP) was prepared to set out details of changes in the new LEP and the rationale behind decisions made throughout the LEP preparation.

A Conversion Plan was prepared to set out details of changes made in the draft DCP and the reasoning behind decisions made throughout the DCP's preparation.

To assist with providing simple clear information to the community, a summary brochure entitled Exhibition Explanatory Information was prepared and freely made available to the community, to accompany the draft LEP and draft DCP.

A specific website was established to carry the information relating to LEP, DCP and additional boundary adjustment clause for the purposes of the public exhibition.

This website was extremely beneficial with visits from 4,585 interested parties. The Welcome page received 1,833 hits, while the Maps page received 1,024 hits. During the first week these were 414 and 260 times respectively. The website also provided a mechanism for the public to lodge submissions to the exhibition. Eleven submissions were generated in this manner.

A Business/Industry/Key Stakeholder Information Shop Front was held on the morning of the 18 September and had four attendees.

Community Information Shop Fronts were held to assist with providing information on the plan to the community. The five community information shop fronts took place on:

- Tuesday, 18 September 2012 at Coffs Harbour City Council Chamber
- Wednesday, 19 September 2012 at Red Rock Multi-Use Centre and Woolgoolga Library
- Thursday, 20 September 2012 at Coramba Community Hall and Toormina Library.

The Community Information Shop Fronts were attended by a total of 11 people even though participants were able to attend at any time between the times listed in the notification advertisement. Council staff were available to discuss matters of interest and to answer any questions raised by members of the community at the shop fronts.

Council received 99 submissions to the public exhibition. Of the submissions received, 10 were from Government Agencies.

A full copy of the submissions has been made available in the Councillor's Room. They are confidential as they contain personal and private information that is not appropriate to be fully disclosed under the Privacy and Personal Information Protection Act. An assessment of all submissions is provided as Attachment 1 to this report.

The State agency submissions and a list of administrative amendments are included in Attachment 1 to this report. A copy of the draft LEP and draft DCP has been made available in the Councillor's room and is on Council's website.

### **Public Hearing:**

- **Reclassification of Lands**

Under Section 29 of the Local Government Act 1993, where Council is reclassifying Community land to Operational land, a public hearing is required. The public hearing was advertised and held commencing at 5.30pm on 14 November 2012. The hearing was facilitated by Mr Geoff Smyth, no members of the community were in attendance, so at 6.00pm Mr Smyth closed the hearing. Attached to this report is Mr Smyth's letter of confirmation of the details of the public hearing (Attachment 1).

- **Request for Public Hearing**

Three submissions sought a public hearing under Section 68 of the EP&A Act.

Council staff assessed the requests and liaised with the NSW P&I. It was determined that the requests were either:

- based on zonings of individual properties; and/or
- not significant matters to the entire draft LEP, draft DCP process; and/or
- not to the benefit of the broader community.

Therefore, a public hearing was not warranted based on the matters raised in submissions.

### **Related Policy and / or Precedents:**

The draft LEP 2012 and draft DCP 2012 have been prepared in accordance with the Standard instruments (LEPs) Orders 2006, the EP&A Act and Regulations. All statutory requirements of these Instruments have been complied with.

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

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

#### **Statutory Requirements:**

The draft LEP 2012 and draft DCP 2012 is consistent with, or justifiably inconsistent with:

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

#### **Issues:**

The following section addresses the major matters raised in the community consultation and Section 62 Government agency consultation process. The issues are related to the relevant component of the draft LEP 2012 and draft DCP 2012.

The recommendations made in Attachment 1 and summarised in the following analysis have been integrated into the amended LEP and DCP.

#### **Administrative Amendments**

During the exhibition process, a number of administrative issues were identified on the draft LEP and draft DCP. These issues have been assessed and a summary is included as Attachment 1 to this report.

The matters identified:

- **Amendment to Schedule 5 Heritage list**

##### ***Comments***

In Schedule 5 Item I34 contains an incorrect property description.

##### ***Recommendation***

That Item I34 of Schedule 5 of draft LEP 2012, be amended to read Lot 1, DP612294.

- **Schedule 1 Additional Uses**

**Comments**

Schedule 1 Additional permitted uses has had several items added in response to submissions. It is necessary to rearrange all items in Schedule 1 to ensure they are listed alphabetically, prior to lodging the draft LEP 2012 with NSW P&I for making.

**Recommendation**

It is recommended that:

1. Schedule 1 be re-ordered so Items 1 – 18 are listed alphabetically as required by the Standard Instrument template; and
2. the Additional Permitted Uses Map be amended to reflect the amended listing in Schedule 1.

- **CBD Hierarchy**

**Comments**

During 2011, Council commissioned an independent review of the BCH, to establish its relevance and importance to the growth of Coffs Harbour as a city, and to provide input into the preparation of draft LEP 2012. In adopting the BCH, Council has endorsed an aim of the Plan: '*(c) to maintain the primacy of the Coffs Harbour Central Business District as the principal business, office and retail hub of the city centre while supporting the objectives of other business zones*'. It is considered important to add this aim to draft LEP 2012, so as to reinforce Council's position.

**Recommendation**

It is recommended that:

1. An additional aim be added to draft LEP 2012, being:
  - (d) to maintain the primacy of the Coffs Harbour Central Business District as the principal business, office and retail hub of the city centre while supporting the objectives of other business zones; and*
2. all remaining aims of the Plan be re-ordered to allow for the insertion of aim (d) above.

- **Incorrect Zone Used**

**Comments**

Land Zoning Map Sheet 006 in draft LEP 2012 shows land at Bonville zoned RU1 Primary Production. Council does not intend using this zone. This small parcel of land incorrectly retained the RU1 zone.

**Recommendation**

It is recommended that:

1. Land Zoning Map sheet 006 be amended to show land north of Reedy Road, Bonville, in zone RU2 Rural Landscape.

- **Height – TS Vendetta site**

**Comments**

The site leased to TS Vendetta is shown on the Height of Buildings Map 006B as 5.4 metres (blue). The current TS Vendetta building is located well below the carpark level to its immediate north (estimated at between 4 and 5 metres). The Jetty Foreshores Plan of Management identifies this site for 'community based commercial' uses in Management Precinct 3. It is considered that the building height of 5.4 metres over this site in draft LEP 2012 does not accurately represent the intent of the Plan of Management. Any redevelopment of buildings here should not be severely restricted by the natural form of the land to a single storey. As such, it is considered that a height limit of 8.5 metres should be shown in draft LEP 2012.

**Recommendation**

It is recommended that:

1. Height of Buildings Map sheet 006B be amended to show the TS Vendetta site with an 8.5 metre height limit.

- **Land Zone – Woolgoolga Bowling Club**

**Comments**

The Woolgoolga Bowling Club has acquired a small parcel of land in Boundary Street, Woolgoolga. The parcel of land has been amalgamated into the overall site. The strip of land is proposed to be zoned RE1 Public Recreation however, given that it is not included in Council ownership, it should be added to the RE2 Private Recreation zone.

**Recommendation**

It is recommended that:

1. Land Zoning Map sheet 005C be amended to show the strip of land zoned RE2 Private Recreation.

- **Dictionary Order Error**

**Comments**

Draft LEP 2012 has been advertised with a Dictionary alphabetical error, where 'wetland' is placed incorrectly.

**Recommendation**

Move 'wetland' to its correct alphabetical listing in the Dictionary of draft LEP 2012.

- **Development Without Consent**

**Comments:**

Several items which are listed in draft LEP 2012 as not requiring consent, would be better to list in Schedule 2 'Exempt Development', which would allow Council to list limitations to trigger a development application. This should be undertaken as a body of work in a 'housekeeping LEP amendment' Planning Proposal.



***Recommendation***

That no amendments to draft LEP 2012 be undertaken, however that Council consider this matter in a future amendment.

- **Coffs Harbour Regional Airport**

***Comments***

The Coffs Harbour Regional Airport is in the process of updating its adopted Airport Master Plan. Component E1 of draft DCP 2012, which deals specifically with the Airport, should be deferred so that appropriate content of Component E1 can be considered.

***Recommendation***

It is recommended that:

1. Component E1 be deferred from draft DCP 2012.
2. That Component E1 be prepared and reported to Council after completion of the revised Airport Master Plan.

**LEP Document**

The following are the matters, relating to the draft LEP, raised in submissions. Because of the legislative nature of preparing an LEP, submissions relating to the draft LEP have been further summarised and addressed in a table to accompany the Section 68 report to NSW P&I. This summary is also included in the attachment to this report (Attachment 1), and provides more details about submissions and how they have been assessed and addressed.

**Public Submissions**

The main issues raised in submissions received from the public include the following topics/matters:

- rezoning/zoning amendment on specific properties;
- Environmental zoning on lands;
- the B6 Enterprise Corridor zoning (mainly focused on the Pacific Highway strip, Marcia Street to Bray Street);
- zonings relating to the Hearnese Lake/Sandy Beach area;
- the “Bulky Goods” being removed from the list of permitted uses in the Industrial zones;
- requesting rezoning of properties in Murdock Street and West High Street;
- the Raj Mahal site, Woolgoolga;
- amendments relating to the Neighbourhood Business zonings;
- zonings relating to the Moonee area;
- the Woolgoolga town centre and business areas; and
- requests for public hearings.

- **Rezoning/Zoning Amendment Requests on Specific Properties**

Some 38 submission received raised matters in regard to the zoning of or requesting rezoning of specific parcels of land. The assessment of the submissions considered:

- the current zone – under either Coffs Harbour LEP 2000 or Coffs Harbour City Centre LEP 2011;
- the proposed zone as suggested by the author of the submission;
- the inherent site constraints;
- a Strengths, Weaknesses, Threats and Opportunities (SWOT) analysis;

- the potentially applicable zones; and
  - comments/input from various relevant sections of Council,
- and then made a recommendation on the action to be taken.

Given this process the following summary is made:

- **Submission P1: Part Lot 2 DP882689, North Boambee Road, North Boambee**

The landowner has requested a rezoning of the cleared portion of the site, being generally the central eastern corner of the site, via a submission to draft LEP 2012.

***It is recommended that:***

1. the Land Zoning Map, the Lot Size Map and Height of Buildings Map (Map Series 006A) be amended to reflect zoning of part of Lot 2 DP882689 generally as shown in Submission No. 1, but with minor modifications to ensure that the steep embankment is retained in its entirety within the IN1 zone, such that it continues to be used as a buffer between residential and industrial land uses;
  2. a statement be made to NSW P&I (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 1.1 is justified in the circumstances;
  3. Council's Local Growth Management Strategy (LGMS) – Industrial Component be revised at the time it is next amended, to reflect these changes; and
  4. draft DCP 2013 be amended to address future access provisions to the site.
- **Submission P2: Lands South of the B2 Local Centre Zone, fronting Trafalgar Street, Woolgoolga**

This submission was lodged on behalf of the Woolgoolga Business Group. It requests that the B2 Local Centre zone, which is currently located from Beach Street south to Trafalgar Lane, be extended further south to Trafalgar Street.

***It is recommended that:***

1. this land be included in the review of the Woolgoolga Master Plan;
  2. if deemed appropriate, Council's LGMS – Business Lands Component be revised, and endorsed by Council and NSW P&I; and
  3. a Planning Proposal be progressed after completion of 1. and 2. above, at a time when either Council's budget allows it or as funded by landowners, to reflect the appropriate zone boundary as identified in the strategic work.
- **Submissions P3 and P68: 122 West High Street, Coffs Harbour**

These submissions state that the subject property is suitable for use as a commercial premise, and that it contains adequate onsite parking and disabled access. They further state that there are a number of adjoining and nearby properties which contain commercial uses, and it would be appropriate to zone the property for commercial uses

If the subject land (including the drainage line) were to be rezoned to B3, there would be a 20% increase in commercial activity on the site compared to the current allowable residential activity. As a result, this would reduce the available medium density zoned land in the area and subsequently adversely impact on future housing needs.

The SEPP (Infrastructure) permits educational establishments and health service facilities such as hospitals, medical centres and health consulting rooms in residential zones precluding the need to rezone the subject site and adjoining/surrounding lands to a commercial zone. The subject site, 122 West High Street (Lot 1, DP340019), has been approved for an educational establishment under Development Consent No. 1422/04. It is not necessary to add the use as a permissible use under draft LEP 2012.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of these submissions

- **Submissions P4 and P5: 40 and 44 William Sharp Drive, Coffs Harbour**

These submissions state that the subject properties are partially zoned for commercial uses, and they are not suitable for such a use. They further state that since the construction of the flood retention basin in William Sharp Drive, access to these land parcels and the ability to service these lands have been impacted. They seek the lands revert to a residential zone.

***It is recommended that:***

1. the Land Zoning Map, Lot Size Map, Height of Building Map and Floor Space Ratio (FSR) Map (Map Series 006A) be amended to remove the B1 Neighbourhood Centre zone from this location in William Sharp Drive and instead to zone the land R2 Low Density Residential have a 400m<sup>2</sup> lot size and a 8.5 metre building height;
2. the West Coffs DCP be amended to remove the reference to a neighbourhood shopping centre on this site, and to include a reference to sourcing a neighbourhood shopping centre in the West Coffs precinct as a matter of priority;
3. in the West Coffs DCP, the reference to Community Centre is removed and the reference to a covered meeting area/function place is added;
4. a statement be made to P&I (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 1.1 is justified in the circumstances; and
5. Council's LGMS – Business Lands Component be revised to reflect these changes.

- **Submission P6: 36 Walter Morris Close, Coffs Harbour**

The submission states that the subject property is zoned for R1 General Residential uses, and it is not suitable for such a use. Noting that proximity to the railway, highway and Park Beach Road makes the location unsuitable for residential development, it requests that the subject property be rezoned to B2 Local Centre to conform with other business lands in the street block.

***It is recommended that:***

1. the Land Zoning Map, Lot Size Map and FSR Map be amended to move the B2 Local Centre zone to include Lots 11, 12 and 13, DP107053;
2. the City Centre Component of the draft DCP 2012 be amended to remove the reference to active street frontages, street awnings and street alignment and setbacks on all remaining properties included in R1 General Residential;

3. a statement be made to P&I (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 1.1 is justified in the circumstances; and
4. Council's LGMS – Business Component be revised to reflect these changes.

- **Submission P8: 3 Willis Road, Woolgoolga**

The submission states that the rear of the property contains part of an environmental protection zone, and advises that the land has been cleared of significant vegetation for many years, and that there are no attributes of the land that warrant an environmental zone over the rear of the property. The submission further states that the balance of the land is zoned and used for industrial purposes and that it is appropriate to rectify the zoning anomaly on the land.

The current draft shape of the E2 Environmental Conservation zoned land on the subject site accords with the current mapped SEPP No 14 Wetland boundaries as defined by NSW P&I. Council is unable to alter the SEPP No 14 Wetland mapping boundaries on the land, as this layer is controlled by P&I. It is not considered appropriate to amend the zone at this time.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission

- **Submission P9: Lot 30, Safety Beach Drive, Safety Beach**

This submission relates to Lot 30, DP1092921, Safety Beach Drive, Safety Beach. It requests that the site be amended from a business zone to a residential zone because the submission claims there is no justifiable need for the neighbourhood business zone, and that the land is better suited to low density residential development.

Given that the Safety Beach population is only expected to reach 1,930 persons by 2031, it is anticipated that one or two neighbourhood shops, which are permissible in the R2 Low Density Residential zone, would be sufficient to meet this need.

***It is recommended that:***

1. the Land Zoning Map, Lot Size Map and FSR Map (map series 005C) be amended to remove the B1 Neighbourhood Centre zone from this location in Safety Beach Drive, and instead to zone the land R2 Low Density Residential;
2. a statement be made to P&I (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 1.1 is justified in the circumstances; and
3. Council's LGMS – Business Lands Component be revised to reflect these changes.

- **Submission P12: Lot 13, DP591220, Cook Drive, Coffs Harbour**

This submission relates to Lot 13, DP591220, Cook Drive, Coffs Harbour. It requests that the zone of the property be amended from an environmental protection zone, because part of the site is cleared. The submission references a map, showing the overall site area of Lot 13 as 1.433 hectares; and identifying the top north west corner of the overall site as containing 2787m<sup>2</sup> of cleared land, which should not be zoned for environmental protection; and which should instead be added to the IN1 General Industrial zone.

The flood prone nature of the land would indicate that flood study work would be required prior to any consideration for a rezoning of the site. It is considered that the optimum way forward for this land is consideration of a planning proposal to rezone the land. The necessary environmental studies could then be prepared to better inform decisions.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P14: 1768 Pacific Highway, Emerald Beach**

This submission relates to 1768 Pacific Highway, Emerald Beach, being Lot 58, DP1143405, Pacific Highway, Emerald Beach. It requests that the site be amended from a RE2 Private Recreation zone to a R5 Large Lot Residential allotment and that the land formerly had a dwelling on it prior to highway works.

Given that the land is not immediately adjacent to the R5 Large Lot Residential zone, and that the land is not included in Council's LGMS – Rural Residential Strategy, it is considered the optimal solution is to apply a RU2 Rural Landscape zone to the property, but also to include the land in Schedule 1 to ensure the dwelling entitlement is maintained.

***It is recommended that:***

1. the Land Zoning Map and Lot Size Map (map series 005D) be amended to remove the RE2 Private Recreation zone from Lot 58, DP1143405, and instead to zone the land RU2 Rural Landscape and show it with a minimum 40 hectare subdivision standard;
2. the land is included in Schedule 1 Additional Permitted Uses, with a listing relating to Lot 58, DP1143405 that development for the purpose of a dwelling house is permitted with consent; and
3. additional Permitted Uses Map No. 13 be amended to identify the site.

- **Submission P15: Lot 147, DP1118502, Sapphire Beach**

This submission relates to Stages 5-9 of the North Sapphire Beach development. The land is formally known as Lot 147, DP1118502. It requests that the zone boundaries proposed at the site be modified generally in accordance with a plan provided with the submission, for an amended subdivision layout that "*will be provided to NSW Planning and Infrastructure before the end of 2012*". The submission states that it is premature to impose a detailed residential zone boundary where development is yet to be finalised.

It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, being land formerly known as Lot 147, DP1118502, along with lands which were subject to Coffs Harbour City LEP Amendment No 24 (Moonee), where residential land is proposed to be rezoned to environmental protection be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

- **Submission P16: 9 Maccues Road, Moonee**

This submission relates to 9 Maccues Road, Moonee, being Lot 19, DP1141168. It requests that the site be amended from a RU2 Rural Landscape zone to a R5 Large Lot Residential allotment.

Whilst the subject site is located within a candidate area in Council's LGMS – Rural Residential Component, it is pre-emptive to zone the site R5 Large Lot Residential in advance of environmental studies to investigate the suitability of the site and all the surrounding lands for this type of development. The area is not listed for investigation in the LGMS until Stage 2, in 3-5 years time, and after Stage 1 investigations and possible rezoning of the Bonville lands are completed. To rezone the land for rural residential development would be inconsistent with Section 117(2) Direction 3.1 Residential Zones and Council's LGMS.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P19: Lot 62, DP1143405, Pacific Highway, Emerald Beach**

This submission relates to Lot 62, DP1143405, Pacific Highway, Emerald Beach. It requests that the zone of the property be amended from an environmental protection zone, to allow low density residential development. The submission states that the landowner has intended to develop the land for residential purposes, and that Council has proposed that the land be zoned in its entirety for environmental purposes without completing full environmental studies for the land.

The submission concludes with a request that, in the event that Council does not support the request for an amended zoning, that the land be deferred from the LEP and be subject to a Public Hearing in accordance with the provisions of Section 57(5) of the EP&A Act 1979.

The landowner is concerned that the zone has been prepared without a comprehensive LES or equivalent being undertaken. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine which part of the site should have an environmental zoning. This process would then be used to inform a Planning Proposal to P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, being Lot 62, DP1143405, be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the site, to inform a Planning Proposal for a 'Gateway determination', so as to establish a final zone footprint for residential areas on the site.

- **Submission P24: Lots 1 and 2, DP725785, Pacific Highway, Moonee**

This submission relates to the residential development of the Glades Estate, on land formally known as Lots 1 and 2, DP725785. It states that a large part of the land holding is proposed to be zoned E2 and is considered to be an inappropriate zone given the approved development over this land. Although a project approval (06\_0143) has been issued, on 5 March 2009, by the Minister for Planning under Part 3A of the EP&A Act 1979, the landowner is still concerned that if the proposed zones are adopted as per the exhibited draft LEP 2012, this could dramatically limit the landowner's ability to amend the project to take into account site conditions and changing circumstances.

The submission states that part of the proposed zonings, specifically the E2 zone and permissibility of development within that zone, is inconsistent with existing planning provisions and the approved residential development. Furthermore, it goes on to state that the proposed E2 zone over the open space area of the Glades Estate is not consistent with the approved development, including the construction of water reticulation infrastructure and stormwater management systems (i.e. to facilitate drainage works). Therefore, the submission is recommending a REI Public Recreation zone instead of the proposed E2 zone.

It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the entire area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, Lots 1 and 2, DP725785, along with lands which were subject to Coffs Harbour City LEP Amendment No 24 (Moonee), where residential land is proposed to be rezoned to environmental protection be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

- **Submission P25: Sawtell Surf Club**

This submission relates to Sawtell Surf Club, which sits over part of Lot 7003, DP1113530, and is accessed via Second Avenue, Sawtell.

The submission states that the current and proposed draft LEP 2012 zonings do not reflect the existing club house boundaries. The submission requests that the draft zones be amended to accord with the footprint of the proposed clubhouse development application; and plans are included in the submission to identify proposed works at the site.

It is appropriate that the RE2 zone be consistent with the Sawtell Surf Club's lease boundary with the exception of the SEPP 26 Littoral Rainforest that should be zoned E2 Environmental Conservation

The zone boundary should only be modified as a result of further work, in a future Planning Proposal (housekeeping LEP amendment).

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

- **Submission P26: 48 Split Solitary Road, Sapphire Beach**

This submission relates to 48 Split Solitary Road, Sapphire Beach, formally known as Lot 31, DP840116, and currently used as the Sapphire Beach Holiday Park.

The submission states that an environmental zone is being imposed on the land, when it is currently zoned for residential development in Coffs Harbour City LEP 2000; that it is not a direct 'roll across' of zones from the old LEP; and that it does not reflect the on-ground situation that significant cleared areas have been included in the zone. It further states that the information used in producing draft Coffs Harbour City draft LEP 2000 (Amendment No 24) is now dated, and was not prepared with rigorous scientific testing. It refers to the current draft Class 5 Vegetation mapping which has been prepared by Council and states that there is a mapping contradiction between the newly prepared draft Class 5 vegetation and dated mapping that informed Amendment No 24. It requests that the land remain zoned for residential development until the planning proposal, which informs the environmental conservation zones of the LGA, proceeds. It further requests that in the event this is not achievable, that Council officers discuss the matter further with the planning consultant who wrote the submission.

It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, 48 Split Solitary Road, along with lands which were subject to Coffs Harbour City LEP Amendment No 24 (Moonee), where residential land is proposed to be rezoned to environmental protection be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.



- **Submission P27: Lot 21, DP1050895, Harbour Drive, Coffs Harbour**

This submission relates to Lot 21, DP1050895, Harbour Drive, Coffs Harbour, being the site owned by Galambila Aboriginal Health Services Incorporated and used as a medical centre. The submission objects to the fact that medical centres are prohibited in the R3 Medium Density Residential zone under draft LEP 2012, and requests that the land instead be zoned B1 Neighbourhood Centre, which would allow medical centres as permissible with consent.

The submission acknowledges that the SEPP (Infrastructure) 2007 applies and allows medical centres with consent, essentially overriding the Land Use Tables of draft LEP 2012; however it states concern over possible future modifications to the SEPP which might remove this use. It continues to state that it does not want existing use rights to apply at the site, and would rather prefer the site be provided a zone which allows medical centres as a permissible use under the provisions of draft LEP 2012.

The requested B1 Neighbourhood Centre zone is not in accordance with Section 117(2) Direction 1.1 Business and Industrial Zones, which states a planning proposal must ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of P&I. Because the site is 4,673m<sup>2</sup> in area, it could not be considered minor in the circumstances, and therefore cannot be considered as a justified inconsistency with the Direction.

In terms of the issue of SEPP (Infrastructure), existing use rights and the permissibility of medical centres in the R3 Medium Density Zone, medical centres are a form of health services facilities that are permitted in the R3 zone by both private and public organizations. P&I have specific instructions in relation to the preparation of draft Standard Instrument LEPs, and how medical centres should be referenced. Draft LEP 2012 conforms with the requirements of the Standard Instrument template. There is no indication by the State government that medical centres would be removed from the SEPP (Infrastructure), and it is considered that there is no reason to amend the zone to allow the use to be retained.

There is no reason to amend draft LEP 2012 to include medical centres as a permissible use because of the Infrastructure SEPP.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

- **Submission P36: 190 Pacific Highway, Coffs Harbour**

This submission relates to 190 Pacific Highway, Coffs Harbour, formally known as Lot K, DP378489. It objects to the restrictions which limit development to 150m<sup>2</sup> for business and office uses in the B6 Enterprise Corridor on the site.

The submission states that it has concerns with the restrictions being placed on the B6 zone in this location, and all lands in the B6 zone between Marcia Street to Bray Street, Coffs Harbour. It requests that Clause 7.4(3) be amended or deleted to remove the 150m<sup>2</sup> office and business use restrictions from the B6 zone in the location between Marcia to Bray Street, and states that the clause as written is not consistent with the second zone objective (Objective 2 states: '*To provide a range of employment uses (including business, office, retail and light industrial uses)*'); and that business uses are a mandated land use within the B6 zone and the limitations imposed by Clause 7.4(3) create a subzone which is not permissible within the Standard Instrument. The submission addresses various strategic documents of Council and states that this location between Marcia to Bray Street is better suited to a B4 Mixed Use zone, and that residential development should be permitted in this zone.

Council understands the request for the inclusion of residential land use permissibilities within the B6 zone, particularly in the precinct nominated within the submission. It is agreed that appropriate forms of residential accommodation in this location could assist to alleviate potential urban design issues in the B6 locality. The B6 zone permits shop top housing, but not stand alone residential development (for example multi dwelling housing and residential flat buildings). The BCH recommended that residential accommodation in the form of residential flat buildings be allowed here. However, NSW P&I have advised during the preparation of the City Centre LEP 2011 and draft LEP 2012 that because the land has flooding issues, and the land was previously low density residential, that to allow more dense residential accommodation would be contrary to the 117(2) Directions relating to flooding. However, Council considers the flood prone nature of the land could be dealt with at the development application stage, and that this proposal has merit.

***It is recommended that*** draft LEP 2012 be amended by:

1. adding 'attached dwellings', 'boarding houses', 'dwelling houses', 'multi dwelling housing', 'residential flat buildings', 'semi-detached dwellings', 'seniors housing', 'exhibition homes' and 'exhibition villages' to Item 3 Permissible with Consent in the Land Use Table for the B6 zone; and
2. that future strategic work is undertaken in consultation with the local development industry to provide some urban design guidelines for this locality.

- **Submission P38: 2 Cook Drive, Coffs Harbour**

This submission relates to 2 Cook Drive, Coffs Harbour, formally known as Lot 102, DP819270. It requests that the land be zoned for bulky goods and business development rather than industrial uses in draft LEP 2012.

The proposed loss of industrial zoned land is not in accordance with Section 117(2) Direction 1.1 Business and Industrial Zones, which states a planning proposal must retain the areas and locations of existing business and industrial zones; and must not reduce the total potential floor space area for industrial uses in industrial zones. Whilst it is understood the site is clearly visible from the Pacific Highway and could be developed as an extension of the bulky goods zone at the south, the loss of 1.37 hectares of industrial zoned land is considered a significant quantity of industrial zoned land, which is already being used for industrial purposes and for which the land constraints are well suited. It is difficult to argue that this loss is of minor significance and that it is justifiably inconsistent with Section 117(2) Direction 1.1.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P41: Lot 100, DP865803, Titans Close, Bonville**

This submission relates to Lot 100, DP865803, Titans Close, Bonville. It states that the land is a disused hard rock quarry, with the majority of the land being disturbed or affected by past quarrying activities and of little environmental importance. The submission requests that the environmental protection zone on the subject property be removed, and that the entire parcel of land be zoned RU2 Rural Landscape.

Council's Coffs Harbour Biodiversity Action Strategy proposes a planning framework be undertaken for biodiversity assets, which recommends work be undertaken during 2013 via a Planning Proposal to formalise and realign vegetation throughout the LGA in accordance with findings and recommendations of that Strategy. This land is within the identified Bonville Rural Residential Strategy area and Council have just closed a Tender process to engage suitable consultants to prepare environmental studies to determine the most appropriate zones for the area under a Planning Proposal. It is appropriate that any rezoning for rural residential and/or environmental purposes is determined by those studies. It would be pre-emptive to undertake this realignment now, as the Planning Proposal in 2013 will identify recommended zone boundaries.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P42: 13 Hearnese Lake Road, Woolgoolga**

This submission relates to 13 Hearnese Lake Road, Woolgoolga, formally known as Lot 32, DP1047234. The submission requests that the proposed residential tourist zone on site be moved to a more suitable location; that the collector road be moved to a more suitable location; that the draft LEP and DCP be modified to amend the location of the environmental protection zone; and that Council not require the dedication of the environmental protection zone to Council at no cost.

Council understands the landowner concern that the zone has been prepared without a comprehensive LES or equivalent being undertaken. Previous environmental work undertaken for the land may be time damaged. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnese Lake). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, being Lot 22, DP1070182, along with lands which were subject to Coffs Harbour City LEP Amendment No 29 (Hearnese Lake), be deferred from draft Coffs Harbour City LEP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnese Lake), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

- **Submission P43: Lot 22 DP1070182, Sandy Beach**

This submission relates to the zoning of land on the southern boundary of Hearn's Lake, Woolgoolga, which is formally known as Lot 22, DP1070182. The submission states that the proposed zoning of the land in draft LEP 2012 from residential to predominantly environmental protection contradicts a number of local, State and Federal policies, and that the lands are proposed to be rezoned without environmental studies being undertaken for the land. It states that the site has negligible environmental value. It further states the draft LEP will exacerbate current social problems, generates sustainability issues, achieves no environmental benefit and no socio-economic benefits to the Sandy Beach suburb. It states that 99.9% of Sandy Beach residents are not opposed to the development of the entire area for residential development. The submission requests that the land revert to its zones as per Coffs Harbour City LEP 2000.

Regardless of the actions of Council in assessing the environmental attributes of the land, Council received an instruction from NSW P&I to ensure that the property aligns with the Part 3A approval 05\_0083 issued by NSW P&I on 20 December 2010 (Section 65 Certificate dated 29 August 2012). Council was unable to proceed to exhibition of the draft LEP 2012 until this condition was satisfied. Therefore the land has been mapped in accordance with instructions from the State Government to Council.

Council understands the landowner concern that the zone has been prepared without a comprehensive LES or equivalent being undertaken. Previous environmental work undertaken for the land may be time damaged. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearn's Lake). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. The subject site, being Lot 22, DP1070182, along with lands which were subject to Coffs Harbour City LEP Amendment No 29 (Hearn's Lake), be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearn's Lake), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

- **Submission P45: 58 Buchanans Road, Coffs Harbour**

This submission relates to 58 Buchanans Road, Coffs Harbour, formally known as Lot 630, DP1080041. The submission requests that the land be rezoned from rural to part low density residential in draft LEP 2012, because the land has been identified in Council's Our Living City Settlement Strategy for possible future residential development. It states that the highest and best use of the land is for residential development, that there are few environmental constraints applying to the land that would preclude its development, and that the land has been previously cleared for agricultural purposes.

Council placed a note on maps contained within the LGMS – Urban Lands Component (including Maps 7 – 7C, relating to the subject site), advising ‘Minor areas not contained within ‘growth areas’ of the Mid North Coast Regional Strategy growth area maps are NOT endorsed by this Strategy, and cannot be progressed by Council. Consequently, and contrary to claims contained within the submission, the land is not contained within the endorsed LGMS – Urban Lands Component. Even if the land was included in the area, the notation is simply as an area for further investigation, and does not in any way imply a zone boundary. As such, it is not considered appropriate to amend draft LEP 2012.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

- **Submission P46: 2275 Pacific Highway, Woolgoolga**

This submission relates to 2275 Pacific Highway, Woolgoolga, formally known as Lot 1, DP1033452. The submission requests that the site be zoned from rural to rural residential purposes in draft LEP 2012. It further states that this request is justified because the land is not prime agricultural land; it is not viable to farm the land because a corridor of vegetation runs through it; its development for horticulture would create visual impacts from the highway (white synthetic covers); and because of its proximity to nearby residential areas.

The subject site is not located within a candidate area in Council’s LGMS – Rural Residential Component. To rezone the land for rural residential development would be inconsistent with Section 117(2) Direction 3.1 Residential Zones and Council’s LGMS. It is not considered appropriate to rezone the land for rural residential development.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submissions P48, P51, P52, P55 and P68: Western Side Of Murdock Street, 81-95 West High Street And 120-124 West High Street, Coffs Harbour**

These submissions relate to the western side of Murdock Street, 81-95 West High Street (Lot 71, DP564827; Lot 721, DP1067564; Lot 722, DP1067564; Lot 73, DP564827; Lot 74, DP564827; Lot 4, DP4883; Lot 3, DP4883; Lot 2, DP4883; and Lot 11, DP604678) and 120-124 West High Street, southern side (Lot 1, DP1043508 (Lots 1/2, SP68104); Lot 1, DP340019; Lot 151, DP531003) and objects to the R3 Medium Density Residential zone as a number of the properties are operating as commercial properties.

It should be noted that 124 West High Street (Lot 151, DP531003) is already zoned B3 Commercial Core.

The submissions state that since most of the subject properties are operating as commercial properties under existing use rights, rezoning the subject properties to B3 would legitimise the current businesses operating on these properties, and provide a better amenity for the area.

If the subject lands were to be zoned to B3, there would be an additional 8,184.7m<sup>2</sup> of commercial land available for business related activities; however, this would reduce the medium residential zoned land in the area and subsequently adversely impacting on future housing needs.

The Infrastructure SEPP permits educational establishments and health service facilities such as hospitals, medical centres and health consulting rooms in residential zones precluding the need to rezone the subject lands to a commercial zone.

In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD. The BCH Review referenced the NSW Government's draft Centres Policy, and identifies that the role of the B3 zone is to reinforce the primacy of the City Centre CBD by providing a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of these submissions.

- **Submission P50: Sawtell Golf Club, Tindarra Drive, Sawtell**

This submission relates to part of Sawtell Golf Course, being Lot 20, DP539984, Tindarra Drive, Sawtell. The submission requests that part of the site be amended from an open space zone to a residential zone (that part of the site with direct frontage to Tindarra Drive). Reasons listed in the submission for the requested rezoning are because it is the highest and best use of the land, and to assist in maintaining the financial viability of the Club and associated services.

When considering the environmental, social, economic and governance issues surrounding the request to rezone the land, and taking into account all the above information, it is recommended that Council not approve the request to re-zone Lot 20 DP539984 to the R2 Low Density Residential zone. The land is therefore recommended to be included in the RE2 Private Recreation zone upon commencement of the Coffs Harbour Standard LEP.

It is considered that if this project is to proceed, a separately advertised Planning Proposal should be used to progress the application. This would allow feedback to be sought from Sawtell residents, particularly those in Tindarra Drive, who would be directly affected by the proposal. One submission has been received (P88) objecting to the Golf Club's proposal.

***It is recommended that*** no change to draft LEP 2012 as a result of this submission.

- **Submission P60: Lot 60, DP1143405, Emerald Beach**

This submission relates to Lot 60, DP1143405, Emerald Beach Road, Emerald Beach. It requests that the site be amended from a rural zone to a residential zone because the property was been approved for a seniors living (serviced self care housing) facility on 17 November 2005, which has been officially 'commenced' on the land.

The submission states that Development Consent No 978/05 was issued as a deferred commencement consent for 177 dwellings as part of a seniors living (serviced self care housing) facility, and that the consent has now been commenced. It notes the land is nominated in Council's LGMS – Urban Lands Component (Our Living City Settlement Strategy) shows the land as an investigation area for residential purposes from 2016 onwards. It states that the requested residential zone over the property will simply reflect the use of the site, being for residential purposes in accordance with DC 978/05, and that the site's capability of accommodating residential uses at the site has been addressed in the assessment of the development application.

Since the development on the land has been approved and commenced, it would be appropriate to rezone the land to reflect its intended use. This would be consistent with recommendations of Council's LGMS – Urban Lands Component and the growth area footprint of the Mid North Coast Regional Strategy. The zone amendment is slightly ahead of the projected timeline contained within the LGMS, however it is considered consistent with other locations where Development Consents have been issued (including Part 3A applications by NSW P&I) and the development is not yet commenced. It is considered that the timeline variation is justified in the circumstances.

***It is recommended that:***

1. the Land Zoning Map and Lot Size Map (map series 005D) be amended to remove the RU2 Rural Landscape zone from Lot 60, DP1143405 generally as requested in Submission No. 60), and instead to zone the land R2 Low Density Residential with a minimum subdivision size of 400 square metres.
- **Submission P61: Club Coffs, West High Street, Coffs Harbour**

This submission relates to “Club Coffs”, which is in several land parcels, being Lot 1, DP1163042 (residence at 57A West High Street), Lot 2, DP1163042 (club premises) and Lot 1, DP803462 (pump building). The submission states that draft LEP 2012 should be modified in the following manner:

- amend the zone from private recreation to medium density residential in the rear (northern) part of the property;
- amend the permissible building height over the rear part of the land from 8.5 metres to 17-19 metres, to allow for a four storey residential development over ground floor car parking (because of flood levels, it is not appropriate to build basement parking), and to amend the height over the club site itself to allow for vertical motel accommodation; and
- amend the land use permissibilities to allow for a seniors living development to be built on the site (which is currently prohibited on the site).

It is considered that further work is required to analyse the site, in terms of impact on surrounding land uses, flood prone land and future use of the site. The flood prone nature of the land means that Council is unable to amend the zone from RE2 Private Open Space to R3 Medium Density Residential without addressing Section 117(2) Direction 4.3 Flood Prone Land. This 117 Direction states that ‘*a planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone*’.

Council could only consider such a proposal to amend the zones at the site in the manner as requested in the submission, if a planning proposal was lodged with Council. This would allow for appropriate studies to be undertaken, and for separate community engagement of the proposal. It is not appropriate to simply amend the maps contained within draft LEP 2012.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P65: Geoff King Motors, Pacific Highway, Coffs Harbour**

This submission relates to land fronting the Pacific Highway, Coffs Harbour, formally known as Lot 1, DP616809, Lot 2, DP607441 and Lot 31, DP716388, currently used as the Geoff King Motors site. The submission states that the Geoff King Motors showroom, which is located on the northern lands (Lot 1, DP616809), is zoned Business 3B City Support under the provisions of Coffs Harbour City LEP 2000, which is a far more liberal zone than the proposed B6 Enterprise Corridor in draft LEP 2012. It requests this land be zoned B4 Mixed Use rather than B6 Enterprise Corridor, to more accurately reflect the existing Business 3B City Support zone of Coffs Harbour City LEP 2000.

The submission also states that the southern lands (Lot 2, DP607441 and Lot 31, DP716388), which are currently zoned Industrial 4A under the provisions of Coffs Harbour City LEP 2000, will be prohibited from development for bulky goods premises as currently permitted in LEP 2000. It acknowledges a development application for bulky goods premises has been approved for this site, with site works having commenced, but it does not wish to evoke existing use rights for this use on the property.

Draft Coffs Harbour LEP 2012 has been prepared as a Standard Instrument LEP, and the zone locations and permissible uses for the IN1 Industrial Zones and the B6 Business Development Zones contained in the draft LEP have followed the recommendations of the adopted and endorsed LGMS - Industrial Lands Component, LGMS – Business Lands Component, and BCH Review. The BCH Review specifically addressed this Pacific Highway/Tolhurst Road area and states: *'This land is mainly occupied by car related uses. A B6 Enterprise Corridor zone would allow these uses to continue as well as permit other support uses to evolve on the land without detracting from the vitality of other centres'*. Vehicle sales or hire premises will be permissible within the B6 zone, and will not be subject to the 150m<sup>2</sup> site constraints for office and business premises (Clause 7.4(3)).

In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD. The BCH Review referenced the NSW Government's draft Centres Policy, and identifies that the role of the B6 zone is to maintain the economic strength of centres by limiting retailing activity (p 30). As such, it is considered appropriate to maintain the B6 zone on this site, rather than to transfer the site to a B4 Mixed Use zone.

It is considered appropriate to add bulky goods premises into Schedule 1 Additional Permitted Uses, to capture the approval for a bulky goods saleroom on the subject site in accordance with the development consent issued for the land.

***It is recommended that:***

1. An item be added to Schedule 1 of draft LEP 2012, to state:

*Use of certain land at Farrow Close, Coffs Harbour*

*(1) This clause applies to land at Lot 2, DP607441 and Lot 31, DP716388, Farrow Close, Coffs Harbour, on the Additional Permitted Uses Map.*

*(2) Development for the purpose of bulky goods premises is permitted with consent."*



- **Submission P77: Lot 149 DP1129414, Dunlop Drive, Boambee East**

This submission relates to Lot 149, DP1129414, Dunlop Drive, Boambee East. It requests that part of the site fronting Dunlop Drive be changed from a residential to an environmental protection zone. The submission states that the land is a designated public reserve and that whilst much of the lot is zoned for environmental protection, part of it fronting Dunlop Drive is zoned for residential development. However, the submission advises the vegetation and flood constraints on the land are similar to those parts of the land which are zoned for environmental protection. It requests that Council amend the residential zone to an environmental protection zone.

The proposed E2 Environmental Conservation zone boundary is directly related to the footprint of the SEPP No. 14 Wetland boundary on the site. Whilst Council is not at liberty to adjust the SEPP No. 14 Wetland boundary, it is able to zone lands around this site for environmental protection and as a buffer to any such wetlands.

New generation vegetation mapping will be a key source of advice on ecological matters and amended environmental zoning boundaries. Council's Class 5 vegetation mapping is now completed in draft form, but is yet to be adopted by Council. Council's Coffs Harbour Biodiversity Action Strategy proposes a planning framework be undertaken for biodiversity assets, which recommends work be undertaken during 2013 via a Planning Proposal to formalise and realign vegetation throughout the LGA in accordance with findings and recommendations of that Strategy. It would be pre-emptive to amend the zone boundary at this time prior to this work being completed.

***It is recommended that*** no amendment be made to draft LEP 2012 as a result of this submission.

- **Submission P82: 30 Maccues Road, Moonee**

This submission relates to 30 Maccues Road, Moonee, being Lot 20 DP1141168. It requests that the site be amended from a RU2 Rural Landscape zone to a R5 Large Lot Residential allotment, because the land is close to Moonee township and nearby services; because nearby small lots have all been taken up and there is a strong demand for rural residential sized allotments; and because no land use conflicts would occur with its subdivision.

The land is isolated from any existing R5 Large Lot Residential zone, however it is located within a candidate area for future rural residential investigation in Council's LGMS – Rural Residential Component. The objectives of the large lot residential zone are to provide residential housing in a rural setting while preserving and minimising impacts on, environmentally sensitive locations and scenic quality.

Whilst the subject site is located within a candidate area in Council's LGMS – Rural Residential Component, it is nominated as likely to be environmentally constrained land. It would be pre-emptive to zone the site R5 Large Lot Residential in advance of environmental studies to investigate the suitability of the site and all the surrounding lands for this type of development. The candidate area is not listed for investigation in the LGMS until Stage 2, in three to five years time, and after Stage 1 investigations and possible rezoning of the Bonville lands are completed.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission.

- **Submission P87: Bundagen Community**

This submission relates to Lot 1, DP732149 and Lot 334, DP755553, Bundagen. The submission states that the rural and environmental protection zones on the property need minor adjustment to show areas of clearing and areas which contain significant vegetation.

New generation vegetation mapping, will be a key source of advice on ecological matters and amended environmental zoning boundaries. Council's Class 5 vegetation mapping is now completed in draft form, but is yet to be adopted by Council. Council's Coffs Harbour Biodiversity Action Strategy proposes a planning framework be undertaken for biodiversity assets, which recommends work be undertaken during 2013 via a Planning Proposal to formalise and realign vegetation throughout the LGA in accordance with findings and recommendations of that Strategy. It would be pre-emptive to amend the zone boundary at this time prior to this work being completed.

***It is recommended that*** no amendment be made to draft LEP 2012 as a result of this submission.

### **Environmental Zoning on land**

Some 18 submissions received raised matters in regard to the environmental zoning of land. Some of these have been addressed in the previous section and the others are addressed below. Again the assessment of the submissions considered:

- the current zone – under either Coffs Harbour LEP 2000 or Coffs Harbour City Centre LEP 2011;
- the proposed zone as suggested by the author of the submission;
- the inherent site constraints;
- a Strengths, Weaknesses, Threats and Opportunities (SWOT) analysis;
- the potentially applicable zones; and
- comments/input from various relevant sections of Council,

and then made a recommendation on the action to be taken.

- **Submission P39: Lot 322, DP752834, Korora Basin Road, Korora**

This submission relates to Lot 322, DP752834, Korora Basin Road, Korora. It requests that the zone of the property be amended to better align the environmental protection zone away from the cleared parts of the property.

Council's Strategic Management Plan, Appendix 5, Item 4, recognises that this land has been requested to have the zone boundaries realigned since 2009, and states the vegetation boundaries should be realigned in consultation with Council's Biodiversity Officer once vegetation studies are completed. Council's Coffs Harbour Biodiversity Action Strategy proposes a planning framework be undertaken to for biodiversity assets, which recommends work be undertaken during 2013 via a Planning Proposal to formalise and realign vegetation throughout the LGA in accordance with findings and recommendations of that Strategy. It would be pre-emptive to undertake this realignment now.

Council's Biodiversity Section have agreed that a review, under a Planning Proposal, undertaking appropriate environmental studies to better identify and determine lands that should have an environmental zoning throughout the LGA be considered at some future time.

***It is recommended that*** no amendments be made to draft Coffs Harbour LEP 2012 as a result of this submission

- **Submissions P57 and P58: Lot 231, DP740659 and Lot 22 DP602006, Pacific Highway Boambee**

These submissions state that the western, south-western and north-western limits of the General Industrial zone should align with the edge of the existing bushline, which will require amendments to the various zoning maps. This assertion is made on the basis that any bushfire asset protection zone can be accommodated (at a future date) within the Industrial zone (and any new Industrial allotments) whenever future Development Applications are determined by Council.

The zone boundaries were determined through the LES process that accompanied LEP Amendment No. 17.

In response to this issue, a review of zone boundaries could be undertaken on this as well as other similarly affected properties. As part of the review, new generation vegetation mapping will be a key source of advice on ecological matters and amended environmental zoning boundaries at the rear of industrial allotments. Council's Class 5 vegetation mapping is now completed in draft form, but is yet to be adopted by Council.

Council's Coffs Harbour Biodiversity Action Strategy proposes a planning framework be undertaken for biodiversity assets, which recommends work be undertaken during 2013 via a Planning Proposal to formalise and realign vegetation throughout the LGA in accordance with findings and recommendations of that Strategy. It would be pre-emptive to undertake this realignment now.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to these submissions.

- **Submission P63: Lot 1, DP1097743, Pacific Highway, Moonee Beach**

This submission relates to the development potential of land known as Lot 1, DP1097743. It states that draft LEP 2012 proposes the extension of the environmental zone up to 185 metres further into the site compared to LEP 2000 and as a result reduces the residential zoned portion of the site by approximately 1.8 hectares. The submission states that Council's reliance upon generalised ecology and flood data does not correlate with site specific data generated through investigations and advice for a Part 3A Concept Plan currently being prepared for the site. The landowner's consultant is currently preparing an Environmental Assessment report and will be submitting the Part 3A Application to P&I in the near future.

Council understands the landowner concern that the zone has been prepared without a comprehensive LES or equivalent being undertaken. Previous environmental work undertaken for the land may be time damaged. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee Beach). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. the subject site, being Lot 1, DP1097743, along with lands which were subject to Coffs Harbour City LEP Amendment No 24 (Moonee Beach), be deferred from draft Coffs Harbour City LEP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee Beach), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

**The B6 Enterprise Corridor Zoning**

Some 14 submissions received raised matters in regard to the B6 zone with a focus on the Pacific Highway strip from Marcia Street to Bray Street. Some submissions applied to specific parcels of land. The process for assessment of the submissions was as previously established.

- **Submissions P18 and P36: Planning Consultancy and Land owner**

The submissions suggest that the B6 Enterprise Corridor zone along the Pacific Highway should allow housing as an alternative land use to avoid the potential for creating an unattractive City entryway (e.g. Parramatta Road syndrome). Council should undertake a detailed urban design exercise including streetscape improvement works for Rose Avenue and lands on the western side of the highway.

It is agreed that appropriate forms of residential accommodation in this location could assist to alleviate potential urban design issues in the B6 locality. The B6 zone permits shop top housing, but not stand alone residential development (for example multi dwelling housing and residential flat buildings). The BCH recommended that residential accommodation in the form of residential flat buildings be allowed here. However, NSW P&I have advised during the preparation of the City Centre LEP 2011 and draft LEP 2012 that because the land has flooding issues, and the land was previously low density residential, that to allow more dense residential accommodation would be contrary to the 117(2) Directions relating to flooding. However, Council considers the flood prone nature of the land could be dealt with at the development application stage, and that this proposal has merit.

***It is recommended that*** draft LEP 2012 be amended by:

3. adding 'attached dwellings', 'boarding houses', 'dwelling houses', 'multi dwelling housing', 'residential flat buildings', 'semi-detached dwellings', 'seniors housing', 'exhibition homes' and 'exhibition villages' to Item 3 Permissible with Consent in the Land Use Table for the B6 zone; and
4. that future strategic work is undertaken in consultation with the local development industry to provide some urban design guidelines for this locality.

- **Submission P21, P28, P36, P47, P64, P69, P78, P79 and P80: Pacific Highway, Coffs Harbour**

These submissions relate to the Pacific Highway, Coffs Harbour between Marcia and Bray Streets. They object to the B6 Enterprise Corridor on the site (currently in the City Centre LEP 2011 and proposed in draft LEP 2012) and the restrictions which limit development to 150m<sup>2</sup> for business and office uses. The submissions state that they have concerns with the restrictions being placed on the B6 zone in this location, and requests that if the B6 zone is to be imposed over the area, that all restrictions should be lifted.

The BCH Review report recommended the addition of Clause 7.4 in the draft LEP to restrict the development for business or office premises on land within Zone B6 to premises that are not greater than 150m<sup>2</sup> GFA per allotment to reflect provisions of Coffs Harbour City Centre DCP 2011. Council, at a meeting of 23 February 2012, resolved to adopt this provision and to place the draft LEP on exhibition in this format. This zone will restrict business and office premises to a footprint of 150m<sup>2</sup> on each allotment in the B6 zone, however it does not restrict other forms of commercial premises to this minimum size. There has been confusion as to what land uses the 150m<sup>2</sup> applies to. It is confirmed that the 150m<sup>2</sup> restriction applies only to office and business premises as defined by the draft LEP 2012. The 150m<sup>2</sup> restriction does not apply to those forms of retail premises which are permissible in the B6 zone, including restaurants or cafes, take-away food or drink premises, garden centres, hardware and building supplies, kiosks, landscaping material supplies, plant nurseries, vehicle sales or hire premises, industrial retail outlets, service stations sex services premises, veterinary hospitals, and wholesale supplies.

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

In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD. The BCH Review referenced the NSW Government's Draft Centres Policy, and identifies that the role of the B6 zone is to maintain the economic strength of centres by limiting retailing activity. As such, it is considered that to remove the 150m<sup>2</sup> minimum from the plan would undermine the intent of the BCH for the LGA, and would also undermine the aims (Clause 1.2)(2)(a) and (c)) of draft LEP 2012.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to these submissions.

- **Submission P75 and P83: B6 Zone, Pacific Highway, Coffs Harbour**

These submissions are made on behalf of the B6 Owners Group, which comprises 16 landowners covering 21 lots, along the Pacific Highway in Coffs Harbour. These landowners as nominated in the submission as owning 41.8% of the overall zone, and 50% of privately owned land in the zone.

The submissions provide a legal opinion that states that the draft LEP fails to comply with the Standard Instrument template; fails to comply with S117 Directions of the EP&A Act 1979; has down-zoned business land along the Pacific Highway; has sterilised the range of land uses within the Corridor by denying economically viable standard uses; and artificially protects the CBD, which is not sustainable in the medium to long term. It states that Council has chosen to ignore its responsibilities and obligations to the local economy and electorate; that the B6 zone holds much of the redevelopment potential within the LGA, and this action by Council is a damaging outcome to economic stimulus. It quotes the loss of a commercial redevelopment of the Midway Motel site as an impact of the City Centre LEP 2011.

The submissions provide a consulting planning firm's opinion that few other Councils in the state have used the Standard Instrument B6 Enterprise Corridor zone, instead preferring the B4 Mixed Use zone. They state that no other Councils have provided floorspace limits to land uses in the B6 zone; and further state that the B6 zone is 'near irrelevant' in the planning framework.

The submissions conclude with a request that Council reconsider the use of the B6 zone in this location, or at the very least remove the 150m<sup>2</sup> restrictions to land uses in this zone.

The BCH Review report recommended the addition of Clause 7.4 in the draft LEP to restrict the development for business or office premises on land within Zone B6 to premises that are not greater than 150m<sup>2</sup> GFA per allotment to reflect provisions of Coffs Harbour City Centre DCP 2011. Council, at a meeting of 23 February 2012, Council resolved to adopt this provision and to place the draft LEP on exhibition in this format. This zone will restrict business and office premises to a footprint of 150m<sup>2</sup> on each allotment in the B6 zone, however it does not restrict other forms of commercial premises to this minimum size.

There has been confusion as to what land uses the 150m<sup>2</sup> applies to. It is confirmed that the 150m<sup>2</sup> restriction applies only to office and business premises as defined by the draft LEP 2012. The 150m<sup>2</sup> restriction does not apply to those forms of retail premises which are permissible in the B6 zone, including restaurants or cafes, take-away food or drink premises, garden centres, hardware and building supplies, kiosks, landscaping material supplies, plant nurseries, vehicle sales or hire premises, industrial retail outlets, service stations sex services premises, veterinary hospitals, and wholesale supplies. In this manner, it is considered that draft LEP 2012 does not conflict with contents of the Standard Instrument or 117 Directions.

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

In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD. The BCH Review referenced the NSW Government's Draft Centres Policy, and identifies that the role of the B6 zone is to maintain the economic strength of centres by limiting retailing activity (p 30). As such, it is considered that to remove the 150m<sup>2</sup> minimum from the plan would undermine the intent of the BCH for the LGA, and would also undermine the aims (Clause 1.2)(2)(a) and (c)) of draft LEP 2012.

Regarding the statement by the consulting planning firm that the Standard Instrument B6 Enterprise Corridor is a 'near irrelevant' part of the planning framework, this is considered an important zone for use by those cities where a major arterial (such as the Pacific Highway) will not be bypassed for many years to come. This has been confirmed by the BCH Review recommendations. At some point in the future, once the bypass has been completed, it may be appropriate to amend the zone, however it is considered very appropriate in the current circumstances.

Regarding the statement that no other Councils have restricted the B6 landuses, the consulting planning firm has separately recognised that many Councils around the State have used the B4 Mixed Use zone. What the submission fails to mention is that some Councils have imposed restrictions on the B4 Mixed Use zone, in a similar manner to what is proposed for the B6 zone in Coffs Harbour. These instruments have been 'made' by Parliamentary Counsel.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to this submission.

- **Submission P89: B6 Zone - Clarence Street, Woolgoolga**

The submission is made by a private property owner who owns land at Clarence Street Woolgoolga. Clarence Street is proposed to be zoned B6 Enterprise Corridor under draft LEP 2012.

The submission objects to the restrictions which limit development to 150m<sup>2</sup> for business and office uses in the B6 zone. The submission states that the prime purpose of a B6 zoning is to restrict development in this zone so as not to compete with other business zonings, so why introduce more restrictive measures. The submission further states that the land is currently zoned 3D (Business 3D Tourist Service Centre) where this restriction does not apply. The submission is also concerned that the value of the land will be drastically reduced by this restriction, and that none of the permitted uses in B6 are commercially viable with a limited gross floor area (GFA) of 150m<sup>2</sup>.

In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD. The BCH Review referenced the NSW Government's Draft Centres Policy, and identifies that the role of the B6 zone is to maintain the economic strength of centres by limiting retailing activity (p 30). As such, it is considered that to remove the 150m<sup>2</sup> minimum from the plan would undermine the intent of the BCH for the LGA, and would also undermine the aims (Clause 1.2)(2)(a) and (c)) of draft LEP 2012.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to this submission.

### **Hearnes Lake Sandy Beach Area Zoning**

Some 8 submission received raised matters in regard to the zoning of land in the Hearnes Lake Sandy Beach area – some applied to specific parcels of land. The assessment of the submissions again considered the previously established protocol.

- **Submission P67: Sandy Beach Resident**

This submission, from a resident of Sandy Beach, speaks in general terms, and is not specific to any particular property. The submission objects to the draft LEP 2012, as exhibited, on the grounds of proposed environmental zonings. It states that proposed amendments in draft LEP 2012 to amend residential zoned lands to environmental protection zones is a major backzoning and this has been misrepresented to the community. It also raises access from the Pacific Highway to Sandy Beach in reference to a letter from the NSW Government - Transport for NSW.

Council understands the landowner's concern that the zones have been prepared without a comprehensive LES or equivalent being undertaken. Previous environmental work undertaken for the land may be time damaged. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental investigations are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental investigations. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. lands which were subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake), be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental investigations for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

- **Submission P43, P67, P70, P71, P74 and P76 : Hearnes Lake , Sandy Beach**

These submissions relate to the zoning of land in the Hearnes Lake Sandy Beach Area.

The submissions state that the proposed zoning of the land in draft LEP 2012 from residential to predominantly environmental protection has been undertaken without environmental studies having been undertaken for the land. They state that the site has negligible environmental value, and that environmental studies prepared by the landholder identify there are no endangered species of flora and fauna at the site. It further states the Council will not provide compensation for loss of capital investment. The submissions request that draft LEP 2012 be withdrawn from the land.

The land has been mapped in accordance with instructions from the State Government to Council. Council understands the landowner concern that the zone has been prepared without a comprehensive LES or equivalent being undertaken. Previous environmental work undertaken for the land may be time damaged. It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental studies are completed for the land, which will better identify and determine the land which should have an environmental zoning.



It is recommended this be undertaken for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental studies. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that:***

1. lands which were subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake), be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012; and
2. Council undertake appropriate environmental studies for the area which was subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake), so as to inform a Planning Proposal for a 'Gateway determination', to establish a final zone footprint for residential areas in the locality.

**Bulky Goods being removed from the list of permitted uses in Industrial Zones**

Some six submissions received raised matters in regard to the Bulky Goods being removed from the list of permitted uses in Industrial Zones some applied to specific parcels of land. The assessment of the submissions is as follows:

- **Submission P35: 191 Orlando Street, Coffs Harbour**

This submission relates to 191 Orlando Street, Coffs Harbour, being Lot 1, DP880421. The submission identifies that the land is currently zoned for industrial purposes (IN1 General Industrial) and that bulky goods retailing is prohibited in this zone in draft LEP 2012. The site contains several industrial bays, and a bulky goods retail outlet.

The submission recognises that 'bulky goods' retailing is prohibited from the IN1 Land Use Table, also the restriction of an expansion limit of 10% of the floor space of existing approved 'bulky goods' premises. The submission expresses concern that expansion/continuation of current uses must rely on existing use rights.

Council's position regarding prohibition of Bulky Goods retail establishments in the IN1 zone is supported by the Review of Coffs Harbour BCH and the Industrial Lands Component of Council's LGMS. 'Out of Centre' retailing is identified by the LGMS as having potential impact on the viability of businesses in town centres. Therefore new Bulky Goods establishments are prohibited by Draft LEP 2012.

Regarding existing use rights, the relevant legislation is the EP&A Act Regulation 2000 (Clause 41), which includes the clause referring to maximum expansion of 10% floor space. The Act is outside the scope of Draft LEP 2012 and is a statutory constraint. Existing Use Rights, as applying to individual properties, is sometimes subject to legal assessment, particularly when the 12 month period of cessation of use has been exceeded.

Nevertheless, it is considered appropriate to add the land to Schedule 1 of draft LEP 2012 so as to alleviate the concerns of the landowner and to ensure existing use right provisions do not need to be used at this site.

***It is recommended that:***

1. An item be added to draft LEP 2012, to state:  
*Use of certain land at Coffs Harbour*  
 (1) *This clause applies to land at Lot 1, DP880421.*

*(2) Development for the purpose of bulky goods premises is permitted with consent.*

- **Submission P37: Bulky Goods In Industrial Zones**

This submission does not relate to a specific location. It makes a general objection to the prohibition of bulky goods retail premises in all IN1 General Industrial zones within draft Coffs Harbour LEP 2012.

The Industrial Lands Strategy was adopted by Council on 9 July 2009, and endorsed by the (then) NSW Department of Planning on 21 July 2009. It is now known as the Coffs Harbour LGMS – Industrial Lands Component, as required by the Department.

Both Coffs Harbour City Centre LEP 2011 and draft Coffs Harbour LEP 2012 have been prepared as Standard Instrument LEPs, and the zone locations and permissible uses for the IN1 Industrial Zones and the B6 Business Development Zones contained in these LEPs have followed the recommendations of the adopted and endorsed LGMS Industrial Lands Component. It is not considered appropriate to add bulky goods retailing as a permissible.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

- **Submission P38: 2 Cook Drive, Coffs Harbour**

This submission relates to 2 Cook Drive, Coffs Harbour. It requests that the land be zoned for bulky goods and business development rather than industrial uses in draft LEP 2012.

The Mid North Coast Regional Strategy requires Councils to identify opportunities for bulky goods retailing in appropriate locations in commercial centres. Where it is not realistic to locate bulky goods retailing in retail centres, provisions are made to locate these facilities in one or two regional clusters to help moderate travel demand. The Mid North Coast Regional Strategy states the location of these clusters needs to be considered when Councils prepare their Standard Instrument LEPs, and suggests these may be best located at opposite sides of the City Centre.

The Coffs Harbour LGMS - Industrial Lands Component was prepared by independent consultants for Council and adopted by Council on 9 July 2009, and endorsed by the (then) NSW Department of Planning on 21 July 2009. A fundamental principle of the original draft report was to provide guidance on the future Standard Instrument industrial zones, both in terms of zone locations and permissible land uses. The draft report found a shortage of industrial zoned land and recommended protection of existing landstocks.

Draft Coffs Harbour LEP 2012 has been prepared as a Standard Instrument LEP, and the zone locations and permissible uses for the IN1 Industrial Zone and the B6 Business Development Zone contained in the draft LEP have followed the recommendations of the adopted and endorsed LGMS Industrial Lands Component.

The proposed loss of industrial zoned land is not in accordance with Section 117(2) Direction 1.1 Business and Industrial Zones, which states a planning proposal must retain the areas and locations of existing business and industrial zones; and must not reduce the total potential floor space area for industrial uses in industrial zones. Whilst it is understood the site is clearly visible from the Pacific Highway and could be developed as an extension of the bulky goods zone at the south, the loss of 1.37 hectares of industrial zoned land is considered a significant quantity of industrial zoned land, which is already being used for industrial purposes and for which the land constraints are well suited. It is difficult to argue that this loss is of minor significance and that it is justifiably inconsistent with Section 117(2) Direction 1.1.

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

### **Zonings Relating to West High Street and Murdock Street**

These matters have been addressed previously in the section above dealing with rezoning or zoning amendment on specific properties.

### **The Raj Mahal Site Woolgoolga**

Five submissions received discussed the Raj Mahal site at Woolgoolga.

- **Submissions P11, P13, P17, P53 and P86: 39 and 41 Clarence Street, Woolgoolga (Raj Mahal Site)**

These submissions relate to Lot 500, DP776362 and Lot 1, DP579511, on the corner of Pullen Street and Clarence Street (Pacific Highway) in Woolgoolga. It is known locally as the Raj Mahal site, and has a total site area of 10,434m<sup>2</sup>. This land is listed in Schedule 1 Additional Permitted Uses of draft LEP 2012 (Item 10). The submissions state that there is confusion in the size and building ratio of the listing as shown in Schedule 1. They ask for clarification of the matter.

The submissions highlight the need to change the numbers in the draft LEP 2012 to rectify the anomaly. The site area is 10,434m<sup>2</sup>, and if the FSR was to be listed as 0.33:1, this would mean that the maximum size of construction would only be 3,443m<sup>2</sup>. Conversely, if maximum floor area was to be listed as 3,840m<sup>2</sup>, the FSR would need to be recorded as 0.37:1.

As two conflicting controls currently apply to the subject land, which causes confusion, and in order to provide clarity in response to public submissions, it is recommended that the anomaly be rectified, and only a single provision remain.

***It is recommended that*** Schedule 1, Item 10 be modified to read:

*(2) Development for the purpose of a shop (supermarket only, being a single self-service store retailing food and household products), not exceeding 3,443m<sup>2</sup> gross floor area is permitted with consent.*

### **Amendments Relating to Neighbourhood Business Zonings (B1)**

Four submissions received raised matters relating to B1 zoned properties. These matters have been addressed previously in the section above dealing with Rezoning or zoning amendment on specific properties.

### Moonee LEP Matters

Three submissions received raised issues with Moonee and the impacts of the draft LEP on specific parcels of land. These matters have been addressed previously in the section above dealing with rezoning or zoning amendment on specific properties and/or in the section relating to Environmental zonings.

### Homebase

A submission received raised matters in regard to the Homebase site.

- **Submission P32: Homebase And Gateway House Site, Coffs Harbour**

This submission relates to land identified as the Gateway House and Homebase site, Coffs Harbour. The submission states it relates to Lot 101, DP747447, Lot 1, DP2250074, Lot 1, DP606738, and Lot 10, DP614611; however Council's records identify this land as Lot 1, DP1015730, Mastracolas Road, Coffs Harbour.

The submission raises a strong objection to the removal of the 5000m<sup>2</sup> office permitted use from Schedule 1 of draft LEP 2012. It states that previously 7,000m<sup>2</sup> was requested for office uses on the site, and not only did the City Centre LEP 2011 not grant this request, it removed the office permissibility entirely from the schedule. The submission further states that it does not wish for offices and vehicle body repair workshops, both of which currently exist on the site, to be removed as permissible uses, that would then rely on existing use rights.

Draft Coffs Harbour City Centre LEP 2011 was exhibited from 12 August 2010 to 8 October 2010. It contained the following item in Schedule 1 Additional permitted uses:

*'1 Use of certain land at Coffs Harbour*

*(1) This clause applies to land at Lot 1, DP1015730 Homebase, Mastracolas Road, Coffs Harbour, shown as "1" on the Additional Permitted Uses Map.*

*(2) Development for the purpose of office premises not exceeding 5,000 square metres of gross floor area is permitted with consent.'*

Several submissions were received regarding lands at Park Beach Plaza and Homebase, requesting amendments to draft City Centre LEP 2011. The report to Council on 16 December 2010 recommended the removal of the 5000m<sup>2</sup> office space provision for Gateway House from Schedule 1, with the following comments made in the report. At that meeting Council resolved to adopt the draft LEP as reported, and to send to NSW P&I for making. The following are extracts from the 16 December 2012 report to Council:

*'...With regard to the request for additional office space in the Homebase location, it is not considered appropriate that the existing office facility there be expanded by another 2,000m<sup>2</sup>, as this will create further competition with office space provisions in the city centre core.*

*Discussions with Council staff and DoP during the preparation of Schedule 1 – Additional Permitted Uses within the comprehensive Standard Instrument LEP, has revealed that the Homebase site has already been built to the maximum 5,000m<sup>2</sup> of office space which is listed in Schedule 1 of the City Plan. Therefore, Item 1 can be deleted from Schedule and the site removed from the Additional Permitted Uses map.'*

The discussions mentioned above were held between Council staff and officers from NSW P&I in November 2011. The Department advised that Schedule 1 should only be used in exceptional circumstances, and that the Department's preference would be to remove items from Schedule 1 which have already been built and to rely on existing use rights. The Department advised at that time that they were requesting the removal of as many items as possible from Schedule 1 in all Standard Instrument LEPs across the State. It is noted that the Department has a draft Practice Note regarding the use of Schedule 1, and this draft Practice Note states that Schedule 1 should only be used in exceptional circumstances.

Council staff followed NSW P&I request for the removal of the item (5000m<sup>2</sup> office space at Homebase) from Schedule 1. The debate centered on the discussion as to what would give the landowner the most flexible use of the land, and the ability to expand their business, over time. Whilst it is acknowledged that there are concerns with existing use rights, and the concept of abandonment in case law, it does afford the right to expand an existing use by 10%. However, Schedule 1 does not provide a mechanism to allow the 5,000m<sup>2</sup> to be increased.

Coffs Harbour City Centre LEP was made in November 2011, without the reference to the 5000m<sup>2</sup> office use permissibility for Gateway House. When draft Coffs Harbour LEP 2012 was prepared, it reflected the contents of Coffs Harbour City Centre LEP 2011, to the extent that the Schedule 1 does not include a reference to a 5000m<sup>2</sup> office use permissibility for Gateway House.

It is considered appropriate to add the land to Schedule 1 of draft LEP 2012 so as to alleviate the concerns of the landowner and to ensure existing use right provisions do not need to be used at the site.

During 2011, Council commissioned an independent review of the BCH, to establish its relevance and importance to the growth of Coffs Harbour as a city, and to provide input into the preparation of draft LEP 2012. The BCH Final Report recommended certain actions to strengthen the BCH and the primacy of the CBD. In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD.

It is considered that Council should ask NSW P&I that 'office' and 'vehicle body repair workshop' be added to Schedule 1 of draft LEP 2012.

***It is recommended that:***

1. An item be added to draft LEP 2012, to state:

*Use of certain land at Coffs Harbour*

*(1) This clause applies to land at Lot 1, DP1015730 Homebase, Mastracolas Road, Coffs Harbour, shown on the Additional Permitted Uses Map.*

*(2) Development for the purpose of office premises not exceeding 5,000 square metres gross floor area and vehicle body repair workshops is permitted with consent."*

**Woolgoolga Business Lands**

Three submissions received referred to Woolgoolga Business Lands and the Draft LEP – some applied to specific parcels of land.

- **Submission P17 and P53: Commercial Land Zonings In Woolgoolga**

One of these submissions was lodged on behalf of the Woolgoolga Retail Group and the other on behalf of the Woolgoolga Chamber of Commerce. Both submissions speak about the three commercial zones in Woolgoolga. The submissions strongly support the B2 Local Centre zone, and also support the B4 Mixed Use and B6 Enterprise Corridor in terms of the hierarchy created which identifies the B2 zone as the Woolgoolga town centre. The submissions request minor modifications to the zone objectives to ensure the hierarchy is reinforced. The submissions again raise the FSR and GFA issues previously identified in Submissions P11, P13, P17 and P86. They state the preference of the retail group remains to have a supermarket located in the B2 centre, rather than on the highway, and that Item 10 in Schedule 1 should be modified to correct the anomaly. Council's recommended response is included with each listing as follows.

The B1 zone is the Neighbourhood Centre zone (which is only applied to small neighbourhood shopping centres which take the lowest order in the commercial hierarchy), the B2 zone is the Local Centre zone (which is applied to Woolgoolga, Sawtell, Toormina and Moonee town centres and Park Beach Plaza) and the B3 zone is the Commercial Core zone (which is only applied to the CBD of Coffs Harbour). It is considered appropriate that the B2 zone be added to the zone objective as requested, but not the B1 and B3 zones.

**Recommendation that** the B4 Mixed Use Zone Objective 3 be modified to read: *'To facilitate the development of a mix of local scale facilities and services which do not detract from the core commercial functions of the Coffs Harbour CBD or other commercial functions of the B2 Local Centres zone'*.

The submissions raise a similar request in relation to the B6 zones, requesting that Objective 5 and 7 be modified to strengthen the BCH by inclusion of the reference to B1, B2 and B3 zones.

The B1 zone is the lowest zone in the hierarchy, and should not be referenced in the objective; and the B3 zone is already only applied to the Coffs Harbour CBD, and this would not make sense to add it to the objective.

**Recommendation**

1. That the B6 Enterprise Corridor Zone Objective 5 be modified to read: *'To facilitate the development of small scale business uses, which do not detract from the core commercial functions of the Coffs Harbour CBD or other commercial functions of the B2 Local Centres zone.'*
2. That the B6 Enterprise Corridor Zone Objective 7 be modified to read: *'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 core commercial functions of the Coffs Harbour CBD or other commercial functions of the B2 Local Centres zone.'*

The submissions also object to the location of a supermarket on the Pacific Highway Pullen Street site. They again raise the FSR and GFA issues previously identified in Submissions P11 and P13. They request that the FSR control be added to the FSR map.

As two conflicting controls currently apply to the subject land, which causes confusion, and in order to provide clarity in response to public submissions, it is recommended that the anomaly be rectified, and only a single provision remain.

***It is recommended that*** Schedule 1, Item 10 be modified to read:

*(2) Development for the purpose of a shop (supermarket only, being a single self-service store retailing food and household products), not exceeding 3,443 metres square gross floor area is permitted with consent.*

### **Other Matters**

Several submissions received raised other matters in regard to the Draft LEP – some applied to specific parcels of land.

- **Submission P23: 83 - 85 Ocean Parade, Coffs Harbour**

The site be afforded additional height and FSR controls to what is currently permitted on the land and it includes the narrow block of land to the south of the site (being Lot 100, DP747702, 81 Ocean Parade).

The submission states that the site was previously identified as a pivotal 'gateway' site under the Park Beach DCP 2003, and as such, it was afforded similar development controls (building height restrictions of 21 metres) to that land opposite it on the northern side of Park Beach Road (being 87 Ocean Parade). Now the land at 87 Ocean Parade to the north is permitted to be developed to a 40 metre height, but the subject site at 83 - 85 Ocean Parade is now limited to a 22 metre height.

Council has no readily accessed height information for the existing high-rise buildings on lands to the north and south of the subject site; however, heights can generally be determined from number of storeys in a building.

Council must therefore decide what extent of added height is feasible. The draft LEP as exhibited allows for 22 metres (say six storey residential); the submission requests 40 metres (say 11 storey residential over a permissible commercial use at street level, acting as a gateway entry into the precinct); the building to the south is roughly 30 metres (eight storey residential). It is therefore considered that somewhere between 30 (eight storey) and 40 metres (12 storey) would be acceptable. Given the Obstacle Height Limitation Surface over the centre of the site is 48 metres, a building height of 40 metres would be acceptable.

***It is recommended that:***

1. The Height of Buildings Map (Sheet HoB\_006B) be amended to show Lots 8 and 9, DP17053 and Lot 100, DP747702 with a building height of 40 metres.
2. A statement be made to NSW P&I (contained within the Section 68 Report which requests that the Plan be made) that the inconsistency with 117(2) Direction 4.3 is justified in the circumstances.

- **Submission P31 and P34: York Street Site, Coffs Harbour**

These submissions relate to land identified as the York Street site, Coffs Harbour. The submissions state it relates to Lots 1 and 2, DP731016; however Council's records identify this land as Lot 2, DP731016, York Street, Coffs Harbour, as highlighted yellow in Figure 30.1 and with an area of 3.25 hectares. It is bound by York Street, Arthur Street and San Francisco Avenue.

The submissions state that, as previously requested, the site should be rezoned as per their previous submission. Council's records identify that a submission was lodged with Council during the 2010 exhibition of the (then draft) Coffs Harbour City Centre LEP 2011; and again during the 2011 exhibition of the BCH Review. These submissions have previously requested the establishment of a Business Park on the York Street site, utilising the B7 Business Park zone which is available in the Standard Instrument template. The submission also states that the provision of a regional business park would bring significant employment and investment to the city.

During 2010, Council completed its LGMS – Business Lands Component, which did not recommend the need to further extend business zones within the Coffs Harbour City Centre area. This LGMS – Business Lands Component was endorsed by NSW P&I in September 2010.

During 2011, Council commissioned an independent review of the BCH, to establish its relevance and importance to the growth of Coffs Harbour as a city, and to provide input into the preparation of draft LEP 2012. The BCH Final Report recommended certain actions to strengthen the BCH and the primacy of the CBD. In adopting the BCH, Council has endorsed its position not to erode the vitality of the CBD.

Council has not used the Standard Instrument B7 Business Park zone anywhere in the LGA during the preparation of draft LEP 2012. The objectives of this zone in the Standard Instrument Principal LEP are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

The previous submissions were accompanied by a draft DCP for this York Street site prepared by a consultant on behalf of the landowner, which identifies a mix of uses at the site, including residential, office and possibly some retail. It would appear from reading the DCP that it is proposing more a Mixed Use type of development on the site.

It is considered that the type of uses proposed by the applicant would more readily suit a B4 Mixed Use than a B7 Business Park zone. In light of the recommendations of Council's LGMS – Business Lands Component and BCH Review, it is not considered appropriate at this time to further extend business zones within the City Centre Plan area. In the event that a future review of the LGMS – Business Lands Component is undertaken, Council could include the site within the review.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to these submissions

- **Submission P29: Land at Richmond Drive, Coffs Harbour**

This submission relates to land on the corner of Richmond Drive and Arthur Street, Coffs Harbour, being Lot 301, DP791505 and Lot 100, DP1080766 which is undeveloped land at this time. The submission states that the height limits imposed for this land will not provide for the higher density housing Council is seeking on this land. Without an increase in the height limit and subsequent potential for the provision of views from apartments, it is unlikely for high-rise buildings to be developed, as there is insufficient financial incentive. The submission requests that the height limits be re-examined with a view to providing building heights that will afford views of the ocean from most parts of the land.



The submission has raised a valid point that it may not be economic to develop the land for four storey apartments containing lifts. This same economic reasoning will apply to all those medium density residential zoned lands where the 15.5 metres is to be applied (including Park Beach, Jetty, Harbour Drive, Azalea Avenue, Woolgoolga and pockets at the northern beaches).

A body of work is necessary to be undertaken, to determine whether this height control should be lifted to allow development for five or more storeys (and thereby provision of a lift) to make it economic to undertake development. It is not considered appropriate to amend the draft LEP without completing this work. Amendments via a Planning Proposal at a future date would be the way to progress this matter. This could then be further assessed in terms of the view sharing provisions contained in draft DCP 2012 (Component C1.22).

***It is recommended that*** no amendments be made to draft LEP 2012 as a result of this submission.

- **Submission P44 and P56 – Environmental/Vegetation - Climate Change**

These submissions raise a number of issues which are not specific to any particular property. They object to the draft LEP and DCP 2012 as exhibited, on a number of grounds including: *the draft LEP and DCP do not adequately reflect current thinking on climate change, bushfire risk and states that an APZ of 35 metres should be mandated throughout the Coffs Harbour area, with all residents having the right to establish an APZ on their land without reference to Council. It also mentions a tropical design standard should be adopted for stormwater systems.*

The draft LEP 2012 has been written to accord with the requirements of the Standard Instrument LEP, which requires all Councils across NSW to prepare an LEP which accords to the template prepared by the State government. It is recognised that it is a complex document, and it is prepared in accordance with the State government's requirements for the various environmental matters which need to be included. It is not appropriate to mandate a standard APZ across the LGA, because the width of an APZ is dependent on slope and vegetation applying to a particular site. However, Council will be updating its Bushfire Hazard maps for the LGA, as an outcome of the finalization of the Class 5 Vegetation Mapping.

Clause 5.11 of draft LEP 2012 is a compulsory clause contained within the Standard Instrument, and states that *'Bushfire hazard reduction work authorized by the Rural Fires Act 1997 may be carried out on any land without development consent.'* A footnote to the clause states that *'The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land'*

Vegetation provisions contained within draft LEP 2012 should be driven by the distance of development from the vegetation being protected, rather than the size of the land on which the vegetation is located. Landowners should have the right to manage any vegetation within 35 metres of Council approved structures (regardless of whether located within urban or rural areas).

Clauses 5.9 and 5.9AA of draft LEP 2012 relate to protection and removal of vegetation, and invoke the requirements of a tree preservation order as part of a DCP. These are compulsory clauses of the Standard Instrument LEP, and cannot be removed.

Draft DCP 2012 Component B7 identifies that the size of lots in residential areas dictates whether a tree preservation order applies or not. This has been Council's policy for many years. Council's Biodiversity Officer has advised that a review be undertaken; to better identify and determine the rules that guide vegetation retention or removal.

***It is recommended that*** no amendments to draft LEP or DCP 2012 be made in response to the submissions.

- **Submission P76 – Land Dedication- Sandy Beach**

The submission objects to the draft LEP 2012, as exhibited, on the grounds of proposed environmental zonings and land dedication to Council. It states that there is no scientific evidence to support the proposed rezoning; that the land does not contain any unique environmental value; that the zone will negate the extensive environmental rejuvenation planned for the site; that the site is uneconomic to develop in the zone footprint it is given; its rezoning for environmental protection will have a negative impact socially, economically and environmentally for the Coffs Harbour community. It further states that the proposal will be taken to the Land and Environment Court if draft LEP 2012 is made in the manner as exhibited.

***It is recommended that*** lands which were subject to Coffs Harbour City LEP Amendment No 29 (Hearnes Lake), be deferred from draft Coffs Harbour City LEP 2012 and Draft DCP 2012

- **Submission P84: Prohibited Mining Developments**

The submission states draft LEP 2012 should not allow for mining development in areas with the following zones:

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- RE1 Public Recreation
- RU2 Rural Landscape
- RU3 Forestry
- W1 Natural Waterway
- W2 Recreational Waterway
- W3 Working Waterway

The reasons given in the submission are that contamination from mining is a real threat to waterways and livelihoods and that no guarantees can be given that contamination will not occur.

The SEPP (Mining, Petroleum Production and Extractive Industries) 2007, which applies to the State of NSW and which has precedence over draft LEP 2012, provides details of certain mining and extractive industries which are permissible with and without consent. Council cannot prohibit development in draft LEP 2012 to override the contents of this SEPP.

Draft Coffs Harbour LEP 2012 as exhibited prohibits most forms of mining and extractive industries not covered by the SEPP. It does allow for extractive industries with consent in the RU2 Rural Landscape and RU3 Forestry zone, and the W2 Recreational Waterways and W3 Working Waterways zones. This is considered appropriate in the circumstances.

***It is recommended that*** no amendments to draft LEP 2012 be made in response to this submission

### **Development Control Plan**

Of the submissions received 32 matters were raised in regard to the DCP.

- **Submission G1 - Heritage.**

The submission recommends that an additional key objective be introduced in Part A of draft DCP 2012 relating to the protection and management of heritage in the LGA.

This request is supported as it will add strength to the controls that relate to environmental heritage.

***It is recommended that***

1. The following key objective be added to Component A1.10 of draft DCP 2012:

*To conserve the environmental heritage of the City in accordance with the principles contained in the Burra Charter*

The second issue raised recommends the inclusion of additional definitions for heritage management within the DCP dictionary (Part F - glossary).

1. The glossary to draft DCP 2012 includes the following definitions that relate to cultural heritage:

**alter**, in relation to

a) *a heritage item means to:*

i) *make structural changes to the outside of the heritage item, or ...*

**conservation** *means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstances include preservation, restoration, reconstruction and adaptation in any one place and will be commonly a combination of more than one of these.*

**conservation management plan** *means a document prepared in accordance with the requirements of the NSW Heritage Office that establishes the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.*

**cultural significance** *means aesthetic, historic, scientific or social value for past, present or future generations.*

**environmental heritage** *means those places, buildings, works, relics, movable objects and precincts of State or local heritage significance.*

**fabric** *means all the physical material of the place.*

**statement of heritage impact** *is a report which assesses the impacts a proposed development has on the significance of a heritage item and/or a conservation area.*

1. Draft LEP 2012 also includes the following definitions that relate to cultural heritage:

**Aboriginal object** *means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.*

**Aboriginal place of heritage significance** means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the "Heritage Map", that is: ...

**archaeological site** means a place that contains one or more relics.

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the Heritage Act 1977 that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location or nature of which is described in Schedule 5.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**heritage Map** means the Coffs Harbour Local Environmental Plan 2012 Heritage Map.

**heritage significance** means **historical, scientific, cultural, social, archaeological**, architectural, natural or aesthetic value.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**relic** has the same meaning as in the Heritage Act 1977.

It is considered that while the definitions listed above will assist in the interpretation of terms used for the purposes of appropriate development assessment, the insertion of additional objectives will further assist such interpretation.

It is also apparent that some of the definitions contained in the draft DCP glossary are also contained within the draft LEP dictionary. It is considered appropriate to remove the "double ups" from draft DCP 2012.

***It is recommended that:***

1. the following definitions be inserted into the draft DCP 2012 glossary:

***cultural significance*** (updated definition) *means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.*

*Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.*

***compatible use*** *means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.*

***place*** *means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.*

***setting*** *means the area around a place, which may include the visual catchment.*

2. the following definitions be removed from the DCP glossary:

*Conservation Management Plan; and Statement of Heritage Impact;*

- **Submission P18 – Map Issues and Residential Design Controls**

The submission suggests that images of inspirational design should be used on the cover of the DCP document to set the tone for the kind of building design that is desirable for the area.

The images used on the cover of the DCP document are of local contemporary buildings. The images only form a part of the overall design of the cover of the document. The cover also includes Council's "branding" and has been designed by a graphic designer.

In response to this issue, additional images showing inspirational design, including images used in the City Centre Vision document should be added to the front cover of the DCP.

***It is recommended that*** the front cover of the DCP be replaced with 'inspirational' images.

The submission suggests that there should be a review of all the objectives of the provisions to ensure they are comprehensive enough.

The objectives within the draft DCP were originally taken from the individual DCPs that applied under LEP 2000. Additional objectives were also considered and some of the original objectives were amended to reflect current policy and practice. Members of staff provided comment on the individual components of the DCP including the objectives. Relevant comments and suggestions were incorporated into the DCP document, and it is considered that the objectives have therefore been subject to a suitable review process. Notwithstanding the above, a review of all objectives within the document should be undertaken regularly, and this could be done as part of a 'housekeeping' type of DCP review process.

***It is recommended that*** no change necessary to draft DCP 2012, but that all objectives in the DCP be reviewed as a result of further work, such as in a future housekeeping DCP review.

The submission suggests that there should be more graphics to explain the controls, particularly the complexity of setback controls.

The setback controls have been removed from the DCP and have been replaced by the setback controls that applied under LEP 2000 (see DCP conversion plan). All relevant graphics shown in the previous (LEP 2000) DCPs have been included within the new DCP document. Updated graphics and diagrams should be sought as part of further work undertaken on the DCP, or as part of the DCP review process.

***It is recommended that*** no change necessary to draft DCP 2012, but that all graphics in the DCP be reviewed as a result of further work, such as in a future housekeeping DCP review.

The submission suggests that the DCP shows the western most access road from Stadium Drive into the South Coffs master plan area (as shown in the maps in Component E10 of the DCP) in the wrong location as a development proposal shifting of this road (further to the east) has been approved by Council

Review of mapping and site inspections confirm that the western most access road from Stadium Drive into the South Coffs master plan area is incorrectly located.

***It is recommended that*** the maps in Component E10 be amended to show the correct location of the road.

Under Section B1.4.2a(ii) the provision intends to show the likely bulk and form of a (residential) building that is proposed to be built on the vacant lot created by an infill residential subdivision. The provision is activated when the subdivision proposes a vacant allotment that is smaller than the other existing lots in the neighbourhood. The provision results in the application of a condition of approval requiring the proposed residential building to be built to floor level prior to the releasing of the subdivision certificate.

The submission suggests that this section of the DCP will discourage urban consolidation.

This provision, originally applied in the (LEP 2000) Subdivision DCP was introduced to give Council and the neighbouring properties to a residential subdivision the chance to view and comment on the design of a residential building that will be built on the resultant vacant allotment created by a subdivision, where that vacant allotment is smaller than other lots in the neighbourhood.

The submission suggests that the minimum allotment size of 400m<sup>2</sup> (within the low density residential zone) is a new development standard, however it has been in place since LEP 2000. The provision has been “rolled over” into the new DCP document from the former (LEP 2000) Subdivision DCP. Given the length of time that the provision has been in place, it would benefit from a review to test its relevance and effectiveness in the current development landscape.

***It is recommended that*** no change necessary to draft DCP 2012, but that this provision be reviewed as a result of further work, such as in a future housekeeping DCP review.

The submission objects to the provision within the DCP which limits dual occupancy development to a FSR of 0.4:1, as it will discourage urban consolidation

The related clause within draft DCP 2012 is as follows:

*For dual occupancy development proposed on R2 Low Density Residential zoned lands, 40% of the land/allotment area.*

This clause was introduced under LEP 2000 and the associated Low Density Housing DCP to address overly bulky buildings (dual occupancies) appearing on smaller sized allotments.

Clause 4.1B of draft LEP 2012 requires that the area of any R2 zoned allotment intended to be used for the purposes of a dual occupancy be equal to or greater than 800m<sup>2</sup> (not including driveway access handles). A total of 40% built upon area is easily achievable on an 800m<sup>2</sup> allotment, and as there is now a minimum lot size (for dual occupancies in the R2 zone) as a (LEP) development standard, it is not likely that this requirement alone will discourage urban consolidation. Conversely, it is important that the clause remain to prohibit overly bulky buildings that may dominate the streetscape. Again, given the length of time that the provision has been in place, it would benefit from a review to test its relevance and effectiveness in the current development landscape.

***It is recommended that*** no change necessary to draft DCP 2012, but that this provision be reviewed as a result of further work, such as in a future housekeeping DCP review.

The submission suggests that Figure 1 (Section B1.5) should be reviewed as it suggests that a three lot subdivision is better than a four lot subdivision.

The intention of the diagram is to show two scenarios of a subdivision which includes multiple “battle-axe” handles, including an “undesirable” and a “preferable” design response. The related clause within draft DCP 2012 is as follows:

*Subdivisions are not permitted where three or more ‘battle-axe handles’ will be directly adjoining each other (refer Figure 1).*

The DCP provision suggests that (in this particular situation) a three lot subdivision would be preferable to a four lot subdivision, however the suggestion is based around the issue of multiple access handles located adjacent to one another, which is an undesirable design response.

***It is recommended that*** no change necessary to draft DCP 2012.

The submission suggests that a review should be conducted to determine whether there is potential for dwellings to have access to laneways without the necessity for a two metre wide access way to the primary road. The related clause within draft DCP 2012 is as follows:

*The lot adjoining the lane is to have a two metre wide frontage, fenced and paved to the primary road, to provide for pedestrian access, letter boxes and services (water, sewer, electricity, communication).*

While it is agreed that such a review would be a very useful exercise for Council to undertake in the future, it is not possible to complete this in the timeframe allowed under the LEP/DCP process. A review of suitable laneways as the primary access for residential properties should be noted for future action.

***It is recommended that*** a review of suitable laneways as the primary access for residential properties requires further investigation, such as in a future housekeeping DCP review.

- **Submission P24 – DCP is inconsistent with Development Proposals**

This submission relates to the residential development of the Glades Estate. It states that a large part of the land holding is proposed to be zoned E2 and is considered to be an inappropriate zone given the approved development over this land. Although a project approval (06\_0143) has been issued, on 5 March 2009, by the Minister for Planning under Part 3A of the EP&A Act 1979, the landowner is still concerned that if the proposed zones are adopted as per the exhibited draft LEP 2012, this could dramatically limit the landowner's ability to amend the project to take into account site conditions and changing circumstances.

The submission states that part of the proposed zonings, specifically the E2 zone and permissibility of development within that zone, is inconsistent with existing planning provisions and the approved residential development. Furthermore, it goes on to state that the proposed E2 zone over the open space area of the Glades Estate is not consistent with the approved development, including the construction of water reticulation infrastructure and stormwater management systems (i.e. to facilitate drainage works). Therefore, the submission is recommending a REI Public Recreation zone instead of the proposed E2 zone.

It is considered that the most appropriate method to determine the environmental value of the land and its potential use for residential development, including appropriate zone footprints, is to defer the land from draft LEP 2012 until appropriate environmental studies are completed for the land, which will better identify and determine the land which should have an environmental zoning. It is recommended this be undertaken for the entire area which was subject to Coffs Harbour City LEP Amendment No 24 (Moonee). This process would then be used to inform a Planning Proposal to NSW P&I to rezone the land to reflect the environmental zones represented in the environmental studies. This means that Coffs Harbour City LEP 2000 will prevail in the short term.

***It is recommended that*** the subject site, Lots 1 and 2, DP725785, along with lands which were subject to Coffs Harbour City LEP Amendment No 24 (Moonee), where residential land is proposed to be rezoned to environmental protection, be deferred from draft Coffs Harbour City LEP 2012 and DCP 2012.

- **Submission S1 - Airport**

The Coffs Harbour Regional Airport has advised that they are in the process of updating the Airport Master Plan.

It is appropriate that Component E1 of the DCP be deferred to incorporate the provisions of the new Master Plan.

***It is recommended that:***

1. Coffs Harbour City DCP Component E1 be deferred.
2. Component E1 be prepared in association with the revised Airport Master Plan.

- **AS 2890 compliance**

Five submissions received question whether the DCP controls within Component C2 (Access Parking and Servicing Requirements) comply with the provisions of the Australian Standard AS 2890.



- **Submissions P29, P30, P31, P32 and P33**

The submissions state that *“The provisions of some clauses in this component conflict with AS2890. It is undesirable to mix and match clauses. Parking provisions should be specified to comply with AS 2890 and conflicting / repetitive clauses removed e.g. driveway widths, ramp grades.”*

Consideration was given to:

- the issues raised in the submission;
- current commercial development requirements;
- relevant Australian Standards, Council procedures and policies; and
- comments/input obtained from relevant sections of Council.

Council's Engineering Services Section has confirmed that these controls are aimed at complementing the provisions of AS 2890, rather than conflicting with this particular standard. The particular controls do not contradict the provisions within AS 2890, and are considered to assist in interpreting the requirements for driveway design.

***It is recommended that*** no amendments to draft DCP 2012 be made in response to these submissions.

- **Landscaping Component is too restrictive**

Five submissions received believe that Component C3 (Landscaping Requirements) is too restrictive.

- **Submissions P29, P30, P31, P32 and P33**

The submissions state that, with respect to Component C3: *“The entire component is excessively restrictive”*.

The assessment of the submissions considered:

- the issues raised in the submission;
- current landscaping requirements;
- relevant Council procedures and policies; and
- comments/input obtained from relevant sections of Council.

Council's Engineering Services Section has confirmed that the landscaping component (component C3) is based on the information contained in the Landscape Information Sheet that applied under LEP 2000. The controls adopted within component C3 are no more onerous than those contained in the information sheet. Previously, requirements for development to provide landscaping were contained in the Landscape Information Sheet. As landscaping is an important part of the site development process, it was considered appropriate to include it as a standalone component in the DCP.

***It is recommended that*** no amendments to draft DCP 2012 be made in response to these submissions.

- **Landscaping Component should include tighter controls on Pacific Highway frontage at South Coffs**

Two submissions received believe that Component C3 (Landscaping Requirements) should be more restrictive on the Pacific Highway frontage at South Coffs.

- **Submissions P57 and P58**

The submissions state that *“given the frontage and exposure to the Pacific Highway, tight controls should be placed on landscaping within all future Development Applications to ensure good aesthetic outcomes are achieved within this area.”*

The assessment of the submissions considered:

- the issues raised in the submission;
- current landscaping requirements;
- relevant Council strategies and policies; and
- comments/input obtained from relevant sections of Council.

Council's Gateway Strategy included recommendations to improve the landscape character and screen some of the unsightly industrial development that aligns the Highway. This recommendation was directed towards the Pacific Highway South between Englands Road and Halls Road, however there would be merit in applying this recommendation further to the south to the industrial development that aligns the Highway.

Improvements to the landscape character should be investigated and incorporated into the South Coffs component of the DCP (Component E10) to screen some of the industrial development that aligns the Highway on the southern outskirts of Coffs Harbour. This work should be carried out in conjunction with any master planning/place making/precinct planning projects following the commencement of the draft LEP and DCP. This should be undertaken as Council allocates funds in the next budget allocation process.

***It is recommended that*** no amendments to draft DCP 2012 be made in response to these submissions.

- **Commercial development design controls – solar access and unarticulated building wall length**

Four submissions received raised matters regarding particular design requirements for commercial buildings contained in Component C2 (Design Requirements).

- **Submissions P30, P31, P32 and P33**

The submissions state that:

- *“restrictions on distances from daylight are likely to render large floor plate commercial developments unviable”*; and
- *“restriction on commercial building wall length not exceeding 45 metres is unrealistic for large box format retail, industrial and commercial buildings and will stifle development”*.

The assessment of the submissions considered:

- the issues raised in the submission;
- current commercial development requirements;
- relevant Council procedures and policies; and
- comments/input obtained from relevant sections of Council.

***It is recommended that*** no amendments to draft DCP 2012 be made in response to these submissions.

- **Commercial development design controls – pedestrian access to retail and commercial buildings where the flood planning level is above the existing street level**

One submission requests that the draft DCP be amended to permit street level access to retail and commercial buildings where the flood planning level is above the existing street level, stating that this will further contribute to the creation of an active and engaging streetscape and public domain.

- **Submission P62**

The submission requests that *“the draft DCP be amended to permit street level access to retail and commercial buildings where the flood planning level is above the existing street level, stating that this will further contribute to the creation of an active and engaging streetscape and public domain by:*

- *Promoting walking within the City Centre Core by providing uninterrupted pedestrian movement along footpaths without the disruption of level changes or limited access.*
- *Enhancing and activating the streetscape.*
- *Improving the commercial viability of shops.*
- *Encouraging al fresco dining.*
- *Balancing the risk of flood to person and property with the objective of street activation and commercial benefit.”*

The assessment of the submissions considered:

- the issues raised in the submission;
- current commercial development and pedestrian access requirements;
- relevant legislative requirements;
- relevant Council procedures and policies; and
- comments/input obtained from relevant sections of Council.

***It is recommended that*** C1.2.2(a)(iv) of the DCP include the following controls as additional dot points:

- *Where al fresco dining is proposed it shall be provided at street level.*
- *Where development is affected by the ‘flood planning level,’ risk will be mitigated through innovative design solutions.*
- *Where building floors must be raised more than 1 stair to accommodate the ‘flood planning level’ this will be dealt with internally and/ or at the rear via a rear laneway to ensure that the relationship of the shop to the street is not compromised.*

***It is also recommended that*** C1.3.2(a) of the DCP include the following additional control:

- v) *Retail and commercial shop fronts within the City Centre Core shall be accessible from all street frontages using no more than one stair.*

- **Subdivision design controls**

One submission objects to the subdivision design control that restricts the use of cul de sacs to 10% of lots serviced in a subdivision.

- **Submission P31**

The submission states that *“a restriction on cul de sacs to 10% of lots serviced in a subdivision will render many small scale subdivisions unviable. The local economy does not support large scale subdivision development in terms of land releases. Small scale releases are viable and traditionally have been economically workable. The restriction should be removed”*.

The assessment of the submissions considered:

- the issue raised in the submission;
- current subdivision design requirements; and
- relevant Council procedures and policies.

This provision was introduced to create and maintain the permeability, connectivity, energy efficiency and functionality of subdivision road network design. This section of the DCP also includes the following controls:

- *Cul-de-sacs should be avoided, but if used should be short in length. Cul-de-sacs shall not be the dominant element of road design.*
- *Minor cul-de-sacs coming off a road network that demonstrates a high overall degree of connectivity may be considered. The design is to demonstrate that it is appropriate given the local landform.*

This DCP control is necessary for reasons mentioned above, while the second dot point above allows for minor cul de sacs in certain situations.

***It is recommended that*** no amendments to draft DCP 2012 be made in response to these submissions.

- **Bicycle/motorcycle parking rates**

Three submissions object to the bicycle parking rates contained in Table 3 of Component C2 (Access Parking and Servicing Requirements) as they relate to shopping centres. The same submissions are concerned that (given the requirements for bicycle parking) there are no requirements for motorcycle parking at shopping centres.

- **Submissions P31, P32 and P33**

The submissions state that:

- *Bicycle parking rates of one space per 200sqm GFA in development where rates are not specified in Table 3 are excessive, and the imposition of secure undercover bicycle parking is unwarranted under the Australian Standard. For example, shopping centres have no specific parking rate. At approximately 42,000m<sup>2</sup> the default provision at the rate of one per 200m<sup>2</sup> would result in 210 bicycle spaces in secure all weather protected space. This is unrealistic and unviable; and*
- *The DCP Table 3 makes an unrealistic provision for bicycle parking in a shopping centre yet does not require motor cycle parking in a shopping centre? This again is unrealistic.*

The assessment of the submissions considered:

- the issues raised in the submissions;
- relevant legislative requirements;
- relevant Council procedures and policies; and
- comments/input obtained from relevant sections of Council.

***It is recommended that:***

1. Table 3 within Component C2 Access, Parking and Servicing be amended to include the following bicycle parking requirements for shopping centre developments:
  - *One space/750m<sup>2</sup> for employees and one space /1000m<sup>2</sup> for customers;*
2. Further, that the following provision for motorcycle parking be incorporated into the requirements for shopping centres in Table 3 of Component C2:
  - *One motorbike space per 25 car spaces.*
3. Further, that control (xi) within C2.6.2 be amended to include the following:
  - xi) Bicycle parking is to be provided in accordance with Table 3, in secure and accessible locations, with all weather protection provided to at least 50% of spaces, where there are more than 10 spaces provided. Where no rates are specified, bicycle parking is to be provided at a rate of one space per 200 square metres of gross floor area, or a parking assessment study to be prepared.*

**Government Agency Comments**

The assessment of Government Agencies' submissions is included in Attachment 1 to this report. The assessment details the matters raised in the submission by each agency, provides a comment on the matter raised and makes a recommendation on how the matter should be actioned by Council.

The below provides a summary of the matters raised and whether the agency submission relates to LEP or DCP matters.

• **Heritage Council of NSW**

This submission requested five amendments to the LEP. Three of these matters are recommended to be incorporated into the final LEP, one matter requires direction from NSW P&I and the other matter is not to be actioned.

The submission raises three matters in regard to the DCP, two of these are recommended to be actioned and the changes have been made to the DCP for endorsement. The other matter is purely for noting as the Heritage Council endorses the DCP to assist in achieving good heritage management.

• **Primary Industries**

This submission was combination from Fisheries NSW and NSW Marine Parks Authority. The Fisheries component of the submission raised four matters relating to the LEP. The matters raised did not warrant amendment to the LEP. Fisheries NSW also raised an issue regarding the DCP. The DCP has been modified to include a note in Component B7 Biodiversity Requirements.

The Marine Parks Authority requested four changes to the LEP and again, after consideration of the matters raised it was considered that no change to the LEP was necessary. The submission suggested a change to the DCP. It is considered additional work is undertaken on this matter to determine whether the DCP should be modified or not.

- **RMS – Maritime**

This submission focused on the installation of moorings and whether the LEP needed to list these matters when the SEPP (Infrastructure) provides for them. After consideration of the matter raised it is recommended no change be made to the LEP.

- **Family and Community Services – Housing NSW**

This submission was purely supportive of the zones applied, and uses permitted as it provides a diverse range of housing opportunities, as such no change to the LEP or DCP is required.

- **Department of Primary Industries – Catchment and Lands**

This submission raised five matters relating to the LEP. Four of these matters do not require any amendment to the LEP. One matter, relating to Corindi Beach Reserve requires an amendment to the LEP.

- **Catchment Management Authority**

The submission raised 2 LEP and 2 DCP matters focusing on matters to do with vegetation management, Property Vegetation Plans and Coastal Zone Management Plans. As these matters have been appropriately addressed there are no resultant changes to be made to the LEP or DCP.

- **NSW Rural Fire Services**

This submission raised has no objection to the draft Environment Planning Instrument proceeding providing the draft instruments have considered the requirements of the *RFS Community Practice Note 2/12 – Planning Instruments and Policies*.

Council complied with feedback received from the RFS by addressing bushfire matters and Planning for Bushfire Protection guidelines at the development application stage on a site by site basis. Clause 5.11 of draft LEP 2012 allows bushfire hazard reduction works without development consent.

- **Roads and Maritime Services – Roads**

This submission requested prohibitions in the LEP that cannot be introduced as the LEP follows the Standard Instrument orders. The Submission also requested changes to the DCP by clarifying RMS uses “Austroads”. These changes have been integrated into the amended DCP.

- **Clarence Valley Council**

This submission supports and commends Coffs Harbour City Council’s LEP and DCP.

**Implementation Date / Priority:**

As the Coffs Harbour draft LEP 2012 project is subject:

- i) to a signed Memorandum of Understanding and funding agreement between Council and NSW P&I; and
- ii) required to be progressed to achieve actions within Council's Delivery Plan,

it is appropriate to progress the Coffs Harbour draft LEP (and draft DCP) 2012 as a priority matter. The draft LEP should be progressed to NSW P&I to allow the Plan to formally be 'made'.

The amended DCP, once adopted by Council, can be enabled to be implemented and enforced upon gazettal of the LEP.

Subject to Council endorsing draft LEP 2012, it is acknowledged that by the time draft LEP is made, it will be 2013. Accordingly, from this date forward all references to both draft LEP 2012 and draft DCP 2012 will become known as draft LEP 2013 and draft DCP 2013.

**Recommendation:**

1. That Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. That Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnes Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. That a further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the timeframe, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. That in accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. That Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. That Council confirms the Moonee Beach Development Control Plan and Hearnes Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. That Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. That parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.

**COFFS HARBOUR CITY COUNCIL  
ORDINARY MEETING**

**13 DECEMBER 2012**

**RESOLUTION NO. 331**  
Minutes confirmed at Council meeting: 14 February 2013  
To view Report, double-click on Agenda Report link below

[Agenda Report](#)

**L12/32 COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN AND COFFS HARBOUR DEVELOPMENT CONTROL PLAN**

The purpose of this report is to present the results of the public exhibition of the Coffs Harbour draft Local Environmental Plan (LEP) 2012, the draft Development Control Plan (DCP) 2012 and a draft Boundary Adjustment Clause. A copy of the draft LEP and draft DCP has been made available in the Councillor's room and is on Council's website.

The report includes a summary of submissions received and issues raised by the community and Government agencies. A full copy of all submissions has been made available for perusal by Councillors in the Councillor's Room. A summary of the submissions is attached as Attachment 1. An assessment of all submissions has been made and this is attached to this report as Attachment 1.

The Coffs Harbour LEP, upon gazettal, will apply to the whole of the Coffs Harbour City Council Local Government Area (LGA); with the exception of specific deferred areas; and will repeal the provisions of both the Coffs Harbour City LEP 2000 and the Coffs Harbour City Centre LEP 2011.

The Coffs Harbour DCP will similarly apply to the whole of the LGA, with the exception of the areas covered by the current DCPs for Moonee and Hearn's Lake/Sandy Beach, and will supersede the provisions of all current DCPs.

**331 RESOLVED** (Rhoades/Palmer) that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearn's Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the timeframe, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.



6. Council confirms the Moonee Beach Development Control Plan and Hearnese Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.

**AMENDMENT**

**MOVED** (Degens/Sultana) that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnese Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the timeframe, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. Council confirms the Moonee Beach Development Control Plan and Hearnese Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.
9. The proposed 150m<sup>2</sup> floor space in the B6 Enterprise Corridor be adjusted to 600m<sup>2</sup> per allotment for business or office premise.
10. Murdock Street (western side), 81-95 West High Street (submission numbers P48, P51, P52, P55 and P68) and West High Street (southern side, lot numbers in relevant submission), that these be included in the B3 commercial core zoning.

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

**VOTED FOR**

Cr Degens  
 Cr Sultana  
 Cr Cowling

**VOTED AGAINST**

Cr Rhoades  
 Cr Townley  
 Cr Palmer  
 Cr Knight  
 Cr Arkan

The **MOTION** on being put to the meeting was declared **CARRIED**.

**VOTED FOR**

Cr Rhoades

Cr Townley

Cr Palmer

Cr Degens

Cr Knight

Cr Arkan

Cr Cowling

**VOTED AGAINST**

Cr Sultana

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## **COFFS HARBOUR CITY LOCAL ENVIRONMENTAL PLAN 2000 (AMENDMENT NO. 34) NORTH COFFS - DEFERRED AREAS**

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### **Purpose:**

The purpose of this report is to inform Council of the outcome of the additional assessment of deferred areas within Coffs Harbour City Local Environmental Plan (LEP) 2000 (Amendment No. 34).

This report recommends that Council:

- does not progress the rezoning of deferred areas in the Mastracolas Road (western) precinct; and
- progress the rezoning of the deferred area in the Summit (eastern) precinct by preparing a Planning Proposal for that precinct.

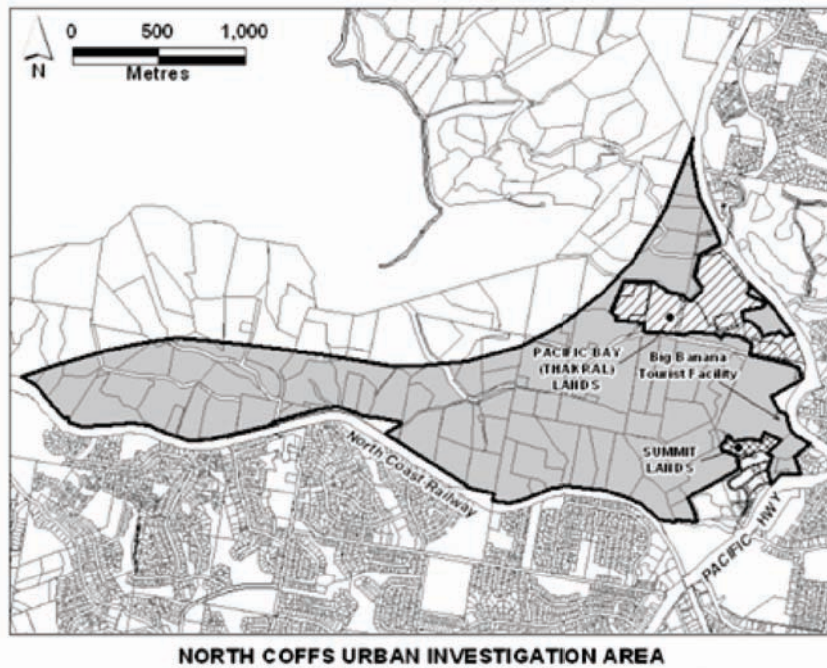
### **Description of Item:**

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

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

A map showing the North Coffs Investigation Area is shown below:

**Map 1: Urban Investigation Area**



Following advice from the Department of Planning and Infrastructure, a local environmental study (LES), a draft LEP and a draft Development Control Plan (DCP) was prepared for the lands affected by proposed draft Amendment No. 34.

At its meeting of 23 June 2011, Council made a resolution to request that the Department of Planning (now NSW Planning and Infrastructure (P&I)) endorse the draft LEP and draft DCP to enable public exhibition to occur. This endorsement was issued on 14 July 2011 and the documents were exhibited from 5 August 2011 to 5 September 2011.

At its meeting of 9 February 2012, Council made the following resolutions concerning Amendment No. 34:

1. Council adopt Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34).
2. In accordance with Section 58 of the Environmental Planning and Assessment Act 1979, Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) (as amended) be submitted to the Minister (Planning and Infrastructure) to make the plan.
3. Council include that part of Lot 3 DP 270533 above the 55 metre AHD contour as a deferred matter of Coffs Harbour City Local Environmental Plan 2000 (Amendment No 34). This deferral will provide further opportunity to address planning issues associated with access, bushfire control and servicing of this land.
4. Council be provided with a future report presenting the outcome of addressing planning issues within the deferred areas of the Coffs Harbour City LEP 2000 (Amendment No. 34).
5. Council adopt the North Coffs Development Control Plan with an amendment to Part 4 providing for residential building with a maximum height of 17.5 metres.

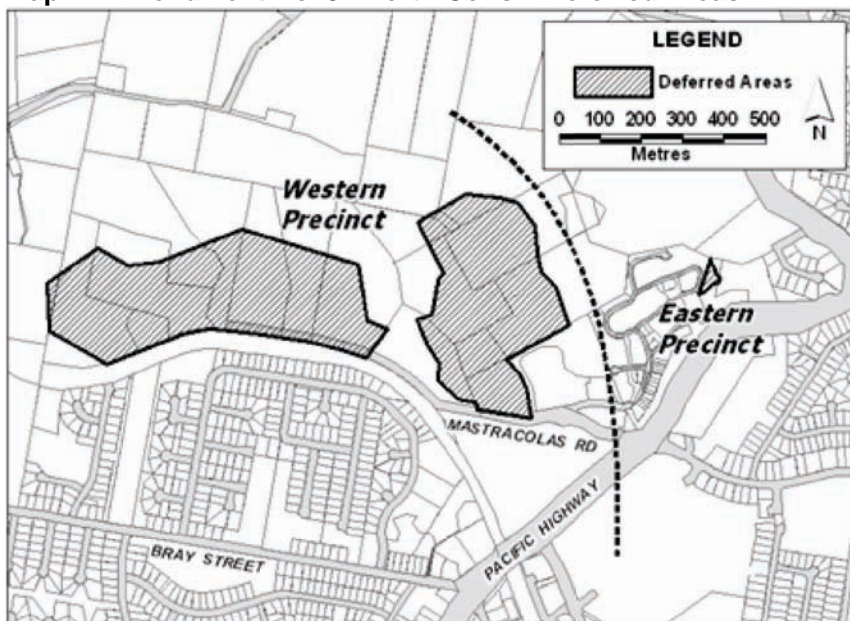
6. *That as a matter of policy Council consider a height review across the City as part of the City Wide planning controls.*
7. *Parties who made a submission to the Coffs Harbour City Local Environmental Plan 2000 (Amendment No. 34) and to the North Coffs Development Control Plan be informed of Council's decision.*
8. *Council adopt the draft North Coffs Developer Contributions Plan for exhibition purposes.*
9. *Council be provided with a future report, presenting the outcome of the exhibition of the draft North Coffs Developer Contributions Plan.*

Resolutions 3. and 4., relating to lands deferred to allow planning issues to be further addressed, are addressed by this report.

For the purposes of this report, the deferred areas are described as two precincts, being:

- Western Precinct (accessed via Mastracolas Road); and
- Eastern Precinct (accessed via the road network of the Summit).

**Map 2: Amendment No. 34 North Coffs – Deferred Areas**



**Sustainability Assessment:**

- **Environment**

Environmental sustainability has been considered and addressed throughout the planning process. In particular, the Local Environmental Study and actions generated by advice received from Government Agencies and the community in the course of the public exhibition reviewed relevant environmental constraints, biodiversity values and potential impacts for the study area.

Environmental issues which have been addressed by LEP Amendment No. 34 generally, and additionally by the further investigation for the deferred areas, include:

- flora and fauna;
- bushfire risk assessment;
- stormwater management and water quality;

- slope, soils and topography;
- hydrology, flooding and drainage;
- water sensitive urban design (WSUD);
- climate change; and
- ecologically sustainable development.

- **Social**

This project addressed social sustainability relating to the deferred areas, including:

- traffic and access;
- provision of open space; and
- urban/rural land use conflict.

- **Civic Leadership**

LEP Amendment No. 34 has been prepared in accordance with the EP&A Act and relevant Council Strategies and Policies, primarily Coffs Harbour City LEP 2000, the Mid North Coast Regional Strategy and Our Living City (OLC) Settlement Strategy 2008.

LEP Amendment No. 34, North Coffs DCP and North Coffs Developer Contributions Plan provide opportunities to address sustainable development strategies which are identified by the Coffs Harbour 2030 Plan.

- **Economic**

Economic sustainability is addressed in this report by:

- discussion of the economic viability of the deferred areas (e.g. lot yields); and
- zoning the land appropriately taking into account issues of economic sustainability.

#### **Delivery Program/Operational Plan Implications**

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

#### **Consultation:**

Draft LEP Amendment No. 34 – North Coffs and draft DCP were exhibited between 5 August 2011 and 5 September 2011. The documents were exhibited according to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979 and Regulations. The draft Plans were also referred to relevant government agencies and to other Council departments.

The outcome of the exhibition was reported to Council on 9 February 2012. Council resolved to adopt the LEP Amendment, including recognition of the deferred areas. The LEP Amendment was made by the Minister for Planning on 15 June 2012.

The following Council departments have been consulted in the preparation of this report and have provided comment:

- City Services;
- Finance;
- Biodiversity; and
- Land Use Assessment.

Council has also liaised with the Rural Fire Service relating to Lot 3, DP270533 in the vicinity of the Summit development, near the Big Banana.

**Related Policy and / or Precedents:**

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

- Coffs Harbour City LEP 2000;
- OLC Settlement Strategy 2008;
- 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:**

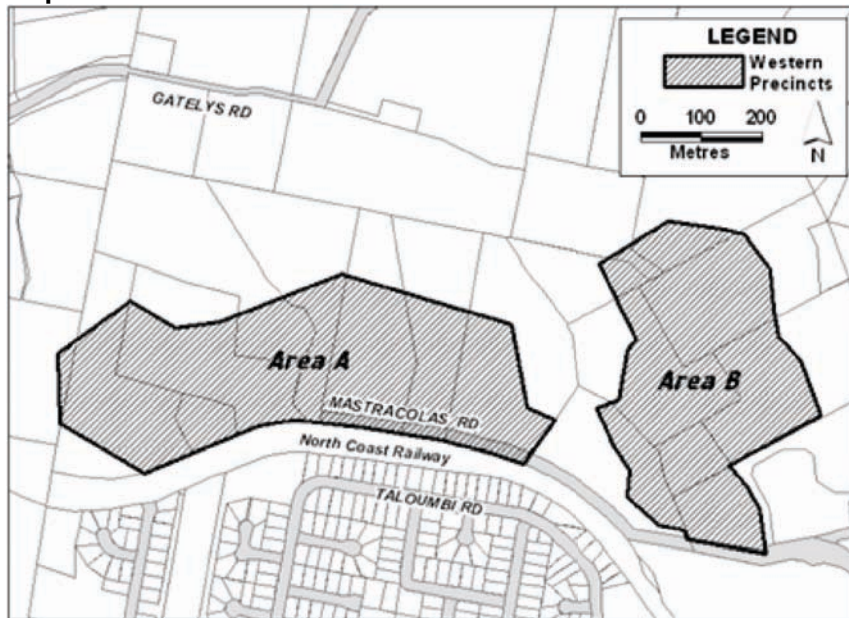
In accordance with the new provisions of the EP&A Act, NSW P&I requested Council convert the project to a Planning Proposal. The project has been treated as a Planning Proposal following acceptance of that request.

Should Council resolve to progress the deferred areas, Council is required to prepare a Planning Proposal for consideration by NSW Planning and Infrastructure.

**Issues:**

A map of the deferred areas is shown earlier in this report. The two precincts, and the issues associated with them, are discussed as follows.

**Map 3: Western Precinct**



The deferred areas (Western Precinct) refer to lands which are accessed by Mastracolas Road on Map 3, above. In the course of the rezoning process, a range of issues concerning the Western Precinct have been identified and include:

- traffic and access;
- proposed lot yields;
- infrastructure costs;



- urban/rural land use conflict; and
- provision of public open space.

These issues are discussed further in detail below, with comments provided for Council's consideration.

• **Proposed Lot Yields**

The LES which informed the previous LEP Amendment recommended that the Western Precinct be rezoned to Residential 2B Medium Density with the following lot yields:

Area A	LES Precinct R1	Maximum yield:	200 lots
		Minimum yield:	93 lots
		Medium yield:	140 lots
Area B	LES Precinct R2	Maximum yield:	188 lots
		Minimum yield:	84 lots
		Medium yield:	114 lots

**Comment:**

The proposed lot yields have been reviewed by relevant Council sections. It is difficult to determine appropriate lot yields for Area A and Area B. It is therefore appropriate that the minimum lot yield be used for contribution calculations to determine the financial viability of the proposal. This approach reduces the risk exposure to Council should ultimate lot yields vary significantly from the lot yields cited in the North Coffs Developer Contribution Plan.

• **Infrastructure Costs**

The North Coffs Local Environmental Study and Council cost estimates provide approximate infrastructure costs which may be levied as Developer Contributions.

Future development of the Western Precinct will involve the provision and ongoing maintenance of urban infrastructure including:

- reticulated water and sewer services;
- road network (including the extension of Mastracolas Road);
- footpaths and cycleways; and
- stormwater drainage and detention basins.

**Table A - Western Precinct Infrastructure Costs**

	Area A	Area B	Total
Roads	\$1.43m	\$2.07m	\$3.50m
Footpath/Cycleway	\$1.38m	\$0.05m	\$1.43m
Water/Sewer Infrastructure	\$0.93m	\$0.84m	\$1.77m
Stormwater/Detention Basin	\$2.0m	-	\$2.0m
Total	\$5.74m	\$2.96m	\$8.70m

Min. Yield	93 = \$61,720/lot	84 = \$35,238/lot
Max. Yield	200 = \$28,700/lot	188 = \$15,745/lot



**Comment:**

The Western Precinct is proposed to be accessed by an extension to Mastracolas Road. The proposed road extension is supplemented by a footpath/cycleway link to the Bray Street area.

The route of the proposed road extension is constrained by undulating and/or steep land, which is not ideal for providing a road of this significance and standard. The cost of the proposed road is also prohibitive, with a cost estimate of \$3.5 million realising a minimum developer contribution of approximately \$15,376 per lot for Area A (based on a minimum yield of 93 lots), and approximately \$26,642 per lot within Area B (based on a minimum yield of 84 lots). Accordingly, it is considered that the costs of providing a proposed extension to Mastracolas Road is economically prohibitive.

It is estimated that provision of the infrastructure listed above would result in a total developer contribution rate well in excess of \$30,000 per lot, based on minimum lot yields and a total infrastructure provision cost of approximately \$8.7 million. That rate does not include open space nor other contributions levied under other existing contribution plans. This would result in a potential contribution (per lot) well in excess of \$60,000 in Area A and in excess of \$30,000 in Area B if maximum lot yields are not achieved. This is excessively disproportionate to other contribution rates generated in similar Greenfield subdivisions, and is not considered to be economically viable. Additionally, Section 94 developer contributions in NSW are capped at \$20,000 for established areas and \$30,000 for Greenfield areas (excluding water and sewer). Council would not be in a position to recoup its costs for development of this area.

• **Urban/Rural Land Use Conflict**

Land use conflict may occur when dissimilar land uses are in proximity to each other or those differing land uses are detrimental to the environmental and/or social values of the land which are affected. In the case of the Western Precinct, proposed medium density residential development adjoining existing rural land uses may cause detrimental impacts in terms of:

- noise from agricultural infrastructure;
- odours and dust;
- pesticides and spray drift; and
- proximity to livestock.

Conversely, the agricultural amenity of lands can be compromised by:

- increased traffic volumes;
- loss of rural character/amenity; and
- likely increase in domestic animals (dogs/cats).

**Comment:**

In seeking to manage land use conflict, the usual approach is to allow for appropriate buffers between the conflicting land uses. Guidelines produced by the Northern Rivers Catchment Management Authority (NRCMA) quote approximate buffer zones between residential areas and agricultural pursuits (as applying to the Western Precinct) of between 150 metres and 200 metres. These buffers are described in the NRCMA's publication "*Living and Working in Rural Areas*". Application of such buffers would have significant impact on achievable lot yields, and compromise the existing agricultural land uses prevalent in the Western Precinct.

- **Provision of Public Open Space**

Council's adopted Open Space Strategy recommends a minimum requirement of one Social Family Recreation Space within 500 metres of the majority of households in urban areas, with a minimum area of one hectare which may include adjacent bushland.

**Comment:**

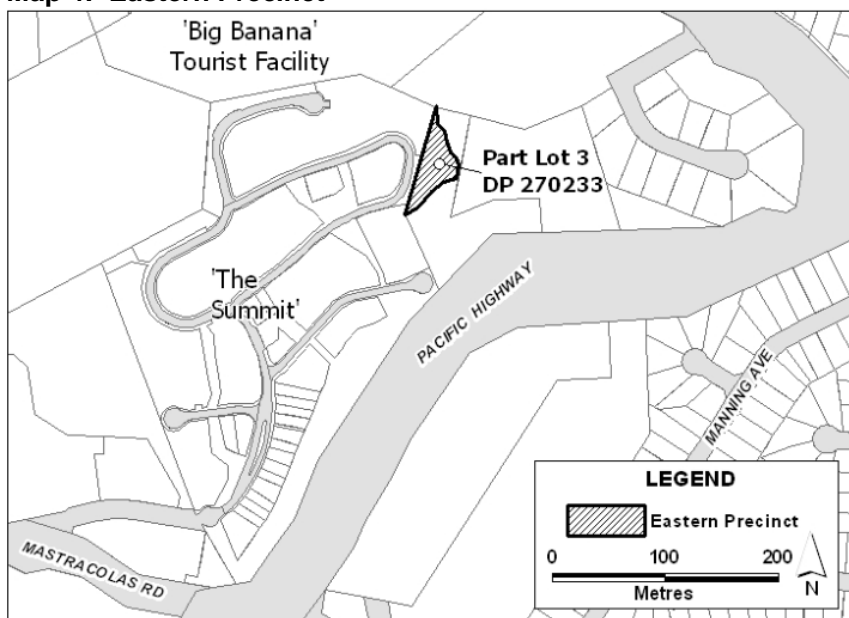
Council's Parks Branch advised that if the Western Precinct were to proceed, the preferred location of the Recreation Space is between the Area A and Area B precincts, at the eastern side of the Area A precinct. This would also reduce the available lot yield in that precinct. Council is also required to purchase lands which have been zoned for Public Open Space. This cost must also be included in a Contributions Plan, to be levied against proponents. This cost would be added to other development costs which apply, and will increase the economic unfeasibility of land development in this area.

**Western Precinct Recommendation:**

Due to the reasons discussed above, it is recommended that the deferred areas in the Western Precinct retain their existing zones under Coffs Harbour City LEP 2000.

It is considered that development of the land as a Medium Density Residential area is prohibitive in terms of development costs, which must be levied through a Contributions Plan which would be capped well below Council's ability to recoup costs. The high cost of land development in these precincts is partly due to the topography and other existing environmental constraints which apply to the Western Precinct.

**Map 4: Eastern Precinct**



The deferred area in the Eastern Precinct is contained within part of Lot 3, DP270233, as identified on Map 4. When draft LEP Amendment No. 34 was placed on public exhibition, a proposed zone of Environmental Protection 7A Habitat and Catchment zone was proposed. Council ultimately resolved that the land be deferred from LEP Amendment No. 34, following submissions from the landowners, requesting the land be zoned Residential 2E Tourist.

Council then requested that the landowners address the following site constraints:

- 55 metre Australian Height Datum (AHD) servicing limitation;
- slope;
- bush fire protection; and
- visual amenity.

The landowners subsequently supplied Council with documentation supporting the rezoning request, which was circulated to Council Departments, and in the case of a Bush Fire Risk Assessment, the NSW Rural Fire Service.

**Comment:**

Council's Biodiversity Branch and City Services Department have provided support for the proposal. The 55 metre AHD servicing limitation can be mitigated by integration with the servicing system which is already in place on "the Summit" development, which this land will be a part of.

The Bush Fire Risk Assessment was endorsed and supported by the NSW Rural Fire Service in January 2013.

**Eastern Precinct Recommendation:**

Based on the information received, this report recommends that Council prepare a Planning Proposal for that part of Lot 3, DP270233 which was deferred from Coffs Harbour City LEP 2000 (Amendment No. 34).

**Implementation Date / Priority:**

Should Council resolve to do so, the Planning Proposal will be progressed as soon as possible, in accordance with the provisions of the EP&A Act 1979.

**Recommendation:**

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.