

CPC24/32 PLANNING PROPOSAL - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REDUCE THE MINIMUM LOT SIZE - LOT 1 DP 713553, NO. 191 AYRSHIRE PARK DRIVE, BOAMBEE - PRE-EXHIBITION
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Author: Planner/Urban Designer (e-Planning)
Authoriser: Director City Planning & Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 CPC24/32 Planning Proposal to Reduce the Minimum Lot Size - No. 191 Ayrshire Park Drive, Boambee [↓](#)
ATT2 CPC24/32 Proposed Coffs Harbour Local Environmental Plan 2013 Map Amendment [↓](#)

EXECUTIVE SUMMARY

An application has been received by the City of Coffs Harbour to amend Coffs Harbour Local Environmental Plan 2013 for Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee to facilitate the subdivision of the land for large lot residential purposes.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour Local Environmental Plan 2013 to reduce the minimum lot size applying to the subject land that is within Zone R5 Large Lot Residential from one hectare to 4,000m² (Attachment 1).

RECOMMENDATION:

That Council:

1. Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking a gateway determination to reduce the minimum lot size for Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee (Attachment 1).
2. Request that the Secretary of the NSW Department of Planning, Housing and Infrastructure issue written authorisation to Council to exercise delegation of the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.
3. Publicly exhibit the planning proposal and undertake government agency consultation in accordance with the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.
4. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal.
5. Inform the owners of the subject land and their consultant of Council's decision.

REPORT

Applicant: Keiley Hunter Town Planning
Landowner: T.K Wear & G.M Hourigan
Land: Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee
Zone: R5 Large Lot Residential and C2 Environmental Conservation

Description of Item:

A proponent-initiated application has been received by the City of Coffs Harbour (City) to amend Coffs Harbour Local Environmental Plan (LEP) 2013 as it applies to Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee to facilitate the subdivision of the land for large lot residential purposes.

The subject land has a total area of 1.15 hectares and is contained within Zone R5 Large Lot Residential and Zone C2 Environmental Conservation under Coffs Harbour LEP 2013. The proposed amendment to reduce the minimum lot size applying to the subject land within Zone R5 Large Lot Residential would enable a development application to be made for the subdivision of the land to create one additional large lot residential allotment. No other changes to Coffs Harbour LEP 2013 are proposed or required.

The application has been assessed and has been determined to have merit as it accords with the City's Local Growth Management Strategy 2020 (LGMS). In this regard, a planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 to initiate an amendment to Coffs Harbour LEP 2013 (Attachment 1).

- ### The Subject Land

The application to amend Coffs Harbour LEP 2013 affects land at No. 191 Ayrshire Park Drive, Boambee (Lot 1 DP 713553) as shown in Figure 1 below. The subject land is within Zone R5 Large Lot Residential and C2 Environmental Conservation under Coffs Harbour LEP 2013 and is located in an area developed for large lot residential purposes. The site contains an existing dwelling house with associated ancillary outbuildings, is largely cleared and contains domestic landscaping.



Figure 1 – Subject Land

A minimum lot size of one hectare applies to the area of the subject land that is within Zone R5 Large Lot Residential and a minimum lot size of forty hectares applies to the area of the subject land that is within Zone C2 Environmental Conservation. The application to amend Coffs Harbour LEP 2013 proposes to reduce the minimum lot size applying to Zone R5 Large Lot Residential from one hectare to 4,000m². No amendments are proposed to the minimum lot size for land within Zone C2 Environmental Conservation. Existing and proposed minimum lot size provisions are shown in Figure 2 below and can also be viewed using the link in Attachment 2 of this report.

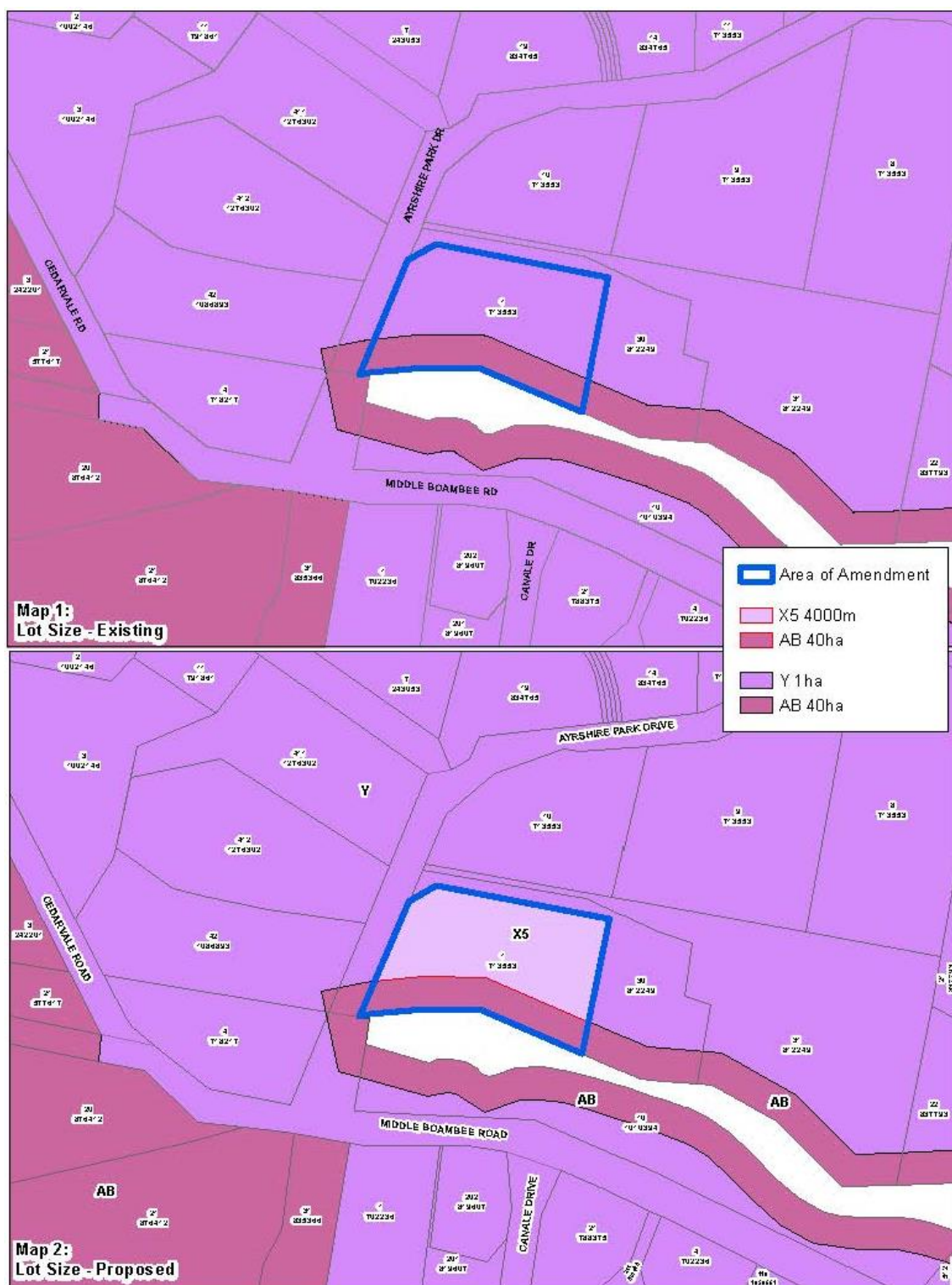


Figure 2 – Existing and Proposed Minimum Lot Size

Issues:

- **Minimum Lot Size**

A range of minimum lot sizes currently apply to land within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013, reflecting historic planning controls and site-specific land constraints (i.e. on-site sewage management). Historically, minimum lot size requirements were reflected in the City's development control plans and were able to be varied based on merit. Minimum lot size provisions are now a development standard within Coffs Harbour LEP 2013, with the introduction of the Standard Instrument LEP across NSW. The Minimum Lot Size Analysis included with the application to amend Coffs Harbour LEP 2013 (Appendix 5 of Attachment 1)

demonstrates that 4,000m² lots on the subject land can be adequately serviced by on-site sewage management systems in accordance with the City's On-site Sewage Management Strategy 2015.

- **Zone C2 Environmental Conservation**

The subject land is partially within Zone C2 Environmental Conservation under Coffs Harbour LEP 2013. This land is also identified on the NSW Government's Biodiversity Values Map. The Ecological Assessment Report included with the application to amend Coffs Harbour LEP 2013 (Appendix 6 to Attachment 1) demonstrates that an additional lot that aligns with the proposed minimum lot size can be accommodated on the land without impacting on the land within Zoned C2 Environmental Conservation. The planning proposal does not seek to amend the minimum lot size for Zone C2 Environmental Conservation zone that applies to the subject land.

- **Flooding**

The subject land is located partially within the 1% (1 in 100) Annual Exceedance Probability (AEP) flood extent and flood planning area, as shown in Figure 3. Most of the land mapped as being affected by the 1% AEP is located within Zone C2 Environmental Conservation zone. The application demonstrates that there is sufficient land within Zone R5 Large Lot Residential on the subject land that is outside of the flood affected area for an additional dwelling. Future development applications (i.e. subdivision and construction of a dwelling) are required to satisfy planning controls within Coffs Harbour LEP 2013 and Coffs Harbour Development Control Plan 2015 that relate to flooding.



Figure 3 – Flood Planning Area and Flood Extent Mapping

- **Local Growth Management Strategy 2020**

Chapter 6 – Large Lot Residential of the Coffs Harbour LGMS addresses minimum lot size within Zone R5 Large Lot Residential and notes that a reduced minimum lot size may be supported where sufficiently justified. Section 6.7 within Chapter 6 – Large Lot Residential states the following:

'It is also reasonable that if undeveloped land within Zone R5 can justify a reduced lot size, then it should be considered through an applicant-initiated planning proposal. This would allow a merit case for a revised minimum lot size LEP amendment request to be submitted to the City, bearing in mind the underlying reasons for the standard in the first place and the objectives of Zone R5.'

It is considered that the planning proposal (Attachment 1) has sufficiently justified a reduced minimum lot size for the subject land. The resulting outcome would facilitate large lot residential

development on the land that is in keeping with the objectives of Zone R5 Large Lot Residential under Coffs Harbour LEP 2013.

Options:

In considering this report Council has the following options:

1. Adopt the recommendations of this report.
2. Reject the recommendations and list reasons for refusal. Should the recommendations not be adopted by Council, this LEP amendment would not be initiated and the application would not proceed any further.

Sustainability Assessment:

- **Environment**

Environmental sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Social**

Social sustainability issues have been considered and are addressed in Part 3 of the planning proposal (Attachment 1).

- **Civic Leadership**

The planning proposal accords with the 'MyCoffs Community Strategic Plan' by undertaking development that is environmentally, socially and economically responsible.

- **Economic – Broader Economic Implications**

The proposal will facilitate the subdivision and creation of one additional allotment and is therefore in keeping with the existing large lot residential character of the area.

- **Economic - Delivery Program/Operational Plan Implications**

The recommendations contained within this report are unlikely to impact on the City's Delivery Program or Operational Plan given that the LEP amendment process is being undertaken as a business as usual process, funded through a proponent-initiated planning proposal.

Risk Analysis:

The planning proposal (Attachment 1) demonstrates that the land is suitable for large lot residential purposes. As such, the planning proposal is considered to be of low risk to the City. The public exhibition process that is required to be undertaken for the proposed LEP amendment will also assist in reducing the City's risk.

Consultation:

Should Council resolve to initiate the planning proposal and a gateway determination is subsequently issued by NSW Department of Planning, Housing and Infrastructure, the planning proposal is required to be exhibited in accordance with the gateway determination and relevant legislation. Consultation with government agencies and other stakeholders may also be required if specified within the gateway determination. Consultation will be undertaken in accordance with the City's Community Participation and Engagement Plan.

Related Policy, Precedents and / or Statutory Requirements:

The planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021. A number of other relevant policies and statutory documents have been considered in the preparation of the planning proposal.

Implementation Date / Priority:

Should Council resolve to initiate the planning proposal, it will be sent to the NSW Department of Planning, Housing and Infrastructure for gateway determination. The timeframe for the completion of this planning proposal is governed by the relevant planning legislation and NSW Department of Planning, Housing and Infrastructure.

Conclusion:

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour LEP 2013 to reduce the minimum lot size applying to Zone R5 Large Lot Residential for No. 191 Ayrshire Park Drive, Boambee from one hectare to 4,000m². The proposed amendment to Coffs Harbour LEP 2013 will allow an application to be made for subdivision of the land to create one additional lot.

The proposal accords with the North Coast Regional Plan and Coffs Harbour LGMS 2020. Sufficient planning merit for the amendment to Coffs Harbour LEP 2013 is provided within the planning proposal (Attachment 1).

**MINUTES**

**CITY OF COFFS HARBOUR
ORDINARY COUNCIL MEETING
RIVER OAK ROOM, LEVEL 3, YARRILA PLACE,
27 GORDON STREET, COFFS HARBOUR
ON THURSDAY, 8 AUGUST 2024 AT 5.00PM**

PRESENT: Cr Paul Amos, Cr Jonathan Cassell, Cr George Cecato, Cr Tony Judge (audio-visual), Cr Julie Sechi, Cr Tegan Swan, Cr Sally Townley, Cr Scott Wolgamot

STAFF: General Manager, Director City Infrastructure, Acting Director City Planning & Communities, Director Business Services and Executive Assistant

LEAVE OF ABSENCE Nil

OPENING OF ORDINARY MEETING

The meeting commenced at 5.00pm with the Mayor, Cr Paul Amos in the chair.

ACKNOWLEDGEMENT OF COUNTRY

We respectfully acknowledge the traditional custodians of the land on which we meet, the Gumbaynggirr people, who have cared for this land since time immemorial. We pay our respects to their Elders, past, present and emerging, and commit ourselves to a future with reconciliation and renewal at its heart.

STATEMENT IN RELATION TO MEETING PRACTICE

The Mayor reminded the Chamber that the meeting was being recorded, live audio streamed and publicly available on Council's website. All persons attending the meeting should refrain from making any defamatory statements. No other recordings are permitted without Council authorisation.

DISCLOSURE OF INTEREST

Councillor	Items	Type of Interest
Cr Sally Townley	MM24/10 Hockey Coffs Coast Playing Fields	Non-Pecuniary - Less Than Significant Conflict as she plays hockey and is a general member of Hockey Coffs Coast.
Cr Julie Sechi	BS24/12 Contract No. CON00500 - Design and Construct New Laboratory Facility	Non-Pecuniary - Significant Conflict as there is an inability for her to vote impartially.

APOLOGIES

No apologies

LEAVE OF ABSENCE

No requests for leave of absence.

ATTEND MEETING BY AUDIO-VISUAL LINK**2024/153 RESOLVED (Cr Jonathan Cassell / Cr Julie Sechi)**

That Cr Tony Judge be permitted to attend this meeting, 08 Aug 2024, by audio-visual link.

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

CARRIED

MAYORAL MINUTE

The General Manager left the meeting, the time being 5.03pm

MM24/09 GENERAL MANAGER PERFORMANCE REVIEW**2024/154 RESOLVED (Cr Paul Amos)**

That Council note the outcome of the General Manager's Performance Review.

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

CARRIED

General Manager returned to the meeting, the time being 5.04pm

MM24/10 HOCKEY COFFS COAST PLAYING FIELDS**2024/155 RESOLVED (Cr Paul Amos)**

That Council:

1. Note Hockey Coffs Coast's grant application to NSW Government and impending meeting with Minister for Sport, the Hon Stephen Kamper.
2. Allocate \$600K to be made available for Hockey Coffs Coast as part of the present grant application, being \$400K contribution and \$200K as a low interest loan.
3. Expedite a renewed lease of the hockey grounds for Hockey Coffs Coast and include sinking fund contributions into the future.
4. This is to be funded from unrestricted cash.
5. Note the intent to add a second synthetic hockey field, when membership levels consistently reach 700 to 800, has been a recognised medium term project since the Coffs Harbour Sports Facilities Plan 2016.

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

CARRIED

CONFIRMATION OF MINUTES**2024/156 RESOLVED (Cr Scott Wolgamot / Cr Julie Sechi)**

That the minutes of the Ordinary Meeting held on 25 July 2024 be confirmed.

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

CARRIED

GENERAL MANAGER'S REPORTS**GM24/46 INTERIM MONTHLY FINANCIAL PERFORMANCE REPORT FOR THE MONTH ENDED 30 JUNE 2024****EXECUTIVE SUMMARY**

This report presents the Interim Monthly Financial Performance for the month ended 30 June 2024. The report provides information on the actual budget position at the financial statement level and capital expenditure reports for the current financial year.

As at 30 June 2024, the Interim actual Consolidated year-to-date result before capital revenue is a surplus of \$15.3M against a budgeted surplus of \$18.9M. The Interim actual Consolidated year-to-date result after capital revenue is a surplus of \$49.2M against a budgeted surplus of \$52.4M.

As at 30 June 2024, the Interim actual General Fund year-to-date result before capital revenue is a surplus of \$4.1M against a budgeted surplus of \$5.1M. The Interim actual General Fund year-to-date result after capital revenue is a surplus of \$29.4M against a budgeted year-to-date surplus of \$32.7M.

Further explanation of year-to-date variances is contained within the Income Statement commentary under Variance Comments for variances greater than 10%. There are individual operational income sources with variances, but overall operational income is above expectations by \$3.3M. Operational expenditure is above expectations due to \$10.7M of additional depreciation expense recognised as a result of the revaluation of assets increasing the asset base values, high indexation rates and the recognition of \$22M of subdivision dedicated assets.

2024/157 RESOLVED (Cr Jonathan Cassell / Cr Tegan Swan)

That Council:

1. Note the Monthly Financial Performance Report for 30 June 2024.
2. Adopt the proposed budget changes in Attachment 1.

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

CARRIED

GM24/47 CONTRACT NO. CON00459 PROVISION OF TRANSACTIONAL BANKING SERVICES**EXECUTIVE SUMMARY**

The City of Coffs Harbour conducted a limited tender for Contract No. CON00459 Provision of Transactional Banking Services that closed on 19 July 2024.

The purpose of this report is to seek Council's endorsement of the recommendation in the Confidential Attachment.

2024/158 RESOLVED (Cr Jonathan Cassell / Cr Julie Sechi)

That Council:

1. Accepts the tender received for Contract No. CON00459 Provision of Transactional Banking Services from Commonwealth Bank of Australia (ABN 48 123 123 124) for an initial term of 5 years under a schedule of rates, in accordance with clause 178 (1)(a) of the Local Government (General) Regulation 2021, on the basis that the tender submission:
 - 1.1 is the most advantageous tender following the application of City's Tender Value Selection System; and
 - 1.2 The tenderer has the service capability to provide transactional banking services and their ability and performance are satisfactory.
2. Approve provision for a 5 year contract term extension, based on business requirements and satisfactory performance, which may take the contract through to 2029.
3. Authorise the General Manager under delegated authority to execute the contract documents.

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

CARRIED

GM24/48 FUTURE OF PROSPER COFFS HARBOUR LIMITED**EXECUTIVE SUMMARY**

Prosper Coffs Harbour Limited was established in 2012 by the City of Coffs Harbour, as a not-for-profit company, limited by guarantee, company to administer three charitable trusts. An Environmental Trust, Cultural Trust and Futures Trust (dormant). The funds from the two active Trusts finance cultural and environmental projects that contribute to the Coffs Harbour community. PCH operates as a separate legal entity with the City as its sole member.

Over the last 9 years, Prosper Coffs Harbour Limited has earned \$1,286,422 in income and incurred \$1,458,623 in expenses, which has resulted in an overall operating loss of \$172,201.

As at 30 June 2023, Prosper Coffs Harbour Limited had \$236,035 in assets, comprised mainly of cash of \$220,871, and \$408,237 in liabilities, comprised mainly of the non-current loan liability to the City of Coffs Harbour of \$400,000. Therefore, Prosper Coffs Harbour Limited has negative equity of \$172,201. There is no reasonable prospect that Prosper Coffs Harbour Limited will become financially sustainable.

Therefore, it is recommended that Council formally forgives the existing \$400,000 loan owed by the company and advises the Board of Directors of Council's intention, as the member, to not provide further financial support and that the company be deregistered, unless a viable new member can be identified and accepted. It is further recommended that Council thank and provide letters of appreciation to the current Directors and Advisory Committee Members for their contribution to the company and associated trusts.

2024/159 RESOLVED (Cr Scott Wolgamot / Cr Sally Townley)

That Council:

1. Forgive the \$400,000 loan owed by Prosper Coffs Harbour Limited.
2. As the member of Prosper Coffs Harbour Limited, advise the Board of Directors of Council's:
 - 2.1. Intention to not provide further financial support to the company and associated trusts.
 - 2.2. Willingness to consider a viable new member replacing the City of Coffs Harbour as the member, in accordance with the Prosper Coffs Harbour Limited constitution, by 31 October 2024.
 - 2.3. Intention, in the absence of a viable new member being accepted by Council beforehand, to move a resolution to deregister the company at the next Annual General Meeting.
3. Thank and provide letters of appreciation to the current Directors and Advisory Committee Members for their contribution to the company and associated trusts.

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

CARRIED

GM24/49 INTERIM BANK AND INVESTMENT BALANCES FOR JUNE 2024**EXECUTIVE SUMMARY**

To present monthly Investment Reports in accordance with cl. 212 of the *Local Government (General) Regulation 2021* which states as follows:

1. *The Responsible Accounting Officer of a Council*
 - a. *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented.*
 - i. *if only one ordinary meeting of the council is held in a month, at that meeting, or*
 - ii. *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
 - b. *must include in the report a certificate as to whether the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
2. *The report must be made up to the last day of the month immediately preceding the meeting.*

The City of Coffs Harbour's Interim Bank Balances and Investments as at 30 June 2024 totalled \$334.7M. The City of Coffs Harbour receives independent advice and invests surplus funds in accordance with legislation and the City of Coffs Harbour's Investment Policy to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Delivery Program and associated Operational Plans.

2024/160 RESOLVED (Cr Sally Townley / Cr Julie Sechi)

That Council notes the interim bank balances and investments totalling \$334.7M as at 30 June 2024.

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

CARRIED

GM24/50 PROPOSED REVOTES / CARRY FORWARDS FOR THE YEAR ENDED 30 JUNE 2024**EXECUTIVE SUMMARY**

This report summarises the unspent operational and capital funds proposed to be either revoted or carried forward from the 2023/24 Operational Plan budgets into the 2024/25 Operational Plan budgets. It is recommended that \$3.6M of capital expenditure and \$1.9M of capital grants and contributions and \$1.7M of reserves be carried forward. To offset this, it is recommended that \$3.8M of the adopted 2024/25 capital expenditure and \$2.0M of capital revenue be cashflowed to 2025/26 or returned to reserves. It is also recommended that \$2.07M of operational expenditure and \$2.05M of operational grant and internal reserve funding be carried forward.

The resulting impact on the 2024/25 budgeted Net Operating Result is a deterioration of \$0.02M funded by internal reserves and therefore, the adopted 2024/25 budget surplus of \$12.28M will be revised to a budget surplus of \$12.26M. The General Fund component of this consolidated position has deteriorated from a \$0.03M surplus to a \$0.01M surplus.

These carry forwards are necessary due to a variety of reasons including timing (project spans financial years), contractual obligations, commitments or monies held aside for specific purposes. City of Coffs Harbour officers have undertaken a comprehensive review of all revotes to minimise their extent. All carry forwards have been considered in line with the City of Coffs Harbour's Operational Plan and the Long Term Financial Plan.

A detailed summary of carry forwards, offsetting reduction of the adopted 2024/25 capital program is provided in this report, along with the implications on the 2024/25 Operational Plan budgets by Fund.

2024/161 RESOLVED (Cr Sally Townley / Cr Jonathan Cassell)

That Council:

1. Adopt the Capital Revotes / Carry Forwards from 2022/23 to 2023/24 as detailed in this report and Attachment 1.
2. Adopt the variations to the 2024/2025 Capital Program to offset the 2023/24 Capital Revotes / Carry Forwards as detailed in this report and Attachment 1.
3. Resolves that this report supersedes any previous related Council resolutions.
4. Note the carrying forward of \$2.07M of operational expenditure and \$2.05M of operational grants and internal reserve funding results in a deterioration of the City's General Fund operating result from a surplus of \$0.03M to a surplus position of \$0.01M.
5. Note these changes will be reflected in the July monthly report.

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

CARRIED

GM24/51 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2024 - VOTING DELEGATES AND CALL FOR MOTIONS**EXECUTIVE SUMMARY**

Local Government NSW has advised the City of Coffs Harbour that the 2024 Local Government NSW Annual Conference is to be held in November 2024 and that registrations to attend, nominations for voting delegates and the call for proposed motions for consideration at the conference are now open.

This report aims to:

- Advise Councillors of conference registration requirements.
- Seek any proposed motions to submit to Local Government NSW to be tabled at the November Annual Conference.
- Update Councillors of when voting delegates will be sought.

2024/162 RESOLVED (Cr Scott Wolgamot / Cr Jonathan Cassell)

That Council:

1. Note a report seeking nomination of voting delegates for the LGNSW 2024 Annual Conference will be presented at the 24 October 2024 Ordinary Council Meeting.
2. Submit the following motion to Local Government NSW for inclusion in the agenda at the LGNSW 2024 Annual Conference in November 2024:
 - 2.1. That the NSW Environment Protection Authority (EPA) take a leadership role in facilitating and delivering regional solutions for the processing, diversion, recycling, and disposal of waste in NSW.

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

CARRIED

GM24/52 CITY COMMITTEES - APPOINTMENT OF MEMBERS**EXECUTIVE SUMMARY**

Nominees to join the City of Coffs Harbour's Committees require appointment by Council. This report is seeking the appointment of community members to the following committees:

- Australia Day Committee.
- Lowanna Community Hall Facility Management Committee.

2024/163 RESOLVED (Cr Sally Townley / Cr Julie Sechi)

That Council appoint:

1. David Bourke to the Australia Day Committee
2. Rose Finger to the Lowanna Community Hall Facility Management Committee.

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

CARRIED

DIRECTORATE REPORT – BUSINESS SERVICES

Cr Julie Sechi declared an interest in the following item, vacated the Chamber and took no part in the discussion or voting, the time being 5:30 pm.

BS24/12 CONTRACT NO. CON00500 - DESIGN AND CONSTRUCT NEW LABORATORY FACILITY**EXECUTIVE SUMMARY**

The City of Coffs Harbour recently invited tenders for Contract No. CON00500 Design and Construct New Laboratory Facility.

The purpose of this report is to seek Council's endorsement of the recommendation in the Confidential Attachment 1.

2024/164 RESOLVED (Cr George Cecato / Cr Sally Townley)

That Council:

1. Accepts the tender received for Contract No. CON00500 Design and Construct New Laboratory Facility from X-Corp Building Services Pty Ltd, ABN 25 082 731 226 for the tendered price of \$2,492,944.06 excluding GST, in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, on the basis that the tender submission:
 - 1.1. Demonstrates the most advantageous tender following the application of Council's Tender Value Selection System.
 - 1.2. Demonstrates the necessary experience in similar works and their ability and performance are satisfactory.
2. Point 2 of the resolution remains confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
3. Authorise the General Manager under delegated authority to execute all necessary contract documents.

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

CARRIED

Cr Julie Sechi returned to the meeting, the time being 5:33 pm.

NOTICES OF MOTION – CITY PLANNING & COMMUNITIES**NOM24/14 SHARK BITE EMERGENCY RESPONSE PROGRAM****2024/165 RESOLVED (Cr Jonathan Cassell / Cr Sally Townley)**

"That Council prepare a report on a Shark Bite Emergency Response Program."

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

CARRIED

DIRECTORATE REPORTS - CITY PLANNING & COMMUNITIES**CPC24/31 COFFS HARBOUR ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN, COFFS HARBOUR ABORIGINAL CULTURAL HERITAGE MAP AND COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2015 AMENDMENT NO. 37 (ABORIGINAL CULTURAL HERITAGE) - POST-EXHIBITION****EXECUTIVE SUMMARY**

At its meeting of 23 May 2024, Council resolved to publicly exhibit the draft Coffs Harbour Aboriginal Cultural Heritage Management Plan, the associated Coffs Harbour Aboriginal Cultural Heritage Map, and an associated amendment to the City of Coffs Harbour's Development Control Plan.

The purpose of this report is to present the outcomes of the public exhibition process and to seek a resolution from Council to adopt the final Coffs Harbour Aboriginal Cultural Heritage Management Plan 2024 (Attachment 1). This report also seeks a resolution from Council to approve Coffs Harbour Development Control Plan 2015 - Amendment No. 37 (Aboriginal Cultural Heritage) (Attachment 2) and to note that the Coffs Harbour Aboriginal Cultural Heritage Map (Attachment 3) will be updated on an ongoing basis.

2024/166 RESOLVED (Cr Jonathan Cassell / Cr Sally Townley)

That Council:

1. Adopt the Coffs Harbour Aboriginal Cultural Heritage Management Plan 2024 (Attachment 1).
2. Approve Coffs Harbour Development Control Plan 2015 - Amendment No. 37 (Aboriginal Cultural Heritage), which will come into effect when public notice of Council's decision is made in accordance with Part 2, Division 2 of the Environmental Planning and Assessment Regulation 2021 (Attachment 2).
3. Note that the Coffs Harbour Aboriginal Cultural Heritage Map (Attachment 3) will be updated on an ongoing basis in accordance with the management recommendations within Section 5 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan 2024.
4. Inform those who made a submission of Council's decision.

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

CARRIED

CPC24/32 PLANNING PROPOSAL - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REDUCE THE MINIMUM LOT SIZE - LOT 1 DP 713553, NO. 191 AYRSHIRE PARK DRIVE, BOAMBEE - PRE-EXHIBITION**EXECUTIVE SUMMARY**

An application has been received by the City of Coffs Harbour to amend Coffs Harbour Local Environmental Plan 2013 for Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee to facilitate the subdivision of the land for large lot residential purposes.

The purpose of this report is to seek Council's endorsement to initiate a planning proposal to amend Coffs Harbour Local Environmental Plan 2013 to reduce the minimum lot size applying to the subject land that is within Zone R5 Large Lot Residential from one hectare to 4,000m² (Attachment 1).

2024/167 RESOLVED (Cr George Cecato / Cr Julie Sechi)

That Council:

1. Initiate and forward a planning proposal to the NSW Department of Planning, Housing and Infrastructure seeking a gateway determination to reduce the minimum lot size for Lot 1 DP 713553, No. 191 Ayrshire Park Drive, Boambee (Attachment 1).
2. Request that the Secretary of the NSW Department of Planning, Housing and Infrastructure issue written authorisation to Council to exercise delegation of the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.
3. Publicly exhibit the planning proposal and undertake government agency consultation in accordance with the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.
4. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal.
5. Inform the owners of the subject land and their consultant of Council's decision.

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

CARRIED

CPC24/33 DEVELOPMENT APPLICATION NO. 0258/24 - RESIDENTIAL FLAT BUILDING - LOTS 2-3 DP 8038, NO. 99 WEST HIGH STREET, COFFS HARBOUR

EXECUTIVE SUMMARY

This report provides an assessment of Development Application No. 0258/24 for a residential flat building at No. 99 West High Street, Coffs Harbour.

At its meeting of 25 August 2022, Council adopted the 'Development Applications - Consideration by Council Policy', which outlined:

The elected Council is to determine development applications involving development of a kind specified below:

- *Conflict of interest*
- *Contentious development*
- *Departure from development standards*
- *Sensitive development*

The development application is reported to Council for determination because it is defined as 'sensitive development', being development to which the Apartment Design Guideline applies under the State Environmental Planning Policy (Housing) 2021.

2024/168 RESOLVED (Cr George Cecato / Cr Tony Judge)

That Council:

1. Approve Development Application No. 0258/24 for a residential flat building at Lots 2-3 DP 8038, No. 99 West High Street, Coffs Harbour subject to the conditions in Attachment 3.
2. Advise persons who made a submission on Development Application No. 0258/24 of Council's decision.

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

CARRIED

NOTICES OF MOTION – CITY INFRASTRUCTURE**NOM24/15 COMMUNITY LED SOUND WALL MURAL****2024/169 RESOLVED (Cr Jonathan Cassell / Cr Sally Townley)**

"That Council write to Transport for NSW to request consideration of a community led mural on their Pacific Highway southern exit sound wall at Park Beach."

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

CARRIED

DIRECTORATE REPORTS - CITY INFRASTRUCTURE**CI24/28 CITY OF COFFS HARBOUR WASTE STRATEGY UPDATE****EXECUTIVE SUMMARY**

In March 2024, the City of Coffs Harbour commenced its journey to collaboratively design and deliver the 2025 Waste Management Strategy. This strategy underpins the City of Coffs Harbour's desire to deliver efficient and effective waste management services for the community of Coffs Harbour, while simultaneously addressing short- and long-term challenges. It is being designed to ensure it adopts the latest thinking with regards to waste management best practice, the circular economy, and value for money service delivery.

2024/170 RESOLVED (Cr Scott Wolgamot / Cr Sally Townley)

That Council note the report.

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

CARRIED

CI24/29 CONTRACT NO. CON00479 RECEIVAL, PROCESSING AND DISPOSAL OF CITY WASTES**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to award Contract No. CON00479 Receival Processing and Disposal of City Wastes by adopting the recommendation in Confidential Attachment 1, and delegating authority to the General Manager to execute the contract documents.

The contract period is from 1 September 2024 for 2 years with an optional extension of 1 year with satisfactory performance.

2024/171 RESOLVED (Cr Scott Wolgamot / Cr Julie Sechi)

That Council:

1. Accepts the tender received for Contract CON00479 Receival, Processing and Disposal of City Wastes by Veolia Environmental Services (Australia) Pty Ltd & J.J Richards Ti Tree Pty Ltd, ABN 67 450 387 919, in accordance with s178(1)(a) of the Local Government

(General) Regulation 2021, and enters into a schedule of rates contract for an initial period of two years from 1 September 2024 to 31 August 2026, on the basis that:

- 1.1. The tender is the most advantageous tender following the application of City of Coffs Harbour's Tender Value Selection System.
- 1.2. The tenderer holds and maintains appropriate Quality, Environmental and Safety Systems.
- 1.3. The tenderer is viewed as capable of undertaking the works and that their ability and performance in similar previous contracted services meets the City of Coffs Harbour's expectations.
2. Approves one optional 12-month contract term extension, exercisable at the sole discretion of the City of Coffs Harbour and based on satisfactory performance, prior to the expiry of the initial contract term, which would extend the contract term to up to 31 August 2027.
3. Authorise the General Manager, under delegated authority, to execute all necessary contract documents.

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

CARRIED

CI24/30 CONTRACT NO. CON00480 HAULAGE OF CITY WASTES

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to award Contract No. CON00480 Haulage of City Wastes by adopting the recommendation in Confidential Attachment 1, and delegating authority to the General Manager to execute the contract documents.

The contract period is from 1 September 2024 for 2 years with an optional extension of 1 year with satisfactory performance.

2024/172 RESOLVED (Cr Julie Sechi / Cr Scott Wolgamot)

That Council:

1. Accepts the tender received for Contract CON00480 from Crampo's Tippers Pty Ltd ABN 56 104 525 699, in accordance with s178(1)(a) of the Local Government (General) Regulation 2021, and enters into a schedule of rates contract for an initial period of two years from 1 September 2024 to 31 August 2026, on the basis that:
 - 1.1. The tender is the most advantageous tender following the application of City of Coffs Harbour's Tender Value Selection System.
 - 1.2. The contractor is viewed as capable of undertaking the works and their ability and previous performance completing similar works for the City of Coffs Harbour has been satisfactory.
2. Approves one optional 12-month contract term extension, exercisable at the sole discretion of the City of Coffs Harbour and based on satisfactory performance, prior to the expiry of the initial contract term, which would extend the contract term to up to 31 August 2027.
3. Authorise the General Manager under delegated authority to execute all necessary contract documents.

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

CARRIED

**CI24/31 CONTRACT NO. CON00484 SEWERAGE TREATMENT STRATEGY
SUPPLEMENTARY REPORT****EXECUTIVE SUMMARY**

The City of Coffs Harbour recently invited tenders for the provision of a Sewerage Treatment Supplementary Report to align the existing Sewerage Treatment Strategy with the recently completed Biosolids Strategy. The purpose of this report is to seek Council's adoption of the recommendation in Confidential Attachment 1.

2024/173 RESOLVED (Cr Tegan Swan / Cr Julie Sechi)

That Council:

1. Accepts the tender received for Contract CON00484 Sewerage Treatment Strategy Supplementary Report by Hunter H2O Holdings Pty Ltd ABN 16 602 201 552 for the tendered price of \$340,387.00 excluding GST, in accordance with S178(1)(a) of the Local Government (General) Regulation 2021, on the basis that:
 - 1.1. The tender is the most advantageous tender following the application of City of Coffs Harbour's Tender Value Selection System.
 - 1.2. The contractor is viewed as capable of undertaking the works and their ability and performance are satisfactory.
2. Point 2 of the resolution remains confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
3. Allocate an additional budget of \$400,000.00 to the Sewerage Treatment Strategy operational project from the Sewer Fund.
4. Authorise the General Manager under delegated authority to execute the contract documents.

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

CARRIED

CI24/32 CONTRACT NO. CON00496 HAIL DAMAGED SPORTS LIGHTING**EXECUTIVE SUMMARY**

The purpose of this report is to seek Council's endorsement to award Contract No. CON00496 Hail Damaged Sports Lighting by adopting the recommendation in Confidential Attachment 1.

The works are for the replacement of hail damaged sports lighting, entails the design, supply and installations at various locations within the City.

Further the reports seek Council's authorisation to delegate authority to the General Manager to execute the contract documents.

2024/174 RESOLVED (Cr Jonathan Cassell / Cr Julie Sechi)

That Council:

1. Accepts the tender received for Contract CON00496 Hail Damaged Sports Lighting by Smada Electrical Services Pty Ltd ABN 094 010 956 for the tendered price of \$611,587.09 excluding GST in accordance with S178(1)(a) of the Local Government (General) Regulation 2021, on the basis that:

- 1.1. The tender is the most advantageous tender following the application of City of Coffs Harbour's Tender Value Selection System.
- 1.2. The contractor is viewed as capable of undertaking the works and their ability and performance are satisfactory.
2. Point 2 of the resolution remains confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
3. Authorise the General Manager under delegated authority to execute the contract documents.

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

CARRIED

QUESTIONS ON NOTICE

No questions on notice.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

CLOSE OF MEETING

The Meeting closed at 6.06pm.

Confirmed: 22 August 2024

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Paul Amos
Mayor