

Author: Planner/Urban Designer (e-Planning)
Authoriser: Director City Planning & Communities
MyCoffs: C.1 Liveable neighbourhoods with a defined identity
Attachments: ATT1 CPC24/27 Planning Proposal to Reduce the Minimum Lot Size at 19 Smiths Road, Emerald Beach [↓](#)
ATT2 CPC24/27 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 5 DP 563449, No. 19 Smiths Road, Emerald Beach 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 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 5 DP 563449, No. 19 Smiths Road, Emerald Beach (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 landowners of the subject land and their consultant of Council's decision.

REPORT

Applicant: Keiley Hunter Town Planning
Landowner: J Allen
Land: Lot 5 DP 563449, No. 19 Smiths Road, Emerald Beach
Zone: R5 Large Lot Residential

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 5 DP 563449, No. 19 Smiths Road, Emerald Beach to facilitate the subdivision of the land for large lot residential purposes.

The subject land has a total area of 1.406 hectares and is contained within Zone R5 Large Lot Residential under Coffs Harbour LEP 2013. The proposed amendment to reduce the minimum lot size to 4,000m² would enable a development application to be made for the subdivision of the land to create two additional large lot residential allotments. 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) and the land is relatively unconstrained. 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. 19 Smiths Road, Emerald Beach (Lot 5 DP 563449) as shown in Figure 1 below. The subject land is within Zone R5 Large Lot Residential 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.

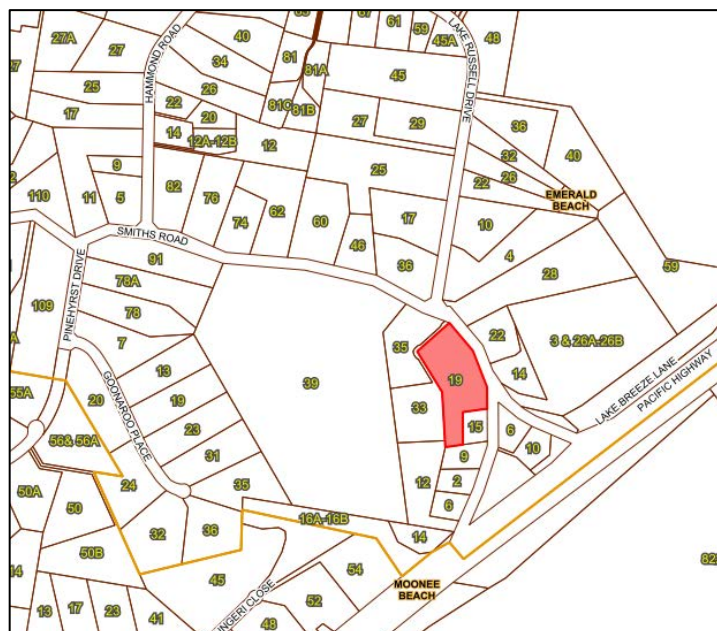


Figure 1 – Subject Land

A minimum lot size of one hectare currently applies to the subject land. The application to amend Coffs Harbour LEP 2013 proposes to reduce the minimum lot size from one hectare to 4,000m². 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.

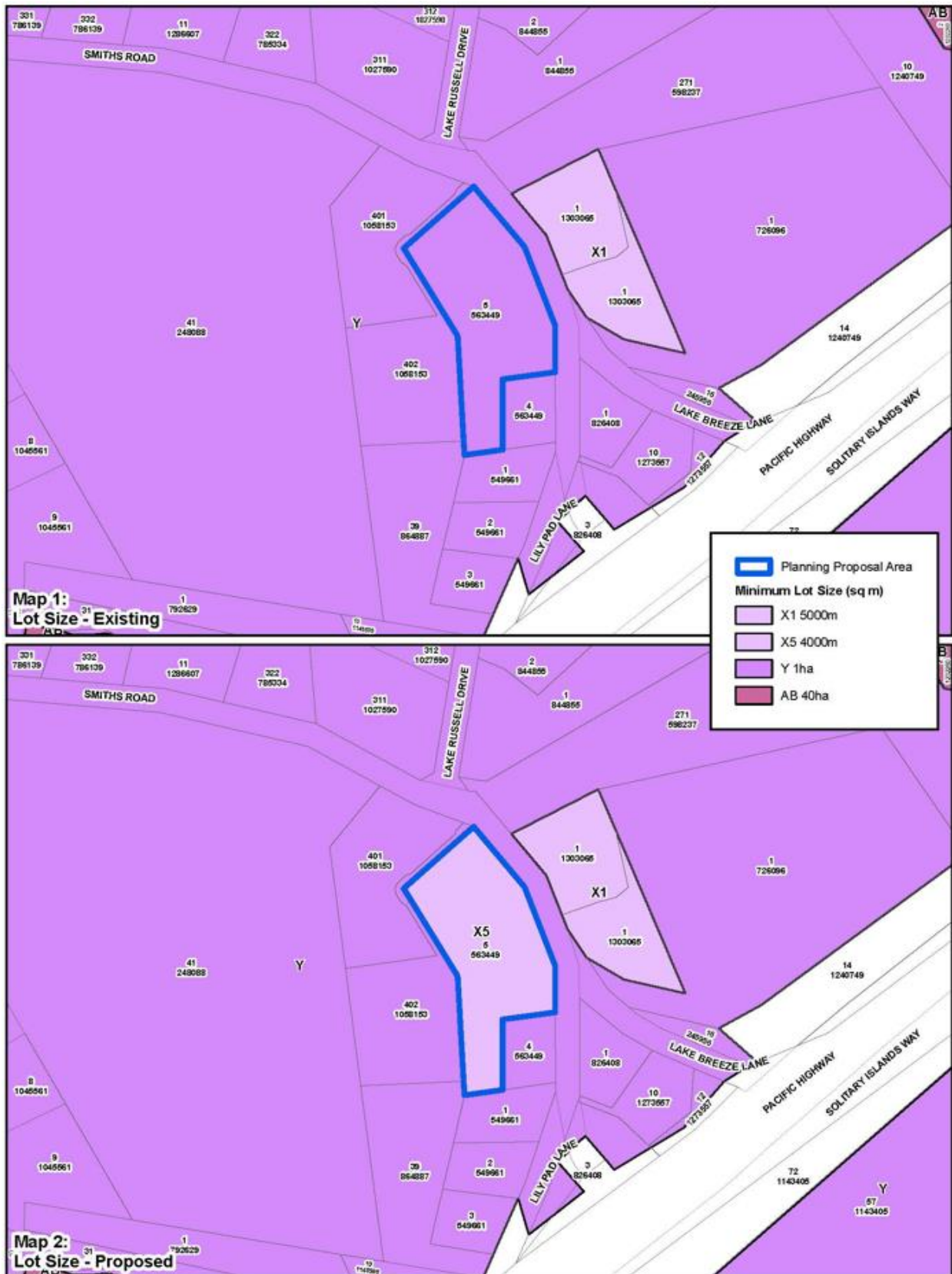


Figure 2 – Existing and Proposed Minimum Lot Size

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 Land Capability Assessment included with the application to amend Coffs Harbour LEP 2013 (Appendix 3 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.

- **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 two additional allotments 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 request to amend Coffs Harbour LEP 2013 accords with the Coffs Harbour LGMS – Chapter 6 Large Lot Residential Lands, which states that applicant-initiated planning proposals may be lodged where a reduced minimum lot size can be justified on existing land within Zone R5 Large Lot Residential. 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 planning 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 No. 19 Smiths Road, Emerald Beach from 1 hectare to 4,000m². The proposed amendment to Coffs Harbour LEP 2013 will allow application to be made for subdivision of the land to create two additional lots.

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, 25 JULY 2024 AT 5.00PM**

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

STAFF: General Manager, Director City Infrastructure, 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 Paul Amos	CI24/25 Coffs Harbour Jetty Structure Renewal Funding Update	Non-Pecuniary - Less Than Significant Conflict as he lives in the Jetty area.

APOLOGIES**2024/139 RESOLVED (Cr Tony Judge / Cr Jonathan Cassell)**

That an apology from Councillor Julie Sechi for unavoidable absence be received and accepted.

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

CARRIED

LEAVE OF ABSENCE

No requests for leave of absence.

ATTEND MEETING BY AUDIO-VISUAL LINK**2024/140 RESOLVED (Cr Sally Townley / Cr Tony Judge)**

That Cr Scott Wolgamot be permitted to attend this meeting, 25 Jul 2024, by audio-visual link as he is attending a Water Management Seminar.

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

CARRIED

The meeting adjourned for a short recess, the time being 5.01pm and reconvened at 5.09pm.

CONFIRMATION OF MINUTES**2024/141 RESOLVED (Cr Jonathan Cassell / Cr Tony Judge)**

That the minutes of the Ordinary Meeting held on 11 July 2024 be confirmed.

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

CARRIED

DIRECTORATE REPORT - CITY PLANNING & COMMUNITIES**CPC24/30 POOLS ACTIVE MEMBERSHIP****EXECUTIVE SUMMARY**

The City of Coffs Harbour's swimming pools offer a wide range of options for customers to access its facilities and services, including casual entry, multi-visit passes and various membership options.

Active Membership is a legacy program introduced by the previous leaseholder that provides members with unlimited use of the pool's facilities, including casual lap swimming, use of gym facilities and access to group fitness classes, including aqua fitness classes. Issues have been identified with Active Membership due to the pricing model that impacts on program capacity.

At its meeting on 27 June 2024, Council resolved to maintain the Active Membership fee pending a Council report scheduled for 25 July 2024.

It is recommended to cease the Active Membership program to allow for more equitable access to aqua fitness classes for all pool customers and a more manageable and financially responsible operating model.

2024/142 RESOLVED (Cr Tony Judge / Cr Sally Townley)

That Council:

1. Retain the Active Membership Program.
2. Propose that the Active Membership Fee be increased to \$46.00 fortnightly and this change to the 2024/25 Fees and Charges be placed on public exhibition and subsequently reported back to Council.

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

CARRIED

GENERAL MANAGER'S REPORTS

**GM24/44 2024/2025 COMMUNITY INFRASTRUCTURE RENEWAL GRANTS
PROGRAM**

EXECUTIVE SUMMARY

The 2024/25 Operational Plan allocates an amount of \$150,000 for the Community Infrastructure Renewal Grants Program to fund community infrastructure projects, in accordance with the Community Donations and Grant Funding Policy. The City of Coffs Harbour sought applications from not-for-profit organisations seeking to construct new public facilities or to refurbish existing infrastructure on the City of Coffs Harbour owned or managed land.

Fourteen applications, requesting \$625,032 from the grant were received for proposed projects.

The City of Coffs Harbour considered all applications for capital funding in accordance with the assessment criteria and five applications for a total of \$150,000 are recommended for funding.

2024/143 RESOLVED (Cr Sally Townley / Cr Tegan Swan)

That Council approve the allocation of the Community Infrastructure Renewal Grants Program totalling \$150,000 as follows:

Organisation	Proposed Project	Total Cost of Project	Requested Council Funding	Funding Recommended
Early Connections - Coffs Coast	Roof restoration to the middle box gutter area of the roof (atrium area)	\$35,848	\$30,000	\$30,000
Eastern Dorrigo Community Hall and Showground	"Mountain Mad Wheels" - refurbishment of the existing BMX track at Ulong Oval	\$22,723	\$21,723	\$21,723
Uniting Church in Australia Property Trust (NSW)	"Where We Meet" - refurbishing the meeting room at the Toormina	\$61,500	\$55,000	\$55,000

	Community Centre and adjoining backyard			
Woolgoolga and Northern Beaches Chamber of Commerce	“Let there be Light and Refreshments” - installation of a kitchenette in rear of Visitor Centre, replacement of lights and associated upgrade of wiring, clean and paint ceiling and repair front door	\$20,968	\$20,668	\$14,277
Woolgoolga Art Group Inc	“Firing Up” - refurbishment of the pottery and kiln rooms at Woolgoolga Art Gallery	\$52,225	\$51,000	\$29,000
Total:		\$193,264	\$178,391	\$150,000

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

CARRIED

GM24/45 2024/25 COMMUNITY DONATIONS PROGRAM

EXECUTIVE SUMMARY

Under section 356(1) of the Local Government Act 1993, “a council may, in accordance with a resolution of council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.” The City of Coffs Harbour introduced an application process for eligible organisations to apply for funding under the 2024/25 Community Donations Program in accordance with the adopted policy.

The City of Coffs Harbour received 54 submissions for the 2024/25 Community Donations Program, with 47 submissions recommended by assessing officers, based on merit and eligibility criteria, to receive funding of \$115,925 in total from an adopted 2024/25 budget amount of \$140,810.

This report provides Council with the recommended funding allocation for the 2024/25 Community Donations Program, as well as the recommended funding toward direct subsidies for 2024/25.

It is recommended that the General Manager, in consultation with the Mayor, have the discretion to allocate the remaining Donations Unallocated (Mayor) funds in 2024/25.

2024/144 RESOLVED (Cr Sally Townley / Cr Tony Judge)

That Council:

1. Adopt the 2024/25 Community Donations Program as outlined in the following table:

Financial Donations	Amount (\$)
Animal Rescue Coffs Harbour	5,000
Ayrshire Park Management Committee	42
Blue Sky Community Services	2,700
Boambee East Community Centre Inc	5,000
Bonville-Sawtell Lions Club Inc	3,600

Choices in Later Life (ChiLL)	1,700
Coffs Christmas Lunch 4 U	1,500
Coffs Coast Italian Heritage Group	4,000
Coffs Coast Multicultural Society Inc	5,000
Coffs Coast Wildlife Sanctuary	3,400
Coffs Harbour Agricultural Show Inc	5,000
Coffs Harbour Family Daycare	4,700
Coffs Harbour Kart Racing Club	1,400
Coffs Harbour Music Society	3,400
Coffs Harbour Pink Silks Perpetual Trust	5,000
Coffs Harbour Rugby League Football Club	5,000
Coffs Harbour Surf Life Saving Club	5,000
Coffs Trail Runners Inc	1,400
Coramba Community Centre	2,534
Coramba Public School	175
Gumbaynggirr Coffs Coast Raiders Aboriginal Corporation	5,000
Lowanna Community Hall Committee	786
Nana Glen Memorial Hall and Community Centre	2,534
Narranga Public School	250
North Coast Academy of Sport – Future Stars Program	3,000
North Coast Academy of Sport – Indigenous Talent Identification Program	2,000
Orara High School	250
Orara Upper Public School	175
OzGREEN	3,400
Parkrun Australia Ltd	535
Police Citizen Youth Clubs NSW	3,400
Red Rock Multi-Use Centre Inc	2,845
Sandy Beach Public School	150
Sawtell Girl Guides	745
Sawtell Surf Life Saving Club Inc	5,000
St Francis Xavier Primary School Woolgoolga	1,400
Toormina High School	250
Ulong Public School	175
Upper Orara Public Hall Inc	2,419
Watipa	2,000
Woolgoolga Art Group	2,400
Woolgoolga Community Village Committee	1,410
Woolgoolga High School	250
Woolgoolga Seniors Centre Inc	5,000
Woolgoolga Surf Life Saving Club Inc	5,000
Total Financial Donations	115,925
Value In-Kind Donations	Amount (\$)
Life Education NSW	3,750
Woolgoolga & Northern Beaches Chamber of Commerce	1,400
Total Value In-kind Donations	5,150
Donations Unallocated	Amount (\$)
Donations Unallocated (Mayor)	19,735

Total Donations Unallocated	19,735
Total Community Donations Program	140,810

2. Adopt the 2024/25 direct subsidies as outlined in the following table:

Direct Subsidy – Surf Life Saving Clubs	Amount (\$)
Coffs Harbour Surf Club	9,000
Red Rock Corindi Surf Club	9,000
Sawtell Surf Club	9,000
Woolgoolga Surf Club	9,000
Total Direct Subsidy	36,000

3. Delegate to the General Manager, in consultation with the Mayor, the discretion to allocate the remaining Donations Unallocated (Mayor) funds in accordance with the Community Donations and Grant Funding Policy.

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

CARRIED

DIRECTORATE REPORTS - CITY PLANNING & COMMUNITIES

CPC24/26 PLANNING PROPOSAL - APPLICATION TO AMEND COFFS HARBOUR LEP 2013 TO REDUCE THE MINIMUM LOT SIZE, ADJUST THE LAND ZONING MAP AND THE TERRESTRIAL BIODIVERSITY MAP - LOT 4 DP 1049350, LOT 15 DP 861057, AND LOTS 101 AND 102 DP 732172, LINDSAYS ROAD, 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 4 DP 1049350, Lot 15 DP 861057, and Lots 101 and 102 DP 732172, Lindsays Road, 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 from one hectare to 5,000m² and to make minor adjustments to the Land Zoning Map and Terrestrial Biodiversity Map (Attachment 1). This report also seeks Council's endorsement to amend Coffs Harbour Development Control Plan 2015 to align with the proposed land use zones (Attachment 2).

2024/145 RESOLVED (Cr George Cecato / Cr Tony Judge)

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, adjust the Land Zoning Map and the Terrestrial Biodiversity Map for Lot 4 DP 1049350, Lot 15 DP 861057 and Lots 101 and 102 DP 732172, Lindsays Road, Boambee and (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 based on the gateway determination issued by the NSW Department of Planning, Housing and Infrastructure.
4. Publicly exhibit draft Coffs Harbour Development Control Plan 2015 - Amendment No. 33 (Lindsays Road, Boambee) concurrently with the associated planning proposal (Attachment 2).
5. Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal and draft Coffs Harbour Development Control Plan 2015 – Amendment No. 33 (Lindsays Road, Boambee).
6. Inform the landowners of the subject land and their consultant of Council's decision.

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

CARRIED

**CPC24/27 PLANNING PROPOSAL - APPLICATION TO AMEND COFFS HARBOUR
LEP 2013 TO REDUCE THE MINIMUM LOT SIZE - LOT 5 DP 563449, NO. 19
SMITHS ROAD, EMERALD BEACH - 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 5 DP 563449, No. 19 Smiths Road, Emerald Beach 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 from one hectare to 4,000m² (Attachment 1).

2024/146 RESOLVED (Cr George Cecato / Cr Jonathan Cassell)

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 5 DP 563449, No. 19 Smiths Road, Emerald Beach (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 landowners of the subject land and their consultant of Council's decision.

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

CARRIED

CPC24/28 DEVELOPMENT APPLICATION NO. 0238/24 - SUBDIVISION OF LAND (16 LOTS), TREE REMOVAL AND ASSOCIATED CIVIL CONSTRUCTION WORK - LOT 5 DP 876466 AND LOT 1 DP 119056, NO. 1-15/1 WONGALA DRIVE AND 13 MANNING AVENUE, COFFS HARBOUR

EXECUTIVE SUMMARY

This report provides an assessment of Development Application No. 0238/24 for the subdivision of land (16 lots), tree removal and associated civil construction work at Lot 5 DP 876466 and Lot 1 DP 119056, 1-15/1 Wongala Drive and 13 Manning Avenue, 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 as it represents a 'conflict of interest' for the City of Coffs Harbour as being the landowner and consent authority. Part of the new road is over City of Coffs Harbour owned land (Lot 1 DP 119056, Manning Avenue). Construction of the road is recognised within the City of Coffs Harbour's adopted plan of management for this land and owner's consent has been provided by the City of Coffs Harbour to construct the road under this development application.

2024/147 RESOLVED (Cr Sally Townley / Cr George Cecato)

That Council approve Development Application No. 0238/24 for subdivision of land (16 lots), tree removal and associated civil construction work at Lot 5 DP 876466 and Lot 1 DP 119056, 1-15/1 Wongala Drive and 13 Manning Avenue, Coffs Harbour subject to the conditions in Attachment 3.

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

CARRIED

CPC24/29 DEVELOPMENT APPLICATION NO. 0464/24 - DEMOLITION OF EXISTING DEVELOPMENT WITHIN THE SITE AND THE ERECTION OF A 7 STOREY BUILDING COMPRISING OF SENIORS HOUSING IN THE FORM OF 25 INDEPENDENT LIVING UNITS (SELF-CONTAINED DWELLINGS), COMMUNAL SPACE, AMENITIES, PARKING, LANDSCAPING AND INFRASTRUCTURE - LOT 2 DP 544303, NO. 16 PRINCE STREET, COFFS HARBOUR

EXECUTIVE SUMMARY

This report provides an assessment of Development Application No. 0464/24 for demolition of existing development within the site and the erection of a 7 storey building comprising of seniors housing in the form of 25 independent living units (self-contained dwellings), communal space, amenities, parking, landscaping and infrastructure at Lot 2 DP 544303, No. 16 Prince 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 State Environmental Planning Policy Housing (2021) - Design Quality of Residential Apartment Development applies.

2024/148 RESOLVED (Cr George Cecato / Cr Jonathan Cassell)

That Council:

1. Support the request to vary a development standard made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to Clause 4.3 Height of Buildings of Coffs Harbour Local Environmental Plan 2013, in this particular case.
2. Approve Development Application No. 0464/24 for demolition of existing development within the site and the erection of a 7 storey building comprising of seniors housing in the form of 25 independent living units (self-contained dwellings), communal space, amenities, parking, landscaping and infrastructure at Lot 2 DP 544303, No. 16 Prince Street, Coffs Harbour, subject to the conditions in Attachment 3.
3. Advise persons who made a submission on Development Application No. 0464/24 of Council's decision.

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

CARRIED

DIRECTORATE REPORTS - CITY INFRASTRUCTURE**CI24/24 REGIONAL WATER SUPPLY SCHEME - REVISED BULK RAW WATER SUPPLY AGREEMENT****EXECUTIVE SUMMARY**

The current Bulk Raw Water Supply Agreement between the City of Coffs Harbour and Clarence Valley Council dates from February 2004. There have been significant changes since that time including the Council amalgamation which formed Clarence Valley Council and the acquisition of Essential Energy bulk water headworks in 2021. In May 2023, Council resolved to join a temporary advisory committee with Clarence Valley Council, with representatives from both Councils, to negotiate a revised Bulk Raw Water Supply Agreement. An agreement acceptable to both Councils has been finalised and is being reported to both Councils for endorsement.

2024/149 RESOLVED (Cr Paul Amos / Cr Scott Wolgamot)

That Council:

1. Endorses the Bulk Raw Water Supply Agreement (Attachment 1) and authorises affixing of the Common Seal to Attachment 1.
2. Requests Clarence Valley Council to expedite the aquatic and environmental studies, property matters and agency consultation required for the design, approval and construction of the Fishway at Nymboida Weir listed in Schedule 11 Capital Works Program.

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

CARRIED

CI24/25 COFFS HARBOUR JETTY STRUCTURE RENEWAL FUNDING UPDATE**EXECUTIVE SUMMARY**

The Coffs Harbour Jetty Structure is integral to the history and fabric of Coffs Harbour. It lends its name to a major locality of the City and it is arguably the iconic landmark of Coffs Harbour.

The Coffs Harbour Jetty Structure is approaching end of life and has been listed for a number of years in the City of Coffs Harbour Financial Statements as being in poor condition and in need of renewal. The Coffs Harbour Jetty Structure is listed in the City of Coffs Harbour's current Delivery Program and Operational Plan under 'Future projects (capital) seeking funding' with an estimate of funding required of \$30 million.

At its meeting on 14 December 2023, Council resolved Resolution No. 2023/258):

That Council:

1. *Endorse an application to the Australian Government's Growing Regions Program – Round 1 for the Jetty Structure Refurbishment.*
2. *Write to the NSW Premier, Minister for Heritage and Minister for Lands and Property seeking matching funding support with the Australian Government for the Jetty Structure Refurbishment.*

This report provides an update on the outcome of this resolution and recommends action to support the ongoing pursuit of Jetty renewal funding from both the Australian and State Governments.

2024/150 RESOLVED (Cr Tegan Swan / Cr Sally Townley)

That Council:

1. Note the City of Coffs Harbour's investment of over \$4 million in Jetty Structure major renewal works and ongoing maintenance works since 2008/09.
2. Write again to the NSW Premier, Minister for Heritage and Minister for Lands and Property seeking funding support for the Jetty Structure Refurbishment.
3. Endorse an application to a subsequent round of the Australian Government's Growing Regions Program or other relevant government grant program, with the NSW State Government's support, for the Jetty Structure Refurbishment.
4. Lobby NSW State and Australian Government MPs to support NSW State and Australian Government funding for the Jetty Structure Refurbishment.
5. Note the allocation of \$250,000 to fund the ongoing design and approvals and applications for further grants required for the Jetty Structure Refurbishment will be recommended in the next review of the capital program.
6. Note that should funding not be forthcoming, that Council will receive a further report to consider the City of Coffs Harbour ceasing its role as Crown Land Manager for Lot 546 DP 45226 (Reserve 1003728 for Port Facilities & Services).

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

CARRIED

CI24/26 QUARTERLY WASTE SERVICES UPDATE - JUNE 2024**EXECUTIVE SUMMARY**

This report provides an update to Council regarding Waste Services activities throughout the April to Jun 2024 quarter and is recommended for noting.

2024/151 RESOLVED (Cr Jonathan Cassell / Cr Tony Judge)

That Council note the report.

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

CARRIED

**CI24/27 CONTRACT NO. CON00371 LYONS ROAD 300 WM UPGRADE STAGE 2
355 PE PIPE CRACKING****EXECUTIVE SUMMARY**

The City of Coffs Harbour recently conducted a tender for Stage 2 works of the Lyons Road water main renewal project. The work involves the renewal of a trunk water main along Toormina Road, Toormina. The purpose of this report is to seek Council's adoption of the recommendation in the Confidential Attachment.

2024/152 RESOLVED (Cr George Cecato / Cr Tony Judge)

That Council:

1. Accepts the tender received for Contract No. CON00371 Lyons Road 300 WM Upgrade Stage 2 355 PE Pipe Cracking from Infrastructure Renewal Services Pty Ltd ABN 24 150 847 804 for the tendered price of \$471,867.00 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. Approve a contingency sum of up to 10% to be included in the contract budget to allow for the unknown or unresolved aspects of the construction, bringing the total contract budget to \$519,053.70 excluding GST.
3. Authorise the General Manager under delegated authority to execute the contract document.

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

CARRIED

QUESTIONS ON NOTICE

No questions on notice.

MATTERS OF AN URGENT NATURE**MUN24/03 JETTY POLL QUESTION**

Cr Tegan Swan raised concerns resulting from a public meeting held in Toormina on 23 July 2024 to the Coffs Coast Ratepayers and Residents Association. Cr Tony Judge spoke at the meeting as an individual Councillor, and not as a representative of Council.

Cr Swan stated that there was some confusion/misinformation around Council's resolved Jetty Foreshore Map and Plan and Council's position on what we are planning to do and our interest in maintaining the land in public hands.

Cr Swan asked how this information will be publicly available so the community have an understanding on what Council's intentions are in regards to this area.

The Director Business Services, advised that there is a website already accessible to the public ([link](#)) and there is also a poll page on the City's website that will be live in the coming days.

CLOSE OF MEETING

The Meeting closed at 5.42pm.

Confirmed: 8 August 2024.

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Paul Amos
Mayor