

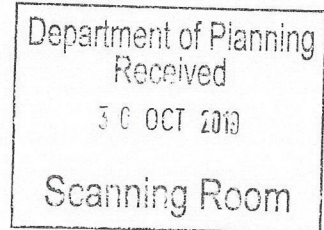


Janne C Lindrum



PCU078558

23 October 2019



PLEASE DO NOT DELETE MY PERSONAL INFORMATION BEFORE
PUBLICATION OF THIS SUBMISSION

ATTENTION: DIRECTOR – KEY SITES ASSESSMENTS

Planning and Assessment, Department of Planning, Industry and
Environment, GPO Box 39, Sydney, New South Wales 2001

Dear Director,

**OBJECTION to State Significant Development Application Number
SSD-10300 Coffs Harbour “Civic & Cultural” Space**

I strenuously object to this proposal and request a Public Hearing on
the following grounds:

COMMUNITY CONSULTATION

1. There has been no meaningful community engagement in
relation to this project.

Council has restricted its invited consultation to “special interest
groups” only and has consulted these “special invitees” on several

occasions, counting them in their consultation numbers which is inherently dishonest;

2. 15,000 people have signed a community petition calling for a halt to this project.

This petition has been ignored by Council;

3. Totally inadequate community consultation (council continues its history of poor community engagement which was criticised by IPART in 2014);

4. The original proposal incorporated Performing Arts facilities. A civic centre replaced Performing Arts space in April 2016 **without community consultation**;

5. Council has ignored its “obligation” to develop City Hill which was granted to Council by the Federal Government in 1988 for a peppercorn \$200,000-00. This is prime land overlooking one of the best golf courses in the State of NSW, easily accessible in all directions, with plenty of space for at-grade parking for vehicles and tourist buses. The Restriction on User speaks for itself. The land was granted for hospitality, performing arts, gallery, museum, library and civic centre.

There are PRIME examples of successful public/private partnerships to develop facilities that best serve community interests. The Forster civic centre comes to mind. Public/private developments lift the greater part of the financial burden from the shoulders of ratepayers and residents, create employment and generate revenue.

No evidence has been produced to suggest that this development will create employment and generate revenue. To the contrary, this development will bankrupt the tiny population of Coffs Harbour (Population count 75,000), an area of **“high economic disadvantage”**. (Reference Coffs Coast Outlook October 24, 2019)

In fact, Coffs Harbour / Clarence has the highest level of unemployment in the State of New South Wales.

6. THE PROPOSED "Civic & Cultural" Space DA

(a) The proposed building is out of context.

Gordon Street – **the entire core CBD precinct of which Gordon Street is a part** – is a cramped and congested space; a problem that can only be alleviated by landowners developing their holdings for mixed-use / residential purposes to include car parking facilities for residents and visitors to the CBD as per the "Manly" model and turning that section of Harbour Drive, from the Highway to Coffs Central into a Plaza so that traffic is forced to move in a circular motion around the core CBD from Park Avenue to Coff Street to the Highway and vice versa.

As regards the proposed building, there has been scant or no regard to the following:

- Scale;
- Existing street setbacks;
- Design and general form of adjoining buildings;
- Overshadowing;
- Lack of Open / Community Space;
- Proper external Climate protection;
- Pedestrian links and movements;
- Access;
- Great cities have defined thresholds / gateway developments.

Inadequate parking to cater for “unsubstantiated” visitor numbers, stated to be 200,000 people; (In my opinion, a “wild” assumption. It is highly unlikely that tourists will want to visit a gallery and museum inside a Council Chambers situate in a cramped and congested space. It is far more likely that visitors will travel to the Tweed/Margaret Olley Gallery in Murwillumbah which is situate in magnificent surrounds and located outside the Murwillumbah CBD).

No provision for tourist buses;

No available space to cater for tourist buses;

Existing traffic congestion at peak periods;

Inadequate parking facilities for rate payers and residents; and noting further congestion flowing from increase in core CBD traffic from influx of people (proposed new occupants) if the existing “publicly owned commercial assets”, being the Chambers and Rigby House are liquidated;

The application, in itself, is **37 parking spaces short of the development control plan requirements;**

The Executive’s proposed negotiate to sell the existing Council Chambers on the basis that the buyer will give it back 162 car spaces is preposterous. The economics of that proposal would make acquisition unattractive to a developer/development company; (Average cost of construction of a car space in NSW is \$73,000-00 per space. $162 \times \$73,000-00 = \$11,826,000.00$);

The proposal does not meet “Safer by design” principles and guidelines. For example, the arcade to Riding Lane confuses boundaries and provides “hides” for criminal activity and vagrancy and prevents surveillance in a core CBD that is presently dead after 5.00 pm on weekdays, dead after 4.00 pm on Saturdays and dead after 2.00 pm on Sundays because of the lack of residential development

inside the core. The current gallery space is small but well-designed. It opens from 10-4 pm Tuesday, Wednesday, Thursday, Friday and Saturday. It is closed on Sunday and Monday. The library space is open from 9.30-6 pm Monday to Friday, 9.30 - 2.00 pm Saturday and closed on Sunday. I have attended the library on numerous occasions and there have been 7-10 people in attendance. Enquiry reveals that most schools have their own library facilities so school children use their school libraries not the library in the CBD;

This proposed building will not serve to activate the core CBD. As stated above, activation in the Coffs Harbour core CBD will flow from landowners developing their holdings to incorporate residential product and parking facilities for residents and, potentially, parking facilities for the general public, which is what occurred in the City of Manly in the late 1990s. A short time ago, Council voted to increase heights in the CBD to make it attractive to landowners to develop their holdings;

The traffic report provided to Council does not address KEY ISSUES in relation to the purported tourism visitation and appears to ignore the fact that, during the business week and peak periods at the weekend, this precinct is "heavily congested";

(b) The proposed building exceeds the height restriction of 28m as determined by Council and outlined in Council's planning controls. Any argument for variation cannot be justified as an increase in height in this locale would be inconsistent with the objectives of the *Environmental Planning and Assessment Act 1979* which requires "the orderly and economic use and development of land" and, not only would it would be inappropriate for Council to receive preferential treatment, such preferential treatment would have far-reaching, unforeseen consequences;

(c) The proposed building ignores B3 Commercial zoning objectives in that the provision of an unnecessary new Civic Centre "Council Chambers" is **NOT in the best interests of this tiny community when**

a less-expensive option presents; an option which will preserve publicly-owned assets rather than liquidate them; an option that was foreseen by the NSW Government Architect who, in his original plans, allowed for construction of additional levels on the existing Chambers at the corner of Coff & Castle Streets to cater for the growth of Council operations. A large quantity of the same bricks that were used in construction of the Chamber are in storage.

This option was not considered by Council but the option presents as a far less expensive option and would, therefore, appear to be in the best interests of the people and warrants investigation;

(d) The provision of unnecessary council space in this locale deprives the community of the benefit of the uplift in value of this parcel of land. It is my understanding that the land was originally purchased by Council because it was a good buy and it was purchased with the view to selling it down the track for a profit;

(e) The Council Chambers space in this proposed development is **“significantly less than current space allocated to the operations of council and offers no growth potential”;**

(f) Marginally improved art gallery and library facilities but these facilities may well be sacrificed for the expansion of council operations as no thought has been given to future expansion and there is no capacity for growth whereas a redevelopment of the existing chambers does offer growth potential. If Council is crippled by debt – if Council has liquidated its publicly-owned assets – it will be forced to sacrifice the museum, gallery and library or rent alternative premises. None of this makes any commercial sense;

(g) The three level element of this development creates the need for costly expenditure on such things as lifts, fire stairs, formwork, scaffolding, cranes and external maintenance, cleaning and roadworks. The laneway between this site and the car park abutting Castle Street is in a very poor state as is much of the kerb and guttering and pathway

areas within the core CBD and elsewhere. Repair of “essentials” should be a priority.

7. FLOODING

No consideration for future flooding given increasing frequency and severity of storm events. The existing 1 in 100-year flood levels have already been exceeded in the core Coffs Harbour CBD.

8. TENDER PROCESS

The Tender process is highly questionable. Council did not select an architect from the tender process in the normal course. An architect was selected who did not participate in the tender process.

9. THE ECONOMICS

Section 10.9 of the Coffs Harbour Code of Meeting Practise requires the General Manager to provide a detailed report to the Councillors on matters that fall “outside the normal course of business”. It was patent at the meeting on 25 July 2019 that the Councillors were uninformed as to quantum of borrowings, interest rate, term, where the money was coming from etc.

Subsequently, Councillor Townley brought forward a motion on 08/08 seeking the appointment of an independent auditor to review council’s capacity to manage debt associated with this development.

I assert, the General Manager’s motion of 11/07/2019 was defective in that:

(a) a detailed report was not submitted, nor could it be submitted. Councillors voted on an “UN-COSTED SCHEMATIC DESIGN”. No lender would accept an application for funding an “UN-COSTED SCHEMATIC DESIGN”; and

(b) the motion called for the Councillors to “delegate” their authority to the Executive to sell publicly-owned assets at up to 10% less than the valuations and to sign contracts for the sale of those assets. It is my understanding that Council cannot sell publicly-owned assets at less than valuation.

SPIRALLING COSTS

- Escalating project costs (estimated at \$20M in 2014, now stated to be \$76.5M – an increase of 380%) will cripple this tiny community and shackle them with debt for generations to come. Not only is that not in the best interests of the community, it is a breach of the Statutory Obligation to act at all times in the best interests of the community with regard to present and future generations. There are less-expensive and far more intelligent options available to Council. These options have not been explored;
- Maintenance costs associated with this proposed development are significant;
- I know I have already said it but it is such an important point I feel I need to say it again. This project will NOT create much-needed employment nor generate revenue for the long-term. Any employment created will be limited to the construction phase.

TRANSPARENCY

There has been a complete lack of transparency.

Requests to sight the valuations and the Quantity Surveyor’s costings and assumptions have been ignored.

FINANCING

In 2012 this Council stated it would not be able to sustain itself into the future in the absence of Government Grants. Local Member Gurmish

Singh MP has informed Council that NO GOVERNMENT GRANTS will be available to it in relation to the museum, art gallery and library components of this development whereas Government Grants would be available to Council if it elected to develop on City Hill. It seems somewhat peculiar that Council would turn its back on Grants of up to \$30M.

Council's financing plan indicates incapacity. The plan requires the sale of 4 publicly-owned assets which it proposes to sell **without community consent**, \$10.5M in savings and debt; the quantum of which is "unknown". It may also require a sell-off of the airport at far less than its worth which would also not be in the best interests of the people; (Here I refer to the Auckland model where the council retained a 20% interest in its airport now worth an estimated \$1.3B);

- I predict proposed financing of this project is likely to cost the community \$66M over 30 years and, I further predict, cost-blow outs in the vicinity of 25-30%;
- 2014 Council required 25.73% accumulated increase in rates for 2015-2017. Coffs Harbour remains a low-socio-economic area where people struggle to find employment, struggle to put bread on the table, struggle to pay their mortgages, council rates, school fees, electricity bills etc.
- 2013-2015 Council implemented senior staff redundancies;
- I believe a search of Council's records will reveal that Council sought to engage Development Managers in or about 2016 and Development Managers were engaged and subsequently retrenched;
- Project financing and maintenance will burden future generations. This is a breach of Section 8 of the *Local Government Act 1993* which requires Councillors to tread carefully to ensure the well-being of present and future generations. A recent amendment to the *Act* provides recourse for poor decision making.

“Council is expected to determine spending priorities and major projects in close consultation with their communities. They must also ensure value for money before spending public money.” (Reference Chris Allen, Director, Sector Performance and Intervention, Offices of Minister of Local Government, Email to Janne Clara Lindrum , 03 October, 2019, 11.48 am)

Coffs Harbour City Council failed to consult with the community in the normal course and failed to investigate less expensive and more intelligent options which would have greater benefit to the community. There is a desperate need for Cultural facilities in Coffs Harbour.

10. ETHICAL & MORAL RESPONSIBILITIES

Under the Act, Councillors have a duty to act honestly and in the best interests of the people.

- Failure to listen to the people is a breach of that Statutory Obligation;
- Legitimacy of Councillor Adendorff’s conflict of interest. Councillor Adendorff is the proprietor of “significant pecuniary interests” in the area designated by Council as CORE CBD. I fail to see how the Councillor can declare his assets as significant on one occasion and insignificant on another. Further, the Councillor failed to declare on his Annual Return that he is the secretary and public officer of the Chamber of Commerce (a body that has been actively promoting and marketing the economic benefits of the Gordon Street proposals in the absence of any economic study to support the statements that have been caused to be published) and he failed to declare any associations with property development companies yet he actively promotes and markets on his web site his expertise in acting for and on behalf of developers/ development companies. Finally, Councillor Adendorff publicly declared that he had held inappropriate discussions in relation to the sale of the publicly-owned asset known as Rigby House. I understand from Lisa Garden in Council’s

Governance Department that the latter conduct was reported by the General Manager to ICAC under Section 11;

- Probity of architect's selection, outside the normal course, in the absence of publicly advertised tender;
- The Mayor breached a core principal of the Westminster system when she used her casting vote to press ahead with these proposals;
- The Mayor and General Manager, "knew" that Councillor Adendorff had a substantial conflict of interest when he voted. In my opinion, a Mayor using a casting vote in these circumstances, nullifies the development application as it is clearly illegitimate and, thus, incapable of approval.

11. RECKLESS EXPENDITURE

Council has ignored the public fury over these proposals and has expended and continues to expend rate payer dollars on marketing the project with half-page and full-page advertisements in the local press, radio and television, entry to the A J Bluett Award and so on.

The Council was awarded second place in the A J Bluett Award but a read of their entry form – which is nothing more than a PR/ marketing document carefully crafted to justify the Gordon Street proposals – reveals a multiplicity of deceptive and highly misleading statements.

A complaint is being lodged with the Chairman, Les McMahon, copy to President Linda Scott.

12. CONCLUSION

Council Executive states that :

"Council has to date undertaken extensive engagement on the Cultural and Civic Space project. Council recognises the importance of

continuing its communication and engagement activities, hence the current communications effort to provide factual information on the project and to correct misinformation circulating amongst the community.

Council also recognises that representative democracy is at the heart of our country's democratic system of government, including in local government. Through the elected Council body, decisions on important strategic matters are taken on behalf of the community. Council resolved its position on the Cultural and Civic Space Project at its meeting on 11 July 2019 and that decision remains Council's resolved position."

Only one Councillor and no member of the Executive attended the public meeting held 22 October 2019. Over 200 people attended that meeting.

Only one Councillor attended the prior also very well-supported public meeting.

Council is not spending rate payer dollars to "correct misinformation in the public realm", the Council Executive is spending ratepayer dollars on a very expensive PR/marketing campaign in an attempt to justify its actions.

I was in attendance at both community meetings. I also spoke to the Recision motion brought forward by Councillors Rhoades, Swan, Amos and Arkan at the meeting on 25 July 2019. The chamber was overflowing onto the footpath and it was patent that the community did not wish this project to proceed.

The community is justifiably angry.

Many letters have been written to the Minister for Local Government seeking her urgent intervention. Requests for intervention have also been made to the Auditor-General. In recent response to me the

Minister via her representative Chris Allen, Director, Sector Performance and Intervention, argues that “Councillor Adendorff declared a Non-Pecuniary – Less Than Significant Conflict as a co-owner of properties, all located on the other end of town”.

The “reality” is that Councillor Adendorff’s assets are located within the area designated by Council as “CORE CBD”, the Chamber of Commerce has actively promoted and marketed the “economic benefits” of this project and, in its entry to the A J Bluett Awards Council quotes the President of the Chamber:

“Research clearly shows that cultural and civic space in the CBD is perfect placement for economic growth. It will create a vibe and attract more people into our city for longer. This sustainable redevelopment is great for business and the local economy.”

What is the Truth?

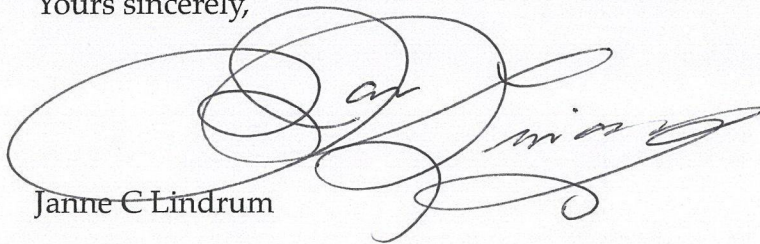
Mr Allen says, “it would be difficult to determine whether there would be any appreciable gain or loss to the value of Councillor Adendorff’s properties **located in the CBD** because of the Cultural and Civic Space project.” Whilst I agree and, indeed, as stated, no “research study” has been provided to support the Chamber and Council’s statements on economic growth, the issue is Councillor Adendorff is the secretary and public officer of the Chamber of Commerce (undeclared on his Annual Return) and this body has been actively promoting and marketing the “economic benefits” of this project to the community and elsewhere.

Director, I respectfully submit a Public Hearing is warranted as this Council has exceeded its mandate. If I can deliver a seven storey art hotel with convention centre and spa at \$44M, costed by Hutchinson Builders who have been in the building industry since 1912; a hotel that would create employment and generate revenue; you will forgive me for wondering how expenditure of \$76.5M on an “UN-COSTED” schematic design in a cramped and congested space is justifiable.

The next Council elections will take place in September 2020. A lot of damage can be done in a short period of time. Council has already expended in excess of \$2M. An incoming Council "may" have great difficulty disentangling a mess.

Thus, I think it is critical that you get to hear what the people have to say on this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Janne C Lindrum", with a large, stylized flourish extending to the right.

Janne C Lindrum

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