



# Coffs Harbour City Council

19 June 2013

## ORDINARY MEETING

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

**THURSDAY 27 JUNE 2013**

The meeting commences at **5.00pm** and your attendance is requested.

## AGENDA

1. Opening of Ordinary Meeting
2. Acknowledgment of Country
3. Disclosure of Interest
4. Apologies
5. Public Addresses / Public Forum
6. Mayoral Minute
7. Mayoral Actions under Delegated Authority
8. [Confirmation of Minutes of Ordinary Meeting – 13 June 2013](#)
9. Notices of Motion
10. [General Manager's Reports](#)
11. [Consideration of Officers' Reports](#)
12. Requests for Leave of Absence
13. Matters of an Urgent Nature
14. Questions On Notice
15. Consideration of Confidential Items (if any)
16. Close of Ordinary Meeting.

Steve McGrath  
General Manager



**COFFS HARBOUR CITY COUNCIL**  
**ORDINARY MEETING**  
**COUNCIL CHAMBERS**  
**COUNCIL ADMINISTRATION BUILDING**  
**COFF AND CASTLE STREETS, COFFS HARBOUR**  
**27 JUNE 2013**

**Contents**

**ITEM DESCRIPTION**

**GENERAL MANAGER'S REPORTS**

- |         |  |
|---------|--|
| GM13/18 | LOCAL GOVERNMENT REMUNERATION TRIBUNAL                                   |
| GM13/19 | LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2013 - BUSINESS SESSIONS CONTENT |

**CITY SERVICES DEPARTMENT REPORTS**

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

- |         |   |
|---------|---|
| CS13/30 | TENDER RFT-582-TO: SUPPLY DELIVERY, UNLOADING INSTALLATION AND COMMISSIONING OF ONE (1) DIESEL POWERED GENERATOR AND ASSOCIATED EQUIPMENT |
| CS13/31 | TENDER RFT-588-TO: SUPPLY OF ONE (1) CCF CLASS 20/25 EXCAVATOR  |
| CS13/32 | TENDER RFT-592:-TO PLANT AND TRUCK HIRE 2013-2014   |

A portion of these reports is confidential for the reason of Section 10A (2):

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

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

**CORPORATE BUSINESS DEPARTMENT REPORTS**

- CB13/40 GRANTING OF VOLUNTARY PENSION REBATES
- CB13/41 MAKING OF RATES AND CHARGES FOR 2013-2014
- CB13/42 RELEASE AND CREATION OF EASEMENT FOR RIGHT OF CARRIAGEWAY – MULLAWAY RESERVOIR, TRAMWAY DRIVE, WOOLGOOLGA
- CB13/43 TENDER: RFT-587-TO COFFS HARBOUR INTERNATIONAL SPORTS STADIUM NAMING RIGHTS

**LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS**

- L13/15 NSW PLANNING SYSTEM REVIEW – WHITE PAPER
- L13/16 JOINT REGIONAL PLANNING PANEL (NORTHERN) - COUNCIL MEMBERS

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

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

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

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

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



## COFFS HARBOUR CITY COUNCIL

### ORDINARY MEETING

**13 JUNE 2013**

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

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

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

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

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

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#### DISCLOSURES OF INTEREST

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No disclosures of interests tabled.

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#### APOLOGY

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No apologies.

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#### CONFIRMATION AND ADOPTION OF MINUTES

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**130** **RESOLVED** (Arkan/Innes) that the minutes of the Ordinary meeting held on 23 May 2013 be confirmed as a true and correct record of proceedings.

**RESCISSION MOTION**

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**RM13/3 INTEGRATED PLANNING AND REPORTING FRAMEWORK FOR THE PERIOD 2013/2014 TO 2016/2017 - RESCISSION MOTION**

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**131 RESOLVED** (Innes/Palmer) that points 2 and 3 of resolution 199 of Ordinary meeting held on 23 May 2013 regarding item GM13/14 - Integrated Planning and Reporting Framework for the Period 2013/2014 to 2016/2017, and reading as follows, be rescinded:

**RESOLVED** (Arkan/Degens)

2. *Note that the adopted 2013/2014 Budget is based on a projected deficit of \$326,307 with an undertaking by Council to work towards delivering a balanced result by the end of the period.*
3. *That the recommended Option one in the Sports Development Program be implemented.*

The **MOTION** on being put to the meeting was declared **CARRIED**.

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**DIVISION**

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

<b>FOR</b>	<b>AGAINST</b>
Cr Sultana	Cr Cowling
Cr Innes	Cr Arkan
Cr Knight	Cr Townley
Cr Palmer	Cr Degens
Cr Rhoades	

*The adopted recommendation of the meeting on the 23 May 2013 in its entirety is:*

1. *Adopt the reviewed Coffs Harbour 2030 Community Strategic Plan, 2013/2017 Delivery Program, 2013/2014 Operational Plan, Program Budgets 2013/2017, 2013/2014 Fees and Charges; and reviewed Resourcing Strategy attached to this report.*
2. *Note that the adopted 2013/2014 Budget is based on a projected deficit of \$326,307 with an undertaking by Council to work towards delivering a balanced result by the end of the period.*
3. *That the recommended Option one in the Sports Development Program be implemented.*
4. *Note that the documents are adopted with two budget scenarios in place (one including the CBD Special Rate and one without) and that, following IPART's determination of the special variation application, Council meet as soon as practicable to rescind the redundant scenario.*
5. *Develop, in consultation with the community, a sustainable funding strategy to facilitate the delivery of balanced budgets over a four-year period commencing in 2014/2015, as set out in the Resourcing Strategy.*

**Cont'd**

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**RM13/3 Integrated Planning and Reporting Framework for the Period 2013/2014 to 2016/2017 - Rescission Motion ...(Cont'd)**

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6. *Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.*

**132 RESOLVED** (Palmer/Innes) that Council:

2. Note that the adopted 2013/2014 Budget is based on a projected deficit of \$426,307 with an undertaking by Council to work towards delivering a balanced result by the end of the period.

The **MOTION** on being put to the meeting was declared **CARRIED**.

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**DIVISION**

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

**FOR**

Cr Sultana  
Cr Innes  
Cr Arkan  
Cr Knight  
Cr Rhoades  
Cr Degens  
Cr Palmer  
Cr Townley

**AGAINST**

Cr Cowling

*The resolution in its entirety would then become:*

1. *Adopt the reviewed Coffs Harbour 2030 Community Strategic Plan, 2013/2017 Delivery Program, 2013/2014 Operational Plan, Program Budgets 2013/2017, 2013/2014 Fees and Charges; and reviewed Resourcing Strategy attached to this report.*
2. *Note that the adopted 2013/2014 Budget is based on a projected deficit of \$426,307 with an undertaking by Council to work towards delivering a balanced result by the end of the period.*
3. *Note that the documents are adopted with two budget scenarios in place (one including the CBD Special Rate and one without) and that, following IPART's determination of the special variation application, Council meet as soon as practicable to rescind the redundant scenario.*
4. *Develop, in consultation with the community, a sustainable funding strategy to facilitate the delivery of balanced budgets over a four-year period commencing in 2014/2015, as set out in the Resourcing Strategy.*
5. *Respond to all who made community submissions, advising them of the outcome of their requests and thanking them for their input.*

## GENERAL MANAGER'S REPORT

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### GM13/17 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL - FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT (TWENTY ESSENTIAL STEPS) - DISCUSSION PAPER

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The objective of this report is to formally report to Council the release of the Future Directions for NSW Local Government (Twenty Essential Steps) Discussion Paper and to highlight several issues that may well be the subject of a Council submission in this process. It is anticipated that a submission shall be prepared in draft form and circulated for Councillor comment and feedback prior to submission of the final document.

**133 RESOLVED** (Arkan/Innes) that Council:

1. Authorise the General Manager to prepare a draft submission to the Independent Local Government Review Panel on its Future Directions for NSW Local Government (Twenty Essential Steps) Discussion Paper addressing local and regional issues of importance;
2. Upon completion of the draft outlined in 1 above, a copy of the draft submission be forwarded to Councillors individually for feedback to the General Manager;
3. Upon receipt of any feedback mentioned in 2 above, the General Manager make amendments to the Draft Submission as necessary with a view to the final version of Council's submission being forwarded to the Independent Local Government Review Panel by Friday 28 June 2013.

## LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

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### L13/12 DEVELOPMENT APPLICATION NO. 393/13 RESIDENTIAL FLAT BUILDING AND DEMOLITION LOT 4, SEC 58, DP 758258, NO. 326 HARBOUR DRIVE, COFFS HARBOUR

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The purpose of this report is to present Development Application 393/13 for Council's consideration, which is an application for demolition of the existing dwelling on site and construction of a residential flat building. The report recommends conditional approval of the application.

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

1. Development Application No. 393/13 for demolition and construction of a four unit Residential Flat Building on Lot 4, Sec 58, DP 758258, No. 326 Harbour Drive Coffs Harbour, be approved subject to conditions as appended to the report (Attachment 3).
2. Persons who made submissions in relation to the Development Application No. 393/13 be notified of the determination.

**Cont'd**

**L13/12 Development Application No. 393/13 - Residential Flat Building and Demolition Lot 4, Sec 58, DP 758258, No. 326 Harbour Drive, Coffs Harbour ...(Cont'd)**

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**AMENDMENT**

- 134** **MOVED** (Cowling/Degens) that Development Application No. 393/13 for demolition and construction of a four unit Residential Flat Building on Lot 4, Sec 58, DP 758258, No. 326 Harbour Drive Coffs Harbour, be deferred pending negotiations with the applicant regarding issues surrounding carparking.

**VOTED FOR**

Cr Rhoades  
Cr Townley  
Cr Palmer  
Cr Degens  
Cr Knight  
Cr Arkan  
Cr Innes  
Cr Sultana  
Cr Cowling

**VOTED AGAINST**

Nil

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

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**L13/13 COFFS HARBOUR ENVIRONMENTAL SUSTAINABILITY STRATEGY - PROJECT PLAN**

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To inform Council of the Project Plan for the development of the Coffs Harbour Environmental Sustainability Strategy.

- 136** **RESOLVED** (Palmer/Arkan) that Council endorses the attached Project Plan for the development of a Coffs Harbour City Council Environmental Sustainability Strategy.



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**L13/14            WOOLGOOLGA TOWN CENTRE STUDY REVIEW - PROJECT  
PLAN AND CONSULTANT BRIEF**

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The purpose of this report is to seek Council's endorsement of a Project Plan to allow the Woolgoolga Town Centre Study 1996 to be reviewed and updated in the form of a Masterplan. This report also seeks Council's endorsement of a Request for Quotation Consultant Brief to allow for engagement of an appropriately qualified consultant advisor to assist over the life of the project.

**135            RESOLVED** (Arkan/Degens) that:

1. Coffs Harbour City Council endorse the attached Woolgoolga Town Centre Study Review Project Plan.
2. Coffs Harbour City Council engage an appropriately qualified consultant to provide economic, strategic planning, and built form advisory services to Council for the project.
3. Coffs Harbour City Council endorse the attached Consultant Brief Request for Quotation for the Woolgoolga Town Centre Study Review Consultant Advisor.
4. Review a specific parking plan for Woolgoolga to be incorporated into the Masterplan.
5. Council continues to lobby NSW Roads and Maritime Services and the Minister for Roads for funds towards development of a Socio-Economic Bypass Action Strategy, to further inform the Woolgoolga Town Centre Study Review.

**VOTED FOR**

Cr Rhoades  
Cr Townley  
Cr Palmer  
Cr Degens  
Cr Knight  
Cr Arkan  
Cr Innes  
Cr Sultana  
Cr Cowling

**VOTED AGAINST**

Nil

**CORPORATE BUSINESS DEPARTMENT REPORTS**

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**CB13/36 BANK BALANCES AND INVESTMENT FOR APRIL 2013**

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To list Council's Bank Balances and Investments as at 30 April 2013.

**137 RESOLVED** (Rhoades/Innes) that:

1. The bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and sixty eight million, one hundred and sixteen thousand, five hundred and eighty nine dollars (\$168,116,569) as at 30 April 2013 be noted.
2. The general fund unrestricted cash and investments totaling one million, nine hundred and sixty four thousand, five hundred and ninety four dollars (\$1,964,594) as at 30 April 2013 be noted.

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**CB13/37 MONTHLY BUDGET REVIEW FOR APRIL 2013**

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To report on the estimated budget position as at 30 April 2013.

**138 RESOLVED** (Palmer/Innes) that:

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

Estimated Budget Position as at 30 April 2013:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 24 May 2012	308,365 (D)	4,397,830 (D)	3,542,337 (D)
Approved Variations to 31 March 2013	(103,141) (S)	(554,150) (S)	(686,556) (S)
Recommended variations for April 2013	(180,244) (S)	Nil	Nil
Estimated result as at 30 April 2013	<u>24,980 (D)</u>	<u>3,843,680 (D)</u>	<u>2,855,781 (D)</u>

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**CB13/38 RENEWAL OF LEASE OF 23 GORDON STREET, COFFS HARBOUR TO GEOLINK CONSULTING PTY LIMITED**

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Seeking Council authority to execute a further one year lease of 23 Gordon Street, Coffs Harbour with the present Lessee, GeoLINK Consulting Pty Limited.

**139 RESOLVED** (Arkan/Degens) that:

1. Council as the registered proprietor of 23 Gordon Street, Coffs Harbour being Lot 20 Section 6 DP 758258 authorise the lease of the premises to GeoLINK Consulting Pty Limited for a further term of 1 (one) year.
2. Any necessary documents associated with the lease of 23 Gordon Street, Coffs Harbour being Lot 20 Section 6 DP 758258 to GeoLINK Consulting Pty Limited be executed under the Common Seal of Council.

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**CB13/39 WOOLGOOLGA LAKESIDE DRAFT PLAN OF MANAGEMENT**

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To report on the outcomes of the Community Consultation process and recommend referral to the Minister responsible for administering the Crown Lands Act 1989 requesting adoption of the Draft Plan of Management for Woolgoolga Lakeside.

**140 RESOLVED** (Palmer/Townley) that Council, as Corporate Manager of the Woolgoolga Beach Reserve Trust, adopt the Draft Plan of Management for Part of Reserve 63076 for Public Recreation and Resting Place and Reserve 72664 for Public Recreation (northern section of Woolgoolga Beach Reserve) and refer the Draft Plan to the Minister responsible for administering the Crown Lands Act 1989, requesting formal adoption of the Plan.

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**CITY SERVICES DEPARTMENT REPORT**

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**CS13/29 TRAFFIC COMMITTEE REPORT NO. 2/2013**

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To confirm the Minutes of the Traffic Committee Meeting held on Thursday, 23 May 2013.

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

T.22 – Woolgoolga High School Centenary Drive, Woolgoolga – Removal of Limited Parking Zone (3412198[R.509540])

That approval be given for the existing 'No Parking' zone in Centenary Drive in front of Woolgoolga High School be removed allowing an additional four parking spaces to be provided, as per plan T.22-2013.

**Cont'd**

## **CS13/29 Traffic Committee Report No. 2/2013 ...(Cont'd)**

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### T.23 - Allied Funeral Home 124 West High Street Coffs Harbour - Traffic Issues (IR 3389986 [R. 509970 R. 505370])

That approval be given for the existing 2 Hour Parking / 'No Stopping' sign be relocated to the eastern side of the driveway to 124 West High Street, Coffs Harbour, to remove 1 parking space, as per plan T.23-2013.

### T.24 - Bus Zone for Earl Street (eastern side) and Bonville Street Coffs Harbour (IR 3389196 [R. 503120 R. 503950])

That approval be given to install a permanent bus zone on Earl Street (east) on the corner of Bonville Street (18.5 metres), Coffs Harbour, as per plan T.24-2013.

### T.25 – NAB Coffs Coast Cycle - Pine Creek Way Challenge 4 August 2013 [3336441]

That Council's approval dated 11 April 2013 for the NAB Coffs Coast Cycle, as per T.10-2013 be amended to include the following :

7. Police and RMS approval for the use of the Pacific Highway between Archville Station Road and Mailman's Track Road.
8. That Archville Station Road - between Pine Creek Way and the south bound on ramp to the Pacific Highway be approved as the part of the course for 2013.

### T.26 - Park Avenue and Harbour Drive, Coffs Harbour - Traffic Issues (IR 3396328 [R.505670])

That no further action be taken to install double barrier lines in Park Avenue and Harbour Drive, Coffs Harbour.

### T.27 - Harbour Drive (Coles) Coffs Harbour – Traffic Issues (IR 3375170)

That approval be given for lane 1 at the Harbour Drive/ Earl Street roundabout (west) be restricted to left turn traffic only. The existing outside lane of the roundabout at its northern intersection be marked with chevron pavement markings, as per plan T.27-2013.

### T.28 - Marcia Street and Rose Avenue, Coffs Harbour– Signage (IR 3348331 [R505190])

No action be taken to install 'No Parking' signs (7.00am – 4.00pm weekdays) in Marcia Street (north) 18.5 metres from intersection pending further information required.

### T.29 - Pitt Street, Coffs Harbour – Speed Issues (IR 3272644 [R.505750])

That no action be taken to reduce the existing 50km speed zone or change the street to local traffic only in Pitt Street, Coffs Harbour.

**Cont'd**

**CS13/29 Traffic Committee Report No. 2/2013 ...(Cont'd)**

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T.30 - Isles Drive/Pacific Highway Coffs Harbour – No Stopping Zone (IR 3389551 [R.509960])

That approval be given for the existing 'No Stopping' zone on the north side of Isles Drive, west of the Pacific Highway, be extended 36 metres to the western edge of the driveway of No. 2 Isles Drive, to allow for a better flow of traffic, as per plan T.30-2013.

T.31 - Howard Street, Coffs Harbour - Traffic Management Plan - Coffs Cup (R.503110 3394812)

That:

The temporary road closure of Howard Street, Coffs Harbour, on Thursday, 1 August 2013, between 9.00am and 6.30pm for the purpose of holding the Coffs Harbour VB Gold Cup, be advertised and providing no substantive objections are received, the closure be approved, subject to the following:

- (a) A Traffic Management Plan (TMP) incorporating a Traffic Control Plan (TCP) be submitted. The plan shall be prepared by a person holding appropriate certification issued by Roads and Maritime Services (RMS) qualified in designing or modifying traffic control plans to an accepted standard. Plans should be dated and signed by the accredited designer and also include their certificate number and expiry date.
- (b) A copy of current Public Liability Insurance be submitted.
- (c) The organisers to liaise with affected traders and obtain traders approval.
- (d) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers and sign off on the Traffic Management Plan after the event.
- (e) The organisers be responsible for all costs associated with the temporary closure
- (f) The organiser submit adequate public transport plan to Council, prior to the event.

T.32 - Sawtell Chilli Festival - Saturday 6 July 2013

That:

The temporary road closure of First Avenue, Sawtell, between 50m north of Second Avenue and Boronia Street, and Second Avenue from 30m west and 35m east of First Avenue between the hours of 6.00am and 5.30pm on Saturday, 6 July 2013, for the purpose of holding the Sawtell Chilli Festival, be advertised, and providing no substantive objections are received, the closure be approved.

**Cont'd**

**CS13/29 Traffic Committee Report No. 2/2013 ...(Cont'd)**

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- (a) The organisers of the Chilli Festival liaise with affected traders and obtain traders approval.
- (b) The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
- (c) The organisers be responsible for all costs associated with the temporary closure, including advertising.
- (d) Copy of current Public Liability Insurance be submitted.
- (e) Traffic Management Plan to be submitted for approval.
- (f) That organisers and officials liaise with the local bus company to obtain approval on routes used.

T.33 – Boambee Public School Valley Challenge - Sunday 30 June 2013

That:

The Boambee Public School Valley Challenge be approved for Sunday 30 June 2013.

- (a) The organisers and officials complying to conditions imposed by the Roads and Traffic Authority and take all reasonable measures to reduce obstruction to traffic during the course of the event.
- (b) The provisions of the Australian Road Rules and relevant legislation being observed.
- (c) Sufficient qualified marshals be made available to properly control the event.
- (d) Organisers submit a current certificate of currency for Public Liability Insurance.
- (e) That all residents and affected businesses be notified of the event.
- (f) That organisers and officials consult with the local bus company .

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**REQUESTS FOR LEAVE OF ABSENCE**

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- 142** **RESOLVED** (Arkan/Rhoades) that Cr Innes be granted leave of absence from Council from 27 June 2013.

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**MATTERS OF AN URGENT NATURE**

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No matters of an urgent nature.

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**QUESTIONS ON NOTICE**

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No questions on notice.

This concluded the business and the meeting closed at 6.26 pm.

Confirmed: 27 June 2013

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Denise Knight  
Mayor

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## LOCAL GOVERNMENT REMUNERATION TRIBUNAL

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### **Purpose:**

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

### **Description of Item:**

Each year, pursuant to Section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal receives submissions and determines the categories for councils, county councils and mayoral offices and the maximum and minimum amounts of fees to be paid during the period 1 July to 30 June of the following year to mayors and councillors as well as chairpersons and members of county councils.

Coffs Harbour City Council has been classed as a Category - Regional Rural Council by the Tribunal. The Categories of Councils were initially determined in 1995 and are due for review every three years.

The Tribunal has made a determination on fees for 2013/14.

### **Sustainability Assessment:**

Sustainability has now become a part of the Council's decision making process.

- **Economic**

- Delivery Program/Operational Plan Implications**

- There is an overall budgeted increase of \$4800 from the 2012/13 allocation.

### **Consultation:**

The Tribunal's process is to take formal submissions and to consult with councils and the Local Government and Shires Association.

Council did not make a submission with respect to the fee.

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

Council has for many years maintained its fee structure at the maximum level based on the workload, commitment and broad nature of Council's operations.

### **Statutory Requirements:**

Section 239 of the Local Government Act established the Tribunal.

Section 241 of the Local Government Act provides for the Tribunal to determine fees.

Section 248 of the Local Government Act provides for Council to pay all Councillors an annual fee, fix the fee for all Councillors but at least the minimum.



Section 249 of the Local Government Act provides for the Council to pay the Mayor an annual fee but at least the minimum fee. The Council may pay the Deputy Mayor a fee but it must be deducted from the Mayor's annual fee.

**Issues:**

The fees recommended by the Tribunal provide for a 2.5 % increase in 2013/14 from 2012/13.

With respect to the level of fees payable to the Mayor and Councillors it will be recommended that Council set the fees at the maximum level.

With regard to categorisation of councils, the Tribunal is required by Section 239 to determine categories at least once every three (3) years. It is preferable and more equitable for changes in categories to be considered in a general inquiry. The Tribunal also feels it relevant for councils to keep it advised of changes in their activities annually so that proper consideration can be given to maximum scale of fees for each category.

A review of categories was conducted in 2012, with no changes to categorisation of Councils being approved by the Tribunal.

Council is a Category - Regional Rural Council and the movement of fees is as follows:

	2011/12		2012/13		2013/14	
	Maximum \$	Minimum \$	Maximum \$	Minimum \$	Maximum \$	Minimum \$
<b>Councillors</b>	16,640	7,550	17,060	7,740	17,490	7930
<b>Mayors (additional)</b>	36,320	16,080	37,230	16,480	38,160	16,890

**Implementation Date / Priority:**

The new fees are payable from 1 July 2013.

This increase has been allowed for in the 2013/14 Delivery Program and Operational Plan.

**Recommendation:**

1. That pursuant to the provisions of Sections 248 and 249 of the Local Government Act 1993, the annual fee for Councillors be fixed at \$17,490 for the 2013/14 financial year.
2. That an additional annual fee for the position of Mayor be set at \$38,160 for the 2013/14 financial year.

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## LOCAL GOVERNMENT ASSOCIATION CONFERENCE 2013 - BUSINESS SESSIONS CONTENT

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### **Purpose:**

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

### **Description of Item:**

The 2013 Annual Conference will be held from 1 – 3 October 2013 in the Sydney Town Hall.

Over the years the conference committee of the LGA has attempted to take motions to the highest sector wide strategic levels. Under the newly formed Local Government NSW organisation, a desire obviously exists to ensure that the content of the business sessions remains focused on sector wide strategic issues. Councils have been requested to identify the most important three to five issues which they believe are causing concern to the Council and/or the local community and provide these details to the Association prior to Friday 19 July 2013.

Following receipt of details of the issues, the Association will review all responses received and then identify the top three to five issues as identified overall by member councils. These issues will then be put to the conference for debate and deliberation as part of the business sessions.

In addition to identifying an issue, councils are encouraged to suggest an appropriate solution by including either a motion which could be considered by the Conference or notes which may guide delegates to an agreed position. This is not compulsory.

Issues identified by councils which fall outside of the top overall three to five will be considered by the Board prior to the conference. Councils will be advised of the outcome of these deliberations also prior to the conference.

A copy of the draft program for the 2013 Conference was also attached to the correspondence from Local Government NSW and a complete copy of this correspondence and draft program is included as an attachment to this report.

Local Government NSW seeks all issues and associated motions to be submitted no later than close of business on Friday 19 July 2013.

### **Sustainability Assessment:**

- **Environment**

Issues dealing with the environment are a regular feature on the Agenda of the conference. The Annual Conference debates changes to policy and strategy.

- **Social**

Social issues are also debated and policy and strategy adopted. Councillors attending are able to network socially with their colleagues from councils across the State and interchange ideas and best practice.

- **Civic Leadership**

There are no civic leadership implications associated with this report.

**Economic**

**Broader Economic Implications**

There are no economic implications associated with this report.

**Delivery Program/Operational Plan Implications**

There are no Delivery Program or Operation Plan implications with this report.

**Consultation:**

Council has submitted motions to previous conferences. No other consultation has occurred to this point in time.

**Related Policy and / or Precedents:**

Council considers the need to submit conference motions on an annual basis.

**Statutory Requirements:**

There are no Statutory Requirements associated with this report.

**Issues:**

In the present climate for Local Government, there are several obvious issues that should be treated with high priority at the upcoming Inaugural Conference of Local Government NSW. It is acknowledged however, that these issues may vary from one part of the State to the other however, it is equally submitted that there should be some consensus between Local Government authorities across the State on these matters. Listed below are the issues which are suggested councils should support by way of notification to the Secretariat of Local Government NSW:

- Financial Sustainability of Local Government – one of the major issues raised at the Destination 2036 workshop in Dubbo was the issue of the ability of Local Government to move to a financially sustainable position given the constraints that have been generated by rate pegging and cost shifting over an extended period of time. Despite this matter being referred to the Independent Local Government Review Panel in its Terms of Reference, it would appear that the suggestion is that rate pegging will continue which raises a question whether Local Government will ever be able to move to a position of being financially sustainable. The issue of financial sustainability and fiscal responsibility is an issue that should have a high profile at the 2013 Annual Conference of Local Government NSW.

- Infrastructure backlog – many councils, including Coffs Harbour City Council, continue to struggle in dealing with the infrastructure backlog that has arisen out of years of cost shifting and rate pegging legislation. The backlog that has been created requires a major injection of cash flow to enable the backlog to be addressed without impacting on services being provided elsewhere to the community.
- Local Government Reform – the discussion paper issued by the Independent Local Government Review Panel entitled Future Directions for NSW Local Government – Twenty Essential Steps, raises a host of issues for local authorities across NSW, metropolitan, regional and rural. The issue of the reform of Local Government will be on the Agenda in early October 2013 whether we like it or not and therefore must remain a high priority issue for consideration.
- Climate Change – for coastal councils in particular, issues surrounding climate change appear to be on the rise presenting significant challenges for councils in dealing with major storm events, sea level rise and associated issues. These issues are equally troublesome for inland councils with the prevalence of storm events becoming more and more common. Emergency response and restoration works that are very necessary are becoming increasingly difficult to finance given the financial constraints on local government. This issue should be something that is of relevance to all councils in NSW.

Councillors may consider that other issues equally have a high priority and should feel free to discuss this matter further and contribute to the discussion on what are the high level three to five issues that should be raised with Local Government NSW. Following the advice from Local Government NSW, should Council wish to consider a motion related to one of the three to five issues identified, then such Notices of Motion should be submitted to Local Government NSW by 19 July 2013. To enable this to occur, it is suggested that Councillors wishing to submit Notices of Motion for consideration should do so by submitting same to the General Manager by midday on Monday 1 July 2013. This will enable inclusion in the Business Paper for Council's consideration at its meeting on 11 July 2013, following which the Notices of Motion etc can be forwarded to Local Government NSW.

**Recommendation:**

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



**RETURN REPLY  
TO THE MAYOR  
BEFORE POSTING  
PLEASE**

27 May 2013

Cr Denise Knight  
Mayor  
Coffs Harbour City Council  
Locked Bag 155  
COFFS HARBOUR NSW 2450

Dear Cr Knight

**Local Government NSW Annual Conference**

As you will be aware Local Government NSW's inaugural conference will be held at the Sydney Town Hall from 1 - 3 October 2013.

Planning for the Conference Program is well advanced and as per the conferences held by the former Local Government Association and the Shires Association time has been set aside for business sessions to discuss the various significant issues which affect the sector.

The Association would now like to receive input from Councils to guide the content of the business sessions. Councils are requested to identify the most important 3 – 5 issues which they believe are causing concern to the Council and/or the local community and provide these details to the Association prior to Friday 19 July 2013. The Association will review all responses received and then identify the top 3 – 5 issues as identified overall by member councils. These issues will then be put to the Conference for debate and deliberation as part of the business sessions.

In addition to identifying an issue, Councils are encouraged to suggest an appropriate solution by including either a motion which could be considered by the Conference or notes which might guide delegates to an agreed position.

Issues identified by Councils which fall outside of the top overall 3 – 5 will be considered by the Board prior to the Conference. Councils will be advised of the outcome of these deliberations also prior to the Conference.

A copy of the Draft Program (as at 22 May 2013) is attached for information.

It would be appreciated if Councils could provide their identified issues and any accompanying notes or motions using the online form which can be found on the Association's website at <http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference> prior to Friday 19 July 2013.

For any further information regarding this matter please contact Peter Coulton, Director Corporate Services on 9242 4030.

Attachment

Yours sincerely,



Cr Keith Rhoades AFSM  
Joint President



Cr Ray Donald  
Joint President

## Local Government NSW Annual Conference 2013

**DRAFT PROGRAM 1 - 3 October, 2013 (as of 22 May 2013)**  
**Sydney Town Hall, George Street, corner of Park Street, Sydney**

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### Tuesday 1 October

- 4.00pm – 8.00pm Registration opens  
 Lower Ground Floor, Sydney Town Hall.
- 6.00pm – 8.00pm Presidents' Welcome Reception, Lower Town Hall, sponsored by YMCA.  
 Welcome from the **Joint Presidents LGNSW**  
 Welcome from **Cr Clover Moore, Lord Mayor of City of Sydney**  
 Address by Welcome Function Sponsor

### Wednesday 2 October

- 8.00am Registration opens in Lower Town Hall, Sydney Town Hall; Distribution of voting materials; Cloak Room opens in Treasury
- 9.30am – 10.00am *Morning Tea available in Trade Exhibition in Lower Town Hall sponsored by LG Super*
- 8.00am – 10.00am Voting for Executive Positions in Marconi Room, Ground Floor, inclusive of morning tea  
 (voting is suspended from 10.00am – 11.00am)
- 11.00am – 1.00pm Voting for Executive Positions in Marconi Room, Ground Floor
- 10.00am – 12.00pm Official Opening Ceremony, Centennial Hall, Ground Floor  
**Official Opening Ceremony:**  
 Welcome to Country **Glenn Doyle**  
 National Anthem  
 Introduction by the **Joint Presidents**  
 Address from **Her Excellency Professor Marie Bashir AC CVO, Governor of NSW** (invited)  
 Address from **Hon Barry O'Farrell MP, Premier of NSW** (invited)  
 Presentation of the AR Bluett Awards  
 Presentation of Outstanding Service Awards  
 Adoption of Standing Orders.  
 Presentation and Adoption of Treasurer's Report.
- 12.00pm – 1.00pm *Lunch in trade exhibition in Lower Town Hall sponsored by LG Super*
- 1.00pm – 1.30pm Keynote Address: **Hon Don Page MP, Minister for Local Government**
- 1.30pm – 3.30pm Opening of Business Session  
 1.30pm – 1.45pm Keynote Address: **Cr Clover Moore, Lord Mayor of Sydney.**  
 Consideration of Motions concerning but not limited to the Independent Local Government Review Panel – findings and directions (**Professor Graham Sansom** invited).
- 3.25pm 5 minutes address by LG Super as Distinguished Sponsor
- 3.30pm *Afternoon tea in Trade Exhibition in Lower Town Hall sponsored by LG Super*
- 4.00pm – 4.30pm **Hon John Robertson MP, Leader of the Opposition** (invited)

**Attachment**

- 4.30pm – 5.00pm LGNSW – Plans for the Future (how your Association will assist its member councils in the year ahead, conference future, membership) Speakers TBC. 5 minute address by NRL Distinguished Sponsor
- 5.00pm End of Day proceedings. Sponsors Happy Hour in Trade Exhibition sponsored by NRL
- 6.00pm Sponsors Happy Hour in Trade Exhibition finishes.
- 4.00pm – 6.30pm Delegates Retreat in Trade Exhibition or Treasury Room as Cloak Room open for dinner arrivals/ changes/ cloak room facilities to cater for changing for dinner for delegates not returning home
- 7.30pm – 11.00pm Gala Dinner in Centennial Hall

**Thursday 3 October**

- 8.00am Registration opens in Vestibule, Ground Floor, Sydney Town Hall.
- 9.00am Conference Business Session Opens for General Business. 5 minute presentation by EPA as Distinguished Sponsor.
- 9.15am **Ms Gail Kelly, Chief Executive Officer, Managing Director, Westpac Banking Corporation**
- 9.45am Conference Business Session Opens - Consideration of Motions (45 minutes)
- 10.30am *Session breaks for Morning Tea in trade exhibition sponsored by EPA*
- 11.00am **Mr Paul Broad, CEO, Infrastructure NSW** (invited)
- 11.30am 'Regional and Urban councils – what will we look like in 2036?' – **Mark McCrindle**, social analyst with an international renown for tracking global changes and analysing social trends
- 12.00pm Planning debate 'The New Planning System: a Cultural Challenge!' Inclusive of **Hon Brad Hazzard MP, Minister for Planning, Mark McCrindle, futurist and demographer, Mr Chris Johnson, Chief Executive Officer, Urban Taskforce, Ms Corrine Fisher, Better Planning Network, and Professor Ed Blakely, United States Studies Centre** (invited)
- 12.50pm Report from Elite sponsor/distinguished sponsor
- 1.00pm *Lunch in trade exhibition sponsored by NSW EPA*
- 2.00pm Consideration of Motions (1.5 hours)
- 3.30pm Close of conference. Conference adjourns for Sponsors Happy Hour drinks in trade exhibition sponsored by NRL inclusive afternoon tea
- 4.30pm Sponsors Happy Hour concludes. End of Day proceedings

**CLOSE OF CONFERENCE**

This program is correct at the time of printing; speakers and program details may have changed due to unforeseen circumstances.



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

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### **Purpose:**

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

### **Description of Item:**

Tenders were called and closed 14 May 2013 for the supply, installation and commissioning of one new diesel powered generator and associated equipment the generator will be managed through Council's plant fund, and used as a standby power supply to ensure the uninterrupted operation of the Sawtell sewerage pump station. Due to the criticality of the Pumping Station, the Generator is an integral part of the station's risk management strategy. This will ensure uninterrupted operation of the station in the of case power failure.

Four tenders were received from the following four companies:

1. S. E. Power Pty Ltd, Tingalpa, Qld.
2. Kenshaw Electrical Pty Ltd, Cardiff, NSW.
3. Interlink Power Systems, Perth, WA.
4. All Diesel Equipment Sales and Service, Coffs Harbour, NSW.

### **Sustainability Assessment:**

Tenders for the Generator and its installation were called following the approval of the Construction of the Sawtell pump station. Sustainability issues have been considered in the specification and tender assessment, as follows:

- **Environment**

- Emission standards.
- Service frequency and the reduction of waste products on oil and filters.
- The percentage of bio fuel that the machines can operate on so as to reduce Council's reliance on fossil fuels.
- The use of rust resistant materials

- **Social**

The generators at the Sawtell pump station will provide backup power to maintain the transfer of sewage from Sawtell to the Coffs Harbour Reclamation Plant located at Howard Street Coffs Harbour for the Sawtell community.

The generators will have no negative aesthetic or noise issues because they will be housed in protective building within the Sawtell pump station site.

- **Civic Leadership**

The project for which the Generator relates is consistent with Council's 2030 Strategic Plan, as it will provide necessary infrastructure for present and future communities

In Council owning and operating plant based on service delivery and economic viability the community receive an efficient and cost effective service.

- **Economic**

**Broader Economic Implications**

Council's policy for the purchase of plant is determined by:

- The need for the unit to support its programs.
- To own plant if owning is more cost effective than hiring.
- Projected resale values.
- Projected repair and maintenance costs.

**Delivery Program/Operational Plan Implications**

Funds for the purchase have been allocated in Council's 2012/2013 Sewer Fund Budget.

**Consultation:**

The tender evaluation has included consultation with Council's Mechanical and Electrical Branch (who will undertake maintenance and operation of the Generator) was undertaken during the evaluation

**Related Policy and / or Precedents:**

Tendering procedures were carried out in accordance with Council policy. Council's Tender Value Selection System was applied during the tender review process to determine the most advantageous offer

**Statutory Requirements:**

The calling, receiving, opening and reviewing of tenders was carried out in accordance with the Local Government (General) Regulations 2005.

**Issues:**

The Tender Value Selection System was applied to all tenders and the assessment details are contained in the attached confidential supplement. During the assessment it was found that the tendered machine from S.E. Power did not comply with all vital compliance issue in this tender. The Tender was rejected as non conforming and was not fully assessed

The highest ranked Tenderer was subject to a field evaluation, on their ability to carry out the required contract. Council's operational and workshop staff carried out the evaluation.

**Implementation Date / Priority:**

The time for the supply of the generator is 22 weeks. If Council resolves to award the contract, it is expected the generator will be delivered in late December 2013

**Recommendation:**

**That Council considers the tenders received for the supply, installation, unloading and commissioning of one new diesel powered generator and associated equipment Contract No. RFT-582-TO and move the motion as detailed in the confidential attachment.**

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

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### **Purpose:**

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

### **Description of Item:**

The Excavator will be used for the removal of sand from Council's boat ramp and to carry out general maintenance and construction activities on Council's infrastructure.

It will be administered through Council's Plant Fund, operated and maintained in accordance with general plant procedures

Tenders were called and closed 14 May 2013 for the purchase of a new excavator

Five tenders were received from the following:

1. WesTrac Pty Ltd, South Grafton, NSW.
2. Hitachi Construction Machinery Australia, Archerfield, Qld.
3. Komatsu Australia Pty Ltd, Wacol, Qld.
4. Tutt Bryant Equipment, South Granville, NSW
5. Clark Equipment Sales, Heatherbrae, NSW.

### **Sustainability Assessment:**

Tenders for the Excavator were called following the approval for the replacement of Council's existing excavator. Sustainability issues have been considered in the specification and tender assessment, as follows

- **Environment**

- Emission standards are required to be in accordance with European standards, 'Tier III'.
- Service frequencies are considered as to reduce waste products such as oil and filters.
- The percentage of bio fuel that the machines can operate on is a significant consideration so as to reduce Council's reliance on fossil fuels.
- Noise levels.
- The Percentage of plastics that can be reused.
- The construction and paintwork to reduce the need to repair and paint machine due to its harsh working conditions.

- **Social**

A review was undertaken to determine the specific requirement for the excavator in the Council fleet. The outcome was to best serve Council operations that Council needed

to replace Council's existing unit with a unit with the same reach, and lighter in weight. It must also have a high quality paint work to resist rust.

The review of quotes included field performance testing to assess ergonomics, operator safety and the ability to carry out designated works.

- **Civic Leadership**

The projects for which the Excavator is engaged in including maintaining the safe passage of vessels using Council's boat ramp is consistent with Council's 2030 Strategic Plan, as it will provide necessary infrastructure for present and future communities

In Council owning and operating plant based on service delivery and economic viability the community receive an efficient and cost effective service.

- **Economic**

**Broader Economic Implications**

Funds for the changeover have been allocated in the Plant Fund budget.

Council's change over policy for the replacement of all plant is determined by:

- The continued need for the unit.
- The hiring of plant externally compared to the owning and operating plant items.
- Projected resale values.
- Projected repair and maintenance costs.
- Current operational downtime of the units to be replaced.

**Delivery Program/Operational Plan Implications**

Funds for the purchase have been allocated in the Plant Fund budget

**Consultation:**

The quotation evaluation has included consultation with Council's City Services, plant operators, workshop and operational staff.

**Related Policy and / or Precedents:**

The tender evaluation has included consultation with Council's City Services plant operators, workshop, operational staff and Safety Committee.

**Statutory Requirements:**

The calling, receiving, opening and reviewing of tenders was carried out in accordance with the Local Government (General) Regulations 2005.

**Issues:**

The Tender Value Selection System was applied to all tenders and the assessment details are contained in the attached confidential supplement.

During the assessment it was found that the tendered machine from Clark Equipment did not comply with all vital compliance specifications in this tender. The Tender was rejected as non-conforming and was not fully assessed

The highest ranked machine was subject to field evaluation and inspection. Council's excavator operator and workshop staff carried out the evaluation and submitted the relevant test reports accordingly. After the evaluation the recommended machine was deemed best overall package for Councils operational needs.

**Implementation Date / Priority:**

The time for the supply of the Excavator is 20 weeks. If Council resolves to award the contract, it is expected the excavator will be delivered in late November 2013

**Recommendation:**

**That Council considers tenders received for the supply of One (1) CCF Class 20/25 Excavator Contract No. RFT-588-TO and move the motion as detailed in the confidential attachment.**

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## **TENDER RFT-592-TO: PLANT AND TRUCK HIRE 2013-2014**

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### **Purpose:**

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

### **Description of Item:**

In order for Council to undertake its maintenance and major capital works programs it is necessary to compliment Council's plant fleet with specific contract plant as required. The majority of the plant hired through plant contractors is commonly available within the Coffs Harbour Local Government area such as heavy earthmoving plant, trucks etc. Several major projects are scheduled for 2013/2014 which makes it necessary for Council operations to be able to hire contract plant at competitive market rates to ensure the economical delivery of the works.

Tenders were called and closed on 11 June 2013 to establish a panel of contractors for the hire of equipment, plant and trucks for works undertaken by Coffs Harbour City Council during the 2013/2014 financial year.

In the previous financial year, 2012/2013, Council spent approximately \$3.6M on the hire of external plant. This expenditure was mainly with locally based plant hire contractors.

Tenderers were given two options; to supply Council with plant including an operator or to supply plant only, excluding an operator. Tenderers were required to submit tendered rates for items of plant and in addition any attachments that can be utilised with the specific plant item. Contractors are also required to be registered and accredited with BNG Contractor Services Pty Ltd. Registration with BNG is an online service, where accreditation is based on a set of validation criteria such as business licenses, registrations as well as employee qualifications, licenses, trade certificates, insurances and WHS documentation.

To achieve best value for Council all contract plant is assessed in accordance with RMS guidelines and rated in order that the most suitable and cost effective item of plant is engaged. This procedure provides transparency ensuring that probity issues are addressed.

Thirty-four submissions were received as listed below, each tendering on various items of plant, trucks and equipment.

1. A&K McIntyre, Coffs Harbour.	18. J&P Cranes (NSW) Pty Ltd T/A Coffs City Cranes & Rigging, Coffs Harbour.
2. AMW Transport Pty Ltd, Coffs Harbour.	19. KBS Mackay Pty Ltd, Coffs Harbour.
3. Coates Hire Operations Pty Ltd, Coffs Harbour.	20. Kennards Hire Pty Ltd, Coffs Harbour.
4. Coffs Coast Excavations Pty Ltd, Coffs Harbour.	21. Kingston Industries T/A Tutt Bryant Hire, Coffs Harbour.
5. Conplant Pty Ltd, Coffs Harbour.	22. Mal Keough Earthmoving Pty Ltd, Coffs Harbour.
6. Crampos Tippers Pty Ltd, Coffs Harbour.	23. Malin Excavations Pty Ltd, Coffs Harbour.
7. Dubb Earthmoving Pty Ltd, Coffs Harbour.	24. McIntyre Tippers Pty Ltd, Coffs Harbour.
8. Dalakalo Pty Ltd T/A Stocks Contracting, Coffs Harbour.	25. Peter Rowan Earthmoving Pty Ltd, Coffs Harbour.
9. Darleish Pty Ltd T/A Advancing Water, Edgeroi, NSW.	26. Extec Solutions Pty Ltd T/A Phil Robinson Earthmoving, Coffs Harbour.
10. Dee-N-Cee Pty Ltd T/A Coffs Harbour Rent A Car, Coffs Harbour.	27. PL & CV McNickle Pty Ltd T/A Custom Clearing, Coffs Harbour.
11. Dig Oz Excavations, Melbourne, Vic.	28. RJ & CM Tate Pty Ltd, Coffs Harbour.
12. DJ & CA Atkinson Pty Ltd, Coffs Harbour.	29. Sherrin Rentals Pty Ltd, Pinkenba, Qld.
13. EB & DE Bunts Pty Ltd, Coffs Harbour.	30. Stocks Earthmoving, Coffs Harbour.
14. English Cranes Pty Ltd T/A North Coast Cranes, Coffs Harbour.	31. Stokes Earthmoving Pty Ltd, Coffs Harbour.
15. Ernie Burnett Plumbing Pty Ltd, Coffs Harbour.	32. Terrawork Pty Ltd, Dorrigo, NSW.
16. Espedan Pty Ltd, Coffs Harbour.	33. Toward Holdings Pty Ltd T/A Brycker Hire, Coffs Harbour.
17. John Lacey Earthmoving Pty Ltd, Coffs Harbour.	34. Troy O'Doherty Pty Ltd, Coffs Harbour.

Three submissions that have provided an offer on plant that was not requested in the tender documentation were received, as follows:

- \* Ballina Pumping Service, Ballina, NSW.
- \* Ellis Profiling (Qld) Pty Ltd, Narangba, Qld.
- \* Stabilised Pavements, Gosford, NSW.

One submission was received after the closing time from:

- \* Sam Water Cartage Pty Ltd, Coffs Harbour.

These offers will be noted and filed for possible future reference

One uncompleted submissions was received from:

- \* State Road Constructions, Erina, NSW.



**Sustainability Assessment:**

- **Environment**

Tendered plant items are assessed to ensure that they comply with RMS Specifications G21 and G22. This compliance addresses adverse environmental issues with the plant such as oil leaks, excessive emissions and noise. Once engaged all plant is required to operate under Coffs Harbour City Council's site rules and in accordance with environmental assessments undertaken on specific projects.

- **Social**

By Council undertaking capital and maintenance works, the community benefits from updated and well maintained assets that contribute to the overall amenity of the Coffs Coast.

- **Civic Leadership**

By utilising local external contractors Council engages businesses that otherwise may have found it difficult to secure the volume of work that is available to them through Council's operations. In frequently engaging plant contractors Council has become a provider within the community supporting a number of businesses and general employment within the local government area.

- **Economic**

**Broader Economic Implications**

The benefits of engaging contract plant flow on to the community and assists in supporting local businesses.

**Delivery Program/Operational Plan Implications**

All plant engagements are funded through capital and maintenance programmes approved in the 2013/2014 Operational Plan.

**Related Policy and / or Precedents:**

The tendering process has been carried out in accordance with Council's Purchasing and Procurement Policy.

**Statutory Requirements:**

The calling, receiving, opening and reviewing of tenders were carried out in accordance with the Local Government (General) Regulations 2005.

**Issues:**

To date several contractors have not provided all the information required to enable Council to engage their business. It is expected that Council will receive the information shortly and their inclusion in the panel contract is imminent. Point 2 of the recommendation recommends that upon completion of their submission Council includes these contractors in the panel contract.

Sherrin Rentals Pty Ltd has included their own conditions of contract to the returnable document. This is a non-conforming tender which cannot be accepted with the conditions attached. It is anticipated that Sherrin Rentals will remove these conditions thus allowing Council to accept their offer. Point 3 of the recommendation refers to Sherrin Rentals once the conditions are removed.

**Implementation Date / Priority:**

Immediate upon Council approval.

**Recommendation:**

**That Council considers tenders received for the hire of plant and trucks, 2013/14 Contract No. – RFT 592-TO and move the motion as detailed in the confidential attachment.**

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## GRANTING OF VOLUNTARY PENSION REBATES

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### **Purpose:**

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

### **Description of Item:**

The Local Government Act 1993 (the Act) provides that the Council must grant a mandatory rebate to eligible pensioners for rates and charges. Council is then reimbursed by subsidy payment for a proportion of the amount rebated. Section 582 of the Act provides that Council may grant an additional voluntary rebate.

The mandatory rebate for Ordinary Rates, Domestic Waste and the Environmental Special Rate is 50% (to a maximum of \$250.00) of the sum of these three components.

In most instances this would result in pensioners not receiving any rebate on Domestic Waste charges and / or on the Environmental Special Rate (where the Ordinary Rate alone is \$500.00 or more for example).

### **Sustainability Assessment:**

- **Environment**

There are no environmental impacts.

- **Social**

The voluntary rebate on the Domestic Waste Charge provides, on average, a reduction in the amount payable by eligible pensioners of about \$87.50 per annum.

The voluntary rebate on the Environmental Special Rate provides, on average, a reduction in the amount payable by eligible pensioners of about \$19 per annum.

Cessation of these benefits would obviously create a significant financial burden to these ratepayers.

- **Civic Leadership**

The granting of voluntary pensioner rebates supports a number of objectives that have been identified within the Coffs Harbour 2030 Community Strategic Plan and is directly connected to the theme "Looking after our Community" within the plan.

Relevant strategies include:

LC 1.4 Promote a caring, inclusive and cohesive community;

LC 1.5 Support the vulnerable and disadvantaged.

- **Economic**

The total cost of the voluntary rebates is built into the Operational Plan at approximately \$600,000 (\$500,000 for Domestic Waste and \$100,000 for Environmental Levy). The fees and charges structure for 2013/2014 has been set to take this into account.

Any cessation of these voluntary rebates, or any reduction in the level of the benefit, only reduces the costs to Domestic Waste or the Environmental Levy, both of which virtually operate as their own funds. The reduction cannot be diverted to any general purpose area.

Council must also provide mandatory rebates in 2013/2014 for Ordinary Rates (\$1,500,000), Water charges (\$450,000) and Sewer charges (\$440,000); a total of approximately \$2.39M.

The State Government provides a grant equivalent to 55% of the mandatory rebates. This will leave Council bearing a cost of approximately \$1,075,500 for them. When added to the cost of voluntary rebates the total cost for 2013/2014 will be approximately \$1,675,500.

**Related Policy and / or Precedents:**

The Council's current policy (adopted by resolution on 18 June 2002) is to grant a voluntary rebate on Domestic Waste charges, where applicable, to a maximum of \$87.50. It is considered appropriate to continue this policy. Council has previously indicated that it wished to provide for a 50% rebate on the Environmental Levy (Special Rate).

**Statutory Requirements:**

The original application to the Minister for the Special Rate Variation for the Environmental Levy stated that a pensioner rebate would apply. A voluntary rebate under Section 582 of the Local Government Act is the appropriate mechanism to achieve this.

**Implementation Date / Priority:**

The resolution will be applied to rates and charges applicable for 2013/2014.

**Recommendation:**

1. **That Council grants a voluntary rebate under Section 582 of the Local Government Act in 2013/2014 to eligible pensioners in respect of the Environmental Special Rate and Domestic Waste charges. The level of rebate to be:**
  - 1.1. **In the case of the Environmental Special Rate – the amount that is the difference between 50% of the ad valorem rate and 50% of the Base Amount and the Mandatory Rebate to be applied under Section 575 of the Local Government Act.**
  - 1.2. **In the case of the Domestic Waste Charge – the amount that is the difference between \$87.50 and the Mandatory Rebate to be applied under Section 575 of the Local Government Act.**
2. **That it be noted that Council provides an amount over and above the Government subsidy of approximately \$1,675,500 in its 2013/2014 budget to meet the cost of providing pension rebates of which approximately \$600,000 is provided on a voluntary basis.**

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## MAKING OF RATES AND CHARGES FOR 2013-2014

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### **Purpose:**

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

### **Description of Item:**

At the Ordinary Meeting of 23 May 2013, Council adopted its reviewed Integrated Planning and Reporting framework including the 2013/2017 Delivery Program and 2013/2014 Operational Plan.

It was noted at that time that the Independent Pricing and Regulatory Tribunal (IPART) had yet to announce its determination on Council's Application for a Special Variation to General Income for 2013/2014. The proposal – for a ten-year extension of the CBD Special Rate - was an important feature in the development, exhibition and review of the Draft Delivery Program and Draft Operational Plan.

Council resolved to adopt the Delivery Program and Operational Plan incorporating two rate structure scenarios (a first option including the special rate variation; a second option without the special rate variation). Council further resolved to meet to rescind whichever rating structure option (and associated budget) had been ruled out once IPART's determination was known.

On 11 June 2013, IPART advised that it had approved the continuation of the CBD Special Rate for a further ten-year period.

This report recommends that Council now rescind the budget option that does not include the special rate variation.

The rates and annual charges for 2013/2014 have to be formally 'made' under Section 535 of the Local Government Act, 1993, by Council resolution. The rates and charges are required to be made by 1 August each year.

Council's 2013/2014 Operational Plan allows for the implementation of a 5.43% increase in 'General Income' (income from ordinary and special rates), which includes both the 3.4% rate peg increase announced for 2013/2014 and the approved continuation of the CBD Special Rate for 2013/2014 (representing a 2.03% increase to General Income).

The following rates and charges are to be 'made' for 2013/2014:

#### **1. Ordinary Rates**

- Residential – 0.34058 cents in the dollar with a Base Amount of \$305.00.
- Business – 0.79325 cents in the dollar with a minimum of \$515.00.
- Business (City Centre Business) – 1.09381 cents in the dollar with a minimum of \$500.00
- Farmland – 0.34058 cents in the dollar with a Base Amount of \$305.00.

#### **2. Environmental (Special) Rate**

- Environmental – 0.01016 cents in the dollar, Base Amount \$19.65.

**3. Waste Management Charges:**

- Domestic Waste – Occupied - \$534.00 per service
- Domestic Waste – Subsidiary General Waste Charge - \$220.00 per service
- Domestic Waste – Subsidiary Recycling Charge - \$82.00 per service
- Domestic Waste – Subsidiary Recycling Upgrade Charge - \$30.00 per upgrade
- Domestic Waste – Subsidiary Organic Waste Charge - \$129.00 per service
- Domestic Waste – Vacant Land - \$100.00 per assessment
- Non-Domestic Waste – Occupied - \$534.00 per service (excluding GST)
- Non-Domestic Waste – Subsidiary General Waste Charge - \$220.00 per service (excluding GST)
- Non-Domestic Waste – Subsidiary Recycling Charge - \$82.00 per service (excluding GST)
- Non-Domestic Waste – Subsidiary Recycling Upgrade Charge - \$30.00 per upgrade (excluding GST)
- Non-Domestic Waste – Subsidiary Organic Waste Charge - \$129.00 per service (excluding GST)
- Non-Domestic Waste – Vacant Land - \$100.00 per assessment (excluding GST)
- Non-Domestic Waste – Non-Rateable - \$534.00 per service (excluding GST)

**4. Sewerage Access Charges:**

- Residential Properties - \$783.00 per occupation
- Non-Residential Properties - Calculated using the formula:  $SDF \times MF \times AC$  (with a minimum charge of \$540.00)

Where: SDF = Sewer Discharge Factor  
MF = Meter Factor (*refer to table 1 within recommendations*)  
AC Factor = Access Charge = \$766.00

**5. Sewerage Access Charges – Vacant Properties:**

- Residential Vacant - \$540.00 per assessment
- Non-Residential Vacant - \$540.00 per assessment

**6. Onsite Sewage Administration Fee:**

- \$30.00 per system (low risk)
- \$60.00 per system (medium risk)
- \$180.00 per system (high risk)

**7. Water Access Charges:**

- Residential Properties - \$139.00 per occupation
- Non-Residential Properties - \$139.00 per meter factor (MF)
- Water Backflow Charge (Residential) - \$15.00 per testable backflow device
- Water Backflow Charge (Non-Residential) - \$60.00 for the first testable backflow device then \$15.00 for any additional testable devices.

**8. Water Access Charges – Vacant Properties:**

- Residential Vacant - \$139.00 per assessment
- Non-Residential Vacant - \$139.00 per assessment

**9. Water Usage Charges – Residential / Non-Rateable (residential nature):**

- Tier 1 (up to 1KL per day, averaged over reading period) - \$2.55 per kilolitre
- Tier 2 (over 1KL per day) - \$3.83 per kilolitre

**10. Water Usage Charges – Non-Residential / Non-Rateable:**

- \$2.55 per kilolitre for all water used

**11. Water Usage Charges – Fire Service:**

- \$7.65 per kilolitre for all water used (except for usage, supported by evidence, related to fire fighting)

**12. Water Usage Charges – Raw Water Supply:**

- Tier 1 (up to 1KL per day, averaged over reading period) - \$1.28 per kilolitre
- Tier 2 (over 1KL per day) - \$1.91 per kilolitre

**13. Sewer Usage Charges – Non-Residential:**

- Sewer Discharge Factor (SDF) x \$2.00 per kilolitre (based on water usage)

**14. Sullage (Effluent) Collection Charge:**

- \$455.00 per service

**15. Effluent Charge (Special):**

- \$783.00 per service

**16. Trade Waste Annual Charge: (based on number of trade waste generators)**

- 1 generator - \$185.00
- 2 to 4 generators - \$370.00
- 5 to 9 generators - \$832.50
- 10 to 14 generators - \$1,480.00
- 15 to 19 generators - \$2,220.00
- More than 19 generators - \$3,145.00

**17. Trade Waste Usage Charges – Non-Residential:**

**Compliant trade waste discharge for Charge Category 2 generators**

- Trade Waste Discharge Factor (TWDF) x \$1.58 per KL (based on water usage)

**Non-Compliant trade waste discharge for Charge Category 2 generators**

- Trade Waste Discharge Factor (TWDF) x \$14.54 per KL (based on water usage)

**Non-Compliant trade waste discharge for Charge Category 1 generators**

- Trade Waste Discharge Factor (TWDF) x \$1.58 per KL (based on water usage)

**18. Stormwater Service Charges:**

- Residential Properties (except strata units) - \$25.00 per property
- Residential Strata Units - \$12.50 per property
- Business Properties – per property (amounts based on land area @ \$25.00 per 350m<sup>2</sup>).
- Business Strata Units (mixed development with residential units) - \$12.50 per property
- Business Strata Units (in a complex having business units only) – per property (amounts based on land area and unit entitlement) – Minimum charge of \$5.00 applies to each unit.

**19. Interest on overdue rates and charges:**

Council will apply an interest rate of 9% (as determined by the Minister for Local Government) calculated daily on a simple basis, on overdue rates and charges.

**Sustainability Assessment:**

- **Environment**

No environmental implications for Council.

- **Social**

No social implications for Council.

- **Civic Leadership**

Rates and Charges are an essential component of Council's revenue platform which fund works and services aimed at achieving the objectives of the *Coffs Harbour 2030* Community Strategic Plan. This is consistent with the 2030 Plan strategy:

*LC 3.1 Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour.*

- **Economic**

**Broader Economic Implications**

The rates and annual charges have to be adopted by Council so that rate notices and usage accounts can be issued in 2013/2014. Failure to issue such accounts would detrimentally affect Council's ability to fund expenditure.

**Delivery Program/Operational Plan Implications**

The rates and charges included in this report are in accordance with the related income yields in the 2013/2014 Operational Plan.

**Consultation:**

The rates and charges in this report have been considered as part of the preparation and adoption of Council's 2013/2014 Operational Plan.

**Related Policy and / or Precedents:**

Each year Council is required to adopt its rates and charges.

The adoption of a budget structure is a requirement under the Local Government Act 1993.

**Statutory Requirements:**

Section 535 of the Local Government Act requires Council to "make" (adopt) its rates and charges each year.

**Issues:**

The report seeks adoption of rates and charges which are required to achieve income yields as stipulated in Council's 2013/2014 Operational Plan.



**Implementation Date / Priority:**

The rates and charges will apply to the 2013/2014 financial year.

With Council's approval, the implementation of the budget option including the CBD Special Rate will allow strategies associated with the rate variation to commence immediately.

**Recommendation:**

**That Council:**

1. **Note the Independent Pricing and Regulatory Tribunal's advice of 11 June 2013, approving Coffs Harbour City Council's Application for a Special Variation to General Income of 5.43% for 2013/2014.**
2. **Rescind the budget option without the CBD Special Rate adopted on 23 May 2013 in the 2013/2017 Delivery Program and 2013/2014 Operational Plan.**
3. **Note that the IPART determination enables Council to proceed with the program of works encompassed by the City Centre Masterplan developed in conjunction with the CBD Masterplan committee.**
4. **Make an Ordinary Rate - Residential, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.34058 cents) in the dollar with a Base Amount of \$305.00 for all rateable land in the City categorised as 'Residential'.**
5. **Make an Ordinary Rate – Business, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.79325 cents) in the dollar with a minimum rate of \$515.00 for all rateable land in the City categorised as 'Business' EXCEPT land under the sub-category of Business named 'City Centre Business'.**
6. **Make an Ordinary Rate – City Centre Business, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (1.09381 cents) in the dollar with a minimum rate of \$500.00 for all rateable land in the City sub-categorised as 'City Centre Business'.**
7. **Make an Ordinary Rate – Farmland, pursuant to Section 494 of the Local Government Act, for 2013/2014 of (0.34058 cents) in the dollar and a Base Amount of \$305.00 for all rateable land in the City categorised as 'Farmland'.**
8. **Make a Special Rate – Environmental, pursuant to Section 495 of the Local Government Act, for 2013/2014 on all rateable land in the City of (0.01016 cents) in the dollar with a Base Amount of (\$19.65).**
9. **Make an Annual Charge for Domestic Waste Service – Occupied, pursuant to Section 496 of the Local Government Act, for 2013/2014 on all occupied rateable land in the City, categorised Residential or Farmland, to which a domestic waste service is (or able to be) provided.**

The amount of the annual charge will be the amount derived by applying the formula:  $C = S \times UD$

Where "C" equals the annual charge, "S" equals the number of general waste bins provided to the parcel of land or lot in a strata plan for collection or the number of separate occupations, or one (1), whichever is the greater, and "UD" (Unit Price Domestic Waste) is \$534.00.

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

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

- 10. Make an Annual Charge for Non-Rateable (Non-Domestic) Waste Service, pursuant to Section 496(2) of the Local Government Act, for 2013/2014 on all occupied non-rateable properties in the City to which a waste collection service is provided.**

The amount of the annual charge will be the amount derived by applying the formula  $C = S \times UN$ , where "C" equals the annual charge, "S" equals the number of general waste bins provided for collection or the number of separate occupations, or one (1) whichever is the greater and "UN" (Unit Price Non-Rateable) is \$534.00 (excluding GST).

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

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

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

- 12. Make an Annual Charge for Non-Domestic Waste – Occupied, pursuant to Section 501 of the Local Government Act for 2013/2014 on all occupied rateable land in the City, categorised Business or sub-categorised City Centre Business, to which a waste collection service is provided (or is able to be provided).**

The amount of the annual charge will be the amount derived by applying the formula  $C = S \times UB$ , where "C" equals the annual charge, "S" equals the number of general waste bins provided to the parcel of land or lot in a strata plan for collection or the number of separate occupations, or one (1) whichever is the greater and "UB" (Unit Price - Non Domestic) is \$534.00 (excluding GST).

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

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

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

14. **Make an Annual Charge – Sewerage Access Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 on all rateable land in the City categorised Residential or Farmland, EXCEPT land prescribed under Section 552(3) (a) and (b) of the Local Government Act.**

The amount of the annual charge will be \$783.00 per occupation or \$540.00 for vacant land.

15. **Make an Annual Charge – Sewerage Access Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 on all rateable land in the City categorised Business or within the Business subcategory ‘City Centre Business’ EXCEPT land prescribed under Section 552(3)(a) and (b) of the Local Government Act.**

The amount of the annual charge will be:

For vacant land - \$540.00.

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

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

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

Where no water service is installed on an occupied property (and able to be connected to the sewerage system) a Meter Factor (MF) equal to one (1) and a Sewer Discharge Factor (SDF) equal to 95% will be assumed for the calculation of the annual sewer access charge (i.e.  $1 \times 95\% \times \$766.00 = \$727.70$ ).

**Table 1 - Meter Charge Factors - Annual Sewer Access Charge (Non-Residential)**

Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor
15	1.00	40	4.00	100	25.00
20	1.00	50	6.30	150	56.30
25	1.60	65	10.60	200	100.00
32	2.60	80	16.00	Fire Service (any size)	Nil

16. **Make an Annual Fee for On-site Sewage Administration (low risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 on each property on which an on-site sewage management system(s) is installed.**

The amount of the fee will be the amount derived by applying the formula:

**C = OS x UPL** where “C” equals the annual fee, “OS” equals the number of on-site sewage management systems and “UPL” (Unit Price) is \$30.00 for low risk on-site sewage systems.

17. **Make an Annual Fee for On-site Sewage Administration (medium risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 on each property on which an on-site sewage management system is installed.**

The amount of the fee will be the amount derived by applying the formula:

**C = OS x UPM** where “C” equals the annual fee, “OS” equals the number of on-site sewage management systems and “UPM” (Unit Price) is \$60.00 for medium risk on-site sewage systems.

18. Make an Annual Fee for On-site Sewage Administration (high risk systems), pursuant to Section 608 of the Local Government Act for 2013/2014 on each property on which an on-site sewage management system is installed.

The amount of the fee will be the amount derived by applying the formula:

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

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

Land prescribed under Section 552(2) of the Local Government Act (or) Farmland rated properties using water for a commercial farming purpose.

The amounts of the annual charge will be:

- 19.1. For vacant land or land comprising a single residential dwelling or a lot within a strata plan - \$139.00.
- 19.2. For land on which is erected a building or buildings adapted for two or more separate occupations, including (but not limited to) a dual occupancy or residential flat building(s) not being part of a strata plan, the amount derived by applying the formula  $AC = T \times \$139.00$  where “AC” equals the Annual Charge, “T” equals the number of separate occupations.

20. Make an Annual Charge – Water Access Charges, pursuant to Section 501 of the Local Government Act, for 2013/2014 on all rateable land in the City categorised Business (and sub-category City Centre Business) or Farmland EXCEPT:

Land prescribed under Section 552(2) of the Local Government Act (or) Farmland rated properties using water for a residential purpose.

The amount of the annual charges will be:

- 20.1. For vacant land or occupied land that is not connected to the water supply - \$139.00.
- 20.2. For land not included in (20.1) above the amount is derived by applying the formula  $AC = MF \times \$139.00$  where “AC” equals the Annual Charge, “MF” equals the aggregate of the charge factors for all meters on the property (see table 2 below for charge factors), and \$139.00 is the unit price.

**Table 2 – Meter Charge Factors - Water Access Charge (Non-Residential)**

Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor	Meter Size (in mm)	Charge Factor
15	1.00	40	4.00	100	25.00
20	1.00	50	6.30	150	56.30
25	1.60	65	10.60	200	100.00
32	2.60	80	16.00	Fire Service (any size)	1.00

21. **Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$15.00 per testable backflow device on rateable properties under the category of Residential or Farmland in respect of land prescribed under Section 552(1).**
22. **Make an Annual Charge - Water Backflow Charge, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$60.00 for the first testable backflow device and \$15.00 for any additional testable backflow device(s) on rateable properties under the category of Business or sub-category of City Centre Business in respect of land prescribed under Section 552(1).**
23. **Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$455.00 for each system able to be connected to the sewerage system (properties with this charge applied may also be charged an annual sewer access charge).**
24. **Make an Annual Charge for Effluent Removal, pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$455.00 for each system not yet on Council's subsidised pump-out service and not able to be connected to the sewerage system.**
25. **Make an Annual Charge for Effluent Removal (Special), pursuant to Section 501 of the Local Government Act, for 2013/2014 of \$783.00 for each system not able to be connected to the sewerage system. A subsidised pump-out service is provided with this charge.**
26. **Make an Annual Charge for Trade Waste, pursuant to Section 501 of the Local Government Act, for 2013/2014. This annual charge is based on the number of trade waste generators at each property.**

Table three shows the annual charge applicable for a particular number of trade waste generators at a property.

**Table 3 – Annual Charge for Trade Waste**

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

27. **Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.55 per kilolitre for each kilolitre of water registered, up to a daily average of one (1) kilolitre per occupation for the period read, this is to be known as the Tier 1 (or Step 1) water usage charge.**
28. **Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$3.83 per kilolitre for each kilolitre of water registered, over a daily average of one (1) kilolitre per occupation for the period read, this is to be known as the Tier 2 (or Step 2) water usage charge.**
29. **Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$1.28 per kilolitre for each kilolitre of water registered, up to a daily average of one (1) kilolitre per occupation supplied**

for the period read, this is to be known as the Tier 1 (or Step 1) raw water usage charge.

30. **Make a Water Usage Charge (Raw Water Supply), pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$1.91 per kilolitre for each kilolitre of water registered, over a daily average of one (1) kilolitre per occupation supplied for the period read, this is to be known as the Tier 2 (or Step 2) raw water usage charge.**
31. **Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.55 per kilolitre for each kilolitre of water registered on any meter fitted to any Non-Residential property.**
32. **Make a Water Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$7.65 per kilolitre for each kilolitre of water registered on any meter fitted for providing a fire service at a property.**
33. **Make a Sewerage Usage Charge, pursuant to Section 502 of the Local Government Act, for 2013/2014 of \$2.00 per kilolitre. Sewerage discharge is based on water usage and varies depending on Sewer Discharge Factors (SDF) allocated to individual water meters on individual properties. SDFs are determined using State Government guidelines.**

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

34. **Make a Trade Usage Charge (for compliant trade waste discharge – Charge Category 2 generators), pursuant to Section 502 of the Local Government Act, for the 2013/2014 charge period of \$1.58 per kilolitre.**

**Make a Trade Usage Charge (for non-compliant trade waste discharge – Charge Category 1 generators), pursuant to Section 502 of the Local Government Act, for the 2013/2014 charge period of \$1.58 per kilolitre.**

**Make a Trade Usage Charge (for non-compliant trade waste discharge – Charge Category 2 generators), pursuant to Section 502 of the Local Government Act, for the 2013/2014 charge period of \$14.54 per kilolitre.**

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

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

35. **Make an Annual Stormwater Management Service Charge, pursuant to Section 496A of the Local Government Act, for 2013/2014, to be applied against rateable properties categorised as Business or Residential within Council's stormwater catchments.**

The amount of the annual charges will be:

- 35.1. **For Residential properties (not being strata units) - a flat charge of \$25.00 will apply.**
- 35.2. **For Residential Strata Units - a flat charge of \$12.50 will apply.**
- 35.3. **For Business properties (not being strata units) the charge is based on total (estimated) impervious land area using the following criteria:**

**Divide the total impervious land area by 350 square metres. This will result in an amount which, (rounded up to the nearest whole number) is multiplied by \$25.00.**

This annual charge will therefore be an amount divisible by \$25.00 with the minimum charge being \$25.00 for properties having a land area of 350 square metres or less.

- 35.4. For Business Strata Units (in a complex containing only business units) - the charge is determined by a method similar to that detailed in point (35.3) above, except that the total land area charge for the strata complex (being a multiple of the \$25.00 charge) is further apportioned to individual strata units within the complex using the unit entitlement recorded for each unit. A minimum charge of \$5.00 per strata unit applies to calculated charges less than this amount.
- 35.5. For Business Strata Units (in a mixed complex containing residential units) – the charge for these units will be the same as residential strata units being a flat charge of \$12.50.
36. Make an Interest Charge of 9%, pursuant to Section 566 of the Local Government Act, for 2013/2014 being the maximum amount determined by the Minister for Local Government; calculated daily on a simple basis, on overdue rates and charges (EXCEPT water, sewer and trade waste usage charges).

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## **RELEASE AND CREATION OF EASEMENT FOR RIGHT OF CARRIAGEWAY - MULLAWAY RESERVOIR, TRAMWAY DRIVE, WOOLGOOLGA**

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### **Purpose:**

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

### **Description of Item:**

This report is procedural and is required to obtain Council's authority to execute a legal document under seal. Currently Council has the benefit of a right of carriageway 5m wide in the position indicated on the plan attached to this report. The existing easement allows Council to access its reservoir over private property legally described as Lot 1 DP48560 which is owned by Mr and Mrs Lalli. Mr and Mrs Lalli have requested formal consent to the relocation of the existing easement so that they can more efficiently use their property for farming purposes. The owners have proposed that a new easement be created in the position shown on the attached plan. The location of the new easement has been inspected by staff both from Councils Property and Water sections. The new location of the easement is considered satisfactory and should be agreed to on the basis that the new section of the easement is constructed to Councils requirements.

### **Sustainability Assessment:**

- **Environment**

There are no environmental issues.

- **Social**

There are no social impacts.

- **Civic Leadership**

Council's ability to provide water services to the City now and in the future will not be compromised by this matter. The relocation of the easement will provide for the more effective use of land in line with objectives of the Coffs Harbour 2030 Community Strategic Plan.

- **Economic**

#### **Broader Economic Implications**

The change will enable the more efficient use of Mr and Mrs Lalli's farm.

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

All costs in relation to the matter will be borne by the owners of Lot 1 DP48560.



**Consultation:**

Council's Water Section has advised that the proposed change is acceptable and will not disadvantage Council's operations.

**Related Policy and / or Precedents:**

Council has in the past consented to the relocation of easements when considered appropriate and in the interests of the parties involved.

**Statutory Requirements:**

Council cannot affix its seal without a resolution of Council. This requirement has generated the need for this report.

**Issues:**

The only issue for Council to consider is whether it should consent to the proposed change. In the circumstances there is no reason why Council should not grant approval.

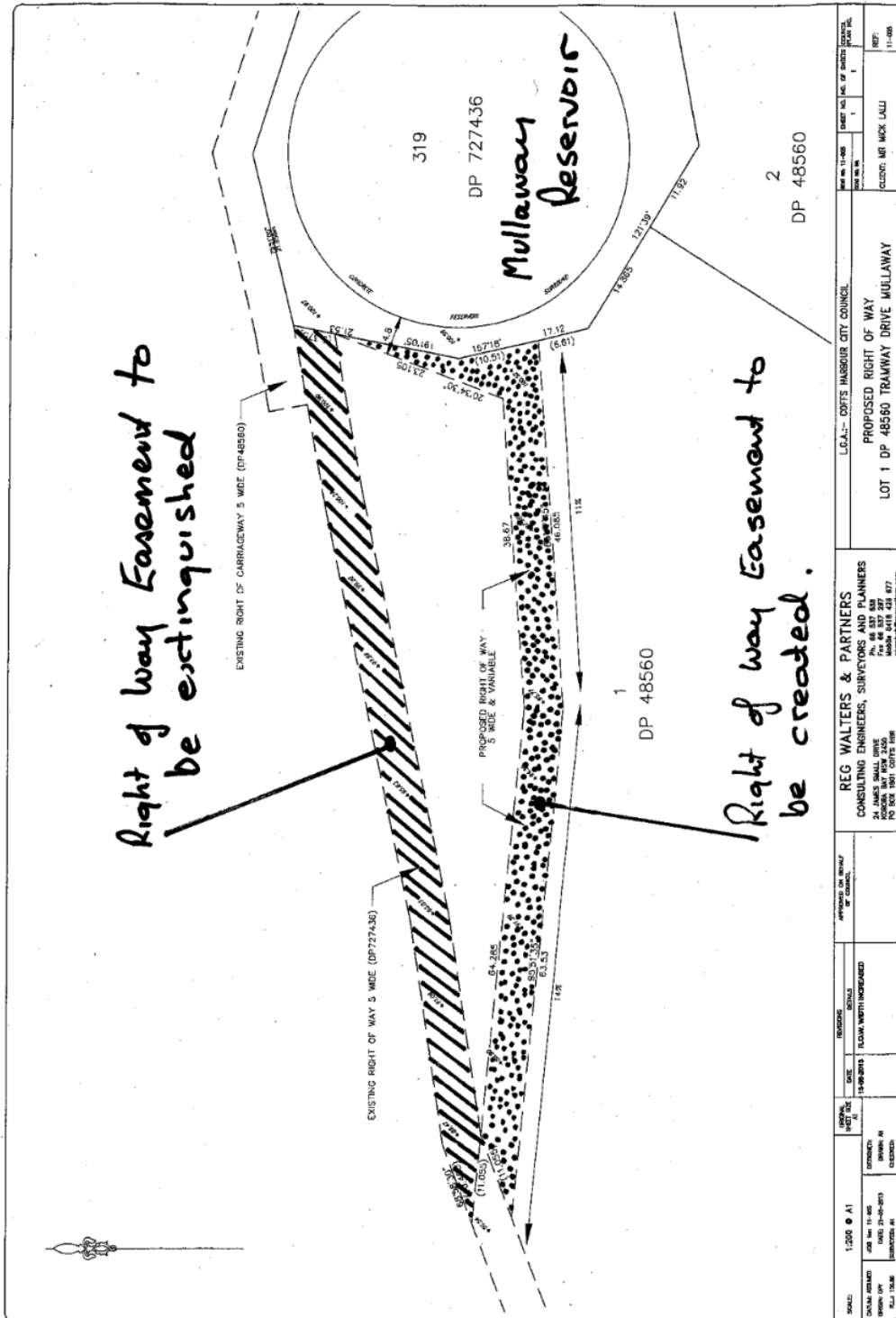
**Implementation Date / Priority:**

The matter will be dealt with immediately following Council's resolution.

**Recommendation:**

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

Attachment



SCALE: 1:200 @ A1	DATE: 10/05/13	APPROVED BY: [Signature]	DATE: 11/05/13
DRAWN BY: [Name]	CHECKED BY: [Name]	DATE: 10/05/13	DATE: 11/05/13
PROJECT: [Name]	CLIENT: [Name]	L.C.A. - COFFS HARBOUR CITY COUNCIL	
REG WALTERS & PARTNERS CONSULTING ENGINEERS, SURVEYORS & PLANNERS PO BOX 1801, COFFS HARBOUR NSW 2450 PH: 02 655 2277 WWW.REGWALTERS.COM.AU		PROPOSED RIGHT OF WAY LOT 1 DP 48560 TRAMWAY DRIVE MULLAWAY	
SHEET NO. 11-005		SHEET NO. OF SHEETS: 1	

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## **TENDER: RFT-587-TO COFFS HARBOUR INTERNATIONAL SPORTS STADIUM NAMING RIGHTS**

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### **Purpose:**

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

### **Description of Item:**

The current naming rights agreement for the Coffs Harbour International Sports Stadium is held by Bananacoast Credit Union (BCU) and expires on 31 July 2013.

Due to the total value of the contract, the renewal process was undertaken by a Request for Proposal (RFP) in the open marketplace.

Open tenders were called for in local and capital city newspapers and via Council's electronic Tenderlink portal. The deadline for submission of tenders was 3:30pm on Tuesday 21 May 2013.

No tenders were received by the deadline.

### **Sustainability Assessment:**

- **Environment**

The Naming Rights agreement has no specific environmental impacts.

- **Social**

While the naming rights agreement itself has no direct social impact, the ongoing viability of the venue will have major positive social impacts on the local community.

Participating in sport produces a range of benefits including improved physical fitness, enhanced mental health, skill development, increased self-esteem, and opportunities for social networking. These benefits extend to not only players but officials and spectators, and provide opportunities to strengthen family units by encouraging families to spend time together.

- **Civic Leadership**

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

Relevant strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Create facilities and services that allow the community to reach its full development potential;
- Develop inclusive community, sporting and recreational activities;
- Promote healthy living;

- Encourage the provision of facilities, services and resources which attract and support young people;
- Provide opportunities for all, including the Aboriginal community, to contribute to the local economy.
- Create community structures which capitalise on intergenerational knowledge, experience and capacity.
- Create opportunities for enhancement of the community's sense of wellbeing.

- **Economic**

**Broader Economic Implications**

Sports Tourism as a whole contributes \$30 million to the local economy.

Stadium events contribute over 60,000 visitor nights having a direct economic impact of over \$10 million annually.

Any loss of operational budget, as detailed below, will have a direct impact on the ability of the venue to continue to attract sporting events that deliver these benefits to the Coffs Harbour community.

**Delivery Program/Operational Plan Implications**

The RFP noted an expected contract value of >\$50,000 per year, for a possible five year term (three years, with a two year option). Of this amount, \$25,000 is absorbed into general venue operating costs, and the remaining \$25,000 used for marketing and event attraction.

In addition, the naming rights sponsor is responsible for upgrading the signage to reflect the new venue branding. Without a sponsor, Council will be responsible for the cost of rebranding (back to Coffs Harbour International Stadium or the like) at an estimated one off cost of \$50,000.

Without a naming rights sponsor, the impacts on the delivery program/operation plan are therefore as follows:

2013/14	\$100,000 (includes signage)
2014/15	\$50,000
2015/16	\$50,000
2016/17	\$50,000
2017/18	\$50,000.

**Consultation:**

Other venue naming rights tenders and agreements were researched within NSW, QLD and VIC.

The actual tender process was only discussed internally and with the Stadium Focus Group due to confidentiality.

**Related Policy and / or Precedents:**

Tendering procedures were carried out in accordance with Council policy.

The International Stadium is encompassed under the Coffs Coast Sport and Leisure Park Plan of Management.

**Statutory Requirements:**

The calling, receiving and reviewing of tenders was carried out in accordance with Part 7 Tendering of the Local Government (General) Regulations 2005.

A council that receives no tenders for the proposed contract must, by resolution, do one of the following:

- postpone or cancel the proposal for the contract;
- invite fresh tenders based on the same or different details;
- enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;
- carry out the requirements of the proposed contract itself.

If a council resolves to enter into negotiations, the resolution must state (a) the council's reasons for declining to invite fresh tenders and (b) the council's reasons for determining to enter into negotiations.

**Issues:**

Although the Stadium is highly regarded, and companies expressed an interest in the tender process, unfortunately no tenders were ultimately received and the open tender process has failed to yield an acceptable offer. This may be a reflection of the current tight sponsorship marketplace. The timing of the tender also coincided with the public discussions about Council's position on spending money to attract high profile events to the city.

Inviting fresh tenders would offer no benefit, and in fact could be counterproductive. The tender was distributed widely to national, state and local businesses as well as advertised in the open marketplace. Staff are confident that it has been received and assessed by those that may have been interested.

As well as the financial issues noted above, the removal of a naming rights partnership from the venue may have a negative impact on the reputation of Coffs Harbour and the Stadium as a regional leader in sports tourism. A resolution in the short term is the best possible solution for Council.

Allowing a direct negotiation with those that expressed an interest in the tender process but did not submit a tender, will provide Council with the best opportunity to secure a naming rights sponsor with a mutually agreeable benefit package and financial offer within a reasonable timeframe.

**Implementation Date / Priority:**

The current naming rights agreement with BCU expires on 31 July 2013, and the new agreement should be in place by 1 August 2013.

**Recommendation:**

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

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

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

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

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## NSW PLANNING SYSTEM REVIEW – WHITE PAPER

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### **Purpose:**

The purpose of this report is to:

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

### **Background:**

The State's main planning law, the Environmental Planning and Assessment Act (EP&A) Act, was written in 1979. The EP&A Act outlines how decisions are made about what people can do with their land. For instance, it allows councils to create Local Environmental Plans (LEPs) which broadly define where and what development can take place. It also allows councils to prepare Development Control Plans (DCPs) which typically provide more fine-grain detail which guide how developments can proceed.

The Act is part of a much broader planning system, used every day to make decisions on issues ranging from home extensions to railway line extensions (and everything in between). The NSW Government has decided that, given the length of time since the EP&A Act and its associated planning system were introduced, a comprehensive review is required. The NSW Government has established an independent panel to review this Act along with the broader planning system. The aim is to create a new planning system that meets today's needs and priorities.

### **Description of Item:**

The NSW Government's NSW Planning System Review has involved four stages. It is now at Stage 4 as follows:

#### **1. Listening and Scoping**

The review process commenced in mid-2011 with an extensive listening and scoping phase, first meeting with a wide range of peak interest groups – across the spectrum – in Sydney. The Panel then completed a two month listening and consultation phase, meeting with interested participants in over 40 locations across the State – including two sessions in Coffs Harbour. The Panel sought feedback and the community's views on what should be the broad underpinning principles for new legislation to replace the EP&A Act.

#### **2. Issues Paper**

Submissions and comments received during the initial consultation phase were used to produce the Issues Paper in early 2012 entitled "*The way ahead for planning in NSW?*" The Issues Paper focused on questions and issues raised at community forums and stakeholder meetings. During this phase, residents and communities State-wide were encouraged to give further feedback on the questions raised.

### **3. Policy Options Release**

After considering public comments made during the listening and scoping phase and in response to the Issues Paper, a working group in collaboration with the Panel produced a document – known as a Green Paper – which set out their recommended preferred structure for a new planning system. The Green Paper was published on the 14 July 2012 and the Panel accepted submissions until 5 October 2012. This matter was reported to Council on 23 August 2012.

### **4. Draft Legislation**

A 'White Paper' has now been released for exhibition. The White Paper outlines that the new planning system will be underpinned by a new Act which enables the establishment of a broad framework while integrating flexibility to respond to change.

The White Paper is on exhibition and the NSW Government is accepting submissions until 28 June 2013. A copy of the White Paper can be found at <http://www.planning.nsw.gov.au/anewplanningsystem>.

The White Paper refers to two separate Bills presented under the Exposure Bills 2013. The Exposure Planning Bill 2013 establishes the key provisions of the new planning system and the second, Exposure Planning Administration Bill 2013, provides for the establishment of the administrative and compliance/procedural arrangements for the system.

The Exposure Bills have been prepared as part of the White Paper consultation process. If the White Paper provisions are revised post consultation, the Exposure Bills will be amended accordingly. The Department is progressing the White Paper and Exposure Bills with a view to have the Bills before Parliament in late September 2013.

#### **Sustainability Assessment:**

The White Paper suggests transformative changes moving the planning system from a regulated and prescriptive system to a simpler performance based approach. The White Paper focuses on delivering this approach while facilitating economic and employment growth throughout the State in an environmentally and socially sustainable manner.

- **Environment**

The EP&A Act aims to ensure the State's development is carried out in an environmentally sustainable manner.

- **Social**

One of the objects of the EP&A Act is to ensure that appropriate uses are provided to cater for the social needs of the community.

- **Civic Leadership**

Any proposed changes to the EP&A Act will result in implementation of appropriate and relevant actions by Council to achieve the outcomes sought by the modifications.



- **Economic**

**Broader Economic Implications**

Council's planning policy (LEPs, DCPs, etc.) is to be consistent with the objectives and actions outlined in the EP&A Act. The option for development contribution reform put forward in the White Paper may result in a reduction in contribution income which may put pressure on other funding sources for the provision of infrastructure to service development.

**Delivery Program/Operational Plan Implications**

There are no immediate funding implications to the Operational Plan associated with lodgement of a submission on Council's behalf. However, should legislative requirements be implemented by the State Government's review process, many changes to our current systems and policies will be required with implications on budget and resourcing of many sections within Council. A separate report will be prepared to provide additional information to Council as/if the legislation progresses.

**Consultation:**

The State Government has established a comprehensive consultation process with a number of bodies and stakeholders. Council will need to lodge a submission by 28 June 2013, to ensure that Council's issues are considered in the process of reviewing the NSW Planning System. The Department of Planning and Infrastructure has been presenting free metropolitan and regional discussion sessions on the White Paper. These events have provided local government and planning practitioners, building professionals and the community with an opportunity to provide feedback on implementing the new planning system.

One of these events was held in Coffs Harbour on Wednesday, 5 June 2013. The session was well attended by Council staff and Councillors. It outlined the new Act and provided all present with the opportunity to ask questions.

**Related Policy and / or Precedents:**

This process provides Council with the opportunity to lodge a submission on behalf of our community. It will inform the NSW Government on the matters that Council believe need to be integrated from a "local perspective" into its review of one of the foremost important pieces of legislation that binds Council's process, policies and decisions.

**Statutory Requirements:**

No specific statutory processes under the EP&A Act 1979 and Regulations must be followed in the preparation of a submission to the White Paper of the NSW Planning System Review.

**Issues:**

The White Paper focuses on major changes to address the questions and issues raised at community forums, stakeholder meetings and submissions to the Issues and Green Paper. It includes five broad areas of policy/direction:

- a new approach to community participation;
- a focus on upfront strategic planning;
- cultural change and a fresh approach to doing planning;
- an easier/more certain system for families and small businesses; and
- infrastructure to support growth.

- **Hierarchy of Plans**

To assist with implementing changes, the White Paper provides structural change with a four tier planning instrument hierarchy including:

- **NSW Planning Policies**

These policies are to provide "high" level planning direction on key policy areas. The current layer of State Environmental Planning Policies will be repealed with any necessary principles embodied into the other levels of new planning instrument hierarchy. NSW Planning Policies will not be statutory instruments but the Act will identify how they are to be implemented in regional, subregional and local plans.

- **Regional Growth Plans**

These plans will provide the direction and principles for growth at a regional / metro level. These plans will address spatial planning; population growth; development patterns; key actions for regional issues; cumulative impact assessment; delivery accountability and ongoing review process. The Act will refer to these plans; they will not be statutory but implemented through the Subregional Delivery Plans.

- **Subregional Delivery Plans**

The White Paper's "new transformative delivery tool for high growth areas" will directly rezone land; provide framework for code based/complying development assessment; coordinate agency requirements and link to infrastructure plans.

Subregional Plans will also identify prime agricultural lands, priority growth areas, biodiversity corridors and conservation areas. Local Government and "Regional Planning Boards" will consult on and develop the Subregional Delivery Plans. Subregional Plans are to include growth infrastructure plans; identifying the infrastructure required to support development in the high growth areas. These will be underpinned by sectoral strategies on matters such as housing or the environment.

- **Local Plans**

These will be spatially based, plain English, land use plans to replace the current LEP/DCP layers. These plans will guide desired development outcomes with emphasis on merit based assessment rather than strict controls. Referral requirements and concurrence roles would be reduced. Local Plans will cover strategic intent, statutory spatially based land use plans, service/infrastructure delivery, development guidelines and performance monitoring guidelines.

The State Government proposes that legislation will be introduced to require Local Plans to be prepared with regard to the Community Strategic Plan (Coffs Harbour 2030). The new Act is to contain provisions for the transition of Standard Instrument Local Environmental Plans (SiLEP) and DCPs into the new Local Plan. Local Plans will need to cover a 10 year timeframe and be reviewed every four years. This will align the Local Plan review with the review of the Community Strategic Plan.

The Local Plan is a visual expression of the local Strategy. Land zones will reflect the primary function of the area e.g. residential, industrial and commercial. The White Paper suggests new indicative zones which is a shift to fewer broader zones than contained in the SiLEP. These zones are shown on the table below:

EXISTING ZONES IN THE SI LEP		INDICATIVE ZONES IN THE LOCAL PLAN
RU1 Primary Production RU3 Forestry RU4 Primary Production Small Lots		Resource
RU2 Rural Landscape RU6 Transition E3 Environmental Management		Rural
R1 General Residential R2 Low Density Residential R3 Medium Density Residential	R5 Large Lot Residential RU5 Village E4 Environmental Living	Residential (including Suburban Character Areas & areas with special ecological attributes)
R4 High Density Residential B4 Mixed use		Mixed Use
B1 Neighborhood Centre B2 Local Centre B3 Commercial Core	B8 Metropolitan Centre RE2 Private Recreation	Commercial
B6 Enterprise Corridor		Enterprise
B5 Business Development B7 Business Park		Employment
IN1 General Industrial IN2 Light Industrial	IN4 Working Waterfront W3 Working Waterways	Light Industrial
IN3 Heavy Industrial		Heavy Industrial
E1 National Parks and Nature Reserves E2 Environmental Conservation	W1 Natural Waterways	Environmental Protection & Hazard Management
RE1 Public Recreation W2 Recreational Waterways		Open Space and Recreation
SP2 Infrastructure		Infrastructure
SP1 Special Activities SP3 Tourist		Special Purpose

The White Paper provides detail about the format of Local Plans, which will be divided into four sections. Local Plans will include the overarching strategy for the area, maps of zones and land uses (planning controls), standards and guidelines for development (development guides) and details of infrastructure contributions.

**Comments:**

*Coffs Harbour City Council will be required to prepare Local Plans, which will require budget and staff allocations. The White Paper is silent on whether a Subregional Delivery Plan will be prepared for Coffs Harbour, therefore the implications regarding budget and staff allocations for Subregional Delivery Plans are not known at this time.*

- **Community Participation**

The White Paper proposes upfront community participation seeking people to have their say and to have input into setting the planning “ground rules”. The Government will create and enshrine in law a *Community Participation Charter*. The NSW Government and Coffs Harbour City Council will be required to prepare *Community Participation Plans (CPP)*. These CPP’s will describe how and when the community will be able to participate in preparing plans that shape the LGA and local areas. These plans will also explain how the community can participate in the assessment of certain development applications. The White Paper provides for the establishment of guidelines for how the community and stakeholders can have their say in the planning process.

**Comments:**

*Coffs Harbour City Council will be required to prepare CPPs. This will require the allocation of appropriate Council resources i.e. staff and budget. Council will need to prepare a CPP to describe how and when we will engage the community in planning processes. The department will provide guidelines to Council based on the State-wide Community Participation Charter.*

*Council may choose to expand on our existing community engagement strategy, instead of preparing a separate CPP.*

- **Upfront Strategic Planning**

The White Paper includes a greater focus on bringing the community, local councils and relevant State agencies together to develop a shared vision across local, subregional and regional areas. The new system concentrates on developing clear strategies to facilitate sustainable growth to deliver jobs, housing and infrastructure needed by the community.

The strategies will develop a consensus and certainty on how and where communities will grow. These plans will also identify the physical and social infrastructure required to support development and the timing of provision of that infrastructure. Local Plans will consider land use, environmental and infrastructure needs of the community.

The emphasis applied by the White Paper is on increased council consultation with the State Government on strategy matters and reduced consultation with development applications.

**Comments:**

*Coffs Harbour City Council will be required to prepare new strategies (replacing existing strategies, LEP and DCPs – no matter how recent/current) that accord with the principles and requirements of the new legislation and this will require the allocation of appropriate Council staff and budget resource.*

*The White Paper suggests that Council will be subject to a timeframe to apply a transition from the SiLEP to the Local Plan as established in the White Paper. While details on this process are limited, it appears that Council will have a set timeframe to comply by implementing the new Local Plan in a similar process to the one recently completed for the SiLEP. This may mean the resources available will need to focus on delivery of this document rather than focus on existing strategy matters that require review, monitoring and updating.*

- **Cultural Change**

The aim of the State Government is to create a culture that facilitates positive planning outcomes for people and business rather than focussing on processes. This new culture is to promote co-operation and community participation. Part of the culture change will involve regular and mandatory performance reporting for all levels of government, including Coffs Harbour City Council. The State Government believes this will assist in supporting the transition to greater transparency and accountability at all levels and stages of the planning process. The new system therefore must set out clear delivery mechanisms and responsibilities for performance against measurable goals and how they will be monitored and communicated with the public. The new system will require a shift in resources and skills of “planning” to promote participation, and to emphasise strategy, outcomes and innovation.

A major positive factor advocated by the White Paper is the establishment of a centralised and coordinated response from all government agencies on matters relating to referrals for development applications. The White Paper suggests that “a one stop shop” central response agency will be created in regard to development matters pertaining to the State Government. This will remove the need for Council to liaise with multiple agencies and will result in Council receiving a single agency advice. This is considered a significant improvement to the current multiple and often conflicting, agency advice.

The exhibition material associated with the White Paper identifies that there will be a strong focus on leadership and additional training for planning professionals. Secondments between the Department and councils will be used to share knowledge and skills.

**Comments:**

*Coffs Harbour City Council will be required to implement cultural change within the organisation. This change is to align with the principles and requirements of the legislation and will require the allocation of appropriate Council resource i.e. staff, processes, budget and new technology. Any Department secondments may impact Council's already stretched resources.*

- **An Easier More Certain System**

The White Paper advocates that the new planning system will be easier to use with certainty for straightforward, everyday applications such as family homes, renovations and small business. The new system incorporates five assessment pathways. The pathway used will be determined by the size, complexity and likely level of impact of the proposed development.

The five assessment pathways are:-

- **Exempt** – development that does not require approval, e.g. non-structural internal renovations to homes and businesses.
- **Complying** – development that complies with standards that are set out in strategic plans, e.g. single storey houses and dual occupancies.
- **Code** – Development that satisfies and is fully consistent with all standards in strategic plans, e.g. villas, townhouses, mixed use development within a town centre and shops, offices and warehouses in appropriately zoned locations.
- **Merit** – Development that varies from the standards in strategic plans e.g. villas, townhouses, apartments and offices outside town centres (note that any parts that meet the standard will be assessed first).
- **Prohibited** – Development that is not allowed.

In terms of appropriate decision-making, the government continues to encourage all councils to follow the lead of more than one quarter of Sydney councils to establish expert independent hearing and assessment panels. Those panels are given the authority to determine development applications so that elected councillors concentrate on making key strategic decisions about their areas. The great majority of applications continue to be determined by council officers under delegation. This should include all development that is code assessed and complies with all acceptable solutions.

The government has set out that they will work with councils to provide incentives to move towards this independent decision making model.

**Comments:**

*The White Paper specifies that the Local Plan is to determine which types of development will qualify for faster processing times. This work needs to be carried out in close consultation with the community. Coffs Harbour City Council will be required to implement change within the organisation. This change is to align with the principles and requirements of the legislation and will require the allocation of appropriate Council resource including staff, processes, budget and new technology.*

• **Infrastructure**

The White Paper identifies that infrastructure planning and delivery will be better coordinated along with development to ensure that the community is adequately serviced and supported by appropriate infrastructure including schools, parks, roads, drainage and community facilities.

The Government will prepare Growth Infrastructure Plans (GIPs) to identify the immediate and future infrastructure needs of the area and the time frame for delivery of these projects. Councils will be required to prepare Local Infrastructure Plans (LIPs). These will be 10 year plans covering projects such as local parks, roads, drainage and community facilities such as libraries.

The White Paper indicates that there will be three levels at which contributions will be levied. It proposes that there be "Growth Infrastructure Plans", "Regional Growth Funds" and "Local Infrastructure Plans".

– **Growth Infrastructure Plans**

GIPs will be made by the Minister for Planning and Infrastructure and will levy contributions on a regional and subregional basis. These infrastructure contributions will apply to Sydney and other growth centres around the State. These Plans will collect funds for key social and economic infrastructure such as roads, rail, schools and hospitals. GIPs will be comprehensive documents informed by Subregional Delivery Plans. They will contain:

- subregional performance outcomes;
- ten year and five year spatial infrastructure requirements for growth areas;
- an approved prioritised growth infrastructure;
- delivery schedule with funding allocation for projects within the first five year period;
- proposed private sector participation;
- a regional infrastructure contributions schedule; and
- accountability arrangements and performance monitoring requirements.

The plans applying to a specific region would be prepared by a Subregional Planning Board that would have representation from Council. Contributions collected from a subregion would be spent on infrastructure within that sub region.

It appears that these contributions would be levied and collected by local councils on behalf of the State Government.

– **Regional Growth Funds**

Regional open space land and drainage land will be funded through Regional Growth Plans, and not through LEPs. These contributions would be levied on a regional basis in high growth areas where significant land for open space and drainage is required. The subject lands would be identified in a GIP that has been prepared by Subregional Planning Boards.

– **Local Infrastructure Plans**

LIPs are contribution plans prepared for the collection of contributions for local infrastructure which comprises essentials as follows:

- local roads and traffic management;
- local open space and embellishment;
- basic community facilities (land and capital); and
- capital costs of drainage.

These contributions can vary but will be based on standardised, benchmarked costs for types of infrastructure. The contributions taskforce will refine the list of essential infrastructure to provide certainty.

LIPs will be the subject of the following:

- Plans are to be approved by IPART and the Minister for Planning and published on the NSW Department of Planning and Infrastructure's website.
- Affordable housing is to be exempt from contributions.
- Contribution income is required to be expended within three years of receipt unless otherwise approved by the Minister.
- Contributions are to be based on a standard unit charge such as floor area. Unit charges for Greenfield areas will be finalised by the government in the near future.
- Annual performance reports are to be prepared on the administration of local infrastructure funds.

There will be provision for different payment methods that include:

- an upfront infrastructure contribution payment made at the point of subdivision;
- deferred payments made nearer the point of sale;
- works in kind works, where a developer meets the cost of infrastructure by constructing infrastructure directly; and
- in kind dedication of land.

– **Planning Agreements**

Planning Agreements are to remain but will be limited to areas that have LIPs. Infrastructure covered by a planning agreement is to be based on the proposed cost arrangements for infill and Greenfield developments in the standard contributions system. Transitional arrangements have not yet been determined. A revised system of infrastructure contributions will be introduced to clearly link development, infrastructure need and infrastructure contributions.

– **Infrastructure Contributions**

Local Infrastructure Contributions, which replace Section 94 Contributions Plans, will be uncapped but the funds collected can only be used for essential infrastructure such as local roads and parks, local drainage and essential community facilities.

Under Growth Infrastructure Plans, developers will provide funding to schools, roads and other infrastructure. They will also contribute to Regional Growth Funds paying for land for regional open space and stormwater drainage for growth development.

Biodiversity contributions will be separated from infrastructure contributions. Biodiversity offset contributions will be established through Subregional Delivery Plans and these will be set through development consent conditions.

**Comments:**

*Coffs Harbour City Council will be required to prepare LIPs and Local Infrastructure Contributions. It is unclear what role Council will have in the establishment of Regional Growth Funds. This change is to align with the principles and requirements of the legislation and will require the allocation of appropriate Council resource i.e. staff, processes, budget and new technology.*

• **Summary**

Council is being encouraged to give further feedback on these changes by responding to the White Paper. There are positives and negatives of the proposed system, however with the positives are opportunities that can assist Council to progress and deliver services to customers and the community in a far more efficient and effective manner.

It is readily apparent that the new direction for planning in NSW aims to realise a more transparent and community engaged system. In order to leverage this positive opportunity, Coffs Harbour City Council will be required to drive additional resources into its planning frameworks, particularly through its community engagement and associated policy / strategy development.

Given that briefings to Council in recent times have suggested there is a need to refine Council's current policy framework, any additional requirements arising from the White Paper and subsequent legislation will be over and above the current identified resourcing needs. At some point a further report may be necessary to Council to identify these resourcing issues.

Attachment 1 contains the proposed submission to the NSW Government's White Paper from Coffs Harbour City Council. It addresses considerations associated with the proposed changes from a whole of Council perspective.



**Implementation Date / Priority:**

The deadline for Council to submit any submission to the NSW Government's NSW Planning System Review and White Paper entitled "*A New Planning System for NSW – White Paper April 2013*" is Friday, 28 June 2013. This will necessitate immediate electronic lodgement.

**Recommendation:**

**That Council:**

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

**COFFS HARBOUR CITY COUNCIL  
SUBMISSION TO THE WHITE PAPER OF THE NSW PLANNING SYSTEM REVIEW  
“A NEW PLANNING SYSTEM FOR NSW WHITE PAPER – APRIL 2013”**

Coffs Harbour City Council (CHCC) is pleased to have the opportunity to make a submission to the NSW Government’s Review of the NSW Planning System and its White Paper entitled “*A New Planning System for NSW – White Paper*” dated April 2013.

Council notes a range of strengths, weaknesses and opportunities for further improvement as the government progresses the "Bills" into Parliament. This submission responds to the White Paper and addresses the matters of specific relevance to CHCC.

Council supports many aspects of the White Paper and acknowledges it provides opportunities for improvement to the efficiency and functioning of the planning system. Council appreciates that this is a comprehensive strategic planning and policy formulation process involving State, Regional and Local Government input.

CHCC particularly notes the significant financial implication for it to resource and introduce the new reforms, including replacing the Standard Instrument Local Environmental Plan, which has only recently been completed by Council at significant financial cost. The preparation of Local Plans will require appropriate resourcing of local Councils by the State Government to undertake these tasks. It is specifically requested that the State Government acknowledges that there will be considerable time, resourcing and further engagement of Councils to allow the reforms to be finalised and implemented.

**Strengths**

The White Paper outlines a number of reforms that CHCC sees as positive including:

- Community engagement that is legislated, genuine and early in the process.
- The Community Participation Charter - encouraging community engagement to inform new policies, strategies and development assessment.
- Clear and inclusive strategic planning framework with consistent integrated tiers.
- Planning and policy development that is evidence based providing greater transparency, engagement and service delivery in the decision making process.
- The ability to preserve local neighbourhood character using development guidelines.
- Introduction of accreditation for consultants to ensure that proposals are prepared by suitable professionals.
- Introduction of more e-Planning opportunities and better access to information technology to allow for increased accessibility to property based data and to maximise the use of electronic lodgement and publication of documents in planning processes.
- Delegation to Council to undertake amendments to plans that are consistent with the other three layers of plans/policies.
- Simplification of the land use tables to remove ‘group terms’ from the standard template, which are considered by CHCC to have created significant confusion within both the development industry and the wider community.
- Improved community acceptance because the planning system is proposed to:
  - be simple, accountable and transparent;
  - be written in plain English;
  - eliminate unnecessary delays in planning processes;
  - provide a balance between the “right to be heard” and the “right to decide” regarding development proposals;

- provide, in relation to plan making, the balance between “participation” and “consultation”;
  - offer an amber light approach to development assessment;
  - provide smart (standard) consent conditions; and
  - increase the use of Code Complying Assessment and electronic processing systems.
- Inclusion of social well-being and built and cultural heritage in the “objects of the Act”.

### **Weaknesses**

The White Paper outlines a number of reforms that Council sees as being significant areas of concern, including:

- Failure to include, as an overarching principle, ecologically sustainable development (ESD), including the failure to mention consideration of impacts from climate change or sea level rise. CHCC seeks the reintroduction of ESD as an overarching principle of the Act.
- Potential risks of inferior outcomes for the community and the environment resulting from streamlined environmental impact assessment, including strategic level “concept” approvals, streamlined Director General’s Requirements and reduced consultation.
- Local planning controls which could be ‘overridden’ by metro-centric policies. The reforms must balance the need to focus on promoting Coffs Harbour as a regional city with the need to control some development in sensitive coastal and hinterland areas. If development exceeds local standards yet can still be considered on its merits in the context of the plan objectives, this has the potential to reduce certainty, consistency and cause confusion.
- New review rights to apply to rezoning applications (if a rezoning is refused or not acted upon) have the ability to undermine any strategic planning Council has in place. CHCC outright opposes the introduction of rights for developers to seek reviews or to lodge appeals against Council or Departmental refusals of rezonings.
- Reduction of approval timeframes and stop the clock processes do not account for delays caused by applicants submitting sub-standard or incomplete applications or following requests for additional information.
- In order to mitigate adverse impacts, the application of a fast track Code based approval system is dependent on clear parameters limiting the Code based approvals to only low risk and low impact development. No such clear parameters currently appear in the reforms.
- The proposed legislation appears vague on what constitutes “commencement to act upon consents” and there appears no legal requirement for a Council to acknowledge if such has occurred. CHCC requests that clarification is required under these reforms.
- There is inadequate focus on subdivision development in Chapter 8 of the White Paper.
- The proposal legislation appears to limit the types of infrastructure for which contributions can be levied at a local level. All tiers appear to direct all funding towards land acquisitions and make no or little provision for funding of infrastructure on those lands. In summary, the option presented in the White Paper appears to indicate a reduction in the level of local infrastructure that can be funded via developer contributions.

### **Opportunities for Further Improvement**

CHCC considers there are a number of opportunities for further refinement of the reforms in the transition from the White Paper to the Bill. These are listed in detail in the following.

- **Delivery Culture**

- CHCC agrees that there is the need for training to assist the professional development of officers involved in the transitional stages of the reforms. This training needs to be funded by the State Government and not by local councils. There is also the strong need to have local, suitably trained, professional representation on the Regional Planning Boards.
- Performance monitoring should be electronically undertaken and the system should be easy to use so that this is not a further resource drain on local government.

- **Community Participation**

- The intent behind community engagement needs to be clearly communicated up front to reduce confusion, using the International Association for Public Participation spectrum. For example, each process needs to be clear from the outset whether engagement is for the purposes of say, inform, consult or empower – that is, how much ‘say’ the community will get in arriving at the community vision at all levels. It is considered important to clearly communicate who has the final decision in plan preparation where consensus is not able to be achieved.
- Significantly more detail is required to identify the mechanisms and the resources (from each level of Government) required to actively engage the community and detailing clear appeal rights. As an example, communities should not be precluded from the decision making process by counter intuitive means of streamlining development assessment and approvals.
- The local community should be strongly involved in regional planning. More detail should be supplied as to how this is able to be effectively achieved.
- Involvement of skilled community consultation practitioners at the subregional delivery plan level is paramount. This would also be valuable if introduced at the regional growth plan level, to encourage genuine discussion, and acceptance of a community vision.
- Community engagement fatigue is a risk that could undermine the process. Councils have to undertake community engagement as part of their Community Strategic Planning processes. It will be important to ensure that measures are incorporated to ensure that efforts are not duplicated.

- **ePlanning and Use of Information Technology**

- With community engagement moving to an earlier phase in the development cycle, the reforms should provide more detailed information on use of information technology in communicating strategic information including character statements, development guides and in communicating a future vision for an area.
- Funding should be made available to local councils to assist with undertaking visioning and future character analysis (e.g. 3D modeling, futuristic rendering).
- In order for ePlanning services to be progressed, they need to include the following:
  - **A planning viewer service** – will allow customers to visually identify property based development consents, development standards and zones through a GIS and layer based viewer, including 3D visualisation for major projects.
  - **Application lodgement service** – where customers can lodge electronic applications, similar to the existing system currently used for the Electronic Housing Code project.
  - **Application tracking service** – where customers can track the real time status of submitted applications, and this should include a register of consents.
  - **Guidance and performance information service** – where customers will be able to access visual planning guidelines and information.

- **Discussion threads and news** – where customers will be able to access consultation forums, planning news, best practice initiatives etc.
    - **Customer support** – where customers can access support services.
  - Insufficient detail is provided to allow CHCC to determine what would be required to progress some of the ePlanning activities outlined above at a State Government level, or to determine what involvement Local Government would have in the process. In this regard, the Department will need to consider resourcing implications for Local Government.
  - The system outlined in the White Paper would appear to be overambitious, given the sheer number of players involved and the many technical issues that would need to be overcome.
- **Strategic Planning Framework**
- The reforms provide for a shift in focus from development assessment to long term strategic planning. Councils need to be at the table when decisions are made about long term planning in their regions and sub-regions.
  - Council endorses the hierarchy of plans in principle, however would prefer to have been provided with even more detail to understand the interrelationship between the plans. We understand that Coffs Harbour City Council and other councils have repeatedly asked the question about where sub-regional delivery plans will be made (the document only cites “in appropriate locations”).
  - It is noted that existing State Environmental Planning Policies (SEPPs) are proposed to be integrated into NSW Planning Policies. Current experience is that there is confusion regarding the content and number of SEPPs. A more streamlined, simplified plan is proposed in the White Paper. Council endorses this approach and requests that this be given significant attention at the next stage. It is important that Councils have the opportunity to comment on the NSW Planning Policies and guidelines before they are made.
  - A clear NSW Planning Policy should be provided which offers comprehensive mitigation and adaptation principles to engage and manage the risks associated with climate change.
  - Clear information needs to be provided to determine the transitional arrangements that will be in place to assist Councils in the change from current policies, procedures and practice to the ones envisaged under the reforms.
  - The White Paper indicates that there will be timeframes introduced to apply a transition from the Standard Instrument Local Environmental Plan into the new Local Plan. There is no indication as to how this transition is to be resourced/funded. CHCC requests that the State Government provide significant funding to assist Councils in meeting timeframes required in transitional arrangements.
  - Council endorses the concept of Local Plans being prepared using the general form and content of a standard template, including definitions. There does need to be provision made for local variations that can be demonstrated to be consistent with delivering regional strategies. The nature of a ‘North Coast’ community is very different from a ‘metro’ one, and there should be the opportunity to provide for local variations.
  - CHCC supports regular reviews of statutory and strategic planning instruments but this process needs to be simple rather than complex. In particular maps attached to the instruments should be regularly reviewed, checked for accuracy and able to be updated in a timely manner. The current LEP amendment process is complex, cumbersome and time consuming.

- The reforms need to outline to what extent Local Plans can be inconsistent with the other three layers of plans and policies, as well as the process for Councils to follow if it is intended for an aspect of the Local Plan to be inconsistent.
  - Given that the White Paper recommends the significant reduction in the number of land use zones, it is considered appropriate to establish some base line standards, inclusive of permissible/prohibited landuses, building height, density and intensity of development, to provide for certainty (both for developers and the wider community).
  - The reforms need to clearly outline the mechanism to indicate what each proposed zone is like, how it operates and how it is to be applied.
  - If the Standard Instrument E3 Environmental Management zone is to become a Rural zone, then it is important that guidelines are included in Local Plans to protect and manage special ecological attributes in rural zones (which do not necessarily fit the designated environmental protection zone).
  - The reforms need to develop appropriate and adequate standards for the proposed Enterprise Zones to determine thresholds so as to maintain and protect community and environmental values.
  - The reforms should provide clear criteria to implement “an interim zoning for future use” and the process to enable it to be developed at some future time.
  - A clear process needs to be provided in the reforms for greater certainty within development guides (previously suburban character zones in the Green Paper) while providing flexibility for future use.
  - The strategic planning framework should ensure that natural areas and existing character and amenity of localities are identified and protected, thus avoiding inappropriate and/or incompatible development.
  - More detail is required to outline how to establish and implement appropriate quality design standards for all forms of residential development in the new legislation.
- **Development Assessment Framework**
    - It is imperative that CHCC is given the opportunity to comment during the establishment of the proposed standard State-wide tool box of development consent conditions to ensure that they are suitable for a regional coastal area with unique environmental constraints.
    - Clear decision making criteria and objective tests need to be provided for development based assessments. While the concept of having different methods of assessing development (Code assessment, Code plus merit assessment and full merit assessment) is supported, there is the need to establish clear decision making criteria and objective tests for each development assessment type. This is especially necessary for Code plus merit assessment, where very clear and concise parameters need to be established in order to ensure that all participants (and most important the public) are fully conversant with the merit assessment limitations that would be applied to the determination of such applications.
    - To achieve the targets for Code assessment detailed in the White Paper, it is important that land based exclusions are reviewed, as it would be impossible for such targets to be met in Coffs Harbour due to its significant environmental constraints such as flooding, bushfire, and sensitive coastal locations - all which prevent Code based assessment and require merit assessment.
    - The amber light approach to development application evaluation and decision making will not apply in every instance. Clear information is needed to identify circumstances when this approach can be applied.

- If Councils are only able to 'stop the clock' once, the reforms need to clarify how the proposed amber light approach is to be achieved to enable the redesign of developments to accord with the Codes. The amber light requires working with an applicant so that the standards are met - this is most likely to require a number of information requests. CHCC requests that the clock be stopped for each such request.
  - Where view sharing is an issue, it will be difficult to apply 'black and white' view sharing criteria within a Local Plan to allow an application for development in these areas to be Code assessed. If this cannot be properly addressed in a Local Plan, or is excluded, there is the risk that the concept of view sharing will be lost and any development that complies with the Local Plan can be approved without any input from a neighbour who stands to lose a valuable view.
  - To reduce risk and invalid approvals, appropriate training and resourcing of assessment staff is required to utilise new development tools in lieu of concurrence referrals for low risk developments.
  - The new planning framework does not appear to address issues in relation to dwelling permissibility on rural land. This is considered an important consideration in the next stage of the reforms.
  - More detail is required in the reforms in relation to existing use rights.
  - More detail is required to establish clear decision making criteria and objective tests for development assessment and approval in the reforms.
- **Development Assessment Decision-making**
    - CHCC acknowledges that there are some infrastructure and major projects that are large, complex or economically significant enough for decisions to be made at a regional or State level. There needs to be an established framework on how to identify what projects should be determined at a State level.
    - Local Government should not be given any endorsement responsibilities for regional or State level projects as this may cause conflict in the determination process. The proposal to consider making determinations by independent expert panels needs to consider the additional cost and time implications of such approach. Council would prefer clear direction from the reforms on the delegations of decision making to Council staff.
    - The reforms should allow the Land and Environment Court (L&E Court) process to provide the option of seeking expert evidence from both parties to be submitted to a L&E Court Commissioner for determination without the need for mediation or hearing. That is, the Commissioner's determination is made following consideration of the expert reports. The consequence of this is a simplification and cost saving. The reforms should address which types of development appeals this should be applied to.
  - **Provision of Infrastructure and Community Facilities**
    - There is the need for additional details regarding the definition of a "growth area" to determine the scope of work and resources required by Council to satisfy the proposed legislation.
    - CHCC requests that interest accrued on regional contributions is kept in the region rather than being repatriated to Treasury. Additional information is required in the next steps of the reform, as the White Paper appears silent on this matter.
    - The principal challenge appears to be the necessity and cost of new infrastructure versus housing affordability. Council is concerned about how local and broader

community facilities and infrastructure should be planned for and financed, specifically:

- the amount of contribution that can be charged;
  - what the money can be spent on;
  - how the charges are accounted for;
  - increasing community expectations for the provision of high quality facilities; and
  - the impact of Section 94 charges on the ability to deliver affordable housing for the low socio economic group.
- Whilst the White Paper broadly identifies proposed changes to the current framework and processes for the application of what is now Section 94 contributions imposed on development for the provision of infrastructure, it provides little detail at this time, so a detailed analysis of probable financial outcomes to Council is difficult. CHCC requests that the final adopted system:
    - is based on the principle of contributing to cost recovery;
    - is competitive with comparable markets in other jurisdictions;
    - does not compromise housing affordability or inhibit housing delivery;
    - spreads costs to the broadest base of beneficiaries, including over time;
    - supports contestability; and
    - provides a clear, transparent link between levy revenue collection and infrastructure programming and delivery.
  - CHCC is concerned that the proposal appears to limit the types of infrastructure for which contributions can be levied at a local level. All tiers appear to direct all funding towards land acquisitions and make no or little provision for funding of infrastructure on those lands.
  - It appears that contributions will not be the subject of “capping”. Clarification is required to determine what infrastructure such as neighbourhood park equipment and active open space infrastructure can be provided via contributions.
  - The requirement for funds to be expended within three years requires further clarification as this appears difficult albeit all contributions received are able to be pooled.
  - It is unclear how the proposal for deferral of infrastructure contribution payments being made closer to the point of sale will operate. The reforms need to provide greater clarity on this issue.
  - The reforms need to address how the proposed changes in EP&A Act relate to proposed changes in the Local Government Act regarding Water Authorities.
  - The White Paper does not provide an explanation of how the contestability provisions of the reforms will affect Councils who are Water Authorities, regarding who constructs and operates this infrastructure. For example, will Council have to justify why it wants to retain construction and operation control of a local water treatment plant that may be part funded by Section 94 contributions; or will Council lose control over who can relocate water/sewer assets as part of the NSW Roads & Maritime Service Pacific Highway upgrades? If a local contestability assessment is required for these works, then Council must have the final say rather than Infrastructure NSW. CHCC requests that the reforms address this matter.
- **Building Regulation and Certification**
    - CHCC requests that the reforms address concerns relating to the concept of private certifiers being paid by applicants for providing certification in the following manner:
      - the transparency of this process;



- the current inadequacy of compliance and enforcement provisions to address breaches or provide effective disincentives for breaches by certifiers and developers; and
  - the perception of the community is that the Council is the umpire and has some control over private certifiers and is there to make right any grievances between the community and the certifier or developer.
- The reforms must ensure that Councils can recoup their costs for undertaking their development compliance role. The introduction of private certification has resulted in Councils being increasingly called upon to address and resolve development compliance matters.
- The reforms must ensure that Councils are adequately compensated to fund their compliance responsibilities through a separate fee or levy. This would need to incorporate approvals associated with both the development application and Code assessable pathways.
- The reforms need to develop a range of regulatory tools (including penalties) for Councils to address planning breaches and enforcement procedures that don't entail excessive levels of "Burden of Proof" to use.
- CHCC requests that the reforms clearly state the circumstances where concurrence and referrals will be required and the process to be applied in these cases.
- It is concerning that the inclusion of Building Regulation and Certification in the White Paper eventuated as an 'add on' due to concerns raised during the Green Paper consultation. The result of this 'add on' approach is that the White Paper has only taken a myopic focus concentrating on issues raised outside the context of the Green Paper consultation. Whilst proposed planning reforms at last focus on the main cause of faults within the current planning system - the myriad of disconnected planning controls – the last minute focus on building certification fails to consider broader issues being faced by Councils and communities due to building regulation system failures. It is requested that this system is reviewed more thoroughly.
- Councils have responsibility for the 'whole of life' aspects of development and building work undertaken within their community, albeit often by default arising through complaint management. As regulation continues to allow increased piecemeal design and certification procedures, Councils are being left with the legacy of having to either deal with managing non-compliant development through expensive legal redress or simply disregard departures from planning approval requirements. Consideration must be given to ensure councils are compensated for the cost associated with resolving non-complying development/building issues. These costs should not be borne by the wider community. A levy or similar on all approvals should be accommodated in the reforms for application toward Council's development compliance costs.
- With the White Paper review seeking to rectify the failures of the planning process it is equally important that a detailed review be undertaken of post planning approval aspects of the development and building industry. The establishment of a Building Commission or similar should be considered and tasked responsibility to undertake a comprehensive review of the building/development construction phases. Such review should be undertaken before the continued application of band aid repairs is enshrined and imposes yet more costs into the system.
- Private Certifier opinions on what is considered minor will vary considerably. The reforms need to define what can be considered as minor variations to complying development standards, especially if it is expected that Councils approve the variation within 14 days.
- The White Paper focus on unauthorised building work is limited to works departing from the approved consent/construction certificate. The paper does not incorporate recognition of the significant extent of building work undertaken without any approval.

The proposed building certificate provisions, whilst an improvement on past legislation, require further improvements. Significant Council resources are required to investigate and coordinate submission of reports for unauthorised building works undertaken more than two years old. The current fee provisions do not reflect the true cost to Council to regularise these works.

- CHCC supports changes that will clearly define when an application to modify development consent is required. It is also noted that with the managing of unauthorised building work, development will be able to proceed subject to certain conditions and requirements being satisfied. It is requested that reforms will include the issuing of a retrospective Construction Certificate or some other form of certification for the unauthorised work.
- It is noted that the White Paper proposes the standardisation of the fees for annual fire safety statements. Council's experience indicates there is a significant reliance on administrative resources associated with obtaining the submission of annual statements and reviewing compliance with premise schedules. Almost 50% of submitted statements do not accord with the applicable schedule and require Council follow-up. Any standardisation of fees must be undertaken with regard to ensuring that a user pay system is implemented and accounts for the true cost of administering the system.

• **Subdivisions**

- The reduction in DA conditions may be fine for buildings but subdivisions are a different matter as there are far wider considerations. Subdivision matters seem to be given insufficient coverage on how they will be impacted. DA consent conditions will still need to cover major subdivision issues like traffic, flooding, utilities, VMP's, etc as these studies will either not have been done or are likely to be out-of-date (perhaps these will be generic development consent conditions but they will need local input). The conditions in the Work Certificates can only be minor issues not requiring a consent compliance reports from an accredited/registered person.
- Changes of compliance with development approval should equally be applied to subdivision construction approvals. Subdivision certifiers will not have the accredited expertise in all development consent matters and therefore should be required to obtain an accredited/registered person's consent compliance report in the specialist areas such as traffic and flood studies, VMP's, Fire Hazard Reduction, etc.
- All the aspects for building certification should equally be applied to subdivision certifications in green field and infill developments to ensure better construction compliance. Clear roles and responsibilities should be addressed for subdivisions. There is an overlap between certification of building matters and certification of subdivision matters relating to the land upon which the building is built especially for infill developments.
- The reforms need to address the current gap in building certification process for infill development which allows development consent conditions relating to works in road reserves (driveways, drainage to kerb) to be left uncertified before the Occupancy Certificates are issued simply because the works are outside the property boundaries. This has become a demarcation issue between the building certifier and the subdivision certifier.
- The White Paper focuses on improved "quality and liveability" via a "Better Building Model" but does not address the supporting civil and environmental infrastructure that allows the owner to enjoy the "quality and liveability" of the building. Driveways, drainage to kerb/inter-allotment drains and onsite water sensitive urban design treatments all should be considered as either "critical building systems" or "critical stage inspections" as they all have health and safety impacts on the owner, neighbours and the general public and need compliance management. If a critical

stage inspection is missed then the building certifier should be required to "provide documentary evidence that relevant work is satisfactory".

- The White Paper states that certifiers will be able to issue Works Certificates and Subdivision Certificates however it also says the legislation only includes "increased options for private certification". The legislation needs to be clear whether Councils can exclude private certification of subdivisions in Local Plans.

**Conclusion**

Coffs Harbour City Council thanks the State Government for the opportunity to make a submission to the NSW Government's Review of the NSW Planning System and its White Paper.

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## JOINT REGIONAL PLANNING PANEL (NORTHERN) - COUNCIL MEMBERS

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### **Purpose:**

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

### **Description of Item:**

The Northern Joint Regional Planning Panel (JRPP) is made up of five members. Three of the members, plus alternates, are appointed by the Minister. Two members, plus an alternate, are nominated by Council for appointment by the Minister.

The current Council JRPP members are the Mayor, General Manager (or nominee) and Deputy Mayor (alternate member). The term of appointment of the Council members expires on 30 June 2013. Hence the requirement for the re-nomination of two Council members, plus an alternate, to the Panel.

### **Sustainability Assessment:**

Sustainability assessments pertaining to developments determined by the Panel are prepared as part of the evaluations of the individual development applications.

### **Issues:**

#### ***Functions***

The principal function of regional panels is to determine regionally significant development applications.

Additional functions include acting as the relevant planning authority for the purpose of preparing a local environmental plan, when appointed to do so by the Minister, and providing advice on planning or development matters, when requested to do so by the Minister. These additional functions have not arisen at this Council since the formation of panels in 2009.

#### ***Operations***

The Northern JRPP (Coffs Harbour) has determined a number of regionally significant development applications since 2009, recent examples including the Justice Precinct and the Park Beach Plaza expansion. The operation and decision making of the Panel has been orderly and proper. The Panel has set Operational Procedures and a Code of Conduct in terms of its functions.

#### ***Membership***

The Operational Procedures provides that of the two Council members to be appointed by the Council, at least one member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

In selecting members, regard is required to any conflict of duties that may arise for the person(s) nominated to the regional panel if they were in any way responsible or involved in the assessment and recommendation of a development application to be determined by the panel.

***Term***

The maximum term of appointment to a JRPP is three (3) years.

***Remuneration***

Remuneration considerations for Council nominated members has been set at \$600.00 per formal panel meeting for elected Councillors, nil for Coffs Harbour Council staff and up to \$1400.00 for community members.

***Membership Makeup***

The Council needs to nominate two panel members, plus an alternate, having regard to the Operational Procedures membership considerations discussed earlier in this report.

In addressing the need for Council to re-nominate its appointees, the following main options are available for Council:

- professional staff;
- independent community members;
- Councillors; and
- a mix of the above.

It is not considered unreasonable to reappoint the current positions - Mayor, General Manager (or nominee) and Deputy Mayor (alternate). However, it may also be considered prudent and, with less potential for conflict, to ensure no professional staff are nominated to the panel.

In order to ensure members are selected who can satisfy the appointment criteria of having expertise in the relevant field, it may be prudent to seek nominations from independent community members. In this way, Council could clearly demonstrate it is seeking appropriate skilled representation, who have minimal potential for conflict, as they are not Council officials. It must also be noted that if Council was to progress this independent community member approach, it would be consistent with a key theme within the White Paper on A New Planning System for NSW. That being that development applications should be primarily determined by independent experts or senior officers.

In recognising that the new Planning Act is yet to be finalised, an appropriate interim arrangement may comprise the Mayor, Deputy Mayor and a Councillor (to be decided by the elected Council) as the alternate member, bearing in mind the chosen Councillors would need to satisfy the appointment criteria of having expertise in the relevant field. In this way, Council's nominations for the JRPP can be revisited once the new planning legislation is finalised and the policy options on both membership of, and future role of, JRPPs are confirmed.

The recommendation in this respect endorses the last option described above.

**Implementation Date / Priority:**

Council's re-nominations need to be submitted to the Minister before 30 June 2013.

**Recommendation:**

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

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

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**Purpose:**

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

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

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

**Description of Item:**

Draft Coffs Harbour LEP 2013 was considered by Council at its Ordinary Meeting of 13 December 2012. At this meeting, Council resolved that:

1. Council adopt the Coffs Harbour Local Environmental Plan 2013.
2. Council recommend to the Minister for Planning and Infrastructure to defer those lands identified on Map 1 (Hearnese Lake/Sandy Beach) and Map 2 (Moonee) from Coffs Harbour Local Environmental Plan 2013.
3. A further report be presented to Council early in 2013 which outlines appropriate environmental investigations (including details on the time frame, method and anticipated cost) for the deferred areas which will help to inform and enable a Planning Proposal to be progressed to establish the final zone configuration.
4. In accordance with Section 68 of the Environmental Planning and Assessment Act 1979, Coffs Harbour Local Environmental Plan 2013 be submitted to the Department of Planning and Infrastructure for gazettal.
5. Council adopt the Coffs Harbour Development Control Plan 2013 and that it is to be implemented and enforced upon the making of the Coffs Harbour Local Environmental Plan 2013.
6. Council confirms the Moonee Beach Development Control Plan and Hearnese Lake / Sandy Beach Development Control Plan continue to apply to those deferred lands from Coffs Harbour Local Environmental Plan 2013.
7. Council notes the report on submissions to draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 as detailed in Attachment 1.
8. Parties who made a submission to the draft Coffs Harbour Local Environmental Plan 2012 and draft Coffs Harbour Development Control Plan 2012 exhibition be informed of Council's decision in writing.

Council's decision to defer these lands was a result of representations received from land owners, during the exhibition of draft Coffs Harbour LEP 2013, that the proposed zones recommended under draft Coffs Harbour LEP 2013 were applied without a comprehensive Local Environmental Study (LES) or equivalent studies being undertaken.

The previous environmental work undertaken for these lands was a considerable period of time ago. As a result, it was considered that the most appropriate method to determine the potential use of the land was to defer the subject lands from draft Coffs Harbour LEP 2013 until such time as the environmental investigations are revisited. Once further investigations are completed, they can be used to inform a Planning Proposal to the NSW Department of Planning and Infrastructure. In the interim, these deferred areas as identified on Map 1 and Map 2 will continue to be subject to the provisions of Coffs Harbour City LEP 2000 and associated Development Control Plans (DCPs).

**Map 1: Hearnese Lake/Sandy Beach/Emerald Beach**





Map 2: Moonee



On 27 March 2013, Council considered a report on how the subject environmental investigations and associated planning documents would be funded and undertaken for the lands deferred from draft Coffs Harbour LEP 2013. At this meeting, Council resolved:

1. *That Council reallocates surplus funds totaling \$100,000 from the Planning Proposal for the Bonville Rural Residential Area in the 2012/13 Operational Plan (giving a total funding allocation of \$150,000) to the local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake/Sandy Beach, Emerald Beach and Moonee Beach.*
2. *That Council endorse the attached study brief for the preparation of local environmental study and associated planning documents for the deferred areas from draft Coffs Harbour Local Environmental Plan 2013 of Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.*

This project involves the preparation of the following:

- local environmental study and associated planning proposals;
- updated Development Control Plans for Hearnes Lake / Sandy Beach and Moonee Beach areas;
- updated Section 94 Developer Contribution Plans for the Hearnes Lake / Sandy Beach and Moonee Beach areas; and
- Development Control Plan and Section 94 Developer Contributions Plan for the Emerald Beach investigation area.

In accordance with Council's resolution of 27 March 2013, Council has sought quotations from qualified consultants capable of completing the tasks required. The request for quotations was advertised on 20 April 2013, and the closing date for submissions was 14 May 2013.

A total of four (4) conforming quotations were received from:

- Geolink - Coffs Harbour;
- OPUS International Consultants (NSW) Pty Ltd - Newcastle;
- Monteath and Powys Pty Ltd - Newcastle West; and
- RDM - Coffs Harbour.

Two non-conforming quotations were received from Cardno (NSW / ACT) Pty Ltd and SLR Consulting Pty Ltd. These quotations were deemed non-conforming as their submitted fee was over the allocated budget for the project.

The conforming quotations were then evaluated using the following criteria:

- price;
- understanding of the brief;
- experience and capability;
- key personnel; and
- methodology for delivery.

An evaluation of the submitted quotations, and the nomination of a recommended consultancy, is included in the 'confidential' section of this report.

#### **Sustainability Assessment:**

##### **• Environment**

The environmental sustainability factors relevant to this project have been identified in the brief and will be addressed by the successful consultant.

The acceptance of this quotation has no detrimental impacts concerning environmental sustainability.

##### **• Social**

The social sustainability factors have likewise been identified. The acceptance of this quotation has no adverse social sustainability impacts.

##### **• Civic Leadership**

The request for quotations process is undertaken by the use of Council's Procurement Policy requirements, which is considered to be open, transparent and equitable.

- **Economic**

**Broader Economic Implications**

This project is being fully funded by Council.

**Delivery Program/Operational Plan Implications**

Issues related to Council's Operational Plan are discussed in the confidential section of this report.

**Consultation:**

Relevant internal Council departments were consulted during the preparation of the brief which was subsequently advertised. It is intended to further consult with Council departments, government agencies and the general community over the course of the project.

**Related Policy and / or Precedents:**

All procedures associated with obtaining request for quotations were undertaken in accordance with Council policy. Although this project was not a tender, the Tender Evaluation System has been used to assess the submitted quotations, as set out in the 'confidential' attachment.

**Statutory Requirements:**

The calling, receiving and assessment of request for quotations was carried out in accordance with the Local Government (General) Regulation 2005 (Section 7 - Tendering).

**Issues:**

The engagement of consultants for this project will depend on the gateway determination being sought from NSW DoPI. The work to be undertaken by the consultant may need to be modified once the gateway determination is made. It is anticipated that the brief provided to the consultants has covered all major issues to progress a planning proposal.

There are no specific issues associated with the engagement of a consultant relating to this quotation.

**Implementation Date / Priority:**

The successful consultant will be engaged to begin the work when the contract is finalized. The timeline in the brief indicates a completion time (submission of documents to Council for exhibition purposes) of approximately eight months.

**Recommendation:**

1. That Council seek a "Gateway determination" from NSW Planning and Infrastructure for the Deferred Areas from draft Coffs Harbour Local Environmental Plan 2013 - Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach.
2. That Council consider request for quotations received for the preparation of planning documents and environmental investigations to inform a Planning Proposal for the Deferred Areas from draft Coffs Harbour Local Environmental Plan 2013 Hearnese Lake / Sandy Beach, Emerald Beach and Moonee Beach, Contract No. RFQ-590-QI and move the motion as detailed in the 'confidential' attachment.