



COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR
10 MAY 2012

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

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

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

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COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

10 MAY 2012

Mayor and Councillors

GENERAL MANAGER'S REPORTS

GM12/13 50:50 VISION COUNCILS FOR GENDER EQUITY PROGRAM - STATEMENT OF COMMITMENT

Purpose:

This report seeks Council's support to adopt a statement of commitment to the 50:50 Vision Councils for Gender Equity Program.

Description of Item:

The 50:50 Vision Councils for Gender Equity program is a nationally recognised awards and accreditation program developed by the Australian Centre of Excellence in Local Government (ACELG) and the Australian Local Government Women's Association (ALGWA).

Council's Women's Development Team (LDT) are currently participating in this program working towards Bronze Level Accreditation. In order to achieve this, participating Councils must provide evidence of a Council endorsed statement of commitment to gender equity.

This national program launched by the ALGWA and the ACELG is open to all Councils to apply for accreditation.

This program is endorsed by the Local Government and Planning Ministers Councils and is the first national accreditation and awards program of its type which encourages Councils across Australia to address gender equity issues.

The national steering committee for the program also includes members from state and federal agencies, Local Government Managers Association (LGMA) and the Australian Local Government Association (ALGA).

The program seeks to work with all Councils to:

- Increase the number of skilled women in the local government sector;
- Support goals and initiatives to enhance women's participation in local government;

Cont'd

**GM12/13 50:50 Vision Councils for Gender Equity Program - Statement of Commitment
...(Cont'd)**

- Drive cultural change;
- Make an important contribution to building excellence and the long term workforce capacity within the local government sector; and
- Continue to support 2010 as the Year of Women in Local Government.

During the Year of Women in Local Government 2010 a group of staff formed an internal working group titled the "Women's Development Team" (WDT) to investigate initiatives aimed at supporting and developing women at Coffs Harbour City Council. A report was presented to Council's Corporate Development Team on 20 April 2011 and approval was given for the WDT to participate in the 50:50 Vision Councils for Gender Equity Program and to proceed in working toward bronze level entry.

The program has three levels of Bronze, Silver and Gold which must be applied for sequentially. The Bronze award is the entry level for this program and in order to achieve this Council's must address the following criteria:

- Conduct an audit of staff/representative gender ratios.
Comment: This was carried out in 2011.
- Provide evidence of a council endorsed statement of commitment to address gender equity issues.
Comment: Should Council endorse the statement of commitment in this report, that will address this requirement.
- Outline at least one project the organisation will undertake to address gender equity issues.
Comment: In response to this the WDT has held staff focus groups to consult with women at Council on their current issues and future needs. This information will inform an action plan on the development of future initiatives or programs within the organisation to support women.
- Nominate a 50:50 Vision Champion within the organisation to have carriage of the program.
Comment: The General Manager, Steve McGrath, has accepted an invitation to be the Champion of this program at Coffs Harbour City Council.

Sustainability Assessment:

- **Environment**

There are no direct environmental impacts.

- **Social**

Participation in this program will assist in promoting Council as an equal opportunity employer, assist in planning responsibly for a sustainable workforce for the future and contribute to the health and wellbeing of staff.

Cont'd

- **Civic Leadership**

Participation in this program and adopting a statement of commitment enables Council to take a lead role in an important sector issue. It also contributes towards the following 2030 objectives:

- LP1 - We are recognised as a model of sustainable business and industry with a strong and diverse local economy.

- **Economic**

Broader Economic Implications

There is no cost associated with participating in this program and this project can be achieved within current organisational resources.

Delivery Program/Operational Plan Implications

There are no direct impacts on Council's Delivery Program or Operational Plan. There may be some positive impacts emanating from participation in this program in terms of promoting Council as an employer of choice.

Consultation:

The General Manager, Corporate Development Team and Women's Development Team have been consulted regarding Council's participation in this program and the requirements for achieving Bronze level entry.

Related Policy and / or Precedents:

There are no related policies or precedents. This is a new program and the first national program of its type for local government.

Statutory Requirements:

Participation in the program will contribute to effective governance practices in terms of ensuring our workforce and workplace policies, practices and procedures are transparent, efficient and effective.

Issues:

The level of female representation in local government is low. In 2009 fewer than 10% of Council CEO's were women and only 20% of senior managers. In 2011 only 30% of elected representatives are women and only 20% Mayors.

Local Government is currently operating in an increasingly competitive labour market. This coupled with the long term implications of an ageing workforce represents a predicted critical shortage of skilled employees.

Cont'd

**GM12/13 50:50 Vision Councils for Gender Equity Program - Statement of Commitment
...(Cont'd)**

Women make up more than half the people enrolled in higher education and more than 40% of women aged 25-35 have or are getting a degree. Smart organisations are pursuing strategies to attract and retain women since it makes economic sense to do so.

Local Government will need to be able to recruit and retain skilled staff and in order to do so they need to demonstrate that they offer a supportive and positive work environment for women.

Participation in the 50:50 Councils for Gender Equity Program will assist Council to work towards being recognised as an employer of choice and an organisation that values and encourages equity and diversity in the workplace.

In support of Council's participation in this program approval is therefore sought to consider endorsement of the following statement of commitment:

"Council will work towards increasing the representation of women in local government as elected members, senior managers and staff. We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision making environments that encourage and value a wide range of views."

Implementation Date / Priority:

There are no set timeframes around application for bronze accreditation as councils are able to progress at their own pace through the program.

Should Council resolve to endorse the statement above, application for accreditation will be made as all the criteria will have been addressed.

Recommendation:

- 1. Council notes our participation in the 50:50 Vision Councils for Gender Equity Program.**
- 2. That Council offers its support to our application for bronze level accreditation under this program by endorsing the following statement of commitment:**

"Council will work towards increasing the representation of women in local government as elected members, senior managers and staff. We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision making environments that encourage and value a wide range of views."

Purpose:

This report provides Council with an update regarding the progress towards One Association, outlines next steps and outlines what Council needs to do next. A number of Frequently Asked Questions are also provided with answers to assist Council with their discussions surrounding this very important matter.

Description of Item:

Status as at end of April 2012

On the 17 April 2012 the Shires Executive and on 20 April 2012 the Local Government Association Executive passed the formal resolutions required to progress the One Association matter to go to a vote of the members' delegates.

The Shires Association Executive unanimously resolved in favour of the resolutions. The Local Government Association Executive adopted the resolutions by a majority of 21 to 3.

The formal documentation has been lodged with Fair Work Australia. Shortly Fair Work Australia will engage the Australian Electoral Commission to undertake the secret postal ballot of members' delegates.

It is important to note that there are actually two separate secret postal ballots; one will be a ballot of LGA member's delegates, and the other will be a ballot of SA members' delegates. Both ballots need to achieve a majority of "yes" votes to enable the formation of One Association.

It is anticipated that the ballots will occur before the September 2012 Local Government general elections but exact timing will depend on Fair Work Australia.

What Councils need to do

All Councils need to supply the following to the Association by 31 May 2012:

1. The full name of their voting delegate/s, and,
2. The private mailing address of the delegate/s.

This is very important as the Association is required to prepare the Roll of Voters for the Australian Electoral Commission.

Frequently Asked Questions

Q: *Why is the ballot being held before the September elections?*

A: This process has *been* ongoing for many years. Current Councillors should be aware of the progress of the matter. If the ballot is held over until after the 2012 general elections new councillors will not be aware of the history or the process and would not be in a position to make an informed decision.

Cont'd

GM12/14 One Association - Update and Status Report ...(Cont'd)

Q: *When would One Association take effect?*

A: Assuming that the majority of delegates vote "yes" forming One Association would not take place until after 1 March 2013, but no later than 2 June 2013. Even after a positive vote there is significant work to be done in conjunction with Fair Work Australia as well as making provision for the numerous administrative changes which would have to take place, such as transferring assets and transitioning staff. The transition however needs to take effect before 2 June 2013 otherwise the Shires Association would need to hold fresh Executive elections.

Q: *Why is the ballot a secret postal ballot?*

A: Because it is a requirement under the Fair Work (Registered Organisations) Act. The Associations have no choice in this decision.

Q: *Has there been enough consultation?*

A: The issue of One Association has been discussed over many years. In more recent times it has been discussed:

- At the 2003 LGA Conference
- At the 2004 SA Conference
- At the 2004 LGA Conference
- As part of the 2005 Woods/Wearne report titled "Options for One Local Government Association in NSW"
- At the 2005 SA Conference
- At the 2005 LGA Conference
- At the 2006 SA Conference
- At the 2006 LGA Conference
- At the 2007 SA Conference
- At the 2007 LGA Conference
- At the 2008 SA Conference
- At the 2008 LGA Conference
- At the 2009 SA Conference
- At the 2009 LGA Conference
- At the One Association Convention held in August 2010
- At the 2010 LGA Conference
- In February 2011 the Associations sent all Councils a draft Constitution requesting feedback and comments
- In February 2011 the SA held a Special Conference to discuss the Principles set out at the 2010 Convention
- At the 2011 SA Conference
- In November 2011 the Associations sent all Councils a further draft Constitution requesting feedback and comments

In addition there have been numerous presentations made to all Shires Divisional meetings at various times, and to various LGA ROC meetings and in other forums.

Cont'd

GM12/14 One Association - Update and Status Report ...(Cont'd)

Q: Why is there no "No" Case?

A: There are two reasons, firstly the Fair Work (Registered Organisations) Act does not require a "No" case to be prepared because it presumes a process towards an amalgamation would not have started in the first place unless it had been directed by members – which is the case in this instance. The issue of One Association has arrived at the stage of a ballot after repeated Conference resolutions calling for a single Association. It is not in the interests of the Association to prepare a case which cuts across the wishes and resolutions of the majority of our members.

Q: *How many voting delegates does my Council have for the secret postal ballot?*

A: The numbers are calculated under the current rules of each Association, so for:

- Shires Association members, each has one voting delegate, and for
- Local Government Association Members it depends on the member's population, and is calculated in accordance with the following scale:

| Group No. | Population | Delegates |
|-----------|-------------------------|-----------|
| 1 | Less than 10,000 | 1 |
| 2 | 10,000 - 20,000 | 2 |
| 3 | 20,000 - 50,000 | 3 |
| 4 | 50,000 - 100,000 | 4 |
| 5 | 100,000 - 150,000 | 5 |
| 6 | Over 150,000 | 7 |
| 7 | County councils | 2 |
| 8 | Aboriginal Land Council | 27 |

(To independently determine a Council's population see the latest release of Australian Bureau of Statistics publication 3218.0)

Q: *Can Associate members vote?*

A: No, only ordinary members can vote in the secret ballot. The Fair Work (Registered Organisations) Act treats this ballot the same as if it was a ballot for the election of members of the Executive.

Q: *How does voting work under One Association?*

A: One of the key principles to come from the One Association Convention held in August 2010 was to enshrine the concept that the overall voting numbers of the rural/regional area would be the same as the overall voting numbers of the Metropolitan/Urban areas. This was covered as Principles 4 and 5, and was, with the other Principles ratified by subsequent Conferences of both Associations. These Principles say:

- 4 *"For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*
- 5 *"For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote."*

Cont'd

The voting arrangements satisfy the overarching requirements of equality among the regions. What this means in effect is that councils in the same region with similar populations will have the same number of votes, but this will not always be the case for similar sized councils in different regions. The reason for this is the difference in council numbers between the regions, the Rural/Regional Region has 114 general purpose Councils, 10 County Councils and 8 Regional Aboriginal Lands Councils. The Metropolitan/Urban Region has 38 general purpose Councils, 2 County Councils and 1 Regional Aboriginal Lands Council. Due to the larger number of Councils in the Rural/Regional Region additional votes needed to be allocated to the Councils in the Metropolitan/Urban Region to balance the overall voting numbers.

Q: *But is this "fair"?*

A: The One Association rules have been developed to ensure equity across the membership in a number of ways. Importantly, the One Association rules provide that only Rural/Regional voting delegates are able to vote for the 10 Rural/Regional Board members and the Rural/Regional Vice President in the same way that only Metropolitan/Urban voting delegates are able to vote for the 10 Metropolitan/Urban Board members and the Metropolitan/Urban Vice President. It makes no difference if a Metropolitan/Urban Council with the same population has a different number of voting delegates to a Rural/Regional Council with a similar population as they won't be voting for the same candidates in the same elections.

For the positions of President and Treasurer both regions have the same number of votes in total. This will allow for these positions be popularly elected overall – however, the rules also ensures that the position of President must alternate between the Metropolitan/Urban and Rural/Regional areas. This further enhances the equity.

Similarly with Conference motions, both Regions have the same overall numbers. This provides for Association policy to be made which has the sanction of the majority of members, and ensures that no Region can dominate the other.

Q: *What about the Assets of my current Association?*

A: The assets of both Associations will be merged together on the amalgamation date. Neither Association will be financial detrimentally affected in any consequential way by this merger. To illustrate this we need to use the last full year's financial statements, 2010/2011 which showed the total equity of each Association as follows:

| | Total Equity (\$) | % Equity | Subscriptions \$ | % Subscriptions |
|-----------------------|------------------------------|---------------------|-----------------------------|----------------------------|
| LGA | 19,015,275 | 66.19 | 2,876,208 | 65.77 |
| SA | 9,713,269 | 33.81 | 1,496,629 | 34.23 |
| Total Combined | 28,728,544 | 100.00 | 4,372,837 | 100.00 |

The Associations' Rules (and the rules for the new One Association) provide that if the Association is dissolved any surplus funds are paid to the members in the proportion which each member's subscription for the year bears to the total amount of subscriptions for that year.

What this means is that had the Associations dissolved at the end of the 2010/11 financial year the members of each Association would have received in total the complete equity of their Association, that is, for the LGA members 100% X \$19,015,275 and for the SA 100% X \$9,713,269.

Cont'd

GM12/14 One Association - Update and Status Report ...(Cont'd)

If the Associations had merged and immediately dissolved at the end of the 2010/11 financial year:

LGA members would have received: 65.77% of \$28,728,544 = \$18,894,763
SA members would have received: 34.23% of \$28,728,544 = \$9,833,781

The overall affect would be:

| | No merge | Merge | Difference |
|-----------------------|-------------------|-------------------|-------------------|
| | \$ | \$ | \$ |
| LGA | 19,015,275 | 18,894,763 | (120,512) |
| SA | 9,713,269 | 9,833,781 | 120,512 |
| Total Combined | 28,728,544 | 28,728,544 | 0 |

For this example, at this point in time, the LGA members combined would be “worse off” by \$120,512 on dissolution, and SA members combined would be “better off” by the same amount. On an individual Council basis Association’s calculations have shown the “worse off” Councils range in dollar terms from (\$43.05) to (\$2,202.46) while the “better off” Councils range in dollar terms from \$165.47 to \$2,457.64. As the combined difference represents less than half a percent of overall total equity ($\$120,512 / \$28,728,544 \times 100 = .419\%$) it is not considered significant.

Sustainability Assessment:

- **Environment**

This is not applicable to this report.

- **Social**

This is not applicable to this report.

- **Civic Leadership**

The recommendations of this report are consistent with the *Coffs Harbour 2030 Community Strategic Plan* strategy *LC2.2.1: Enable and support all levels of government to serve the local community.*

- **Economic**

Broader Economic Implications

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

Delivery Program/Operational Plan Implications

There are no delivery program/ operational plan implications as a result of this report

Cont'd

Consultation:

There has been extensive consultation across the state by the LGSA over several years to arrive at this point.

Related Policy and / or Precedents:

Council has been a member of the Local Government Association for many years.

Statutory Requirements:

This is not applicable to this report.

Issues:

These have been covered in the body of the report.

Implementation Date / Priority:

Implementation is immediate.

Recommendation:

- 1. That Council nominate for Councillors as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.**
- 2. That Council's position be one of support for the formation of the One Association.**

**Craig Milburn
Acting General Manager**

Attachments:

To all Mayors and General Managers LGA and NSWALC

ONE ASSOCIATION - URGENT - LIST OF DELEGATES AND ADDRESSES FOR VOTING

Last week the Executive Committees of both Associations each separately took important formal steps for progressing the proposal to establish "One Association" to the next stage, which is to have the proposal submitted to a secret postal ballot of delegates of the members of each Association.

On 17 April 2012, in the case of the Executive Committee of the Shires Association, and on 20 April 2012 in the case of the Executive Committee of the Local Government Association, a number of formal resolutions were adopted authorising the two Associations to jointly apply to Fair Work Australia for its approval for the submission of the proposed amalgamation to ballot.

As a result of the resolutions being passed by both Executive the Application was lodged on Friday afternoon 20 April 2012 and a hearing before Fair Work Australia is now awaited.

If, as is hoped Fair Work Australia gives its approval in the near future, the conduct of the vote will be handed to the Australian Electoral Commission who will independently manage the voting process.

Members will be required to supply an up to date list of their voting delegates for this ballot and this process needs to be undertaken as a matter of priority, to ensure that the completion of the ballot is not delayed.

WHAT COUNCILS NEED TO DO NOW

All Councils need to supply the following to the Association by 31 May 2012:

1. The full name of their voting delegate/s ; and
2. The private mailing address of their delegate/s.

The Association's staff will be following up with all members about this important information over the next few weeks, and to assist with any enquiries you may have.

In addition, your Association will be providing you with regular communications as this matter progresses through what is now the critical stages of this important initiative.

To assist you with this matter I enclose a report which you might consider providing to your Council.

If you have any enquiries at this stage please contact Peter Coulton at the Associations on 9242 4030.

Yours Sincerely,

Cr Keith Rhoades AFSM
President

LAND USE HEALTH & DEVELOPMENT DEPARTMENT REPORTS

L12/14 **DRAFT BIODIVERSITY ACTION STRATEGY 2012 - 2030**

Purpose:

To recommend that the Draft Biodiversity Action Strategy 2012–2030 be publicly exhibited and submissions be invited.

Description of Item:

The Biodiversity Action Strategy 2012–2030 (herein referred to as the “BAS 2012–2030”) will replace the Council Biodiversity Action Strategy of 2002. This document is now out of date with significant changes in environmental legislation and a strategic shift in biodiversity management at a regional, state and national level.

The BAS 2012–2030 details the science, legislation and existing Regional, State and Federal framework required to improve biodiversity conservation at a local government level.

The key actions are detailed in Part C which aims to restore, manage and enhance biodiversity conservation, build resilience to climate change by reconnecting fragmented and degraded habitats; protect and enhance existing native vegetation; manage biodiversity threats in the region and foster community involvement and ownership in biodiversity management.

The new Biodiversity Action Strategy is linked to the four (4) year review timeframes of the Coffs Harbour 2030 Strategic Plan.

The Strategy is divided into three (3) parts.

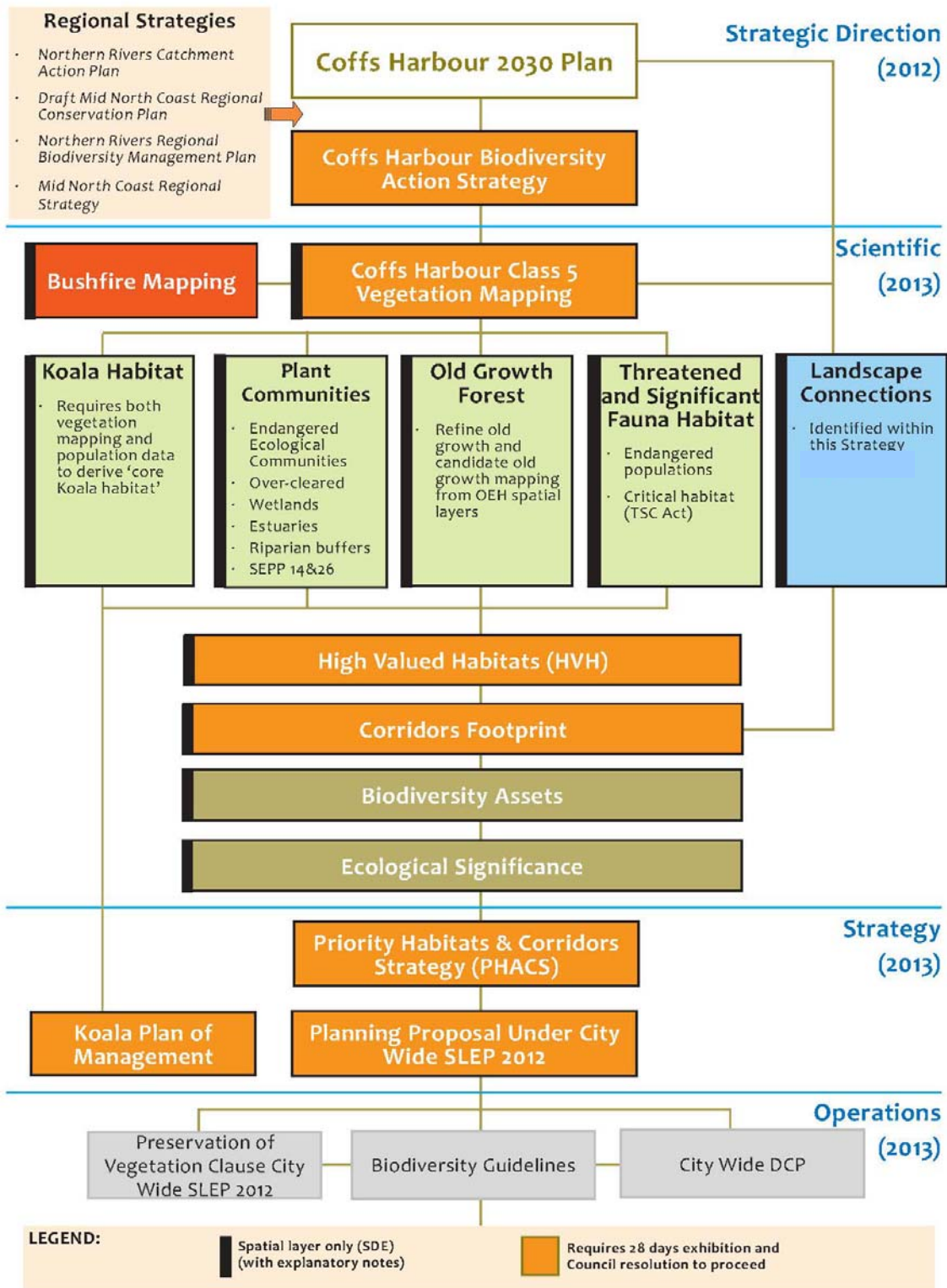
- Part A - Acknowledging Coffs Harbour’s Biodiversity Values
- Part B - The Landscapes of Coffs Harbour
- Part C - Taking Action to Protect and Enhance Our Biodiversity Values

The BAS 2012–2030 includes nine (9) major themes for taking action, these are further divided into 174 individual actions which are prioritised as essential, high or medium priority.

Figure 1 shows the steps required to achieve firstly, identification of biodiversity assets and secondly, how this translates into a range of planning mechanisms to protect and manage these assets. The BAS 2012–2030 sits just below the Coffs Harbour 2030 Plan and provides strategic direction to deliver the “Our Environment” objectives of the 2030 Plan.

Cont'd

Fig 1. Managing biodiversity assets in the Coffs Harbour LGA from 2012 – 2030



Cont'd

Sustainability Assessment:

• **Environment**

The implementation of the BAS 2012–2030 will assist in the inter-generational protection of biodiversity assets within the Coffs Harbour LGA.

The strategy meets the following Coffs Harbour 2030 environmental objectives:

- LE1.1.1 Identify and promote the region's unique environmental values.
- LE1.3.1 Promote connection to the environment through learning in the environment.
- LE1.3.2 Create and extend walking trails and other opportunities for environmental experiences.

• **Social**

The community places a high value on our unique natural environment and its cultural connections.

The strategy meets the following Coffs Harbour 2030 environmental objectives:

- LC1.1.1 Build pride and identity in Coffs Harbour as a community and a place.
- LC3.3.2 Create opportunities for enhancement of the community's sense of well being.

• **Civic Leadership**

Council has a statutory and leadership role to encourage the preservation and management of the areas unique biodiversity values.

This BAS 2012–2030 meets the following Coffs Harbour 2030 objective:

- LE2.1.1 Ensure land use management policies and practices conserve the region's unique environmental and biodiversity values.

• **Economic**

Broader Economic Implications

The BAS 2012–2030 will have broad benefits to the community particularly the tourism industry which will be able to further promote Coffs Harbour as a clean green destination.

Ecosystems provide us with indispensable ecosystem services. While these services are “free”, they would, of course, be infinitely costly to replace.

This new BAS 2012–2030 meets the following Coffs Harbour 2030 objective:

- LP1.1.1 Develop markets around renewable energy, sustainable tourism, sustainable agriculture and fisheries, local produce, creative and clean industries.

Cont'd

Delivery Program/Operational Plan Implications

It is expected that the BAS 2012–2030 will have only a minor administrative impact on Council resourcing and funding which will largely be funded through Council’s Environmental Levy and the Coffs Harbour City Council Protection of the Environment Trust (Prosper Coffs Harbour Ltd). Funding will also be sought through external grant applications.

The project recommends funding of projects in the short, medium and long term (See Fig 2.). In the first 4 years of operation of the BAS 2012–2030, funding will be sought for biodiversity actions which meet the Priority 1 “Essential” short term timeframe.

Estimated costs associated with a project are identified as either:

- one-off cost
- funding costs over 1-3 years of project operation
- annual cost for the life of the 2030 Community Strategic Plan

Fig.2 Funding the BAS 2012–2030

| Priority | Funds to be sought | Funding source |
|------------------------------------------------------------------------------|--------------------|--------------------------------|
| Short (start project within 5 years of adoption of BAS 2012–2030) | \$987,500 | EL, G, PEF, Core, CHCC, FUNDED |
| Medium (start project within 10 years of the BAS 2012–2030 being adopted) | \$898,000 | EL, G, PEF, Core, CHCC, FUNDED |
| Long term (start project within 15 years of the strategy being adopted) | \$440,000 | EL, G, PEF, Core, CHCC, FUNDED |

Note: Funds sought in fig 2 do not include ongoing salaries for two (2) Biodiversity Officers.

- EL Environmental Levy
- G Grant Funded
- PEF Coffs Harbour Protection of the Environment Fund
- Core Core Environmental Levy recurring (Biodiversity Officers)
- CHCC Internal CHCC staff resources
- FUNDED Currently funded projects

Each individual project identified within Part C of BAS 2012–2030 has been allocated a priority, budget estimate, funding source, timeframe, relevant partnership/s and objectives in links to within the Coffs Harbour 2030 Strategic Plan.

Each individual project has been linked to one or more funding sources. However, the funding of individual projects will be subject to the availability of funds depending on council’s priorities at the time.

Cont'd

Consultation:

The Strategy has been extensively reviewed by various sections of Council and feedback has been incorporated into the document. In particular, the following areas of Council have been consulted:

- Parks Strategic
- Parks Operational
 - Bush Regeneration Unit
 - Weeds Unit
- Land Use Planning
- Land Use Assessment
- Land Use Management
- Design Branch
 - Environmental Engineers
 - Coastal / Flood Engineers
- Strategy & Sustainability

To assist the community understand the BAS 2012–2030 a summary document will be distributed during the exhibition period which will give an overview of Coffs Harbour's biodiversity assets and key management strategies.

Related Policy and / or Precedents:

The first Coffs Harbour Biodiversity Action Strategy (BAS 2002) guided biodiversity management in the Local Government Area (LGA) for the last decade.

The Environmental Levy funded the majority of key actions in the BAS 2002 which greatly progressed biodiversity management in the Coffs Harbour LGA over that period.

The BAS 2012–2030 is linked to the Coffs Harbour 2030 Strategic Plan and will be reviewed every four (4) years in line with its reporting cycle.

Statutory Requirements:

Council has statutory responsibilities under the NSW Threatened Species Conservation Act 1995 (TSC Act), *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), *NSW Fisheries Management Act* (FM Act) and *Water Management Act 2000* to address biodiversity issues in the LGA.

The BAS 2012–2030 will also assist council meet these responsibilities and also State of the Environment (SOE) reporting requirements.

Issues:

To better manage and coordinate biodiversity issues in the LGA Council requires a strategic biodiversity document to coordinate and inform priority actions.

To ensure the open and transparent expenditure of Environmental Levy funds and revenue generated by the Environment Trust (Prosper Coffs Harbour), a guiding biodiversity strategy is required for future investment in the LGA.

Cont'd

Implementation Date / Priority:

The 28 day exhibition period will come into affect following resolution of Council.

Council will make the BAS 2012–2030 available on its website and make available hard copies at council libraries and Administration Centre.

Recommendation:

- 1. That Council endorse and release the *Biodiversity Action Strategy 2012–2030* for public exhibition and invite submissions over a 28 day period.**
- 2. That a report be brought back to Council later in the year regarding the outcomes of the public exhibition and present a revised *Biodiversity Action Strategy 2012–2030* for final adoption.**

L12/15 TENDER: PREPARATION OF PLANNING DOCUMENTS - NORTH BOAMBEE VALLEY (WEST) - CONTRACT NO. RFT-522-TO

Purpose:

To report to Council on tenders received for Contract RFT-522-TO for the preparation of planning documents to inform a Planning Proposal for North Boambee Valley (West).

The report provides a preferred tender to Council, following assessment of all tender submissions under Council's Tender Evaluation process, and seeks Council's approval to accept a tender.

Description of Item:

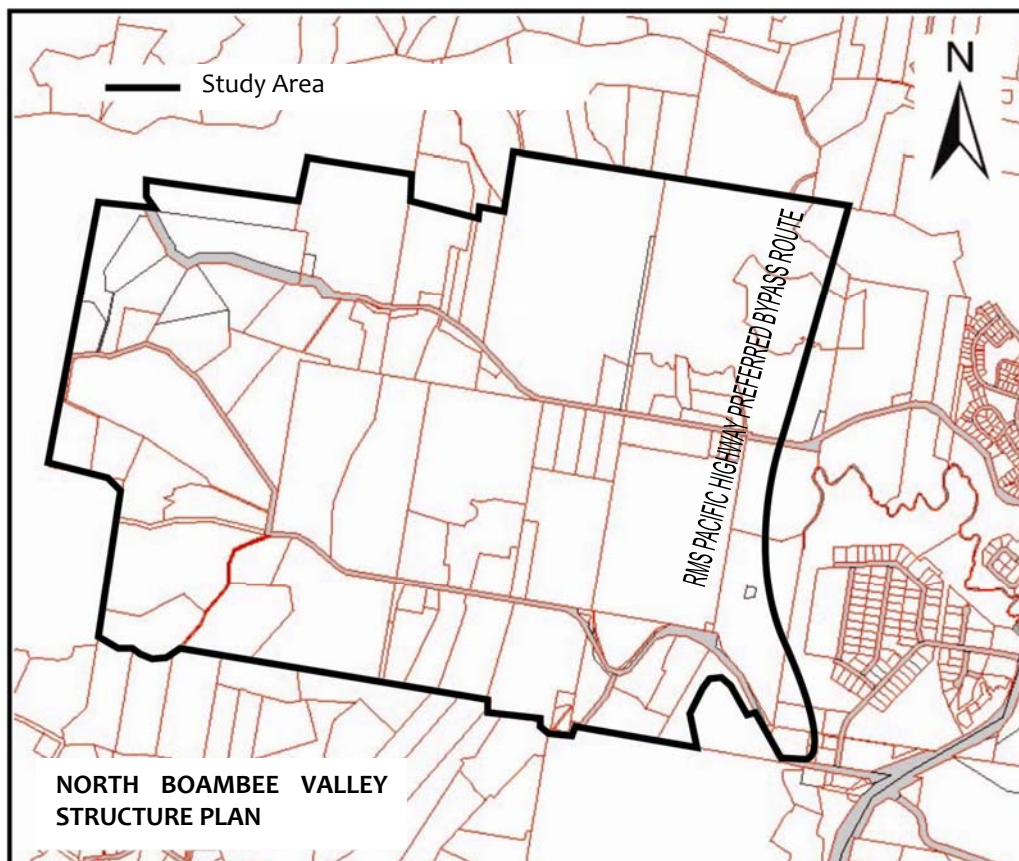
Council prepared and adopted the Structure Plan for North Boambee Valley (West) in 2010.

This document identified a range of issues/constraints that require further investigation to enable the urban zoning of the North Boambee Valley (West) land.

This project involves the preparation of a planning proposal that will inform an amendment to the Coffs Harbour Local Environmental Plan (LEP) 2000, as well as the preparation of a Development Control Plan (DCP) and Developer Contributions Plan for the area.

Council has prepared a tender for services from firms capable of completing the tasks required.

The tender was advertised on 14 February 2012, and the closing date for submissions was 13 March 2012. A map of the North Boambee Valley (West) subject land is shown below.



Cont'd

L12/15 Tender: Preparation of Planning Documents - North Boambee Valley (West) - Contract No. RFT-522-TO ...(Cont'd)

A total of 12 conforming tender submissions were received from:

- APP Corporation Pty Ltd;
- ATF – NACE Consulting Pty Ltd;
- de Groot and Benson Pty Ltd;
- GeoLink;
- GHD;
- Mitchel Hanlon Consulting Pty Ltd;
- Monteath and Powys Pty Ltd;
- PEEC (Planning, Environmental and Economic Consulting and AQ Planning Pty Ltd);
- RDM Pty Ltd;
- RPS;
- SLR Consulting Pty Ltd; and
- Worley Parsons Services Pty Ltd;

One non-conforming tender was received from Environmental Property Services (EPS). This tender was deemed non-conforming as it was received late, after the closure time.

The conforming tenders were then evaluated using the following criteria:

- experience and performance in similar works;
- personnel and relevant technical skills; and
- methodology and understanding of the brief.

Evaluation of the tender submissions, and the nomination of a recommended consultancy, is included in the 'confidential' section of this report.

The consultant recommended as the successful tender has demonstrated that they have the required skills and experience to carry out the project. They have also provided a thorough and comprehensive response to the brief which clearly defined the task, staff responsibilities and quality assurance.

Sustainability Assessment:

• **Environment**

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

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

• **Social**

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

• **Civic Leadership**

The tender process is undertaken by the use of tendering policy guidelines and requirements, which is considered open, transparent and equitable.

Cont'd

- **Economic**

Broader Economic Implications

This project is being jointly funded by Council and through financial contribution from a landholder. The acceptance of this tender will not have any detrimental economic impacts.

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 Tender 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 tendering procedures were undertaken in accordance with Council policy. The Tender Evaluation System has been used to assess the submitted tenders, as set out in the 'confidential' attachment.

Statutory Requirements:

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

Issues:

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

Implementation Date / Priority:

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

Recommendation:

- 1. That Council consider tenders received for the preparation of Planning Documents for North Boambee Valley (West), Contract No. RFT-522-TO and move the motion as detailed in the 'confidential' attachment.**

Chris Chapman
Director
Land Use, Health & Development

CORPORATE BUSINESS DEPARTMENT REPORTS

CB12/33 LEASE - SUITES 1 AND 3, 169-171 ROSE AVENUE, COFFS HARBOUR TO STATE PROPERTY AUTHORITY (ON BEHALF OF THE DEPARTMENT OF EDUCATION) - EXECUTION UNDER COMMON SEAL OF COUNCIL

Purpose:

Seeking authority for execution of Lease and Licence documents, related to the two (2) leases between Council and the State Property Authority (on behalf of the Department of Education) for the office premises at 169-171 Rose Avenue, Coffs Harbour under the common seal of Council.

Description of Item:

Council is the registered proprietor of Lot 100 in DP 861850 known as 169-171 Rose Avenue, Coffs Harbour.

The land is classified as operational land and has previously been used at different times as the Tourist Information Centre, Council training rooms and leased to the Family History Society.

The main buildings are currently occupied by the Department of Education.

The State Property Authority has negotiated on behalf of the Department of Education, terms for two (2) leases for Suites 1 and 3 respectively.

With regard to Suite 1, the lease term is by way of an exercise of option for a period of two years, commencing 1 May 2012. Rent is based on market value assessment.

With regard to Suite 3, the lease term will be consistent with the existing lease of Suite 1 and will comprise a term of two years. Similarly rent is based on market value assessment.

Both leases incorporate a licence for the non exclusive use of car parking spaces in the car park situated on the property.

The Local Government (General) Regulation 404 (4) states that:

“The seal of a council must not be affixed to a document unless the document relates to the business of the council and council has resolved (by resolution specifically referring to the document) that the seal be so affixed.”

Therefore, it is necessary to obtain specific authority from Council for the execution under Council's seal of these leases.

Sustainability Assessment:

- **Environment**

The tenure does not present any adverse environmental issues.

- **Social**

The recommendations do not give rise to any social issues.

Cont'd

CB12/33 Lease - Suites 1 and 3, 169-171 Rose Avenue, Coffs Harbour to State Property Authority (on Behalf of the Department of Education) - Execution Under Common Seal of Council ...(Cont'd)

- **Civic Leadership**

The commercial leasing of Council assets is in keeping with the 2030 Vision and Delivery Program for 2011-2015 to pursue corporate business opportunities to generate income to support Council programs.

- **Economic**

Broader Economic Implications

The recommendation does not give rise to any adverse economic outcomes, noting that the tenure is granted at market rental and the tenant is responsible for ongoing general maintenance of the building. The income is included in Council's current and future budgets.

Delivery Program/Operational Plan Implications

The recommendation is consistent with 2011-2015 Delivery Program, specifically OC.1.1.6 insofar as the lease reflects commercial rent and conditions.

Consultation:

Consultation with the State Property Authority and Council's Senior Valuer.

Related Policy and / or Precedents:

In line with general leasing practices.

Statutory Requirements:

As indicated above, Regulation 400(4) Local Government (General) Regulation 2005 applies.

Issues:

There are no issues as the purpose of the report is to obtain Council consent to sign the lease under seal.

Implementation Date / Priority:

The lease document will be executed under Council's seal following authority being granted by Council.

Recommendation:

That Council as registered proprietor of Lot 100 in DP 861850 authorise the lease of Part Lot 100 in DP 868150 and described as Suite 1 and Suite 3 to the State Property Authority and to affix Council's seal on the lease and all other documents required to give effect to the Lease Agreement and any subsequent lease of the premises to the State Property Authority.

Purpose:

To present to Council a draft revised Section 94 Developer Contributions Plan for the North Boambee Valley (East) Release Area (attached to this document). This report recommends that the plan be placed on exhibition for public comment for a period of 28 days.

Description of Item:

Council currently has in place a S94 Developer Contributions Plan for collection of funds for expenditure on facilities within the North Boambee Valley catchment. This plan came into operation in February 2000.

Subsequent to the introduction of the plan, the NSW State Government has resolved to proceed with a highway bypass of Coffs Harbour city and has identified a highway corridor for the proposal that has resulted in the release area being dissected by the corridor.

This has resulted in much of the original release area not being available for development as originally planned. On 9 July 2009 Council resolved to adopt an amended Development Control Plan for the revised release area, known as the North Boambee Valley (East) Development Control Plan. The Draft Developer Contributions Plan supports the provisions contained within the Development Control Plan.

Sustainability Assessment:

- **Environment**

The Draft Contributions Plan provides for the collection of funds for the purchase of a significant amount of land zoned as environmental protection. These lands are principally designated as primary and secondary core koala habitat.

- **Social**

The Draft Contributions Plan includes funding for improvements to the road network which will improve safety for residents and improve access to services. Further it provides funding for social infrastructure including a community meeting area and a neighbourhood playground.

- **Civic Leadership**

The Coffs Harbour 2030 Plan provides for a strategy to “create facilities and services that allow the community to reach its full development potential” (LC2.3.2).

It also provides for a strategy to “facilitate safe traffic and pedestrian flow in and around the city's facilities and services” (MA3.1.2). The provision of enhanced traffic facilities within the release area is in line with Council achieving these objectives.

Cont'd

- **Economic**

Broader Economic Implications

The current Developer Contributions Plan for the release area includes contributions for items that will not eventuate due to the adoption of the preferred highway bypass corridor. The current contributions plan is therefore redundant in many aspects, and a revised plan is required. Failure to progress this may leave Council open to financial risks associated with the changes to infrastructure and services.

Contributions currently applicable under the relevant plans for the release area total \$32,969.61 per lot inclusive of contributions towards water and sewer. The draft amended plan, when considered in conjunction with other contribution plans that apply to the release area, provides for contributions at the rate of \$29,576.28 per lot.

A substantial amount of infrastructure has been constructed within the release area. The draft plan provides for recoupment of the costs that have been forward funded by Council and developers within the catchment.

Delivery Program/Operational Plan Implications

There are no immediate impacts on Council's Delivery Plan/Operational Plan.

Consultation:

Relevant Council staff, including Manager, Strategic Infrastructure, Senior Biodiversity Officer, Executive Manager, Cultural and Community Development, Landscape Architect, and Senior Valuer have been consulted in the preparation of the works schedule and the preparation of the Draft Contributions Plan.

Related Policy and / or Precedents:

Council has been collecting contributions in the release area since adoption of a contributions plan on 23 February 2000.

Statutory Requirements:

Section 94 of the *Environmental Planning and Assessment Act 1979* allows Council, as a consent authority, to place a condition of consent on relevant development consents requiring the payment of a monetary contribution towards the provision of public amenities and services. Clause 26 of the Environmental Planning and Assessment Regulation 2000 requires Council to exhibit the draft plans for a minimum of 28 days.

Issues:

Following the adoption of a preferred highway bypass corridor, much of the original North Boambee Valley release area was effectively sterilised. Several facilities originally planned such as district sporting fields cannot proceed due to the highway corridor location.

The revised plan has removed contributions towards the purchase of active recreational facilities within the release area. Council's recently adopted Sports Facilities Plan identified that the facility included in the current contributions plan is no longer required.

Cont'd

CB12/34 North Boambee Valley (East) Developer Contributions Plan ...(Cont'd)

The provision and costs of the transport and traffic facilities within the plan have also been reviewed to ensure projected contribution income will be sufficient to cover the works.

In line with recent reports in November 2011 and April 2012 informing Council of the status of developer contributions for this area, this plan will require further updating after current negotiations/mediation with related developers has been finalised.

Implementation Date / Priority:

The Draft North Boambee Valley (East) Developer Contributions Plan will be placed on exhibition immediately, should the recommendations of this report be adopted.

Recommendation:

That the Draft North Boambee Valley (East) Developer Contributions Plan 2012 be placed on exhibition for a period of 30 days and the community be invited to make submissions on the Draft Contributions Plan during this period.

Attachments:

DRAFT

COFFS HARBOUR CITY COUNCIL

**NORTH BOAMBEE VALLEY
(EAST)
RELEASE AREA**

Developer Contributions Plan 2012

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PART A - SUMMARY SCHEDULES

EXECUTIVE SUMMARY

This contributions plan enables Coffs Harbour City Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development within the North Boambee (East) release area will or is likely to increase the demand for public facilities.

Council's "Our Living City" Settlement Strategy 2007 advises that the population of Coffs Harbour is expected to increase by 32,000 by 2031. The Strategy further identifies North Boambee Valley (East) as an area appropriately zoned and capable of additional residential development. Residential developments have been approved and some development completed within the release area for approximately 429 dwellings accommodating approximately 1,014 people.

It is expected that future development in the order of 361 dwellings accommodating approximately 939 people will occur within the release area.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide:

- open space and recreation facilities
- transport and traffic facilities
- community facilities and services
- koala management facilities
- stormwater management.

SUMMARY OF WORKS

A schedule of works and current status is provided at table 1

SUMMARY OF CONTRIBUTION RATES

A summary of works costs by land use is included at Table 2.

Table 3 summarises the contribution rates applying to the different forms of development in North Boambee Valley (East).

DATE OF COMMENCEMENT OF THE PLAN

This contributions plan came into operation on 23 February 2000.

AMENDMENTS

This Plan was amended on 16 October 2003 and on 24 April 2008 and further on the xx/xx/2012.

Table 1 - Schedule of Works, Commencement, Staging and Expenditures

| Works Completed | Capital Cost \$ |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Neighbourhood Community Centre | 250,000 |
| Open Space & Recreation Neighbourhood Park – Lakes Drive Street trees | 301,456 |
| Traffic Management Collector road – Lakes Drive (8.0m x 450m kerb & gutter, and cycleways incl. land acquisition) Roundabout (1) Route Lighting | 2,535,204 |
| Stormwater Management Catchment 1 | 811,349 |
| Urban Planning | 184,483 |
| TOTAL | 4,082,492 |
| Future Works | Capital Cost \$ |
| Neighbourhood Community Centre | 500,000 |
| Open Space & Recreation Neighbourhood Park | 150,000 |
| Koala Management | 1,406,680 |
| Stormwater Management Catchment 1 Catchment 2 | 207,580 200,000 |
| TOTAL FUTURE WORKS | 2,464,260 |
| TOTAL ALL WORKS | 6,546,752 |

Table 2 - Summary Costs by Land Use

| Public Facility | Total Cost \$ | Contributions Levied as at 31-12-2012 | Net Cost to be Levied \$ |
|---------------------------|------------------|------------------------------------------|--------------------------------|
| Transport and Traffic | 2,445,204 | 1,698,731 | 836,473 |
| Open Space | 451,556 | 199,680 | 251,876 |
| Koala Management | 1,406,680 | 484,265 | 922,415 |
| Stormwater Catchment 1 | 1,018,929 | 898,037 | 120,892 |
| Catchment 2 | 200,000 | 54,139 | 145,861 |
| Urban Planning | 184,483 | 128,151 | 56,332 |
| Community Facilities | 750,000 | 179,145 | 570,855 |

Table 3 - North Boambee Valley (East) Contribution Rates

| Service / Facility | Net Cost to be Levied \$ | Per Person \$ | Per Small Dwelling \$ | Per Large Dwelling / lot \$ | Per SEPP Seniors Living Dwelling (self care) \$ |
|--------------------------|-----------------------------|------------------|--------------------------|--------------------------------|----------------------------------------------------|
| Open Space | 251,856 | 268.24 | 482.83 | 697.42 | 402.36 |
| Community Facilities | 570,855 | 607.94 | 1,094.29 | 1,580.64 | 911.91 |
| Transport and Traffic | 836,473 | 890.81 | 1,603.46 | 2,316.11 | 1,336.22 |
| Koala Management | 922,415 | 982.34 | 1,768.21 | 2,554.08 | 1,473.51 |
| Stormwater Management | | | | | |
| Catchment 1 | 120,892 | 164.70 | 295.56 | 482.23 | 247.05 |
| Catchment 2 | 145,861 | 711.51 | 1,280.72 | 1,849.93 | 1,067.27 |
| Urban Planning | 56,332 | 60.00 | 108.00 | 156.00 | 90.00 |
| Total Catchment 1 | | 2,974.03 | 5,352.35 | 7,786.48 | 4,461.05 |
| Total Catchment 2 | | 3,520.84 | 6,337.51 | 9,154.18 | 5,281.27 |

Notes:

1. *Contribution rates will be applied as follows:*
 - *the first lot in a residential subdivision is exempt from contributions*
 - *the first dwelling on a residential lot is exempt from contributions*
 - *the contribution rate for a dual occupancy, villa, townhouse or residential flat development is the number of dwellings multiplied by the appropriate dwelling rate minus one lot rate.*
2. *A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).*
3. *The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres of floor area (excluding garages and balcony areas).*
4. *In addition to the above the relevant contribution rates for Regional, District and Neighbourhood Open Space and Community Facilities, Surf Rescue Equipment, and Coffs Harbour Road Network will also apply.*
5. *SEPP Seniors Living occupancy rates refers to developments approved under the State Environmental Planning Policy (Seniors Living) 2004.*

PART B – ADMINISTRATION AND ACCOUNTING

NAME OF THE PLAN

This contributions plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 2000 and may be referred to as the North Boambee Valley (East) Release Area Developer Contributions Plan 2012.

PURPOSE OF THE PLAN

The primary purpose of this plan is to satisfy the requirements of the Environmental Planning and Assessment Act and Regulation to enable Council to require a contribution towards the provision, extension or augmentation of public services that will, or are likely to be required as a consequence of development in the area or that have been provided in anticipation of or to facilitate such development.

Other purposes of the plan are to:

- (i) ensure that an adequate level of public infrastructure is provided within the North Boambee Valley (East) release area as development occurs.
- (ii) enable Council to recoup funds that it has spent in the provision of public facilities in anticipation of likely future development.
- (iii) ensure that the existing community is not burdened by the provision of public facilities required as a result of future development.
- (iv) provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout the North Boambee Valley (East) Release Area.

THE AREA TO WHICH THE PLAN APPLIES

This plan applies to all the land within the North Boambee Valley (East) residential release area described on Map 1.

RELATIONSHIP TO OTHER PLANS AND POLICIES



This plan supplements the Coffs Harbour Local Environment Plan 2000 and the North Boambee Valley (East) Release Area Development Control Plan. This contributions plan should be read in conjunction with the Regional, District and Neighbourhood Facilities Developer Contributions Plan 2008, The Coffs Harbour Road network Developer Contributions Plan 2008, the Coffs Harbour Development Servicing Plan for Water Supply 2010, the Coffs Harbour Development Servicing Plan for Wastewater 2010, and other plans that may apply to the Release Area.

This contributions plan provides a means for implementing some of the planning and community development strategies adopted by Council.

HOW THE PLAN OPERATES

In determining a development application Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this Plan.

LEGEND

-  RTA PACIFIC HIGHWAY PREFERRED BYPASS ROUTE
-  LAND EXCLUDED FROM THIS DCP



Map 1
North Boambee Valley (East) Release Area

FORMULA FOR DETERMINING CONTRIBUTIONS

The formula to be used for the calculation of contributions under Section 94 of the Environmental Planning and Assessment Act is as set out below:

Contribution per person =

$$\frac{C - L - E}{P}$$

Where:

C = total cost of works

L = amount of existing contributions either paid or levied as at 31/12/2011

E = Expenditure to date

P = Future population of catchment

TIMING OF PAYMENT OF CONTRIBUTIONS

Payment of financial contributions should be finalised at the following stages:

- **development consents involving subdivisions** – prior to release of the linen plan
- **development consents involving building work** – prior to the release of the construction certificate
- **development consents where no construction certificate is required** – at the time of issue of the notification of consent, or prior to the commencement of approved development as may be determined by Council.

DEFERRED OR PERIODIC PAYMENTS

Where the applicant can demonstrate that the settlement of the contribution, in terms of the above, is unreasonable in the circumstances of the case, the Council may accept deferred or periodic settlement. In such a case, the applicant needs to make a written request and satisfy Council in accordance with the following:

- there are valid reasons for deferred or periodic payment;
- no prejudice will be caused to the community deriving benefits from the public facilities required by the proposed development;
- no prejudice will be caused to the operation of this plan;
- the provision of the public facility or service in accordance with the adopted work schedule will not be adversely affected.

Applications for deferment of payments will be subject to the following conditions:

- (i) the deferment will be for a fixed period not exceeding 6 months from the date the contribution becomes due;
- (ii) the applicant must agree to pay the Council interest on contributions or on so much thereof as shall remain outstanding from time to time computed from the date that the contribution becomes due at the appropriate rate of interest;
- (iii) payment of the contributions and the interest must be secured by delivery to the Council of a guarantee in writing issued by an appropriate institution.

Deferments will not be granted based on progressive land sales.

For the purposes of this provision, "appropriate rate of interest" means the seven year local government interest borrowing rate applicable from time to time, and "appropriate institution" means a licensed bank or other institution where securities comprise authorised investments under the Trustee Act 1925.

WORKS IN KIND

Council may accept an applicants offer to make a contribution by way of a works in kind contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in Section 94 (5)(b) of the Environmental Planning and Assessment Act.

Any offer for carrying out of works in kind or provision of a material public benefit must be made in writing and accepted by Council prior to commencement.

Council may accept the offer of a works in kind contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies the consent authority that:

- (a) payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case
- (b) the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required.
- (c) the value of the works to be undertaken are at least equal to the value of the contribution assessed in accordance with this plan.

EXEMPTIONS

Council may consider exempting developments, or components of developments from the requirement for a contribution for developments that include aged care accommodation

where the residents require in house care, and developments that are specifically exempted under directions that may be made from time to time by the NSW Minister for Planning.

POOLING OF FUNDS

This plan expressly authorises monetary S94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

INDEXING OF CONTRIBUTION RATES

Council will review the contribution rates to ensure that the monetary contributions reflect the costs associated with the provision of the public facility.

The contribution rates will be reviewed on the basis of movements in the Consumer Price Index, All Groups Sydney, as published by the Australian Bureau of Statistics in accordance with the following formula:

$$RC = \frac{C \times \text{Current index}}{\text{Previous index}}$$

where

RC = Revised contribution rate per ET applicable at the time of payment

C = Previous contribution rate

Current index is the Consumer Price Index at the date of review of the contribution

Previous index is the Consumer Price index as listed in Appendix "A" or applicable at the time of issue of the consent.

Council may also review the works schedule, the estimate of costs of the various public facilities and services, population projections, land acquisition costs or other aspects relating to the contribution plan.

PART C - STRATEGY PLANS

RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT AND DEMAND FOR ADDITIONAL PUBLIC FACILITIES

The following documents provide the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public facilities to meet that development.

The Coffs Harbour "Land Capacity Assessment 2004, and the 'Our Living City" Settlement Strategy establishes the level of existing development and estimates a population of 99,000 in Coffs Harbour by the year 2031. The estimates are based on Department of Planning's Mid North Coast Regional Strategy population projections. The Strategy identifies the localities of proposed future development within the Coffs Harbour local Government Area and specifically identifies North Boambee Valley (East) as suitable for continued future residential development.

Coffs Harbour City Council's Social and Community Strategic Plan 2006-2010 provides information on strategies for the provision of community facilities.

Coffs Harbour City Council Open Space Strategy 2010 identifies the passive open space facilities required by future population. The Strategy was prepared following extensive community consultation and a review of current and future demographic patterns and an assessment of issues relevant to all these factors.

The North Boambee Valley (East) Development Control Plan sets out detailed guidelines for development in the North Boambee Valley (East) release area. It provides for a range of residential densities, although it is expected that the dominant form of development will be detached dwellings. It also allocates land for open space and environmental protection purposes.

CAUSAL NEXUS

The anticipated increase in population in the North Boambee Valley (East) release area will place greater demands on existing public facilities and require the provision of new public facilities which are not currently available.

Table 1 in this plan lists the public facilities to be provided in the North Boambee Valley (East) release area.

The Coffs Harbour Regional, District and Neighbourhood Facilities and Services Developer Contributions Plan 2008 and the Coffs Harbour Road Network Developer Contributions Plan 2008 lists public facilities provided for the benefit of future population in North Boambee Valley (East) together with future population in other catchments.

The Coffs Harbour Development Servicing Plan for Water Supply 2010, the Coffs Harbour Development Servicing Plan for Wastewater 2010 lists the water and wastewater requirements for new development in North Boambee Valley (East).

PHYSICAL NEXUS

The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified public facilities and the manner in which such need may be satisfied.

TEMPORAL NEXUS

The public facilities will be provided in a timely manner to benefit those who contributed towards them. Many facilities have already been provided such as stormwater detention systems and a collector road.

EXISTING AND FUTURE DEVELOPMENT IN NORTH BOAMBEE VALLEY (EAST)

The North Boambee Valley (East) release area has been the subject of residential development since the 1990's. It was originally intended that the development catchment would be significantly larger than that of the current North Boambee Valley (East) Release area, and would accommodate significantly more future population. However following extensive studies, the NSW Roads and Traffic Authority identified a corridor through the original release area as the preferred option for a Pacific Highway bypass. This has had a significant effect on the future development potential for the area.

The release area was originally expected to cater for an additional population in the order of 9,000 people. The reduced catchment is expected to cater for a total additional population in the order of 1,953 people

Completed and approved development comprises residential dwellings, The Lakes Retirement Village and an aged care facility.

PROJECTED POPULATION

Based on the conceptual lot layout as provided for in the North Boambee Valley (East) Development Control Plan and at Map 1, and adjusting for developments not yet approved, it is expected that a total of approximately 1,953 people will ultimately reside within the release area.

OCCUPANCY RATE

The Australian Bureau of Statistics 2006 Census Data has been used as a basis for estimating the dwelling occupancy rates. The Coffs Harbour City Population Profile 2009 examines the demographics of the population and identifies the average residential dwelling occupancy rate of 2.6 persons in North Boambee Valley (East). The anticipated occupancy rates for differing types of residential development are shown in table 5.

Table 5 - Occupancy Rates

| Dwelling Type | Occupancy Rate |
|------------------------------------------|----------------|
| Large Dwelling | 2.6 |
| Small Dwelling | 1.8 |
| Seniors Living SEPP dwelling (Self care) | 1.5 |

Notes:

A small dwelling is deemed to be any dwelling with a floor area less than 100 square metres (excluding garages and balcony areas).

The lot rate/large dwelling rate applies to all types of dwelling with a floor area equal to or exceeding 100 square metres (excluding garages and balcony areas).

PROPOSED PUBLIC FACILITIES

OPEN SPACE AND RECREATION

Prior to development commencing within the release area existing facilities within North Boambee Valley were limited to privately owned facilities consisting of one playing field situated at Bishop Druitt College. An indoor sporting centre is located on the Pacific Highway.

Casual open space includes the surrounding State Forest which is utilised for passive recreation.

Open space facilities can be considered at regional, district and local level.

Regional

Regional open space caters for users prepared to travel significant distances from within and outside the Coffs Harbour local government area (LGA). These lands generally form part of a vast network of open space facilities and provide a regional resource for passive and active recreational pursuits.

The Coffs Harbour Sports Facilities Plan identifies the Coffs Coast Sports & Leisure Park, the Toormina Velodrome, and Sportz Central as examples of regional facilities.

Due to the limited development potential of the release area there are no regional facilities planned.

District

District open space is land used primarily for district sporting events and generally comprises playing fields and sporting facilities. The primary use of these facilities will be for organised recreation for residents of the release area.

Council's Open Space Strategy 2010 provides standards for the provision of

district sporting facilities. The anticipated population within the release area is deemed insufficient to warrant the provision of district active open space facilities.

Local

Local open space comprises neighbourhood parks, children's playground areas, passive reserves and drainage reserves.

Local open space is used primarily by children, and these facilities should be provided within walking distance of residential development. A reasonable walking distance to a neighbourhood park is considered to be 500 metres which represents, on average, a seven minute walk.

As part of the development of the Lakes Estate, a playground has been completed in Lakes Drive to accommodate the neighbourhood recreational needs of the residents. The cost of this facility is funded through contributions.

The Coffs Harbour Open Space Strategy 2010 identifies the need for a neighbourhood park in the south western sector of the release area as indicated on map 2.

Calculation of contribution rate

Local Facilities

$$\begin{aligned} \text{Contribution} &= \frac{C - L - E}{P} \\ &= \frac{\$451,556 - \$36,740 - \$162,940}{939} \\ &= \mathbf{\$268.24 \text{ per person}} \end{aligned}$$

COMMUNITY FACILITIES AND SERVICES

INTRODUCTION

The provision of community facilities under this plan is based on need and takes into account the provision of services and facilities by other levels of government, the private sector and other non-government providers. This plan only deals with those community facilities over which local government has direct influence. Other community facilities such as schools, hospitals and churches are beyond this influence.

EXISTING FACILITIES

There are no existing formal community facilities within the release area.

PROPOSED FACILITIES

Following a reduction in the expected future population as a result of the location of the Coffs Harbour Highway bypass, it has been determined that the release area would be best serviced by an informal community meeting area and associated infrastructure.

The centre is to be located on land that is in Councils ownership, and is adjacent to the neighbourhood playground on Lakes Drive

The cost of these facilities are as follows:

◆ Neighbourhood Community Centre

| | |
|------------------|------------------|
| Land Acquisition | 250,000 |
| Construction | 500,000 |
| TOTAL | \$750,000 |

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned} \text{Contribution} &= \frac{C - L - E}{P} \\ &= \frac{\$750,000.00 - \$72,525 - 106,620}{939} \\ &= \text{\$607.94 per person} \end{aligned}$$

TRANSPORT AND TRAFFIC MANAGEMENT

EXISTING FACILITIES

Principal access to the release area is via North Boambee Road with alternative access being via Halls Road.

The transport demands within the Valley can be categorised in terms of road network, public transport, and pedestrian/cycleway network.

A road hierarchy has been established classifying roads as distributor, collector, local, and minor roads in accordance with their functional characteristics.

This contributions plan provides for the funding of the collector road as indicated in map 3. and completion of a small section of Halls Road.

Lakes Drive, the principal collector road, has been constructed to facilitate development that has occurred to date. The cost of these works including land acquisition, roundabout construction, collector road construction, construction of two culverts over the waterway system, and footpath/cycleway construction is the subject of contributions. Forward funded costs associated with these works is to be recovered by way of contributions. Local roads and culverts on local roads are to be at the expense of the developer.

Public Transport

The provision of a good public transport system will reduce car dependency, provide for energy efficiency and enable residents without a private vehicle to maintain reasonable mobility, particularly the elderly and those under 17 years of age. Opportunities for public transport within the release area are limited to the provision of a bus service.

To provide for a safe, comfortable and efficient bus service, certain basic facilities are required, including bus shelters, and bus bays.

Pedestrian and Cycleways

The provision of pedestrian and bicycle facilities in residential areas can provide an important alternative transport route for both recreational and functional journeys. The proposed routes are identified in Map 4 and have been designed to relate to the need for access to schools, recreation facilities, shops, University and employment centres for those residing in the release area. Cycle routes are provided for both commuter cyclists and recreational cyclists with the former provided with a faster more direct route and the latter with safer, traffic free routes generally within open space areas.

Pedestrian and cycle routes are provided in the form of on-road footpaths/cycleways on lower order local roads and off-road footpaths/cycleways on the Collector road. Future cycleways through reserves where no development fronts the road only are included in this plan.

PROPOSED FACILITIES

The following table summarises the traffic and transport facilities which will be funded using Section 94 contributions on the basis of the local and district facilities.

Completed works

| | |
|--------------------------------------------------|-------------|
| Roundabout | \$ 396,914 |
| Collector Road Incl footpath/cycleway land | \$1,932,348 |
| Street Lighting | \$ 15,000 |
| Bus shelter | \$ 13,000 |
| Design Supervision & Site establishment | \$ 87,943 |

Proposed works










| | |
|------------------|-----------|
| Collector road I | \$ 90,000 |
|------------------|-----------|

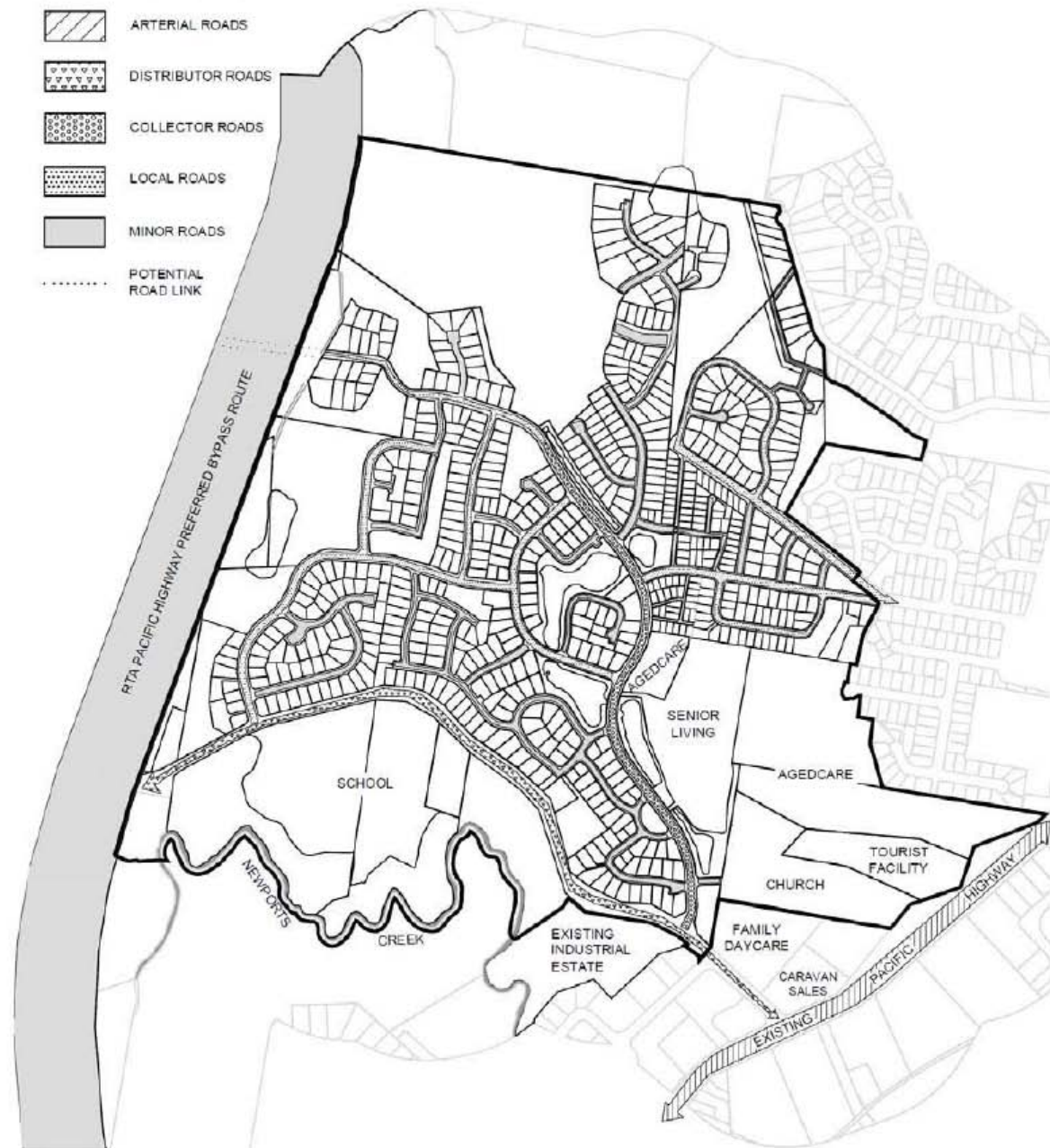
TOTAL ALL WORKS \$2,535,204

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned} \text{Contribution} &= \frac{C - L - E}{P} \\ &= \frac{\$2,535,204 - \$149,074 - \$1,549,657}{939} \\ &= \text{\$890.81 per person} \end{aligned}$$

LEGEND

-  EXISTING WATERCOURSE
-  LAND TO WHICH THIS DCP APPLIES
-  RTA PACIFIC HIGHWAY PREFERRED BYPASS ROUTE
-  ARTERIAL ROADS
-  DISTRIBUTOR ROADS
-  COLLECTOR ROADS
-  LOCAL ROADS
-  MINOR ROADS
-  POTENTIAL ROAD LINK



0 100 200 300m
SCALE 1:10000 AT ORIGINAL SIZE



STREET HIERARCHY

FIGURE 5

**MAP 3
TRAFFIC AND TRANSPORT**

KOALA MANAGEMENT

INTRODUCTION

The protection of the environment is critical in seeking the development of sustainable urban settlements.

EXISTING ENVIRONMENT

The existing environment has been substantially disturbed mainly as a result of land clearing for rural and residential activities, and of the residential development that has occurred to date. The Valley provides a habitat for koalas and other fauna and forms part of the catchment of Newports Creek. Under the North Coast Regional Environmental Plan, Council is required to protect fauna, flora, scenic escarpments and water quality. The North Boambee Valley (East) Release Area seeks to promote a neutral impact upon existing natural systems in terms of flora and fauna, water quality and natural landscape settings.

IDENTIFIED NEEDS

The need for the acquisition of koala habitat areas arises out of the desire to maintain biodiversity and create sustainable urban settlements. The retention of koala habitat areas in public ownership (ie Council's ownership) will enable the maintenance of habitat

corridors and monitoring of the koala population after urbanisation.

Core koala habitat areas are "*Environmental Protection*" in recognition of their importance in maintaining viable habitat areas.

PROPOSED FACILITIES

Koala lighting, fencing, sign posting and supplementary food tree planting will be required as a condition of consent in areas identified in the DCP or Koala Management Plan. The acquisition of habitat areas is the only facility covered by this plan. The cost of acquiring the

koala habitat areas shown on the map is \$1,406,680.00.
Refer to map 4 for locations.

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,406,680 - \$484,265}{939} \\ &= \mathbf{\$412.64 \text{ per person}} \end{aligned}$$



**MAP 4
KOALA MANAGEMENT**

STORMWATER MANAGEMENT

EXISTING FACILITIES

Prior to development commencing in the 1990's the site was greenfield and there were no existing stormwater drainage infrastructure. The Valley forms part of the catchment of Newports Creek. It is important to minimise the impact of new development upon the receiving waters of Newports Creek.

Works that are an integral part of the subdivision, such as kerb inlet pits and piping, are considered as part of the initial land development. However major works, such as culverts on the collector road over the main water course through the development area and the stormwater detention basins, are to be funded from contributions.

IDENTIFIED NEEDS

Water Quality

The principle adopted in relation to water quality is that the export of nutrients from the urbanisation of the Valley do not exceed the levels existing prior to urbanisation.

Water quality measures for the release area have been determined using stormwater management models based on the anticipated settlement pattern of the Valley.

Drainage

The release area is located upstream of existing urban development. It is necessary to provide flow retarding basins to maintain the 1% AEP flood discharge from the development area at the rate it was prior to urban development.

The most equitable means of seeking contributions is on a catchment basis. In this regard contributions for detention

ponds and wetlands will be sought from the catchments served by these facilities.

Catchment 1

These works consist of the formation of a small detention system and associated landscaping.

The cost of these works is estimated to be \$200,000

CALCULATION OF CONTRIBUTION RATE

Catchment 1

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{200,000 - 54,139}{205} \end{aligned}$$

= \$711.51 per person

Catchment 2

A detention and water quality system has been constructed within stormwater catchment 1 which consists of a 5 lake detention system incorporating 2 major waterway culverts on the main collector road, Lakes Drive.

The costs of works related to landscaping and establishment are funded through this plan, with earthworks being undertaken at the cost of the developer to provide material for filling of low lying areas.

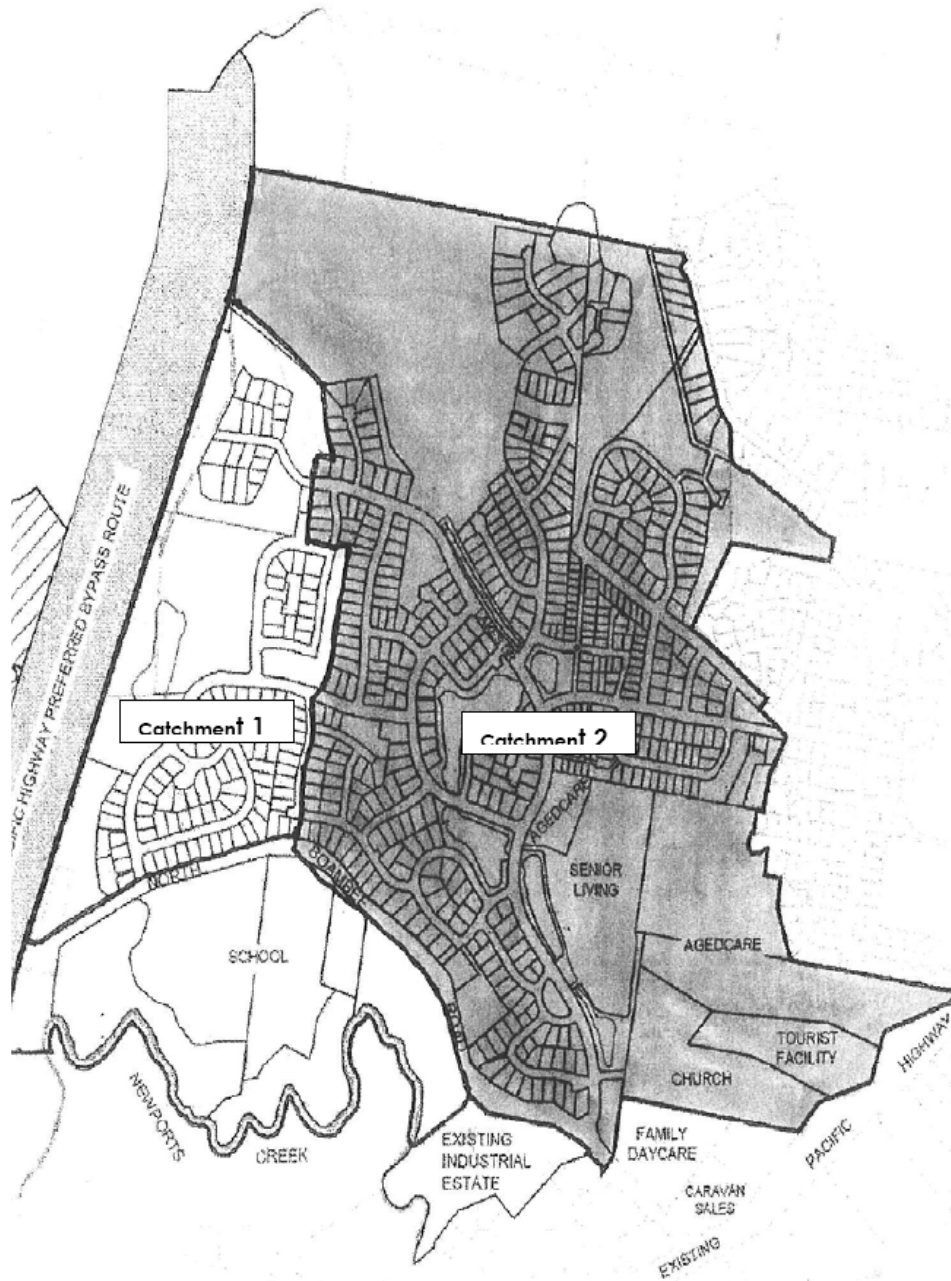
The cost of the works is \$1,018,929

CALCULATION OF CONTRIBUTION RATE

Catchment 2

$$\begin{aligned} \text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$1,018,929 - \$898,037}{734} \end{aligned}$$

= \$164.70 per person



**MAP 6
STORMWATER MANAGEMENT
CATCHMENTS**

URBAN PLANNING

PLANS AND STUDIES

Section 94 of the Environmental Planning and Assessment Act allows recoupment of the costs for the preparation of the North Boambee valley Development Control Plan, relevant plans and studies and this Contributions Plan. The cost of the studies and plans is as follows:

| | |
|---------------------------------------------|------------------|
| Development Control Plan | \$67,624 |
| Soil and Water Management Plan (Stage 1) | \$27,582 |
| Flora & Fauna Plan | \$15,979 |
| Mapping | \$73,298 |
| Total | \$184,483 |

CALCULATION OF CONTRIBUTION RATE

$$\begin{aligned}\text{Contribution} &= \frac{C - E}{P} \\ &= \frac{\$184,483 - \$128,151}{939} \\ &= \text{\$60.00 per person}\end{aligned}$$

**APPENDIX A - INDICES APPLYING TO CONTRIBUTIONS IN
NORTH BOAMBEE VALLEY (East)**

| Contribution Type | Index | Date Applied | Indexation Basis |
|--------------------------|--------------|---------------------|--------------------------------------------------|
| Roads/Traffic Management | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |
| Buildings/Embellishment | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |
| Land Acquisition | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |
| Stormwater Management | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |
| Koala Management | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |
| Urban Planning | 178.7 | December 2011 | Consumer Price Index – All Groups (A) for Sydney |

**Coffs Harbour City Council
Cnr Coff and Castle Streets
(Locked Bag 155)
COFFS HARBOUR NSW 2450**

Telephone: (02) 6648 4000

CB12/35 TENDER: PROVISION OF CLEANING AND MAINTENANCE OF COUNCIL'S BUILDINGS

Purpose:

To report on the tenders received for the Provision of Cleaning and Maintenance of Council's buildings and to gain Council approval.

Description of Item:

Council called tenders for the Provision of Cleaning and Maintenance of Council's Buildings, Contract No-RFT-525-TO that closed on Tuesday 20 March 2012.

Tenders were evaluated on the following criteria:

- Tender rates/prices
- Conformity with the tender documents
- Demonstrated capacity, experience and performance on similar projects as provided for in this Tender Agreement
- Referees.

Tenders were received from the following Companies: -

1. Coffs Harbour Cleaning & Maintenance Services
2. Coffs Harbour Professional Cleaners
3. ISS Facilities Services
4. Menzies International
5. Quad Services Pty Ltd
6. SKG Property Services
7. Springmount Services Pty Ltd
8. TJS Services Pty Ltd
9. TLC Enterprises.

Conforming Tenders

Three (3) of the above nine companies were considered non-conforming to tender document requirements.

Sustainability Assessment:

• **Environment**

The Provision of Cleaning and Maintenance of Council's Buildings Contract has some minor environmental issues, which are addressed in the tender document.

The successful tenderer is required to have all of their equipment and materials to be of a commercial grade quality. Detergents and disinfectants are to have the lowest PH factor compatible with the use for which they are intended.

All operators are required to have a complete understanding of equipment and materials used to achieve optimum cleaning standards with Council requiring Material Safety Data sheets for all chemicals used in performing the services before commencement of the contract.

Cont'd

- **Social**

There are no adverse social implications involved in this contract for both staff and the general public with the cleaning and maintenance of Council's buildings taking place outside of normal Council operating hours. The majority of Council buildings are located in non-residential areas and nearly all of the cleaning will be undertaken internally, resulting in no adverse noise issues.

- **Civic Leadership**

Council has demonstrated leadership within the community by promoting our own procurement policy guidelines and simultaneously meeting Local Government (General) Regulation 2005 – Part 7 Tendering Tendering Guidelines. The process is seen as transparent and accountable on behalf of Coffs Harbour City Council.

It is also to be noted that this contract illustrates Council leadership in encouraging local business participation, resulting in permanent and casual employment for Coffs Harbour residents/ratepayers.

- **Economic**

Broader Economic Implications

Council has demonstrated due diligence in going out to tender and testing the market place for these services.

Based on current contract rates for the provision of cleaning and maintenance of all buildings which expires on the 31 May 2012, it is anticipated that Council can achieve a 5% annual savings. Prices for this annual service contract are to remain firm for the first twelve months of the contract.

Delivery Program/Operational Plan Implications

All cleaning and maintenance contract service costs for the 2012/2013 financial year will have been allocated in annual budgets. The approval of this tender will not impact on the delivery of these services, particularly considerate of an estimated 5% annual savings. It is expected that some services will be added and removed throughout the term of this contract tender on the request of individual Council departmental supervisors/managers.

Council's Buildings Superintendent along with nominated staff from each department will be responsible for ensuring that the successful tenderer/s receives accurate sets of operating procedures inclusive of regular work audit inspections. Invoices will be forwarded monthly and authorised for payment based on Council's current trading terms for creditors which is 30 days from the date of the received invoice.

Cont'd

**CB12/35 Tender: Provision of Cleaning and Maintenance of Council's Buildings
...(Cont'd)**

Consultation:

Consultation was undertaken with the following Council staff:

1. Buildings Supervisor
2. Buildings Maintenance Officer
3. Manager Jetty Memorial Theatre
4. Rural Fire Deputy Fire Control Officer
5. Records Officer- Repository
6. Acting Manager Sports Development
7. Acting Property Manager.

Related Policy and / or Precedents:

Tendering procedures were carried out in accordance with Council's policy and procedures. Council's Tender Value Selection System was applied during the tender review process to determine the most advantageous offer. Council's policy is that the tender with the highest weighted score becomes the recommended tenderer.

Statutory Requirements:

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

Issues:

Assessment of tenders is contained in the attached confidential supplement.

The major issue that the assessment panel needed to address was as follows:

In the "Information for Tenderers" section tenderers were advised that Council's preference was to award this tender as a single source supplier contract but reserved the right to award each package of the contract to individual tenderers. The packages were:

1. Package 1 *Rigby House* - consisting of ground floor common staff area and courtyard and ground floor entry area, Coffs Harbour Library, Library back workroom area, Art Gallery and Level 1 administration staff.
2. Package 2 *Woolgoolga Library*
3. Package 3 consisting of *Toormina Library, Bunker Cartoon Gallery, Rural Fire Services, Early Childhood Centre, Jetty Memorial Theatre and Council's Records Repository.*

The results and recommendations of the above issue are found in the confidential supplement.

Implementation Date / Priority:

The contract is for a two (2) year period with a further one (1) year option to commence from 1 June 2012.

Recommendation:

That Council considers and approves tenders received for the Provision of Cleaning and Maintenance of Council's Buildings contract No. RFT-525-TO, as detailed in the confidential attachment.

CB12/36 TENDER: SUPPLY AND INSTALLATION OF AND SUPPLY ONLY OF ROAD BARRIER SYSTEMS

Purpose:

To report on the tenders received by Regional Procurement Initiative (division of Hunter Council Incorporated) on behalf of the Mid North Coast Procurement Alliance Group of Councils for the provision of traffic control services and to gain Council approval.

Description of Item:

Coffs Harbour City Council is a financial and Associate Member of the Regional Procurement Initiative for the Mid North Coast Procurement Alliance Group of Councils. Regional Procurement Initiative, on behalf of the Mid North Coast Procurement Alliance Group of Councils, called tenders for the Supply and Installation of and Supply Only of Road Safety Barrier Systems (Guardrail), Tender No T71112MNC that closed on Tuesday 20 March 2012.

Tenders were evaluated for supply and installation on the following criteria:

- Tender Price (where three generic drawings were issued for tenderers to price with each drawing weighted as outlined in the confidential section),
- Work, health and safety,
- Previous experience,
- Referees,
- Quality assurance,
- Physical resources.

Tenders were received from the following companies for Category 1 - 'Supply and Installation':

1. Associated Services Enterprise
2. Irwin Fencing
3. Protection Barriers
4. Eurobodalla Fencing
5. Guardrail Systems.

Tenders were received from the following companies for Category 2 – 'Supply Only':

1. Australian Construction Products Pty Ltd
2. Ingal Civil Products.

Conforming Tenders

All of the above companies were conforming to tender document requirements.

Cont'd

Sustainability Assessment:

- **Environment**

On behalf of the Mid North Coast Procurement Alliance Group of Council's, Regional Procurement Initiative has addressed major environmental issues in the form of a compulsory questionnaire in the Tender Schedules as follows:

- Do the companies have an environmental policy?
- Is there an identified manager responsible for ensuring that Ecological Sustainable Development (ESD) principles are implemented and maintained?
- Is the organisation able to provide documented evidence that the environmental impacts of each of the activities, services or products that it offers have been considered?
- Are details of the ESD principles included in the organisation's training and induction program?
- Are there records for legislative and regulatory requirements and permits?

In respect of Council's use of guardrail there will be no adverse effects on the environment as it is installed on the shoulder of embankments to prevent vehicles rolling down slopes as well as designed to guide vehicles back on road.

- **Social**

Council has considered all social implications involved in this contract, particularly in respect of the supply and installation of road barrier safety systems. The introduction of guardrail is targeted for high risk sections of road and to be installed for the purpose of saving lives and improving overall safety for the road user.

- **Civic Leadership**

This tender does show Council's leadership within the community by promoting our own procurement policy guidelines and simultaneously meeting Local Government (General) Regulation 2005 – Part 7 Tendering Guidelines. This process is seen as transparent and accountable on behalf of Coffs Harbour City Council in achieving best outcome for all future projects requiring the procurement and installation of road barrier safety systems.

- **Economic**

Broader Economic Implications

All materials to be supplied in future projects will be Australian sourced, and the recommended panel of suppliers for supply and installation (whilst non local) are Australian owned.

Delivery Program/Operational Plan Implications

The approval of this tender will have no major impact on Council, as the awarding of this contract will not commit Council to any set order expenditure over the tender period.

Cont'd

**CB12/36 Tender: Supply and Installation of and Supply Only of Road Barrier Systems
...(Cont'd)**

All orders for the supply and installation of road barrier systems will be based on project requirements that have been approved and budgeted for over each financial year of the term of the contract. It is also to be noted that the recommended tenderers for the supply only of barrier systems have agreed to fixed prices for the first six (6) months of the contract.

Consultation:

Consultation was undertaken with Council's City Services Manager Asset Construction who was supportive of the tender process with Regional Procurement and also encouraged by the potential cost savings as well as the panel of supplier's style arrangement.

Related Policy and / or Precedents:

Tendering procedures were carried out by Regional Procurement Initiative in accordance with Council's own policy and procedures. Regional Procurement's Tender Value Selection System was applied during the tender review process to determine the most advantageous offer. Regional Procurement's policy is that the tender with the highest weighted score becomes the recommended tender unless a panel of suppliers is endorsed.

Statutory Requirements:

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

Issues:

The only issue identified was determining the cost effective number of suppliers to recommend to Council from the panel of five (5) conforming tenderers for Category 1 'Supply and Installation' and the two (2) conforming tenderers for Category 2 'Supply Only'. After consultation with the Manager Asset Construction City Services the decision detailed in the confidential section of this report was to recommend that all conforming tenderers for both categories 1 and 2 be endorsed as a panel of suppliers based on the application of the evaluation criteria and weightings.

Implementation Date / Priority:

The contract is for a two (2) year period with a further one (1) year option expected to commence from the 1 May 2012.

Recommendation:

That Council considers and approves tenders received by Regional Procurement Initiative on behalf of Coffs Harbour City Council and the Mid North Coast Alliance Group of Councils for the Supply and Installation of and Supply Only of Road Safety Barrier Systems T71112MNC, as detailed in the confidential attachment.

**Craig Milburn
Director
Corporate Business**

CITY SERVICES DEPARTMENT REPORTS

CS12/16 **ESSENTIAL ENERGY 66kV POWERLINE PROJECT - PROPOSED OVERHEAD CROSSING PACIFIC HIGHWAY, BRAY STREET AND ORLANDO STREET**

Purpose:

To report on 66kV powerline options assessed by Essential Energy for crossing of the Pacific Highway at Bray Street and Orlando Street.

Description of Item:

The Coffs Harbour CBD and surrounding urban residential areas are supplied by two 66/11kV zone substations at Coffs Harbour North (Bray Street) and Coffs Harbour South (Thompsons Road). Both Substations are constrained electrically and geographically. A new substation site is required in the East to transfer load away from Coffs Harbour North and Coffs Harbour South substations and to service anticipated growth in the Coffs Harbour Jetty Area. A new transmission line is required to link the Coffs Harbour North and Coffs Harbour South substations via the new East Coffs Zone Substation site to improve quality of supply and network reliability for Coffs Harbour now and into the future.

Design and consultation on the transmission line route has progressed since 2008 with Council briefed on the final line route in May 2010. Detail design of the transmission line in the Bray Street/Orlando Street section of the project resulted in Essential Energy in December 2011 presenting two options to Roads and Maritime Services (RMS) for crossing of the Pacific Highway. The overhead option crosses the Pacific Highway with overhead transmission lines and an alternative option undergrounds the transmission line across the highway. Based on its own cost-benefit analysis Essential Energy recommended the overhead option for approval.

The RMS assessed the options predominantly on urban design and visual impact on the entrance to Coffs Harbour and the iconic rail bridge. RMS gave Essential Energy conditional approval for the overhead option, subject to Council's consent to the proposal.

Sustainability Assessment:

- **Environment**

Essential Energy has prepared a Review of Environmental Factors for the 66kV transmission line project, and will assess any specific environmental issues associated with the preferred Pacific Highway crossing option.

- **Social**

The two options detailed will not have any significant social impacts.

- **Civic Leadership**

The proposal is located at the "Northern Gateway" entrance to Coffs Harbour and should be assessed in terms of the 2030 Objective PL1.1. *We use best practice urban design and infrastructure development to promote sustainable living.*

Cont'd

- **Economic**

Broader Economic Implications

Essential Energy is a government corporation and must be accountable for responsible use of what is essentially public money. Essential Energy cost estimates indicate that undergrounding of the transmission line at the Pacific Highway would cost in the order of \$1,000,000 more than the overhead option.

Delivery Program/Operational Plan Implications

The Essential Energy proposal has no impact on Council's Operational Plan.

Consultation:

The landowners and businesses in the immediate vicinity of the intersection have been informed of Essential Energy's intention to cross the intersection with an overhead transmission line.

Statutory Requirements:

Council is the Road Authority for the Pacific Highway under the Roads Act 1993. The works are proposed under the Electricity Supply Act.

Issues:

Estimated Cost for the overhead option is \$218,000.

Photo simulation (available in the Councillors room) of the proposal show that the overhead line will be obscured by the railway bridge from the north. The overhead proposal will also result in existing overhead distribution infrastructure (11kV & Low Voltage) being undergrounded on the Pacific Highway frontage adjacent Coffs Harbour Toyota resulting in five existing poles being removed. In Bray Street from Pacific Highway to the substation (approx 874m), existing 11kV (three wires) will be undergrounded and replaced with 66kV (three wires) and an Earth/Comms (one wire). Existing low voltage (four bare wires) in Bray Street will be replaced with one wire containing four bundled conductors).

Minimal community and business disruption is required for the overhead option and future faults are easily repaired minimising community impact.

Estimated cost for the underground option is \$1,233,600.

The visual impact of the underground proposal could be worse as there will be an additional pole installed in front of Coffs Harbour Toyota and the existing overhead lines and poles will remain the same for the 874m to Bray Street Substation.

Faults in underground infrastructure are more difficult to repair as repair work has to include excavation. Any underground repair work at the Pacific Highway/ Bray Street intersection would cause major inconvenience to traffic and community.

Cont'd

CS12/16 Essential Energy 66kv Powerline Project - Proposed Overhead Crossing Pacific Highway, Bray Street and Orlando Street ...(Cont'd)

In summary the overhead option appears to be the preferred option as it has less engineering constraints, will have the least visual impact to the intersection as a whole and represents better cost benefit.

Recommendation:

That Council advise the Roads and Maritime Services that it has no objection to the proposed Essential Energy overhead transmission line crossing of the Pacific Highway at Bray Street and Orlando Street.

Purpose:

To make recommendations to Council regarding options for capitalising on the Bunker Cartoon Gallery and its cartoon collection.

Description of Item:

In February 2012 Council resolved that:

1. *The Bunker Cartoon Gallery Business Plan be noted by Council.*
2. *Council agree to addressing the issues raised in the Business Plan and that a further report be provided to Council outlining specific actions, following further consultation with the stakeholders.*

This report is to address this resolution.

Since February the following actions have been undertaken:

- Further consultation with representatives of the Rotary Club of Coffs Harbour (Rotary) and the Bunker Cartoon Gallery Inc (the Board).
- Receipt of legal advice on the issue of copyright and licensing of the cartoons.
- Further discussion and consultation with representatives of the company that was engaged to develop the business plan.
- Meetings with the President of Australian Cartoonist's Association (ACA).

The salient points from these actions are contained in the Issues section of this report.

As was outlined in the 9 February 2012 report to Council a company was recruited to undertake the development of a Business Plan for the Bunker Cartoon Gallery using an inclusive and consultative process. A project partnership team was established consisting of representatives of the Bunker Cartoon Gallery Inc., the Rotary Club of Coffs Harbour City and Council.

The requirement of the company was to research, analyse and report on the financial, staff and other resources required to effectively operate the Gallery to ensure value for the investment in this asset. From these findings a comprehensive business plan was to be developed.

The previous report informed Council of the outcomes of that work.

Sustainability Assessment:

- **Environment**

There are no specific environment impacts in relation to this report.

- **Social**

As the executive summary of the business plan outlines, the Bunker Cartoon Gallery is a significant cultural entity for Coffs Harbour. This facility provides a range of services on a local, state and international level and its efficient, effective and sustainable future needs to be addressed.

Cont'd

- **Civic Leadership**

Council's role in relation to being both a provider and a facilitator of services such as the Bunker is included in the Coffs Harbour 2030 Plan. Specifically this is included as

LC 3 – We enjoy a comprehensive range of community, artistic and cultural opportunities

LC 3.1 – Our community has access to a range of options for artistic and cultural expression and entertainment

LC 3.1.2 – Build a diverse range of opportunities for artistic and cultural growth

- **Economic**

Broader Economic Implications

The Business Plan outlines in detail the broad economic implications.

Delivery Program/Operational Plan Implications

Currently the Bunker Cartoon Gallery is costing Council approximately \$130,000 per annum.

The implications for both the Delivery Program and the Operation Plan are discussed in the Business Plan.

Consultation:

The company that developed the business plan on behalf of Council undertook a range of stakeholder consultations on both an individual and group basis with Rotary, the Board, the Bunker Cartoon Gallery Volunteers and also CHCC staff.

Since that time further consultation has been held with the President of the ACA, representatives of the Board, Rotary and Muller & Associates.

Related Policy and / or Precedents:

There are no related Policies and/or Precedents in relation to this business plan.

Statutory Requirements:

There are no Statutory Requirements in relation to this business plan.

Issues:

As was reported to Council in February 2012 the Business Plan provides four options in relation to models for the future operation of the Bunker Cartoon Gallery.

The Business Plan also suggests that any action taken by Council should result in:

- Enhanced service delivery by allowing stakeholders to do what they do best. CHCC's core business is to set policy and serve the public. It is better positioned to do that when the incorporated association takes responsibility for non-core functions such as operating and maintaining the Gallery and its collection.

Cont'd

CS12/17 Bunker Cartoon Gallery ...(Cont'd)

- Improved cost effectiveness taking advantage of innovation, experience and flexibility, can often deliver services more cost-effectively than traditional approaches. The resulting savings can then be used to fund other needed services.
- Reduced risk to Council by transferring those risks that can be better managed by the incorporated association, such as marketing, the Bunker Cartoon Gallery operations and its financial profitability.
- Improved budget certainty by transferring risk to the incorporated association can reduce the potential for cost impositions from unforeseen circumstances during business operations. The service will be provided at a predictable cost, as set out in the contract agreement.
- Better use of the assets as the incorporated association will be motivated to use the Bunker facilities fully, and to make the most of fundraising opportunities. This can result in higher levels of service, greater accessibility to the community, and additional opportunities for the Bunker Cartoon Gallery.

The options contained in the Business Plan (further information was provided in the previous report) are:

- Option 1 - Cease Operation of the Bunker Cartoon Gallery
- Option 2 - Public Private Partnership (PPP)
- Option 3 - Tendering for a Service Level Agreement (Lease)
- Option 4 - Status Quo

The key issue of copyright and licensing of the cartoons was identified as critical to generating revenue from the collection, and subsequently legal advice has been obtained. In summary this is:

- Ownership of the copyright in the Artistic Works has not been assigned to Council or to Rotary and still belongs to each original author of the relevant Artistic Work.
- Rotary has been granted a licence of the copyright in the Artistic Works, limited to specific purposes.
- It is arguable, but unlikely, that Rotary has been granted the right to assign the benefit of the licence, or grant a further licence of the copyright in the Artistic Works.
- Accordingly, it is recommended that any such assignment or grant of a further licence only be undertaken with the express written consent of the owner of the relevant Artistic Work at the time of the assignment or grant of the relevant licence.

During finalisation of the Business Plan (where the preferred option was number 3, tendering out the facility), representatives of Rotary and the Board put forward another proposal. This is that a Trust be formed as part of Prosper Coffs Harbour Limited (Prosper CHL) specifically to govern the Bunker Cartoon Gallery.

The proposal is that:

- Council will establish a fourth Trust, similar to the Cultural Trust, the principal object of which will be the governance and management of the Gallery and the Artistic Works, being a public art gallery within the meaning of the Income Tax Assessment Act 1997 (Cth) and also eligible for deductible gift recipient status.

Cont'd

CS12/17 Bunker Cartoon Gallery ...(Cont'd)

- Prosper CHL would be appointed as the trustee of that trust and would then delegate the power of governance and management of the Gallery and Artistic Works to a new company of which Prosper CHL is the sole member (Bunker Co).
- The constitution of Bunker Co would provide as follows:
 - (a) It will have no more than five (5) directors.
 - (b) Prosper CHL has the sole power to appoint and to remove directors but that no person who is a Councillor or staff member of the Council will be appointed a director.
 - (c) The Directors (Board) have full powers of management and conduct of any business activity of the Gallery including the employment of staff.
 - (d) The Board must prepare, implement, monitor and annually review a Business Plan for the Gallery and Artistic Works.
 - (d) The Board must prepare, implement, monitor and regularly review an annual budget.
 - (e) The board must prepare, monitor and annually review successive five (5) yearly Strategic Plan.
- Prosper CHL is currently the trustee of three (3) separate trusts of which Council is the Founder, on such trust is Coffs Harbour City Council Cultural Trust Fund (Cultural Trust).
- The Cultural Trust has the following objects:
 - (a) To provide goods, services and facilities and to carry out activities appropriate to the current and future needs within the Coffs Harbour Local Government Area.
 - (b) To promote performing arts, visual arts, design, film, radio and community arts.
- Council through Prosper CHL must continue to fund Bunker Trust to the extent that the Gallery is unable to pay its way.

This Trust proposal is considered to be similar to the previous management arrangements ie, before CHCC assumed responsibility for the Bunker (largely for financial reasons). While Council could resolve to establish such an entity, it is the recommendation of staff that Council seek commercial offers for the operation of the facility (the preferred option, option 3, from the Business Plan).

Only when Council is aware of its options is it in a position to select the option providing the most confidence of achieving the objectives identified at the start of the issues section.

If Council wishes to further consider the trust proposal, it is recommended that similar information required of tenderers (such as financials, business plan, etc.) be requested.

Another consideration is that if Council keeps the option of a trust open, this may be reduce the pool of potential tenderers (who perceived by potential tenderers as increasing the risk of the efforts of tendering being wasted) however under the Local Government Act Council always retains the option of not accepting any tenders, and negotiating with other parties.

The preferred option therefore remains Option 3. In effect what this option provides for is the leasing of the facility to a legal entity with preset service levels for a fixed term. Council will be clear on its financial commitment, and will have clear service levels to expect as well as a built in review period.

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Implementation Date / Priority:

Should Council resolved to pursue Option 3, the implementation will be subject to Council's tender regulations with the ideal arrangement being that the lease would commence 1 July 2012.

Recommendation:

That Council call tenders for the Lease of the operation of Bunker Cartoon Gallery.

CS12/18 TENDER: RFT-478-TO CONSTRUCTION OF BENNETTS ROAD DETENTION BASIN

Purpose:

To report to Council on tenders received for RFT-478-TO: Construction of the Bennetts Road Detention Basin, West Coffs Harbour and to gain Council approval to accept a tender.

Description of Item:

The work comprises the construction of an on-stream stormwater detention basin at Bennetts Road, west Coffs Harbour in order to reduce downstream flooding in the CBD. Details of the basin wall can be seen below. This is the second of three similar basins to be constructed in west Coffs Harbour as part of the Flood Mitigation Program.

The detention basin is to be formed by constructing a 40,000 m³ embankment over a minor stream and diverting the flow through a culvert running under the embankment and Bennetts Road. When Roads and Maritime Services (RMS) construct the Coffs Harbour bypass in the future the embankment will form part of an on-ramp to the bypass. The overflow spillway will be protected by rock-filled wire mattresses which will be relocated when the embankment is widened by RMS as part of the future on-ramp.

An existing house and shed owned by RMS are to be demolished and overhead power lines relocated to allow construction of the embankment. The wall will be constructed from clay and granular material imported from off-site sources nominated by Tenderers and supplemented by any suitable on-site excavated material.

Open tenders were called in local and capital city newspapers and through Council's Tenderlink e-portal. Tenders closed at 3:30pm on Tuesday, 17 April 2012.

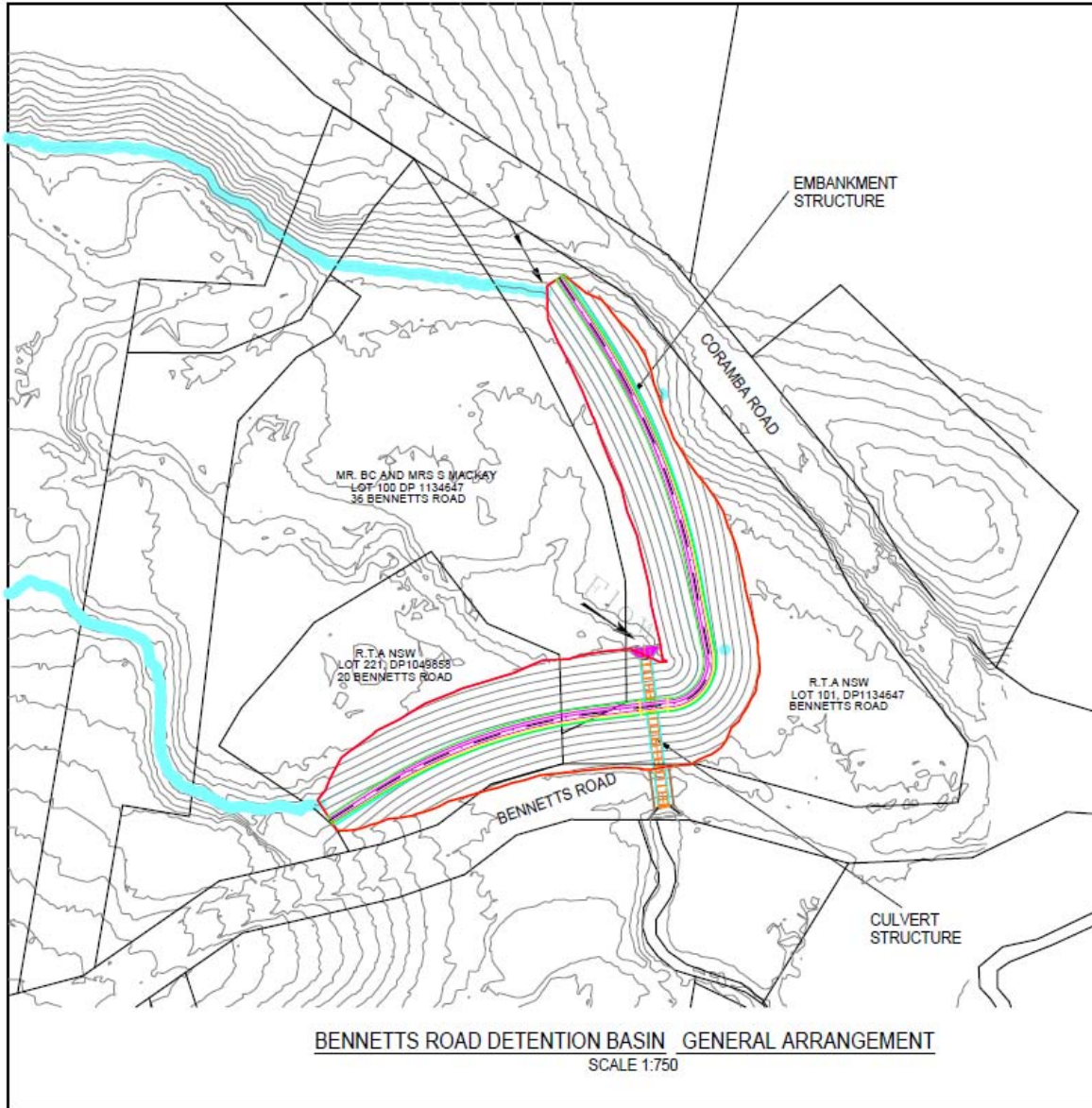
Three (3) Tenders were received from the following:

- Bob Chambers Pty Ltd
- Hazell Brothers Group Pty Limited
- Trustee For PR Trust & Ryan Earthmoving Pty Limited t/a Ryan Earthmoving

Tenders were evaluated using both price and non-price criteria:

- Tenderer's financial capacity and Tender conformity. These criteria are hurdles and are not scored. Only conforming Tenders and Tenderers with sufficient financial capacity are considered further.
- Tender Price.
- Source of imported materials and environmental effects on proposed traffic routes
- Experience & record of performance in similar works.
- Details and logic of the tender construction program to demonstrate understanding of the scope of works and contract management skills to achieve completion on time

Cont'd



Cont'd

Sustainability Assessment:

- **Environment**

Construction of an embankment over a minor low flow creek will require staged construction involving temporary diversion of the creek, construction of a reinforced box culvert across Bennetts Road, diversion of the creek through the new culvert and building the embankment. This will result in localised, short term disturbance to the creek and riparian areas as well as some increased noise and traffic disruption along the first section of Bennetts Road off Coramba Road.

An allowance has been built into the contract to allow for repairs to any damage to Bennetts Road caused by increased heavy construction traffic. Normal erosion, sedimentation and dust control measures will be put in place by the contractor to mitigate the environmental impacts of construction.

- **Social**

Construction of the detention basin will have significant social benefits through mitigation of flood impacts. The implementation of this aspect of the Coffs Creek Floodplain Risk Management Plan, Oct 2005, will improve the well-being and safety of the Coffs Creek community downstream of the works.

"It is estimated that the proposed basin would reduce the number of residential homes inundated by the 1:100 year flood from 308 to 229 and reduce the number on inundated commercial buildings from 111 to 88. The total flood damage for the 100 year flood is estimated to reduce from \$28.3M to \$21.3M. The net present value of flood benefits (from all floods) is estimated at \$2.8M. This provides an attractive economic benefit/cost ratio of 1.3"

- **Civic Leadership**

In line with the Coffs Harbour 2030 Plan, Council needs to take a leadership role addressing flooding and drainage issues for the betterment of the city.

- **Economic**

Broader Economic Implications

Two tenderers (Ryan and Chambers) are local businesses while Hazell Bros are non local. All tenders include purchasing readymix concrete and filter material from local suppliers and concrete culverts from non local suppliers. The business address of the Tenderer is not an assessment criteria for tenders of this value.

Delivery Program/Operational Plan Implications

Construction of the Basin is funded from a combination of Office of Environment and Heritage (OEH) administered grant and the Flood Plan Management program in the ratio of 2:1. (ie Council to fund 1/3).

Council has allocated sufficient funds in the flood mitigation budget to cover Council's share of the construction costs.

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Consultation:

The community has been consulted during the development of the Coffs Creek Floodplain Risk Management Plan which was overseen by Council's Floodplain Management Advisory Committee.

Discussions have been ongoing with Executive Team, City Services staff and Property and Commercial Services staff who have negotiated with property owners to acquire land and secure easements. Negotiations with property owners have been difficult and protracted delaying commencement of construction to the point where the OEH grant funding is at risk of being lost.

Recently, contracts were exchanged for the acquisition of the last piece of land at No 36 Bennetts Road which is required for the building of the wall, with settlement expected prior to mid June. Construction can proceed in the meantime, however the acquisition of inundation easement rights over upstream properties is the subject of an application to the Minister of Local Government as per Council's resolutions of 26 April 2012:

- "1. That Mr Hay be informed that Council withdraws its offer of purchasing the whole of his property for market value at 38 Bennetts Road, Coffs Harbour, and that Council will be proceeding with an application to the Minister for acquisition of the inundation easement rights that it requires over his property.*
- 2. That Council make the necessary application to the Minister for Local Government to gain the approval of both the Minister and the Governor to the acquisition of inundation easement rights it requires over those properties detailed in this report, being 38 Bennetts Road, 391 and 395 Coramba Road at Coffs Harbour, using the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991."*

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.

Council's policy is the tender with the highest weighted score becomes the recommended tender.

Statutory Requirements:

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

An error was corrected in the recommended Tender in accordance with clause s176 of the Regulation.

"176 Tenders may be varied in certain circumstances

(1) At any time before a council accepts any of the tenders that it has received for a proposed contract, a person who has submitted a tender may, subject to subclause (2), vary the tender:

- (a) by providing the council with further information by way of explanation or clarification, or*
- (b) by correcting a mistake or anomaly*

Cont'd

- (2) *Such a variation may be made either:*
 (i) *at the request of the council, or*
 (ii) *with the consent of the council at the request of the tenderer, but only if, in the circumstances, it appears to the council reasonable to allow the tenderer to provide the information or correct the mistake or anomaly.*
- (3) “

Issues:

All tenders were complying and all companies considered to have adequate financial resources. The recommended Tender has satisfactorily carried out work of similar value for Council in the past with no known complaints from creditors.

Price, experience and the source of imported materials were the highest weighted criteria in the tender assessment as they were seen as having the greatest influence on the quality of workmanship and security against failure of the embankment in an extreme flood event.

All tenders were accompanied with construction programs that detailed completion within the 30 week contract period but were of variable quality in demonstrating their understanding of the tasks involved and the methodology to be used and were scored accordingly.

The recommended tender, which is also the lowest priced tender, scored highest in all the assessment criteria. The tenderer has had previous experience in constructing high consequence category earthfill dams as against other Tenderers who, while having significant bulk earthworks experience, did not document any experience with similar stormwater detention basins.

Tender evaluation and recommendations are included in the confidential attachment.

Implementation Date / Priority:

It is expected that work will commence on site within 3 weeks of Council resolving to award a contract with completion expected mid December subject to good weather and no unforeseen events. Demolition of the house and shed will commence after vacant possession is granted mid June.

Recommendation:

That Council considers tenders received for the construction of Bennetts Road Detention Basin, Contract No. RFT-478-TO, and move the motion as detailed in the confidential attachment.

**Ben Lawson
Director
City Services**