



Coffs Harbour City Council

19 March 2014

ORDINARY MEETING

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

THURSDAY 27 MARCH 2014

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

AGENDA

1. Opening of Ordinary Meeting
2. Acknowledgment of Country
3. Disclosure of Interest
4. Apologies
5. Public Addresses / Public Forum
6. Mayoral Minute
7. Mayoral Actions under Delegated Authority
8. [Confirmation of Minutes of Ordinary Meeting – 13 March 2014](#)
9. [Notices of Motion](#)
10. [General Manager's Reports](#)
11. [Consideration of Officers' Reports](#)
12. Requests for Leave of Absence
13. Matters of an Urgent Nature
14. Questions On Notice
15. Consideration of Confidential Items (if any)
16. Close of Ordinary Meeting.

Steve McGrath
General Manager



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

27 MARCH 2014

Contents

ITEM DESCRIPTION

NOTICES OF MOTION

NOM14/3 ENVIRONMENTAL TRUST

GENERAL MANAGER'S REPORTS

GM14/11 REVITALISING LOCAL GOVERNMENT – FINAL REPORT ON THE NSW
INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL, OCTOBER 2013

CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

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

CIS14/8	CONTRACT NO. RFT-623-TI: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - TRAFFIC SIGNALS RELOCATIONS
CIS14/9	TENDER RFT-629-TO: SUPPLY OF ONE LANDFILL COMPACTOR
CIS14/10	CONTRACT NO. RFT-633-TO: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - ROUNDABOUT CONSTRUCTION - CONCRETE COMPONENT
CIS14/11	CONTRACT NO. RFT-603-TO: CASTLE STREET CAR PARK METAL ROOF
CIS14/12	PROPOSED DISPOSAL OF LAND TO HEALTH INFRASTRUCTURE

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

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

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

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/15 MONTHLY BUDGET REVIEW FOR JANUARY 2014

CB14/16 BANK BALANCES AND INVESTMENT FOR FEBRUARY 2014

COMMUNITY DEVELOPMENT DEPARTMENT REPORTS

CD14/5 NSW PUBLIC LIBRARY FUNDING

CITY PLANNING DEPARTMENT REPORTS

CP14/8 DEVELOPMENT APPLICATION 412/14 – DEMOLITION OF EXISTING DWELLING AND SHED AND CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING (10 UNITS) AND RETAIL PREMISES (5 TENANCIES) - LOT 8, SECTION 22 DP 759113 NO. 18 MARKET STREET, WOOLGOOLGA



COFFS HARBOUR CITY COUNCIL

ORDINARY MEETING

13 MARCH 2014

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

Staff: General Manager, Director City Infrastructure Services (Acting), Director City Planning, Director Community Development, Director Corporate Business and Executive Assistant

Leave of Absence: Councillor Innes

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

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

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

DISCLOSURES OF INTEREST

The General Manager read the following disclosure of interest to inform the meeting:

Councillor	Item	Type of Interest
Cr Palmer	RM14/1 Development Application No. 876/12 – Subdivision into 1 Residential Torrens Title lot Plus 13 Residential Community Title Lots and 1 Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville - Rescission Motion	Non Pecuniary less than significant conflict as had previous business dealings with an interested party named in an email of support , no current business association

Councillor	Item	Type of Interest
Cr Knight	RM14/1 Development Application No. 876/12 – Subdivision into 1 Residential Torrens Title lot Plus 13 Residential Community Title Lots and 1 Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville - Rescission Motion	Non Pecuniary less than significant as the developer has revealed to Cr Knight that his family were old friends

APOLOGY

No apologies.

PUBLIC FORUM

Time	Speaker	Item
5.00 pm	Charlie Brennan	Presentation (with Powerpoint) on the work of the Jaliigirr Biodiversity Alliance

PUBLIC ADDRESS

Time	Speaker	Item
5.05 pm	Allen Hooper	CP14/7 - DM 43/14 Section 96(1A) Modification – Animal Establishment (Dog Boarding Facility)

CONFIRMATION AND ADOPTION OF MINUTES

- 48** **RESOLVED** (Arkan/Sultana) that the minutes and confidential minutes of the Ordinary meeting held on 13 March 2014 be confirmed as a true and correct record of proceedings.

CITY PLANNING DEPARTMENT REPORT

CP14/7 APPLICATION TO REVIEW DETERMINATION OF MODIFICATION APPLICATION 43/14DM (955/12DA) LOT 5 DP 876129, NO. 81D OLD BUCCA ROAD, MOONEE BEACH ANIMAL ESTABLISHMENT (DOG BOARDING FACILITY)

The report considers an application under the provisions of Section 96AB of the Environmental Planning and Assessment (EP&A) Act 1979, to review the determination of Council to refuse a modification application.

MOVED (Degens/Rhoades) that:

1. Further discussions take place between Council staff and the applicants regarding the type of seal required.
2. Persons who made submissions in relation to the review of determination for Modification Application 43/14DM, be notified of the decision.

AMENDMENT

49 RESOLVED (Arkan/Palmer) that:

1. Council confirm its determination to refuse Modification Application 43/14DM (955/12DA) for an Animal Establishment (Dog Boarding Facility) at Lot 5 DP 876129, No. 81D Old Bucca Road, Moonee Beach, under the provisions of Section 96AB of the Environmental Planning and Assessment Act 1979, and advise the proponent of its decision.
2. Persons who made submissions in relation to the review of determination for Modification Application 43/14DM, be notified of the decision.

50 RESOLVED (Cowling/Palmer) that the motion be put.

DIVISION

51 MOVED (Rhoades/Degens) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Degens
Cr Palmer	Cr Rhoades
Cr Cowling	
Cr Knight	
Cr Townley	
Cr Sultana	

Cont'd

CP14/7 Application to Review Determination of Modification Application 43/14DM (955/12DA) Lot 5 DP 876129, No. 81d Old Bucca Road, Moonee Beach Animal Establishment (Dog Boarding Facility) ... (Cont'd)

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

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Degens
Cr Palmer	Cr Rhoades
Cr Cowling	
Cr Knight	
Cr Townley	
Cr Sultana	

DIVISION

52 MOVED (Rhoades/Arkan) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Degens
Cr Palmer	Cr Rhoades
Cr Cowling	
Cr Knight	
Cr Townley	
Cr Sultana	

RESCISSION MOTION

RM14/1 DEVELOPMENT APPLICATION NO. 876/12 SUBDIVISION INTO 1 RESIDENTIAL TORRENS TITLE LOT PLUS 13 RESIDENTIAL COMMUNITY TITLE LOTS AND 1 COMMUNITY LOT - LOT 19 DP 1126372, 45 RUTLAND STREET, BONVILLE - RESCISSION MOTION

MOVED (Arkan/Rhoades) that Resolution 27 of Ordinary meeting held on 27 February 2014 regarding item CP14/6 - Development Application No. 876/12 – Subdivision into 1 Residential Torrens Title Lot Plus 13 Residential Community Title Lots and 1 Community Lot - Lot 19 DP 1126372, 45 Rutland Street, Bonville, and reading as follows, be rescinded:

RESOLVED (Townley/Degens) that

1. That DA 876/12 for subdivision into one Torrens Title lot plus 13 community title residential lots and one community lot, at Lot 19 DP 1126372, 45 Rutland St Bonville, be refused on the grounds that:
 - a) It would result in significant loss of amenity to this neighbourhood
 - b) It is inconsistent with CHCC's Koala Plan of Management
2. That zoning review of the subject land, as per Council's resolution of 15 June 2006, be progressed.

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

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Palmer
Cr Degens	Cr Cowling
Cr Rhoades	Cr Knight
	Cr Townley
	Cr Sultana

DIVISION

53 MOVED (Rhoades/Arkan) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR	VOTED AGAINST
Cr Arkan	Cr Palmer
Cr Degens	Cr Cowling
Cr Rhoades	Cr Knight
	Cr Townley
	Cr Sultana

54 RESOLVED (Knight/Cowling) that the meeting be adjourned, the time being 6.39pm.

55 RESOLVED (Knight/Cowling) that the meeting be resumed, the time being 6.44pm.

GENERAL MANAGER'S REPORTS

GM14/9 2013/2017 DELIVERY PROGRAM - SIX MONTHLY PROGRESS REPORT

To provide a progress report on the first six months of implementation of Council's 2013/2017 Delivery Program.

56 **RESOLVED** (Townley/Cowling) that:

Council receive and note the Six-Monthly Progress Report (for the period 1 July to 31 December 2013) on the Coffs Harbour City Council 2013/2017 Delivery Program.

GM14/10 MID NORTH COAST BUSH FIRE MANAGEMENT COMMITTEE

To appoint an elected member to represent Council on the Mid North Coast Bush Fire Management Committee.

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

1. Council appoint an elected representative to the Mid North Coast Bush Fire Management Committee.
2. Council now determine its Councillor representative.

The Mayor then called for nominations:

Cr Rhoades nominated Cr Arkan - Cr Arkan declined
Cr Townley nominated, Cr Sultana seconded the nomination

As there were no other nominations, Councillor Townley was declared the appointed representative.

CORPORATE BUSINESS DEPARTMENT REPORTS

CB14/10 KEY FINANCIAL INDICATORS 2012-13

Consideration of the key financial indicators for the financial years ended 30 June 2009 through to 30 June 2013.

58 **RESOLVED** (Palmer/Sultana) that:

1. The Operational Plan/Delivery Program and long term financial planning process are prepared bearing in mind the achievement of the key financial indicator benchmarks contained in this report.
 2. The report on the results achieved as at 30 June 2013 for the key financial indicators be received and noted.
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CB14/11 2014/2015 ENVIRONMENTAL LEVY PROJECTS SCHEDULE

To provide Council with the recommended program of works for the 2014/2015 Environmental Levy Program for inclusion in the 2014/2015 Draft Delivery Program.

59 RESOLVED (Palmer/Townley) that:

1. Council approves the following projects for inclusion in the 2014/15 Delivery Program and Operational Plan:

To be allocated from the 2014/2015 Environmental Levy Program	Recommended Allocation
Bushland Regeneration	\$207,618
Environmental Weeds Program.	\$106,090
Conservation and Sustainable Management of Biodiversity.	\$215,270
Environmental Levy Coordination	\$64,059
Supporting Community Action in the Coffs Harbour LGA	\$155,000
Orara River Rehabilitation Project. This includes an amount of \$50,000 from Coffs Coast Water, which is available subject to works receiving prior approval from Executive Manager, Operations – Coffs Coast Water	\$180,000
The three Jetty Dunecare Group projects	\$36,400
Diggers Head and Sapphire Beach Path Upgrades	\$32,250
Koala/Wildlife Corridor Bakker Drive Reserve Bonville stage 2.	\$6,750
Coffs Ambassadors Tours	\$42,482
Botanic Garden Education Program	\$16,000
Yarrowarra Giriin Team – Bush Regeneration	\$19,671
Coffs Coast Sustainable Living Festival	\$30,000
Green Schools Sustainability Fund	\$51,616
Impacts on Fresh Water Systems	\$2,000
Remote Camera Surveys for Medium-sized Ground Mammals of the Coffs Harbour Hinterland – Gap Surveys	\$12,000
Wildlife Support	\$8,800
Woolgoolga Beach Rehabilitation Project	\$10,000
Coffs Harbour Community Seedbank Network	\$9,982
Culturally Significant Landscapes of the Coffs Harbour LGA	\$35,000
Developing and Fostering a Sustainable Environment and Community through a Biodiverse Community Garden	\$13,000
Marine Estate Agents – Solitary Islands Marine Park (SIMP) School Environment Awards	\$5,265
The Restoration of Grey-headed Flying Fox Maternity Camps in the Coffs Harbour LGA	\$30,000
Matching Grants Fund	\$5,118

2. Council notes the concerns raised by the Committee in relation to using the Environmental Levy for funding wages of Council employees.

CB14/12 COMMUNITY CAPITAL INFRASTRUCTURE GRANTS PROGRAM

Determination of the 2013/2014 Community Capital Infrastructure Grants Program.

60 RESOLVED (Cowling/Arkan) that:

Council approve the allocation to the Community Capital Infrastructure Grants Program for 2013/2014 as set out below, totalling \$100,000.

Organisation	Proposed Project	Cost of Project	Funding Recommended
Coffs Harbour Netball Association Inc	Upgrade and resurfacing of nine asphalt netball courts	\$144,756	\$63,000
Waratah Respite Centre (Mid North Coast) Inc	Retrofit of a fire sprinkler system	\$34,763	\$16,500
Sawtell Toormina Sports & Recreation Club	Sealing of carpark outside clubhouse	\$31,500	\$12,000
Emerald Beach Fair Committee	Shade sail to existing playground at Emerald Beach	\$12,194	\$6,000
Woolgoolga Senior Citizens Centre Inc	Automatic door to assist with disabled access	\$3,200	\$1,500
Woolgoolga Art Group Inc	Installation of fans and solar heat rejection film	\$2,187	\$1,000
		Total:	\$100,000

CB14/13 TENDER: SUPPLY AND DELIVERY OF PASSENGER, TRUCK AND EARTHMOVER TYRES INCLUDING ROADSIDE ASSISTANCE SERVICES

To report and gain Council approval 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 supply and delivery of tyres for truck, passenger and earthmover vehicles including roadside assistance services.

61 RESOLVED (Degens/Palmer) that:

Council accepts the three (3) panel tender offers of:

- Bridgestone Australia Ltd
- Tyres4U Ltd
- Valley Tyres

Cont'd

CB14/3 Tender: Supply and Delivery of Passenger, Truck and Earthmover Tyres Including Roadside Assistance Services ...(Cont'd)

The resolution is on the basis that:

1. The tender offers are the most suitable and advantageous following the application of Regional Procurement's tender value selection system.
 2. All three (3) suppliers or their service distributors are local to Coffs Harbour and the Mid North Coast, and have the necessary experience in similar works as well as some currently being active and proven suppliers to Council.
 3. The three (3) tenderers will form a panel of suppliers who will be available for use by Council's Workshop staff. The three panel supplier choice arrangement will allow Council staff the flexibility in achieving the most cost effective outcome whilst simultaneously minimizing work delays.
 4. By actively participating in this Regional Procurement Tender T231314MNC on behalf of the Mid North Coast Procurement Alliance Group of Councils, Coffs Harbour City Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.
 5. That provision is allowed for a twelve (12) month extension based on a satisfactory supplier performance which may take this tender through to 31 December 2016.
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CB14/14 TENDER: SUPPLY AND DELIVERY OF DOMESTIC WATER METERS

To report and gain Council approval 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 supply and delivery of domestic water meters.

62 RESOLVED (Arkan/Palmer) that:

1. Council accepts the single source tender offer of Elster Metering Pty Ltd
The resolution is on the basis that:
 - a) The tender offer is the most suitable and advantageous following the application of Regional Procurement's tender value selection system.
 - b) Elster Metering Pty Ltd has the necessary experience in similar works and has been a reliable and cost effective supplier of high quality domestic water meters to Council for in excess of ten (10) years.
 - c) By actively participating in this Regional Procurement Tender T231314MNC on behalf of the Mid North Coast Procurement Alliance Group of Councils, Coffs Harbour City Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$150,000.
 2. Provision is allowed for a twelve (12) month extension based on a satisfactory supplier performance which may take this tender through to 31 December 2016.
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CITY INFRASTRUCTURE SERVICES DEPARTMENT REPORTS

CIS14/5 TRAFFIC COMMITTEE 1/2014

To confirm the Minutes of the Traffic Committee Meeting held on Tuesday, 18 February 2014.

63 RESOLVED (Cowling/Palmer) that:

T.1 – Masonic Retirement Village Aged Care Facility Mackays Road Coffs Harbour – “No Standing” Sign (R.502870[3553839])

That approval be given to convert the car parking space to approximately 3 motor bike parking bays in Mackays Road, Coffs Harbour adjacent the southern entrance to the Masonic Village Aged Care Facility, as per plan T.1 – 2014.

T.2 – Park Avenue Coffs Harbour – Parking Issues (R.505670[3570400])

That approval be given for ‘No Parking’ restrictions be installed for 11 metres on the southern side of the un-named lane at the rear of 42 Park Avenue Coffs Harbour (Keith Logue Funerals), between existing driveway accesses, as per plan T.2 – 2014.

T.3 – Park Avenue Coffs Harbour Woolworths Car Park – Unrestricted Parking (R.505670[3351406])

That approval be given for the installation of unrestricted parking in Park Avenue, multi storey car park, Coffs Harbour from 4.00pm to 6.00am on all levels.

T.4 – Proposed Parking Time Changes – Park Avenue [2944223]

That approval be given for one 15 minute parking space to be installed adjacent Network Video Park Avenue Coffs Harbour as per plan T.4 - 2014.

T.5 – Harbour Drive Coffs Harbour – Parking Issues (3650726)

That approval be given to install ‘No Parking’ on southern side of laneway at the rear of 356 to 398 Harbour Drive Coffs Harbour as per plan T.5 – 2014.

T.6 – Approved Routes for Class2 B-Doubles – Adams Sawmill Pty Ltd (3629625)

Deferred to next Traffic Committee meeting pending further assessment of Gleniffer Road.

T.7 – Sports Unit – Revised Traffic Management plan for Large Events CEX Coffs International Stadium – Stadium Drive Coffs Harbour (3586884)

No action pending referral to Roads and Maritime Services - Traffic Operations and submission of revised traffic management plans.

Cont'd

CIS14/5 Traffic Committee 1/2014...(Cont'd)

T.8 – Cook Drive Coffs Harbour – Roundabout (R.500450[3662793])

That approval be given for the plans for construction of a roundabout on Cook Drive Coffs Harbour, as per plan T.8-2014.

T.9 - Short Street Coramba – Coramba Public School “No Stopping” Signage (R.506150[3600546])

That no action be taken to install timed “No Stopping” on both sides of Short Street, Coramba on school days from 8.00am to 9.30am and 2.30pm to 4.00pm.

T.10 – Harbour Drive Coffs Harbour - Parking Times (3638188)

That approval be given to convert three 15 minute parking zones to 1 hour parking zones on north west side of Harbour Drive Coffs Harbour, as per plan T.10 – 2014.

T.11 – Sawtell Catholic Care request “No Parking” on Marian Place, Toormina

That no action be taken to Install “No Parking” signs in Marian Place, Toormina in the cul-de-sac as per plan.

Request that Roads and Maritime Services conduct a speed zone review of Sawtell Road and check signs advising of internal parking in Marian Grove.

T.12 - Maldon Place Woolgoolga – Parking Issues (R.508700[3683628])

That approval be given for installation of no stopping signs on the southern section of the reserve in Maldon Place, Woolgoolga opposite numbers 9 and 11 Maldon Place (approximately 54 metres) as per plan T.12 – 2014.

T.13 - Pacific Highway Coffs Harbour Traffic Issues (3627713)

That approval be given to install a “No Stopping” zone on the south bound slip lane exiting the Arthur Street / Mastracolas Road roundabout, Pacific Highway, Coffs Harbour for the extent of the shoulder (approx. 130m), as per plan T.13 – 2014.

T.14 – Ulong Hill Climb Event Temporary Road Closure - 2 August 2014

That approval be given for The Ulong Hill Climb Event on Saturday 2 August 2014 from 2.00pm-4.00pm on Eastern Dorrigo Way from 100 m West of Orara Way, Coramba, to the intersection of Eastern Dorrigo Way/Bushmans Range Road, Lowanna. The approval to include the closure of the southern traffic lane (west bound) of Eastern Dorrigo Way, at the start and finish lines for 200m from 1:30pm – 4.00pm (when required) subject to the following conditions:

1. The organisers of the Ulong Hill Climb Event liaise with affected traders and obtain traders approval as well Community consultation with affected residents.
2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure, including advertising.

Cont'd

CIS14/5 Traffic Committee 1/2014...(Cont'd)

4. Copy of current Public Liability Insurance be submitted.
5. Traffic Management Plan and RMS accredited Traffic Control Plan to be submitted for approval.
6. All participants to obey road rules at all times during the event
7. Organiser to ensure all participants parking is legal and safe.
8. That organisers include traffic management plan for cyclists descending Eastern Dorrigo Way.

T. 15 – NAB Coffs Coast Cycle Challenge Event and Temporary Road Closures Sunday 3 August 2014 (3547040)

That approval be given NAB Coffs Coast Cycle Challenge event from the Jetty Foreshores via Sawtell, Lyons Road, Pine Creek Way on Sunday 3 August 2014 as per map.

The approval to incorporate:

the temporary partial road closure of Jordan Esplanade, Coffs Harbour from 7.00am – 2.00pm as per 2013 TCP.

the temporary partial road closure of Orlando Street at Collingwood Street Coffs Harbour from 7:55am – 8:15am and 8.40am - 8:45am as per TCP.

right turn priority for cyclists turning right at Harbour Drive / Collingwood Street intersection from 10.15am – 11.55am

a temporary reduction in speed zone from 80kph to 60kph for the length of Hogbin Drive, Coffs Harbour from 7.00am – 11.00am

The changed traffic conditions to be subject to:

1. Changes to be advertised and providing no substantive objections are received, the closure be approved.
2. Notify RMS of temporary speed zone reduction from 80kph to 60 kph in Hogbin Drive from 7.00am-11.00am.
3. Adverts to warn of traffic delays on affected roads during the course of the event, particularly access to Marina Drive.
4. Traffic control plan to incorporate Deep Sea Fishing Club direction signs.
5. The organisers of the Cycle Challenge liaise with affected traders and obtain traders approval.
6. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
7. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.
8. That participants obey the road rules at all times.

Cont'd

CIS14/5 Traffic Committee 1/2014...(Cont'd)

T.16 - Beach Street / Queen Street, Woolgoolga - Temporary Road Closure - Woolgoolga Curry Festival 26 April 2014 (R.508400 / 1618[3678646])

That approval to be given to the temporary road closure from 5.00am to 7.00pm of the following:

Beach Street from Wharf Street to Carrington Street, Woolgoolga
Queen Street from Beach Street to Younger Lane, Woolgoolga
(approximately 50m)

For the purpose of conducting the Woolgoolga Curryfest Festival on Saturday 26 April 2014 subject to:

1. The organisers of the CurryFest Festival liaise with affected traders and obtain traders approval
2. The organisers submit a traffic control plan for approval by Council and be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure and clean up, including advertising.

T.17 - Beach Street, Woolgoolga - Temporary Road Closure - Anzac Day (R.500270 / 1618 [3681126])

That approval be given for the following temporary road closure of Beach Street, Woolgoolga, between Nightingale Street and Short Street Woolgoolga, associated with the Woolgoolga Anzac March to be held on Friday, 25 April 2014, between the hours of 10.40am and 11.15am be advertised and providing no substantive objections are received, the temporary closures be approved.

1. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
2. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
3. The organisers be responsible for all costs associated with the temporary closure, including advertising

T.18 - First/Second/Fourth Avenues, Sawtell - Temporary Road Closure - Anzac Day (501520 / 501480 / 501550 / 1618 [3669607])

That:

1. The following temporary road closures associated with the Sawtell Anzac March to be held on Friday, 25 April 2014, between the hours of 10.30am and 11:45am be advertised and providing no substantive objections are received, the temporary closures be approved.

First Avenue (Second Avenue to Boronia Street)

Second Avenue (First Avenue to Fourth Avenue)

Fourth Avenue (Second Avenue to East Street).

Cont'd

CIS14/5 Traffic Committee 1/2014...(Cont'd)

2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure, including advertising
5. A temporary bus zone be signposted in First Avenue north of Second Avenue as alternative to the Ex-Services Club bus zone.

T.19 - Park Avenue / Gordon Street / Vernon Street, Coffs Harbour - Temporary Road Closure - Anzac Day (R.505670 / R.504620 / R.504180 / 1618 [3623954])

That

1. The following temporary road closures associated with the Coffs Harbour Anzac March to be held on Friday, 25 April 2014, between the hours of 8.30am and 10.30am be advertised and providing no substantive objections are received, the temporary closures be approved.
Park Avenue (Earl Street to Gordon Street)
Gordon Street (Park Avenue to Vernon Street)
Vernon Street (Gordon Street to Pacific Highway).
2. A traffic control plan to be submitted for this event. This should include details of all traffic signs, barricades and traffic controllers required for this event.
3. The organisers be responsible for erection of traffic barriers and control of traffic using accredited traffic controllers.
4. The organisers be responsible for all costs associated with the temporary closure, including advertising.

T.20 - Lyster Street Coffs Harbour Pedestrian Crossing and Disabled Parking in Lyster Street Car Park (3642095)

That approval be given for the installation of two parallel accessible parking spaces to be marked in the Lyster Street, Coffs Harbour car park adjacent the two main entrances to the car park, as per plan T.20 - 2014.

No action be taken for the request for installation of a pedestrian crossing.

T.21- Pine Creek Way Bonville – Linemarking [3656406]

That approval for revised line-marking in Pine Creek Way Bonville to provide two 3.25m wide lanes and two 1.5m-2.0m bicycle lanes and variable shoulder width, as per attached plan, T.21-2014.

Cont'd

CIS14/5 Traffic Committee 1/2014...(Cont'd)

T.22 – Halls Road Coffs Harbour – Traffic Issues (R.500720[2152640])

That approval be given to install “No Stopping” zone on north side of Halls Road Coffs Harbour from east side of 31 Halls Road driveway to end of retaining wall, and mandatory locations on south side either side of Lophostemon Drive, as per plan T.22-2014.

CIS14/6 CONTINUING SUPPORT FOR THE FRIENDS OF THE PARK VOLUNTEER GROUPS

To seek resources to continue the ‘Friends of the Park’ program to enable volunteer groups to assist Council in the maintenance of parks and reserves.

64 RESOLVED (Degens/Arkan) that:

Council continues to support and develop the Friends of the Park programs throughout the district, including the Botanic Gardens and that:

1. Council notes the successful implementation of the FOP groups
 2. Council notes an offer of a \$10,000 contribution from “The Friends of the Botanic Gardens” for a part-time Coordinator at the Botanic Gardens
 3. That this item be listed for consideration of funding in Council’s deliberation of the 2014/2015 budget.
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CIS14/7 CONTRACT NO. RFT-622-TO: COOK DRIVE / PACIFIC HIGHWAY INTERSECTION UPGRADE - ELECTRICAL INFRASTRUCTURE RELOCATIONS

To report to Council on tenders submitted to carry out relocation works of Essential Energy infrastructure associated with the Cook Drive Intersection Upgrade Project and to gain Council approval to enter into a contract with the recommended relocation subcontractor.

65 RESOLVED (Rhoades/Arkan) that:

Council enter into a Contract No. RFT-622-TO, Pacific Highway Cook Drive Intersection Upgrade – Electrical Infrastructure Relocations with the tenderer Gosling Electrical, ABN 56491602668, conditional to the approval of the design by Essential Energy:

- a) The tender quotation is best value for project.
 - b) The successful tenderer, is suitably qualified to work on Essential Energy infrastructure.
-

REQUESTS FOR LEAVE OF ABSENCE

- 66** **RESOLVED** (Arkan/Degens) that Cr Rhoades be granted leave of absence from Council from 27 March 2014.

MATTERS OF AN URGENT NATURE

No matters of an urgent nature.

QUESTIONS ON NOTICE

No questions on notice.

This concluded the business and the meeting closed at 7.17pm.

Confirmed: 27 March 2014

.....
Denise Knight
Mayor

ENVIRONMENTAL TRUST

Purpose:

Councillor Rodney Degens has given notice of his intention to move:

That a report be brought back to Council to investigate the establishment of an account to be created for the purpose of land acquisition with the intent to improve conditions for the protection of bio-diversity and/or contribution to local forestry resources.

That the report considers a contribution from the Environmental Levy fund on an annual basis.

Rationale:

Parcels of land that have bio-diversity or resource values attached to them regularly form part of heated discussions, centring around whether certain lands need indefinite protection, or more suitably positioned for developmental purposes in all its forms. While it is acknowledged that these sorts of conflict are a part of life, the establishment of a routine of regular investment in parcels of land for this purpose, in time will lead to greater position of strength for Council with respect to achieving many of the goals currently held in policy statements for these responsibilities of land management.

Staff Comment:

A report can be provided.

REVITALISING LOCAL GOVERNMENT – FINAL REPORT ON THE NSW INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL, OCTOBER 2013

Purpose:

The objective of this report is to formally report to Council the release of the Final Report of the NSW Independent Local Government Review Panel (ILGRP) – Revitalising Local Government (October 2013) and to suggest that Council make a submission to the NSW Government in this matter.

Description of Item:

An earlier version of this report was submitted to Council at its meeting held on 13 February 2014. At this meeting Council resolved to defer consideration of the report due to the State Government providing an extension to the closing date for submissions on the matter to the 4 April 2014. The report is accordingly resubmitted for Council's consideration, noting that there are some minor additions/modifications from the original report in light of developments since the 13 February 2014.

The final report of the ILGRP was released by the NSW Minister for Local Government on 8 January 2014, noting that the Panel was established in April 2012. The Panel conducted a four stage review process to examine a number of actions referred to the Panel following the conduct of the Destination 2036 initiative in August 2011.

During the four stage process a number of discussion papers were released inviting Councils and other stakeholders to make submissions that may assist in the refinement of views toward the final report. Additionally, the ILGR Panel conducted a series of engagement sessions across NSW to enable a better understanding of the thinking behind the various discussion papers.

Coffs Harbour City Council was represented at some of the engagement sessions and Council also made a formal submission to the ILGR Panel in June 2013 in direct response to the Twenty Essential Steps Discussion Paper.

To assist Council in its deliberations I have attached to this report the following documents:

1. Copy of Report GM 13/17 – Independent Local Government Review Panel – Future Directions for NSW Local Government (Twenty Essential Steps) – Discussion Paper;
2. Copy of Submission to ILGRP by Coffs Harbour City Council dated June 2013.

Sustainability Assessment:

• Environment

There are no environmental impacts that should arise as a result of Council's consideration of this report.

• Social

Similarly, it is not anticipated that there will be any social impacts as a result of Council's consideration of this report.

- **Civic Leadership**

Council is demonstrating a Civic Leadership role on behalf of the Coffs Harbour community by evaluating the outcomes identified in the final report of the ILGRP.

- **Economic**

Broader Economic Implications

Should the NSW Government accept some or all of the findings identified within the Final Report of the ILGRP, then it is anticipated that there will be broader economic impacts however, this will not be known until such time as the NSW Government announces its formal position with regard to the findings in the Final Report of the ILGRP.

Delivery Program/Operational Plan Implications

There are no anticipated current operational plan implications. There may be some impacts on future years within the current delivery program. These impacts shall become better known once the Government has provided its position with regard to the findings of the final report.

Risk Analysis:

Arguably there is no risk management issues associated with Council's consideration of this matter. Until such time as Council is aware of the State Government's formal response to the ILGRP Final Report, it is difficult to ascertain what the exact outcomes are likely to be. The risk analysis will need to be applied once the final outcomes are known.

Consultation:

As mentioned elsewhere in this report, the ILGRP has undertaken a significant engagement process during the life of the project including regional and metropolitan meetings, roundtables, focus groups, stakeholder meetings, attendance at Regional Organisation of Councils (ROC) meetings and online surveys. A summary of the extensive consultation may be found on the Panel's website.

Where possible and appropriate, Councillors and the Leadership Team within Council have been provided with draft documents and information on how to make submissions throughout the consultation process.

An email copy of the ILGRP Final Report was emailed to all Councillors and members of Council's Leadership Team within an hour of its release on Wednesday 8 January 2014.

Since the 13 February 2014, the Mayor and General Manager have had the opportunity to discuss the ILGRP Final Report in the following forums:

- Meeting of the Mayors and GM's of Bellingen, Nambucca and Coffs Harbour Councils at Urunga on Thursday 20 February 2014; and
- Meeting of the Board of MIDROC at Taree on Friday 21 February 2014,

and additionally all Councillors and the Executive had an opportunity to attend a Forum conducted by LGNSW in the Council Chambers on Friday 14 March 2014.

Related Policy and / or Precedents:

There is no related policy associated with this item.

Statutory Requirements:

Similar to the last report on this matter, there are no immediate impacts on legislation administered by Coffs Harbour City Council, however, it is anticipated that there will be amendments to various Acts and Regulations should the State Government decide to pursue reform of Local Government as a result of the Final Report of the ILGRP. The nature of any such amendments will be better known once the NSW Government has provided its response to the Final Report of the ILGRP.

Issues:

Considering that the Independent Local Government Review Panel has been formulating its position on the reform of local government in NSW since April 2012 (via the various discussion papers, workshops etc), it would seem that at this point in the process, the issue at hand is whether Council is of a mind to support the suggested recommendations of the Final Report of the ILGRP, or not. In many cases the recommendations seem to provide a pathway to a better outcome. The obvious question is whether the suggested changes go far enough, and in some cases it may be argued they go too far. One thing for sure and consistent with our position on many things is that if we keep doing what we have always done we will keep getting the same result.

Set out below is a table listing each of the recommendations from the Final Report along with an indication as to whether it is suggested Council should support, not support or perhaps support with reservations. It should be noted that the comments within the table below may have altered somewhat since its initial presentation to Council's meeting on the 13 February 2014 due largely to further information being gathered from the various meetings mentioned in the Consultation Section of this report.

Recommendations for Fiscal Responsibility		
Recommendation	Support	Comment
1	Yes	This could provide real improvement if approached as a strong partnership with the State. A program to support the Councils and the identified outcomes is necessary to ensure tangible results.
2	Yes	As long as there is a move to ensure consistency in the benchmarking space. Benchmarking is often misused, it should be used as a tool to encourage participating Councils to ask questions as to why they are achieving certain outcomes compared to others, this does not necessarily mean that their result is right or wrong. Smaller Councils may benefit from sharing a qualified CFO.
3	Yes	

4	Ensure that the provisions of the State-Local Government Agreement are used effectively to address cost-shifting (5.5).	Yes	
Recommendations for Strengthening Revenues			
Recommendation		Support	Comment
5	Require councils to prepare and publish more rigorous Revenue Policies (6.1).	Yes	
6	Commission IPART to undertake a further review of the rating system focused on: <ul style="list-style-type: none"> Options to reduce or remove excessive exemptions and concessions that are contrary to sound fiscal policy and jeopardise councils' long term sustainability (6.2) More equitable rating of apartments and other multi-unit dwellings, including giving councils the option of rating residential properties on Capital Improved Values, with a view to raising additional revenues where affordable (6.3) 	Yes	IPART's review into the rating system should be inclusive of the review of exemptions extended to State and Federal land and associated entities. Additionally, IPART should be required to consult thoroughly with the Local Government Sector throughout the review.
7	Either replace rate-pegging with a new system of 'rate benchmarking' or streamline current arrangements to remove unwarranted complexity, costs, and constraints to sound financial management (6.5)	Yes	
8	Subject to any legal constraints, seek to redistribute federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs (6.6)	Yes	Noted however that this does not increase the "size of the pie" as it relates to funds available. LGNSW needs to continue lobbying for access to growth tax.
9	Establish a State- borrowing facility to encourage local government to make increased use of debt where appropriate by: <ul style="list-style-type: none"> Reducing the level of interest rates paid by councils Providing low-cost financial and treasury management advisory services-(6.7) 	Yes	
10	Encourage councils to make increased use of fees and charges and remove restrictions on fees for statutory approvals and inspections, subject to monitoring and benchmarking by IPART (6.8)	Yes	

Recommendations for Meeting Infrastructure Needs			
Recommendation		Support	Comment
11	Factor the need to address infrastructure backlogs into any future rate-pegging or local government cost index (7.1)	Yes	
12	Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe infrastructure problems (7.2)	Yes	
13	Pool a proportion of funds from the roads component of federal Financial Assistance Grants and, if possible, the Roads to Recovery program in order to establish a Strategic Projects Fund for roads and bridges that would: <ul style="list-style-type: none"> • Provide supplementary support for councils facing severe infrastructure backlogs that cannot reasonably be funded from other available sources • Fund regional projects of particular economic, social or environmental value (7.2) 	No	
14	Require councils applying for supplementary support from the Strategic Projects Fund to undergo independent assessments of their asset and financial management performance (7.2)	No	
15	Carefully examine any changes to development (infrastructure) contributions to ensure there are no unwarranted impacts on council finances and ratepayers (7.3)	Yes	
16	Adopt a similar model to Queensland's Regional Roads and Transport Groups in order to improve strategic network planning and foster ongoing improvement of asset management expertise in councils (7.4)	No	
17	Establish Regional Water Alliances as part of new regional Joint Organisations proposed in section 11 (7.5)	Yes	
Recommendations for Improvement, Productivity and Accountability			
Recommendation		Support	Comment
18	Adopt a uniform core set of performance indicators for councils, linked to IPR requirements, and ensure ongoing performance monitoring is adequately resourced (8.1)	Yes, with reservation as to how utilised	Performance benchmarking has its place. It should be prompting Councils to ask why they are getting certain results and acknowledge that sometimes the results achieved are appropriate given their individual circumstances (geography, resource availability, LoS adopted etc). Should not be used at face value to attack individual councils.
19	Commission IPART to undertake a whole-of-government review of the regulatory, compliance and reporting burden on councils (8.2)	Yes	
20	Establish a new sector-wide program to promote, capture and disseminate innovation and best practice (8.3)	Yes	

21	Amend IPR Guidelines to require councils to incorporate regular service reviews in their Delivery Programs (8.4)	Yes	
22	Strengthen requirements for internal and performance auditing as proposed in Box 17 (8.5)	Yes	
23	Introduce legislative provisions for councils to hold Annual General Meetings (8.6)	No	
24	Develop a NSW Local Government Workforce Strategy (8.7)	Yes	The current shortage of skilled professionals to all communities needs to be addressed.
25	Explore opportunities for the Local Government Award to continue to evolve to address future challenges facing the sector and changing operational needs.	Yes	There has been no evidence provided to support the view of the Panel that significant future productivity gains can be made through negotiations with Unions.
Recommendations for Political Leadership and Good Governance			
Recommendation		Support	Comment
26	Amend the Local Government Act to strengthen political leadership: <ul style="list-style-type: none"> Require councils to undertake regular 'representation reviews' covering matters such as the number of councillors, method of election and use of wards (9.1) Before their nomination is accepted, require all potential candidates for election to local government to attend an information session covering the roles and responsibilities of councillors and mayors (9.1) Amend the legislated role of councillors and mayors as proposed in Boxes 19 and 21, and introduce mandatory professional development programs (9.2 and 9.3) Provide for full-time mayors, and in some cases deputy mayors, in larger councils and major regional centres (9.3) Amend the provisions for election of mayors as proposed in Box 22 (9.3) 	Yes No Yes No Yes Yes	Strong Governance check No requirement for State or Federal candidates. To amended role for Councillors & Mayors. It would be discriminatory to introduce "mandatory" PD Programs / Training for Councillors when there are no similar schemes applicable to other levels of government.
27	Increase remuneration for councillors and mayors who successfully complete recognised professional development programs (9.2-9.4)	No	Remuneration for Councillors should reflect the role they are to fill, not attendance at training.
28	Amend the legislated role and standard contract provisions of General Managers as proposed in Boxes 23 and 24 (9.5)	Yes	
29	Amend the provisions for organisation reviews as proposed in section 9.6	Yes	
30	Develop a Good Governance Guide as a basis for 'performance improvement orders' and to provide additional guidance on building effective working relationships between the governing body, Councillors, Mayors and General Managers (9.7)	Yes	It would be useful if the role of LGNSW and the DLG was specified in relation to responding to any challenges arising from the implementation of the "Guide".

Recommendations to Advance Structural Reform			
Recommendation		Support	Comment
31	Introduce additional options for local government structures, including regional Joint Organisations, 'Rural Councils' and Community Boards, to facilitate a better response to the needs and circumstances of different regions (10.1)	Yes, with the exception of the Community Boards	Question the need for Community Boards if the IPR Framework is to be strengthened. It is submitted that a robust IPR framework should ensure that all communities are included in the Community Strategic Planning process, maintaining their identity, voice and autonomy.
32	Legislate a revised process for considering potential amalgamations and boundary changes through a re-constituted and more independent Boundaries Commission (10.3)	Yes	
33	Encourage voluntary mergers of councils through measures to lower barriers and provide professional and financial support (10.4)	Reservations	The availability of professional and financial support needs to be quantified in more detail. Further identification of the barriers to change and suggestions on how to reduce them. Also note that there does not appear to have been any "business case" process undertaken that demonstrates mergers are the way forward.
34	Provide and promote a range of options to maintain local identity and representation in local government areas with large populations and/or diverse localities (10.5)	Yes	Supported with the exception of elected Community Boards.

Recommendations for Regional Joint Organisations			
Recommendation		Support	Comment
35	<p>Establish new Joint Organisations for each of the regions shown on Maps 2 by means of individual proclamations negotiated under new provisions of the Local Government Act that replace those for County Councils(11.5)</p> <ul style="list-style-type: none"> • Defer establishment of JOs in the Sydney metropolitan region, except for sub-regional strategic planning, pending further consideration of options for council mergers (11.5) • Enter into discussions with 2-3 regions to establish 'pilot' JOs (11.5) • Re-constitute existing County Councils as subsidiaries of new regional Joint Organisations, as indicated in Table 5 (11.2) • Establish Regional Water Alliances in each JO along the lines proposed in the 2009 Armstrong-Gellatly report (11.3) • Set the core functions of Joint Organisations by means of Ministerial Guidelines (11.6) • Seek federal government agreement to make JOs eligible for general-purpose FAGs (11.6) 	Yes, with some reservation	<p>Whilst supporting this initiative, it is considered important to stress that the simplicity, or complexity, of the JO will largely depend on the structure, functions and attributes associated with the respective JO's. This may need to be considered more holistically with some of the other recommendations and also dependent on the nature of the services that Member Councils allocate to the JO.</p> <p>There also needs to be capacity for 2 or more JO's to work collaboratively on shared issues (e.g. across the MIDROC Region). This recommendation may need to be reviewed once some pilots have been completed.</p>
36	<p>Identify one or more regional centres within each Joint Organisation and:</p> <ul style="list-style-type: none"> • Create a network of those centres to drive development across regional NSW (11.7) • Consider potential mergers of councils to consolidate regional centres, as indicated in Table 6 (11.7) 	Yes, with reservations	Arguments have been put forward that this recommendation is premature and should be informed by the outcomes of the pilots.
37	<p>Develop close working partnerships between Joint Organisations and State agencies for strategic planning, infrastructure development and regional service delivery (11.8), and</p> <ul style="list-style-type: none"> • Add representatives of Joint Organisations to State agency Regional Leadership Groups (11.8) • Give particular attention to cross-border issues and relationships in the operations of Joint Organisations and in future regional strategies (11.9) 	Yes, with reservations	Arguments have been put forward that this recommendation is premature and should be informed by the outcomes of the pilots.
Recommendations for 'Rural Councils' and Community Boards			
Recommendation		Support	Comment
38	<p>Establish a working party as part of the Ministerial Advisory Group proposed in section 18 to further develop the concept of 'Rural Councils' for inclusion in the re-written Local Government Act (12.1)</p>	Yes	

39	Include provisions for <i>optional</i> Community Boards in the re-written Act, based on the New Zealand model, but also enabling the setting of a supplementary 'community rate' with the approval of the 'parent' council (12.2)	No	See comment at 31. Additionally, a concern that the Panel is suggesting similarity between functioning, normally specific purpose S355 and a very broad based Community Board. These 2 bodies are very different in nature and scope.
Recommendations for Metropolitan Sydney			
	Recommendation	Support	Comment
40	Strengthen arrangements within State government for coordinated metropolitan planning and governance, and to ensure more effective collaboration with local government (13.1)	Yes	This should be on a shared working relationship, not an imposition on metropolitan councils via the State Plan or Metropolitan Strategy.
41	Seek evidence-based responses from metropolitan councils to the Panel's proposals for mergers and major boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (13.3)	Yes	It is suggested that the views of the communities represented by those councils should also be sought.
42	Prioritise assessments of potential changes to the boundaries of the Cities of Sydney and Parramatta, and <ul style="list-style-type: none"> • Retain a separate City of Sydney Act to recognise its Capital City role • Establish State-local City Partnership Committees for Sydney and Parramatta along the lines of Adelaide's Capital City Committee (13.4) 	Yes	
43	Pending any future action on mergers, establish Joint organisations of councils for the purposes of strategic sub-regional planning (13.5)	Yes	
44	Maximise utilisation of the available local government revenue base in order to free-up State resources for support to councils in less advantaged areas (13.6)	Reservations	This recommendation does not appear to follow the doctrine with regard to the various levels of Government taking responsibility (service delivery & financing) for "their" services. It is also believed that over time and given historical evidence, the State Government would gradually withdraw the enhanced support to those Councils in the less advantaged areas, on the basis that the "services provided" are their responsibility.
45	Continue to monitor the sustainability and appropriateness in their current form of the Hawkesbury, Blue Mountains and Wollondilly local government areas (13.7)	Yes	
46	Promote the establishment of a Metropolitan Council of Mayors (13.8)	Reservations	There perhaps needs to be further information as to how such an assembly would function and relate to the State and also to LGNSW.

Recommendations for Hunter, Central Coast and Illawarra			
Recommendation		Support	Comment
47	Seek evidence-based responses from Hunter and Central Coast councils to the Panel's proposals for mergers and boundary changes, and refer both the proposals and responses to the proposed Ministerial Advisory Group (section 18.1) for review, with the possibility of subsequent referrals to the Boundaries Commission (14.1 and 14.2)	Yes	
48	Defer negotiations for the establishment of a Central Coast Joint Organisation pending investigation of a possible merger of Gosford and Wyong councils (14.2)	Yes	
49	Pursue the establishment of Joint Organisations for the Hunter and Illawarra in accordance with Recommendation 35 (14.1 and 14.3)	Yes	
Recommendations for Rural and Regional Councils			
Recommendation		Support	Comment
50	Explore options for non-metropolitan councils in Group A as part of establishing the Western Region Authority proposed in section 16 (15.1)	Yes	
51	Refer councils in Groups B-F to the Boundaries Commission in accordance with Table 11 and the proposed timeline (15.1)	Yes	
52	Complete updated sustainability assessments and revised long term asset and financial plans for the 38 councils identified in Table 11 by no later than mid-2015 (15.2)	Yes	
Recommendations for the Far West			
Recommendation		Support	Comment
53	Agree in principle to the establishment of a Far West Regional Authority with the functions proposed in Box 39 and membership as proposed in Figure 9 (16.3)	Yes	
54	Adopt the preferred new arrangements for local government set out in Box 40 as a basis for further consultation (16.4)	Yes	
55	Establish a project team and reference group of key stakeholders within the DPC Regional Coordination Program to finalise proposals (16.5)	Yes	

Recommendations for State – Local Government Relations			
Recommendation		Support	Comment
56	Use the State - Local Agreement as the basis and framework for a range of actions to build a lasting partnership, and negotiate supplementary agreements as appropriate (17.2)	Yes	Some concerns over the capacity and intent of regional agencies to contribute meaningfully to the IPR process. There is no evidence provided on how this has been successfully implemented in other jurisdictions nationally or internationally. The Government needs to make more effort to support the State/Local Agreement
57	Introduce new arrangements for collaborative, whole-of-government strategic planning at a regional level (17.3)	Yes	
58	Amend the State Constitution to strengthen recognition of elected local government (17.4)	Yes	Also see a need to strengthen the role of LGNSW in both good governance and advocacy.
59	Seek advice from LGNSW on the measures it proposes to take to meet its obligations under the State - Local Agreement (17.5)	Yes	
60	Strengthen the focus of DLG on sector development and seek to reduce its workload in regulation and compliance (17.6)	Yes	The review of compliance functions and monitoring role should be undertaken with a concurrent review of cost-shifting.
Recommendations for Driving and Monitoring Reforms			
Recommendation		Support	Comment
61	Establish a Ministerial Advisory Group and Project Management Office (18.1 and 18.2)	Yes	It is suggested that the establishment of the MAG and PMO must have sunset clauses.
62	Refer outstanding elements of the Destination 2036 Action Plan to the Ministerial Advisory Group (18.1)	Yes	
63	Adopt in principle the proposed priority initial implementation package set out in Box 42, as a basis for discussions with LGNSW under the State-Local Government Agreement (18.3)	Yes	
64	Further develop the proposals for legislative changes detailed in Boxes 43 and 44, and seek to introduce the amendments listed in Box 43 in early 2014 (18.5)	Yes	Reference to Community Boards should be removed and the provisions for the trial of Joint Organisations may need to be reworked.
65	Adopt in principle the proposed implementation timeline (18.6)	Yes	

Throughout the ILGRP Final Report, it is acknowledged that the State Government's policy of "no forced amalgamations" dictates that the opportunities from reform need to be showcased thus encouraging councils, metropolitan and regional/rural, to develop a desire to embrace reform and pursue mergers, joint organisations and other reform opportunities.

Having discussed the content of the ILGRP Final Report, internally with the Executive Leadership Team and externally with other General Managers within MIDROC and further afield, there is a general feeling that much of what is proposed within the Final Report appears to be beneficial on paper. At a meeting of the MIDROC General Managers on Friday 31 January 2014 and the MIDROC Board on 21 February 2014 there was general agreement with the issues identified for comment in the table above. There also appears to be additional concerns, primarily around the following matters:

- The report does not provide an immense amount of detail, noting that one could argue that a report of this nature cannot provide the intricate detail. As is always the case, the “devil is in the detail”;
- A major critical factor is that there is not much evidence that supports the need for mergers/amalgamations alluded to in the Report. Much of the information is anecdotal in nature. Whilst clearly there may be advantages around the enhancement of strategic capacity and other related matters, many are arguing that there is a need for the delivery of “business cases” that explore all considerations, financial and otherwise, to demonstrate that mergers/amalgamations provide a viable, sustainable solution (whether in part or as a whole) for reform; and
- Whilst the Report provides some potential for additional revenues within the Strengthening Revenues section, it does not seem to build the confidence within the local government sector that there are opportunities being created that will enable local government to move to a sustainable revenue base.

As mentioned earlier in this report, generally the recommendations suggested appear to have some merit. There is little doubt that reform in a general sense is required for the local government sector. The critical factor at hand here is whether the reforms proposed in the ILGRP Final Report go far enough to provide the confidence that a sustainable future for the local government sector will be an outcome of the package of reforms.

Additionally, it appears that there is general agreement between the Mayors and General Managers of the Councils of Bellingen, Nambucca, Clarence Valley and Coffs Harbour to exploring the form and structure of a potential Joint Organisation (JO) for our region, as identified in the report released by the ILGRP in January 2014.

At the very least, discussions with Coffs Harbour's neighbouring Councils may lead to the identification of improved service delivery to our collective communities in a more cost effective manner. This is something that should be pursued. To this end, it is anticipated that a meeting of the four General Managers will be held shortly to prepare a strategic way forward.

Once a strategic way forward has been agreed, a meeting to flesh out the form of an in principle agreement as a basis for an arrangement in relation to a Joint Organisation could be held attended by Mayors, Deputy Mayors, General Managers, Directors/Deputy General Managers. Out of this process it is anticipated that a draft MoU would be developed and form the basis of a further report to Council for its consideration.

Implementation Date / Priority:

The implementation schedule of the various outcomes that may arise from the NSW Government's response to the Final Report of the ILGRP will not be known until such time as the Government provides its response. Should the Government be of a mind to generally support the findings and recommendations of the ILGRP, then it is expected that an implementation schedule not dissimilar to that found in Table 12 on page 131 of the Final Report of the ILGRP could be expected

Recommendation:

- 1. Council authorise the preparation of a submission to the NSW Division of Local Government, Department of Premier and Cabinet with regard to the Final Report of the NSW Independent Local Government Review Panel entitled “Revitalising Local Government”;**
- 2. The submission authorised in 1. above be framed such that it follows the thrust of the comments contained within the Table set out in the report;**
- 3. At a regional level at the current time, Coffs Harbour City Council continue dialogue with MIDROC and also with the Councils of Nambucca, Bellingen and Clarence Valley with a view to ensuring that our service delivery to our communities is as effective and efficient as possible; and**
- 4. That the Minister for Local Government be advised of the discussions currently being held between the Councils of Bellingen, Nambucca, Clarence Valley and Coffs Harbour regarding the potential for a Joint Organisation, canvassing the option of this process being considered for a pilot and flagging the potential for a meeting between the Councils and the Minister.**

INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL – FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT (TWENTY ESSENTIAL STEPS) – DISCUSSION PAPER

Purpose:

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

Description of Item:

In April 2012, an Independent Local Government Review Panel was established by the Minister for Local Government and was referred a number of actions from the Destination 2036 initiative.

The Panel developed a four stage review process to examine the actions, which will culminate in a final report to the Minister for Local Government targeted for September 2013.

This review process is currently at stage 3 of its identified project plan, with the panel releasing a paper entitled “Future Directions for NSW Local Government (Twenty Essential Steps)”. The paper, as its name suggests, outlines twenty essential steps that the panel believes at this point in time are necessary for the longevity of local government. Submissions have been invited from stakeholders with submissions closing on 28 June 2013.

The current discussion paper was released on 24 April 2013 and a hard copy of the discussion paper was delivered to Councillors on 3 May 2013. The Independent Local Government Review Panel conducted a series of engagement sessions across NSW during May 2013 and it is noted that one such engagement session was conducted at Urunga on 10 May 2013. It is the General Manager’s understanding that the Mayor and three Councillors attended the engagement session in the company of the then Acting General Manager, Mr Ben Lawson.

Sustainability Assessment:

- **Environment**

There are no environmental impacts that should arise as a result of Council’s consideration of this report.

- **Social**

Similarly it is not anticipated that there will be any social impacts as a result of Council’s consideration of this report or submissions that may be made. Ultimately, any social impacts will only be known once the Government has advised of its intention following receipt of the final report from the Independent Local Government Review Panel.

- **Civic Leadership**

By preparing a submission for consideration by the Independent Local Government Review Panel, Coffs Harbour City Council is demonstrating a Civic Leadership role on behalf of the Coffs Harbour Community. Ultimately, it is in Council's and the Communities interest if any reform of local government arises as a result of the Independent Local Government Review Panel's considerations is undertaken in a manner that produces improvements overall for Coffs Harbour City Council and its community.

- **Economic**

Broader Economic Implications

At the present time there are no anticipated broader economic impacts however, it is anticipated that should the State Government pursue some form of reform as a result of the final report delivered by the Independent Local Government Review Panel, that there may well be some financial impacts. The extent of these impacts will be better known once the Government has considered the final report and provided some direction.

Delivery Program/Operational Plan Implications

There are no anticipated current operational plan implications. There may be some impacts on future years within the current delivery program. This shall become better known once the Government has given consideration to the final report.

Consultation:

Whilst Council has not undertaken community engagement at this point in time, the Independent Local Government Review Panel has undertaken a large amount of consultation, including regional and metropolitan meetings, roundtables, focus groups, stakeholder meetings, attendance at Regional Organisation of Councils (ROC) meetings and online surveys.

Summaries of the extensive consultation undertaken by the Panel may be found on its website.

Hard copies of the latest discussion paper from the Independent Local Government Review Panel were made available to Councillors on 3 May 2013 and copies of the document were distributed to members of Council's Leadership Team.

Related Policy and / or Precedents:

There is no related policy associated with this item.

Statutory Requirements:

Whilst there are no immediate impacts on legislation administered by Coffs Harbour City Council, it is anticipated that there may be some amendments to various Acts and Regulations should the State Government decide to pursue reform of Local Government as a result of the final report delivered by the Independent Local Government Review Panel. The nature of any such amendments will be better known once the NSW Government has considered the final report from the Independent Local Government Review Panel.

Issues:

The Independent Local Government Review Panel was established in April 2012 with the purposes of examining the structural arrangements of NSW Councils in the context of improving the financial sustainability of the NSW Local Government Sector. As Councillors are aware the appointed members of the Independent Local Government Review Panel are:

- Professor Graham Sansom (Chair)
- Ms Jude Munro AO
- Mr Glenn Inglis

Prior to the appointment of the Panel, Councillors will recall that a Destination 2036 Summit was conducted in Dubbo in August 2011. This Summit was attended by the Mayors and General Managers of all Councils in NSW along with the Minister for Local Government and various other stakeholders. A number of actions arose from the Destination 2036 Summit and the following actions were referred to the Independent Local Government Review Panel for consideration:

- Develop options and models to enhance collaboration on a regional basis through ROCs
- Undertake research into innovation and better practice in local government in NSW, Australia and internationally;
- Examine current local government revenue systems to ensure the system is contemporary including rating provisions and other revenue options;
- Examine the pros and cons of alternative governance models;
- Research and develop alternative structure models, identifying their key features and assessing their applicability to NSW;
- Identify barriers and incentives to encourage the voluntary amalgamation or boundary adjustment of Councils
- Identify those functions that are clearly State or local government responsibility, those that cannot be readily defined and those that have been legislated/regulated as core functions.

The review process is well set out in the latest discussion paper released by the Independent Local Government Review Panel, entitled Future Directions for NSW Local Government (Twenty Essential Steps). As mentioned elsewhere, a hard copy of this publication was provided to Councillors in early May 2013.

The latest discussion paper issued by the Independent Local Government Review Panel addresses Twenty Essential Steps, as the Panel sees it, that are necessary for the longevity of Local Government. Those steps are:

1. Face the challenges of change
2. Create a sustainable system
3. Keep the "local" in local government
4. Confront financial realities
5. Ensure fiscal responsibility
6. Bolster the revenue base
7. Tackle the infrastructure backlog
8. Promote innovation, productivity and competitiveness
9. Advance improvement and accountability
10. Improve political leadership
11. Enhance the status of Mayors
12. Revisit council-management relations
13. Build strong regions

14. Reconfigure rural councils
15. Reshape metropolitan governance
16. Strengthen the Hunter, Central Coast and Illawarra
17. Establish a "western region authority"
18. Progress the state-local agreement
19. Refocus Local Government NSW
20. Drive and monitor ongoing reform.

A number of the steps identified by the Panel have the potential to impact on the Coffs Harbour City Council Local Government Area either directly or indirectly. It is considered appropriate that Council provide a submission to the Panel addressing the issues of importance to Coffs Harbour City Council and its Local Government Area. It is proposed that a submission will be prepared in draft form in preparation for forwarding to the Independent Local Government Review Panel. Prior to forwarding this submission, a draft copy will be distributed to Councillors for their feedback prior to finalising the document.

Having read the twenty next steps in detail, it would seem appropriate that Council should attempt to address or comment on the following steps as a minimum, assuming Council resolves to provide a submission:

- Create a sustainable system
- Keep the "local" in local government
- Ensure fiscal responsibility
- Bolster the revenue base
- Tackle the infrastructure backlog
- Promote innovation, productivity and competitiveness
- Improve political leadership
- Enhance the status of Mayors
- Revisit Council-management relations
- Build strong regions
- Reshape metropolitan governance
- Progress the State-local agreement

Essentially Council has the option of simply noting the report and allowing the discussion paper to progress through to the final report without comment being made by Coffs Harbour City Council or, Council preparing a submission that would provide relevant comment in the areas identified above. It is considered appropriate that Council demonstrate its civic leadership by making an appropriate submission to the Independent Local Government Review Panel.

Implementation Date / Priority:

Should Council adopt the recommendation hereunder, a submission shall be prepared at the earliest convenience and a draft copy provided to Councillors for feedback prior to finalisation.

Recommendation:

That Council:

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

Our ref: 3445780

26 June 2013

Mr G Sansom
Chairperson
Independent Local Government Review Panel
c/- Locked Bag 3015
NOWRA NSW 2541

Email: info@localgovernmentreview.nsw.gov.au

Dear Graham

Submission – Future Directions for NSW Local Government – “Twenty Essential Steps”

I refer you to the abovementioned discussion paper and the invitation to make a submission with regard to the content of that paper. It now gives me great pleasure to provide a submission on behalf of Coffs Harbour City Council.

Council's submission is included in the email attachments accompanying this correspondence.

I thank you for the opportunity to provide input into this important process and also take the opportunity to wish the panel well in its final deliberations.

Yours faithfully

Steve McGrath
General Manger



**SUBMISSION TO
INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL**

**Future Directions for NSW Local Government –
“Twenty Essential Steps”**

June 2013

Prepared by Steve McGrath General Manager,
On behalf of Coffs Harbour City Council

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Executive Summary

It would appear that a reasonable emphasis is being placed on the financial situation of councils as being a fundamental reason as to why the reform of local government is required in NSW. Arguably the situation around the financial capacity of local government is not fundamentally addressed as part of the Independent Local Government Review Panel Discussion Paper in its entirety. In a similar manner, there is a need for standardisation of the asset information and utilisation of a clearer and more consistent assessment of what funds are expended on renewal or replacement of assets as opposed to assets for population growth or increased service delivery to the community. Without this analysis it is questionable as to whether there is a clear financial picture of councils in NSW.

In essence, the Independent Local Government Review Panel is suggesting that whilst the reform of local government in NSW is required, there is no one size fits all solution that can be applied unilaterally across the State. It is acknowledged that the challenges facing local government in the Western part of NSW are significant and there is no easy solution, nor is there an easy solution for any of the authorities in NSW. The underlying issue is the ability of local authorities in NSW to deliver services to their communities in an efficient and effective manner and remain financially sustainable in the long term. In essence, this requires additional revenue to be at the disposal of local authorities on an annual basis to enable them to fulfil the service delivery and infrastructure renewal that is expected of them.

Many of the services that are expected of local authorities in NSW have arisen because other levels of government have withdrawn from those particular service areas, leaving local government at the coal face, facing the community with the tough decision as to whether the service should continue or not.

Coffs Harbour City Council has had a number of meetings with other members of MIDROC and with its northern neighbour Clarence Valley Council, identifying the opportunities to look at efficient and effective service delivery within our region. As stated elsewhere in the submission the governance framework around how this may be delivered perhaps requires further attention with a view to ensuring the long term sustainability of this service delivery without creating other bureaucratic layers.

We recognise that the Panel appears to rely on utilisation of the county council framework given that the legislation already exists within the NSW Local Government Act 1993. To some extent, it makes the change a little easier. However, if we are truly looking for lasting sustainable reform, the Government should be willing to pursue any legislative change that is going to deliver on this lasting sustainable reform. This is particularly true given that the Local Government Act is under review by the Local Government Act Taskforce as part of a parallel process.

If the pursuit of substantial legislative change to effect the necessary reform of local government in NSW was the first priority, then the county council approach could be held as a "back up plan" if the legislative changes that are recommended, i.e. that are required to get the optimum result, are not followed through on.

Keep the “Local” in Local Government

The “Twenty Essential Steps” Discussion Paper raises the issue of keeping the “Local” in Local Government quite rightly and identifies that it is extremely important to recognise the discreet “places” that exist within our Local Government Areas.

The outcomes of these deliberations seem to be the establishment of the concept of local boards to be put in place to operate under certain circumstances. It would appear that these circumstances could range from the replacement of small rural or remote councils right through to small local boards within larger metropolitan areas providing some level of input/service delivery.

A concern that would exist under this particular model would be essentially the introduction of what could well be simply another layer within the bureaucratic system. It would be necessary to provide administrative support and other levels of support to these local boards and this in itself may contribute to the inefficient delivery of services within the communities that these local boards service.

The Integrated Planning and Reporting (IPR) framework that was included in the Local Government Act in late 2009 arguably provides an appropriate framework within which “places and community identity” can be identified, recognised and services planned for. The IPR framework has the potential to provide so much more for local authorities in New South Wales than it is delivering right now. Given the relative youth of this initiative, it is argued that sufficient time has not yet been allowed to enable the full benefits to be realised from the implementation of the IPR framework.

Correctly implemented, the Integrated Planning and Reporting Framework provides adequate opportunity to recognise the places and communities which are the subject of the initial Community Strategic Plan and should integration from the Community Strategic Plan be achieved through to the Delivery Program and Operational Plan, it should ensure that there is no loss of identity for discreet places within the local government area and equally ensure that services are delivered equitably to the community in its entirety through the implementation of the IPR Framework.

The “Twenty Essential Steps” Discussion Paper in various locations suggests that it is not the intent to develop another layer of government, or indeed other layers of bureaucracy, however, it is submitted that the concept of local boards has the potential to do just that. Utilisation of the IPR Framework and if needed, enhancing the IPR Framework, could be carried out to achieve similar outcomes.

Ensure Fiscal Responsibility

Off the tail end of the recent TCORP assessments undertaken on every local authority in NSW, the “*Twenty Essential Steps*” Discussion Paper suggests that local government needs to apply a concerted long term effort to improve the quality of financial planning and management in local government. Whilst arguably every council in NSW has now implemented the Integrated Planning and Reporting Framework, it would be fair to suggest that the bedding down of this new initiative has not readily occurred in all authorities across NSW.

Much of what is suggested in the “*Twenty Essential Steps*” Discussion Paper about fiscal responsibility can be achieved by ensuring compliance with the requirements of the Integrated Planning and Reporting Framework. It is suggested that there needs to be some improvements to the IPR Framework that will lead to this increased compliance. One such improvement would be the requirement to have the IPR Framework independently audited to ensure its compliance with the legislative requirements of the IPR Framework and any shortcomings should be addressed by

way of identifying the strategies and actions that are required to ensure final compliance with the requirements.

It is also worthwhile noting here that as local authorities in NSW complete many of the actions identified and associated with the IPR at the present time, then the standard of financial planning and management in those authorities will improve. Whilst the IPR Framework was introduced in late 2009, the third tranche of councils only completed their IPR requirements in July 2012. As stated earlier, as all councils further implement the IPR Framework and come up to speed on this contemporary requirement, financial planning and management in local government will improve.

Bolster the Revenue Base

The *"Twenty Essential Steps"* Discussion paper suggests that the rating system applied in NSW requires a significant review and potential overhaul. Whilst it is agreed that a review of the rating system may assist in ensuring councils are able to adequately access the revenue base that the rating system aims to allow councils to access, it may be necessary to initially review how each council goes about applying the current rating system. Changes to the rating system may not be necessary if it can be ascertained that councils are better able to utilise the existing rating system perhaps with an injection of some specialised advice. It is common knowledge that the prevalence of rating professionals within the industry is less than adequate at the current time. Should councils be able to adequately access a very specialised skill set to ensure their rating systems reflect the opportunities that the current rating legislation allows, this may produce some significant results for those participating councils.

A broader concern is the suggestion by the Independent Local Government Review Panel that local government in NSW should accept that rate pegging is essentially here to stay. The Independent Local Government Review Panel was provided with a Terms of Reference at the commencement of their appointment which included a need to look at how local government in NSW move towards financial sustainability. If local government is to move towards financial sustainability, the revenue base that provides for its ongoing operations needs to be increased. For the revenue base to be increased in a sustainable manner, rate pegging as we know it today has to cease.

It is noted that IPART have suggested to the Independent Local Government Review Panel that some level of flexibility allowing councils to set rates within a margin 3% above rate pegging may provide a solution. Should this proposal be linked in some way to the IPR Framework then it may be a partial solution however, I can advise that in Coffs Harbour City Council's case this 3% increase would not be sufficient to address the infrastructure renewal gap and underlying operating deficit that we incur annually.

Developer Contributions

Council notes that the ability of local government to levy financial contributions on developments is under review in the current White Paper into the Environmental Planning and Assessment Act. Whilst we understand that this is the subject of review, it should be stated that attempts to remove developer contributions as a means by which to levy charges on the cost of infrastructure provision on new developments will only result in the costs associated with that infrastructure being imposed on the entire ratepayer base unless some other alternate means of revenue generation is considered. This is a matter that council will follow closely to ensure that there is equity in how these developer contributions are treated.

Distribution of Grants

Council notes the suggestion by the Independent Local Government Review Panel that the methodology for the distribution of grants such as the Financial Assistance Grants (FAGs), needs

to be reviewed. Whilst it is acknowledged that the methodology behind distribution of grants such as FAGs may result in some less needy councils receiving funding to the detriment of other councils that have a much higher need, any review of the distribution of these grants will by its very nature attract significant attention. The underlying premise of the FAGs for many years now has been one of effort neutral and it is suggested that any move away from this principle will be met with some resistance from some.

Nevertheless, the methodology that sits behind the distribution of Financial Assistance Grants and other grants needs to be undertaken to ensure that contemporary issues are being addressed.

A Local Government Finance Agency

The Independent Local Government Review Panel makes reference to the development of a local government finance agency, it is assumed to ensure that local government in NSW is consistent in how it structures its loans and avoids unnecessary excessive rates of interest. The document seems to suggest that in many cases there is more than adequate scope for councils to increase their borrowings.

Debt may well assist in addressing the underlying infrastructure renewal problem in many cases however, at the end of the day the debt needs to be repaid. With most local authorities having their finances significantly constrained in today's environment as a result of rate pegging and cost shifting, their ability to finance debt without severely impacting other levels of service is almost impossible. Even schemes such as the Government's Local Infrastructure Renewal Scheme (LIRS), acknowledging that it does provide some opportunity for councils, does not provide the total solution to the Infrastructure Renewal problem that NSW local authorities have. Whilst the interest rate is subsidised, some level of interest and the debt needs to be repaid to the lender. This obviously impacts the cash flow of the respective organisation.

In summary, what is required to ensure that local government authorities in NSW achieve financial sustainability, with an adequate revenue base, is a substantial increase in the cash flow that accrues to these authorities on an annual basis.

Tackle the Infrastructure Backlog

In the "Twenty Essential Steps" Discussion paper, the Independent Local Government Review Panel suggests that tackling local government's asset maintenance gap and cumulative infrastructure backlog warrants the highest priority. Economic Development, community wellbeing and much of local government and private or third sector service delivery all depend on adequate infrastructure, especially roads, bridges and buildings. No one can argue against this statement.

Several reports have recently been released which also add to the discussion around tackling the problem of the infrastructure backlog. First, the NSW Division of Local Government released its Infrastructure Audit Report 2013 and secondly, IPWEA / LG NSW released the Road Asset Benchmarking Report 2012.

One of the stand out statements from the media release issued by the NSW Government in relation to the Infrastructure Audit 2013 states:

"Local Government Minister Don Page said the States local councils' infrastructure asset backlog had fallen from over 18% under labour to around 10% in 2011/12. This finding comes from the Local Government Infrastructure Audit Report, which was released by Mr Page today. The report also found there had been an increased focus and commitment to infrastructure management by councils, with a Liberals and Nationals loan subsidy scheme starting to make a difference. The Local Government Infrastructure Audit Report, which was prepared by the Division of Local Government, provides comprehensive and much

needed information on local government infrastructure assets in NSW on a whole of State and regional basis”.

Coffs Harbour City Council does not disagree that the government has helped in the following ways:

- Introduction of Local Infrastructure Renewal Scheme; and
- Increasing the focus on asset management as a result of the Integrated Planning and Reporting Framework.

However, it is arguable that the main reason for the drop from 18% to 10% backlog is the push to fair value (that is engineers/accountants no longer applying a factor of safety, or not considering upgraded infrastructure as the replacement value, or getting better data). In essence, this is basically admitted on page 38 of the Infrastructure Audit 2013 where it states that the decrease from 18% to 10% is primarily due to improved asset management planning and more accurate asset management reporting by councils.

There are essentially two factors that need to be addressed to ensure the infrastructure backlog that councils have is addressed, namely:

- Improved practices e.g. smarter maintenance and renewal
- More funding to do the work.

Whilst the Panel deliberates increasing strategic capacity via county councils, or some other governance framework, this has the potential to address part of the problem in terms of quantifying the problem, that is the asset management task. However, it doesn't really address the issue of smarter maintenance and renewal practices, this is something local government needs to take on board, share ideas and experiences.

The strategic capacity issue is really around the process for reviewing services. While the notion of backlog has proven persistent in describing growing deficiencies in the provision of infrastructure in the past, a significant shift in thinking is required to move from this higher subjective way of reporting on “the state of the infrastructure in NSW Local Government”, towards honest community conversations about balancing real needs with available resources in each local government area.

This is what we call the right “debate”. It is submitted that the best way to tackle strategic capacity on this important issue is to provide a framework for councils to undertake service reviews / conversations with their communities and this is an area where a higher authority needs to take a significant lead. For many local authorities this whole issue is simply too hard.

Whilst the IPR Framework provides the general parameters within which the service and service level discussion can occur, much needs to be done to assist councils with undertaking this significant body of work to assist them in not only addressing the infrastructure backlog but also the current infrastructure renewal gap.

Promote Innovation, Productivity and Competitiveness

The “*Twenty Essential Steps*” discussion paper suggests that one strategy to address the sustainability challenge that local government in NSW has is to promote innovation, productivity and competitiveness. One cannot disagree that this has the potential to assist in achieving the sustainability challenge.

It is submitted however, that the Independent Local Government Review Panel has not made a substantial case that local government in NSW is inefficient. Whilst it is easy to make assumptions about these factors, there is a need for evidence to be generated to support this assumption before

decisions are made on the basis of uninformed opinion. In 2006 Percy Allan in his report on Local Government Financial Sustainability found that councils administration have always been publicly thought of as being inefficient however, the analysis at that time showed that in many cases the level of administration was in fact low compared to standards.

It is common knowledge that with 35 years of rate pegging legislation local government has been forced to make do with less funding. This has naturally meant that local councils have looked inwardly at their organisations to look at creating efficiencies that were capable of offsetting the reduction in revenue flowing into the organisation. This has resulted in councils moving a range of services to contracting and spending disproportionately on maintenance and short term fixes. Under investment in infrastructure has been matched with under investment in staff and training and arguably under investment in delivering on the strategic capacity that many councils need to have (as acknowledged by the Independent Local Government Review Panel). To resolve this, there needs to be schemes introduced that focus rewards for achieving innovation.

As mentioned earlier, Section 8 of the *"Twenty Essential Steps"* Discussion Paper provides little evidence that local government in NSW is generally inefficient. In the case of Coffs Harbour City Council, over many years this council has gone about looking at efficiencies through a range of initiatives and we continue to do so today. For the 2009/2010 budget year, it is understood that Coffs Harbour City Council produced a \$2 million efficiency gain through its budgeting process as a result of implementing a zero based budgeting approach in that year. In late 2011 early 2012 Coffs Harbour City Council commenced a review of its entire service framework which is prompting further deliberations with its community about levels of service but has equally provided a range of issues that could be considered opportunities for improvements worthy of further deliberation. Coffs Harbour City Council continues to work collaboratively with its neighbours including those councils within the Mid North Coast Regional Organisation of Councils (MIDROC) with a view to identifying where gaps in service delivery can be reasonably addressed through a regional or sub regional approach.

Improve Political Leadership

The Independent Local Government Review Panel make various observations in Step number 10 Improved Political Leadership, however the paper is not convincing in suggesting what should be done to improve political leadership in all aspects. The discussion paper makes the observation that Section 232 of the Local Government Act essentially provides two distinct roles for councillors, the first as a member of the governing body, and the second as an elected person. The role of a councillor as a member of the governing body gives rise to the concept of councillors behaving as a board of directors and making decisions for the benefit of the whole. The second role of the councillor as an elected person brings about an expectation that councillors will represent their constituents on issues of concern to them individually or collectively. This immediately places the councillor in somewhat of a dilemma given the conflicting role that they are expected to fulfil.

It would appear that the suggested solution to this dilemma is to adopt a model apparently in place at the City of Adelaide, a model that would arguably create two classes of councillors. It is interesting to note that the last review into the governance arrangements for the City of Adelaide (admittedly in 1998) recommended the removal of the two types of councillors and a change to only councillors elected at large and a reduction in the number of councillors to no more than ten.

It is necessary to provide a clearer description of the role of a councillor in the legislation so as to remove the conflict, perceived or otherwise. Further input is required as to the most beneficial model that could be applied to assist in better defining the role of a councillor.

Councillor Skills

The paper makes the case that today's councillors require enhanced skills to deal with the complex challenges that they face. No one could argue against this statement.

Mandatory training sounds good in principle, but there has been no evidence shown that it will actually increase the overall skills base. The perennial argument as to how you can require councillors at the local government level to undertake mandatory training when no such similar training is required for State or Federal government will always win out.

The discussion in the *"Twenty Essential Steps"* publication focuses on the type of training (compulsory or voluntary) but does not consider the value of training. While attendance can be mandated, there can be no compulsion to learn. Compulsory training will lead to costs being incurred on people who are actively seeking not to learn. Learning and development will gain the greatest value of return under a system that encourages and rewards learning and improved skills.

It is suggested instead of compelling training there would be more value in a system that links knowledge and performance as a councillor to remuneration and local, and, industry recognition. Such recognition and rewards system could be based on the councillors as a team.

Councillor Remuneration

The Discussion Paper makes the observation that recently decisions of the Remuneration Tribunal appear to understate and undervalue the role that councillors play. Local government, in today's society, is a diverse and complex service delivery organisation. The need for the local authority to plan for the future growth of their area, taking into account the diverse views of their community is one that requires high level strategic thinking. For this reason, the role that councillors play is both complex and diverse to the extreme.

The issue of the adequacy of remuneration for councillors definitely needs to be reviewed, noting that other parts of the discussion paper make reference to the learning and performance of councillors being indicators of levels of remuneration. Essentially, the complexity that councillors are required to involve themselves in on a day to day basis means that only candidates who generally have the time necessary to commit to this type of role are able to seek a role as a councillor. The level of remuneration may impact on the pool of candidates who would take interest in seeking a role as a councillor and in turn dealing with the complex and diverse issues that the role attracts.

Enhance the Status of Mayors

Step 11 of the *"Twenty Essential Steps"* document makes reference to the proposed expanded role of Mayors and references the role of Mayors in New Zealand, other States as well as the way the role of Mayor of the new Auckland Super City has been defined.

Amongst the discussion within Section 11 of the *"Twenty Essential Steps"* document, a minor reference is made to the relationship between the Mayor and General Manager. It is suggested that the relationship between the Mayor and General Manager of any authority is fundamental in achieving appropriate outcomes for the organisation, the city and the community. On page 30 of the *"Twenty Essential Steps"* document, box 9 provides a listing of suggested principle functions of mayors. It is suggested that the principle functions outlined in this document provide a sound basis for enhancing the status of Mayors in any reform of local government noting of course as in all situations the relationship between the Mayor, councillors and staff generally would be fundamental to the success that is achieved.

Revisit Council – Management Relations

The discussion paper acknowledges that it is essential that Councillors, Mayors and senior staff work closely as a team and fundamental to this is the relationship between the Mayor and General Manager.

Given the previous section dealing with enhancing the status of Mayor, it is agreed that it is necessary to ensure that the roles of Mayor, Councillor and General Manager are clarified in the Legislation and associated documentation. This will assist in removing ambiguity and where possible avoiding tensions that may eventuate. An inherent principle in this process is the fact that the relationship between the General Manager and Mayor in particular but also with councillors needs to be fostered and developed over time. Generally the options set out on page 32 of the Discussion Paper are supported for further consideration in evolving council – management relations.

Of some concern however is the fact that this section of the discussion paper seems to dwell on situations where the relationship between the Mayor, General Manager and perhaps Councillors is seen as a negative one. It is fair to say that in the majority of situations, the relationship that exists is both positive and harmonious and leads to significant outcomes for the organisation and the communities that those individuals represent. This should always be kept in mind when considering this issue.

At the end of the day, no matter how much prescription is put into legislation and other documentation, the relationship between Mayor, Councillors and General Manager and senior staff for that matter needs to be constantly worked on to ensure that it remains appropriate and enables effective outcomes to be achieved.

Build Strong Regions

Coffs Harbour City Council, as a member of the Mid North Coast Regional Organisation of Councils (MIDROC), and also as a potential member of the county council nominated by the Independent Local Government Review Panel consisting of Clarence Valley Council, Bellingen Shire Council, Nambucca Shire Council and Coffs Harbour City Council, agrees that we need to be consistently looking to deliver more efficient and effective services to our communities.

As a member of MIDROC, Coffs Harbour City Council has been exploring with other member councils the opportunities to address gaps in service delivery by way of developing regional based models. This work is ongoing. Outside of the conversations within the MIDROC councils, Coffs Harbour City Council has had an ongoing dialogue with its northern neighbour, Clarence Valley Council, with a view once again to ascertaining where efficiencies may be able to be achieved in service delivery by adopting a regional / sub regional approach. Examples of these types of initiatives are reflected in businesses such as Coffs Coast Waste Services, professional groupings such as Mid Waste and the significant sharing of arrangements around water infrastructure with Clarence Valley Council.

In light of the suggestions within Step 13 of the *“Twenty Essential Steps”* document that the councils of Clarence, Coffs Harbour, Bellingen and Nambucca form a county council, it is worthwhile noting that a representative group of the Councils of Clarence, Coffs Harbour, Bellingen and Nambucca (Mayors and General Managers) met on the 14th June 2013 to discuss the third discussion paper *“Twenty Next Steps”* as recently released by the Independent Review Panel.

Whilst it was noted that each council was to formally review its specific position on an individual basis, it was noted that there is a like-minded approach within the four councils at this point in time and a desire to work collaborately together to deliver effective and efficient services.

The council representatives present at the meeting on 14th June 2013 were agreed that the best model for delivery is yet to be determined and this required further consideration and focus by the four councils, within the construct of service characteristics, specific functions and a rigorous governance framework that acknowledges overall direction as well as individual council and community issues.

Consideration was also given to broader regional groupings of councils and it was agreed that this should also be contemplated by the four councils in terms of moving forward.

In summary, it was considered that the county council type approach (whilst provided for in the currently legislative framework) may not be the most appropriate way forward for the delivery of services on a regional basis and in effect may simply establish another layer of bureaucracy. As stated above, whilst the representatives of the four councils concerned are extremely interested in pursuing the efficient and effective delivery of services to their community. It is believed that the governance framework that will enable this to occur needs further thought and clarification.

Reshape Metropolitan Governance

Coffs Harbour City Council is obviously not a metropolitan council however, the City of Sydney is the capital of NSW and therefore it is in the interests of all NSW communities that the City of Sydney portrays the ideals of a contemporary global city capable of competing as a global force within the world economy.

For this reason some brief comment shall be made on the issue of metropolitan governance.

In brief, any reform of local government in the Sydney metropolitan area needs to be undertaken in a manner where the stakeholders are engaged extensively with a view to ensuring that the future governance and strategic planning arrangements for the City of Sydney are streamlined and provide for a contemporary globally competitive city.

The objective should be to establish the broader Sydney metropolitan area in a manner that ensures efficient and effective strategic planning for the entire metropolitan area, streamlined decision making that allows communities to progress and the capacity to deliver major infrastructure projects in an efficient and effective manner for the City. This means that both State and Local Government need to be at the table to ensure that effective and sustainable change is achieved.

Progress the State – Local Agreement

Development of closer working relationships between local government and state government is clearly a beneficial outcome. The reasons given for this not currently occurring seem to be presented in quite a simplistic form. To establish that the sole reasons for this not occurring rest on there being too many councils and an unwillingness to contribute sufficient resources is simplistic and considered an unrealistic portrayal of the situation. The Independent Local Government Review Panel does recommend increased levels of local government representation on regional panels which arguably is a positive move to build stronger and closer relationships.

The Independent Local Government Review Panel perpetuates the parent/child relationship in its thinking, such as by seeing the involvement in the next round of regional action plans as being "identified as lead agencies for implementation projects". For the levels of government to work together, local government needs to be treated in the same way as other government agencies, involved in determination of a direction and projects.

NSW council representatives on the Board of Local Government NSW need to ensure that they keep the State government, both now and in the future, to the State Local Agreement and ensure that outcomes are achieved in a positive manner for local government over time. This can only benefit our communities in NSW.

Conclusion

Coffs Harbour City Council commends the NSW Government, the Independent Local Government Review Panel and the various stakeholders involved for the attempts to evaluate and plan for substantial change to NSW local government. We agree that change is needed.

Whilst the *"Twenty Essential Steps"* Discussion Paper has many positive suggestions contained within, we do not believe that the Discussion Paper has readily identified the best way forward in respect of two critical issues. First, whilst the Discussion Paper does make some suggested inroads toward the issue of financial sustainability, it does not go far enough. We will simply be back in the same space in 5 or 10 years time talking about the need to move toward financial sustainability. If we are going to address the issue of financial sustainability in practical terms, then let's *"do it once and do it right"*.

Secondly, as pointed out during this submission, we are not convinced that utilising the county council framework proposed in the Discussion Paper is going to deliver the most appropriate governance framework for regional delivery of identified local government services such as those proposed in the Discussion Paper. Further work is required to identify the most appropriate governance model and where necessary, we need to pursue appropriate legislative amendments.

We thank the Independent Local Government Review Panel for the opportunity to contribute through this engagement process.

CONTRACT NO. RFT-623-TI: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - TRAFFIC SIGNALS RELOCATIONS

Purpose:

To report to Council on the tender arrangements for traffic signals relocations associated with the intersection upgrade of the Pacific Highway at Cook Drive / North Boambee Road, Coffs Harbour and to gain Council approval to enter into a contract with the successful RMS approved traffic signals tenderer.

Description of Item:

Coffs Harbour Council CityWorks (CityWorks) have entered into an Alliance with Roads and Maritime Services (RMS) to upgrade the Intersection of the Pacific Highway and Cook Drive / North Boambee Road, Coffs Harbour. RMS are providing 100% of the funding and CityWorks are project managing and constructing the works. Relocation of the traffic signals is part of the Alliance scope with CityWorks responsible to engage a suitable traffic signals relocations subcontractor. CityWorks sought quotes from the list of RMS approved traffic signal contractors and the recommended tenderer has provided a price to complete the relocation works and been assessed as most suitable for the works.

Two quotations were received from:

- 1 CNJ Electrical Service, Glendenning, NSW
- 2 Corrigan Electrics Pty Ltd, Annangrove, NSW

The lump sum price quoted has been factored into the estimate for the overall works under the Alliance Agreement.

Sustainability Assessment:

- **Environment**

RMS engaged GHD to prepare a Review of Environmental Factors (REF). The result was that some minor issues needed to be considered and catered for during the works however the benefits were resoundingly in favour of progressing with the project.

- **Social**

If the intersection is upgraded, the traffic flows for vehicles using the Pacific Highway, North Boambee Road and Cook Drive will be much less congested. The current situation sees gridlock and traffic banking on both the highway and the intersecting streets.

- **Civic Leadership**

The works are in keeping with the Coffs Harbour 2030 Community Strategic Plan associated with improving transport for the region.

- **Economic**

By CityWorks taking on this role, it assists in the accelerated upgrade of this intersection and any revenue gained by CityWorks contributes toward the further

upgrade of Council Infrastructure and assets. The project also keeps jobs and money in the Coffs community. There are no other local RMS Pre-qualified subcontractors that can carry out these works so it is likely that a company from out of town would have carried out these works had Council been unavailable.

Delivery Program/Operational Plan Implications

CityWorks is on track to deliver the 2013/2014 Capital Works Program and has sufficient resources available to deliver the Project.

Risk Analysis:

The traffic signals form an integral part of the scope of this project. By not accepting the quotation for the traffic signals relocations, the intersection upgrade will not be able to proceed and CityWorks will be in breach of the Alliance Agreement.

Consultation:

All of the RMS Traffic Signals prequalified subcontractors were mailed copies of the tender documents and given the opportunity to quote for the works. RMS have been involved in the tender assessment process.

Related Policy and / or Precedents:

Council have utilised the RMS Prequalified Traffic Signals Tender panel to source quotes to carry out the works. As per Council's procurement policy, AS2124 has been utilised for this purpose.

Statutory Requirements

The value of the contract is above the threshold where Council is required to call tenders under s55 of the Local Government Act. The invitations to tender were not made by public notice under s55(2) as Council is exempt under s55(4)

(4) A council that invites tenders from selected persons only is taken to comply with the requirements of this section if those persons are selected:

(a) from persons who have responded to a public advertisement for expressions of interest in the particular contract for which tenders are being invited, or

(b) from persons who have responded to a public advertisement for recognition as recognised contractors with respect to contracts of the same kind as that for which tenders are being invited.

RMS established their list of pre-qualified contractors after public advertisement.

Implementation Date / Priority:

Upon Council's resolution to accept the price to relocate the traffic signals, CityWorks will engage the RMS prequalified traffic signals subcontractor immediately to avoid delays to the overall project. It is envisaged the work will be staged to fit in with the staging of the civil works. RMS will reimburse Council with a margin when an invoice is submitted by the subcontractor on a monthly basis.

Recommendation:

That Council accepts the recommendations as set out in this report and moves the motion as detailed in the confidential attachment.

TENDER RFT-629-TO: SUPPLY OF ONE LANDFILL COMPACTOR

Purpose:

To report to Council the result of tendering for the supply of a replacement for Council's Landfill Compactor and to gain Council approval to accept a tender.

Description of Item:

The Landfill Compactor is purpose designed and built for spreading and compacting large volumes of waste. It will be operated seven days a week at Council's Englands Road Waste Facility.

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

Tenders were called and closed 28 January 2014 for the replacement of Council's Landfill Compactor.

Three conforming tenders were received from the following:

1. WesTrac Pty Ltd, Raymond Terrace, NSW.
2. GCM Enviro Pty Ltd, Mr Kuring-gai, NSW.
3. BT Equipment Pty Ltd t/a Tutt Bryant Equipment, South Granville, NSW

One non-conforming tender was received from the following:

1. RD Williams Machinery Pty Ltd, Rocklea, Qld.

Sustainability Assessment:

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

• **Environment**

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

- **Social**

A review was undertaken to determine the specific requirement for the Landfill Compactor in the Council fleet. The outcome was to best serve Council operations that Council needed to replace Council's exiting unit with a unit of the same weight. It must also have a high level of manoeuvrability and vision as Council's landfill has limited space in which to carry out the compaction operation.

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

- **Civic Leadership**

The operation for which the Landfill Compactor is engaged, the spreading and compacting of waste is consistent with Council's 2030 Strategic Plan, as it will provide necessary service for present and future communities

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

- **Economic**

Broader Economic Implications

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

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

Delivery Program/Operational Plan Implications

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

Risk Analysis:

When considering the Enterprise Risk Rating Levels the following main considerations are applicable:

Financial: Council has limited landfill space and if materials are not properly compacted then air space at the landfill will be wasted resulting in a financial loss at a later time.

Environmental: The compaction and covering of waste material is a requirement in the operation of the landfill and is undertaken to fulfill EPA licence requirements of the Waste Facility

Consultation:

The Tender evaluation has included consultation with Council's Waste Services, plant operators, WHS officer, workshop and operational staff.

Related Policy and / or Precedents:

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

Statutory Requirements:

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

Issues:

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

During the assessment it was found that the tender from RD Williams Machinery Pty Ltd did not comply with the requirements of the tender. The tender was rejected as non- conforming and was not assessed.

All conforming machines tendered were subject to field evaluation and inspection. Council's Waste Coordinator, landfill operator, safety officer and workshop staff carried out the evaluation and submitted the relevant test reports accordingly. After the evaluation the recommended machine was deemed best overall package for Councils operational needs.

Implementation Date / Priority:

The time for the supply of the landfill compactor is 16 weeks. If Council resolves to award the contract, it is expected the landfill compactor will be delivered in late July 2014

Recommendation:

That Council consider tenders received for the supply of One Landfill Compactor Contract No. RFT-629-TO and move the motion as detailed in the confidential attachment.

CONTRACT NO. RFT-633-TO: COOK DRIVE/PACIFIC HIGHWAY INTERSECTION UPGRADE - ROUNDABOUT CONSTRUCTION - CONCRETE COMPONENT

Purpose:

To report to Council on the tender arrangements for roundabout construction – concrete component traffic associated with the intersection upgrade of the Pacific Highway at Cook Drive/North Boambee Road Coffs Harbour and to gain Council approval to enter into a contract with the successful tenderer.

Description of Item:

Coffs Harbour Council CityWorks (CityWorks) have entered into an Alliance with Roads and Maritime Services (RMS) to upgrade the intersection of the Pacific Highway and Cook Drive / North Boambee Road, Coffs Harbour. RMS are providing 100% of the funding and CityWorks are project managing and constructing the works. Construction of a concrete roundabout on Cook Drive is part of the Alliance scope with CityWorks responsible to engage a suitable subcontractor. CityWorks sought quotes by open tender, advertising in local and Sydney papers and also on Tenderlink. The recommended tenderer has provided a price to complete these works and been assessed as most suitable.

Open Tenders were called in local and capital city newspapers and in Council's Tenderlink portal from suitably qualified concretors. Tenders closed at 3:30pm on 28 January 2014.

Tenders were evaluated on the following criteria:

- Tenderer's financial capability and Tender conformity.
- Tender Price
- Work health safety management systems and performance
- Tenderer's experience & record of performance in similar projects
- Capacity to meet the civil program schedule

Two tenders were received from:

- 1 FJE and J Farlow, Toormina, NSW.
- 2 Nanobuild Pty Ltd, Grafton, NSW.

The lump sum price quoted has been factored into the estimate for the overall works under the Alliance Agreement.

Sustainability Assessment:

- **Environment**

RMS engaged GHD to prepare a Review of Environmental Factors (REF). The result was that some minor issues needed to be considered and catered for during the works however the benefits were resoundingly in favour of progressing with the Project.

- **Social**

If the intersection is upgraded, the traffic flows for vehicles using the Pacific Highway, North Boambee Road and Cook Drive will be much less congested. The current situation sees gridlock and traffic banking on both the highway and the intersecting streets.

- **Civic Leadership**

The works are in keeping with the Coffs Harbour 2030 Community Strategic Plan associated with improving Transport for the region.

- **Economic**

By CityWorks taking on this role, it assists in the accelerated upgrade of this intersection and any revenue gained by CityWorks contributes toward the further upgrade of Council Infrastructure and assets. The project also keeps jobs and money in the Coffs community. There are no other local RMS Pre-qualified subcontractors that can carry out these works so it is likely that a company from out of town would have carried out these works had Council been unavailable.

Delivery Program/Operational Plan Implications

CityWorks is on track to deliver the 2013/2014 Capital Works Program and has sufficient resources available to deliver the Project.

Risk Analysis:

The roundabout forms an integral part of the scope of this project. RMS have signed a deed of agreement with deadlines set for completion and use of the roundabout. By not accepting the quotation for the roundabout construction, delays will result and the Alliance will be in breach of the Deed of Agreement. CityWorks will also be in breach of the Alliance Agreement.

Consultation:

Council's procurement process has been followed in advertising this tender. RMS have been involved in the tender assessment process. Community advertisement has been utilised to consult with the community.

Related Policy and / or Precedents:

The open tender system has been utilised for these quotes involving advertising in both Sydney and local papers and also on Tenderlink. .

Implementation Date / Priority:

Upon Council's resolution to accept the price for the roundabout construction, CityWorks will engage the subcontractor immediately to avoid delays to the overall project. It is envisaged the work will be staged to fit in with the staging of the civil works. RMS will reimburse Council with a margin when an invoice is submitted by the subcontractor on a monthly basis.

Recommendation:

That Council accepts the recommendations as set out in this report and moves the motion as detailed in the confidential attachment.

CONTRACT NO. RFT-603-TO: CASTLE STREET CAR PARK METAL ROOF

Purpose:

To report on tenders received for Contract No. RFT-603-TO; Castle Street Car Park Metal Roof and to gain Council approval to not accept any tender and procure a redesigned structure either by recalling tenders or direct management.

Description of Item:

Following Council's allocation on funding for the project in July 2013, consultants were engaged to design and seek development approval for a duplex lift and metal deck roof to the Castle Street Car Park as components of the CBD Master Plan. In an effort to have the works constructed as soon as possible a number of steps in the procurement process were overlapped for the various components.

During DA assessment, tenders were called for the supply and installation of the lift equipment. Council resolved in August 2013 to accept a tender from KONE Elevators P/L. Delivery of the equipment is due shortly.

The lift shaft to house the equipment is about to commence construction by direct management of subcontractors utilizing the services of external Project Managers, Commercial Projects Group P/L (CPG). CPG are the Project Managers for Gowings in the redevelopment of the City Central complex and have expertise in construction management as well as local knowledge regarding interfacing the lift and roof with the adjacent development.

Open tenders for the metal deck roof were called in December 2013 with the intent that CPG would act as Council's representative in administering this head contract while they were on site directly managing subcontractors for the lift.

The roof tender comprises the supply and installation of zincalume steel roof sheeting fixed to fabricated structural steel over the top two split-levels of the Car Park. The two roofs will drain to the centre of the carpark where a box gutter will drain to ground level.



(artist view of Lift and Roof from Vernon Street)

Tenders closed at 3:30pm on Tuesday 28 January 2014 with a 90 day validity period ending 28 April 2014. Tenders were evaluated against the following criteria:

- The Tenderer's financial capability and Tender conformity. These criteria were hurdles and were not scored. Only conforming Tenders and Tenderers with adequate financial resources were considered further.
- Tender Price
- Capability
- Relevant Experience
- Methodology
- Quality and Safety

Four conforming tenders were received.

1. Cbuild North Coast Pty Limited, Coffs Harbour
2. Edwards Constructions Pty Limited, Wollongong with local office at the Jetty
3. FM Glenn Pty Limited, Coffs Harbour
4. Nanobuild Pty Limited, Grafton

Two non-conforming tenders were also received

5. AE Gibson And Sons Pty Limited, Kendall NSW
6. Complete Steel Australia, Minto NSW

Sustainability Assessment:

- **Environment**

Environmental issues were covered during the review of environmental factors as part of the DA process and following detailed design by an external Architect.

Structural allowance was made in the design for future installation of solar panels to the western half of the roof.

- **Social**

The proposed roof structure will provide sun and hail protection to shoppers and vehicles parking on the top levels of the car park. When coupled with improved access via the duplex lift, this will lead to increased use parking throughout the complex and increase CBD patronage from both able bodied and persons with disabilities.

- **Civic Leadership**

The project will address themes in the Coffs Harbour 2030 Community Plan relating to Looking After Our Communities and Moving Around.

- **Economic**

Broader Economic Implications

The works form part of the City Centre Master Plan focused on improving commerce in the CBD.

Delivery program/Operational Plan Implications

Council at its meeting of 11 July 2013 resolved that:

Council allocate \$1.25 million from funds held in reserve from the sale of 218 Harbour Drive for projects relating to car parking projects in the CBD to the Castle Street Car Park Lift and Shade Structures project.

The summation of the preferred roof tender and the estimated cost for the lift exceeds the available budget. This report recommends a way forward to procure both works within budget via redesign and staging the works.

Risk Analysis:

During assessment of tenders it was found that the cost of controlling work, health and safety risks of persons working at heights, in an area open to the public was the main contributor to the high cost of the roof.

The roof contractor's safety management system will need to put in place overhead protection, prevent falls from heights and enable materials to be delivered to the top floors of the car park while allowing public access from ground to level 5. Access to the ground floor will also need to be maintained on Sundays for the community markets.

The roof contractor will be the Principal Contractor for the roof and, as such, will need to coordinate their construction activities with CPG who will be working on the adjacent lift at the same time and facing similar risks.

One addendum to the tender documents was issued in accordance with s170(2) of the Regulation revising the scope of works; giving access for deliveries in the Riding Lane carpark (to reduce WHS risk) and clarifying the responsibilities of Principal Contractors working on adjacent construction sites.

Another contributor to cost will be the duplication of establishment and overheads in having two Principal Contractors on site; one for the roof contract and one for the lift.

To manage cost risk it is proposed to redesign the roof to make it safer and cheaper to build and stage the works to bring them within budget. The option of reducing overheads by combining the roof and lift works under one contract management package will be investigated following completion of the redesign and detail estimates.

Consultation:

Considerable consultation has occurred between staff, design consultants, Quantity Surveyor and committee members to produce a design concept that meets service requirements and budget.

The assessment of tenders was carried out by internal staff assisted by CPG. CPG signed a confidentiality agreement and declared no conflict of interest prior to being given access to tender information.

The works are part of the City Centre Master Plan being delivered with the advice of the CBD committee. Representatives of the Committee were kept informed during the tender assessment and gave advice on design and management of the construction projects. They were not privy to any confidential tender information.

Related Policy and / or Precedents:

Tender procedures and analysis were carried out in accordance with Council policy, in particular the 'Tender Value Selection System' (TVSS).

Council's policy is that 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.

Council is required to make a decision with respect to tenders under clause s178 of the Regulation:-

178 Acceptance of tenders

- (1) After considering the tenders submitted for a proposed contract, the council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) decline to accept any of the tenders.**
- (1A)*
- (2) A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176).*
- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,*
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.**

No tender is considered advantageous in the circumstances as there is insufficient budget.

Council has 4 options assuming the works must proceed – identify additional funding, recall tenders based on different details (design, staging, etc), negotiate or carry out the works itself.

Issues:

Option 1 – Increase the Budget and accept a Tender:-

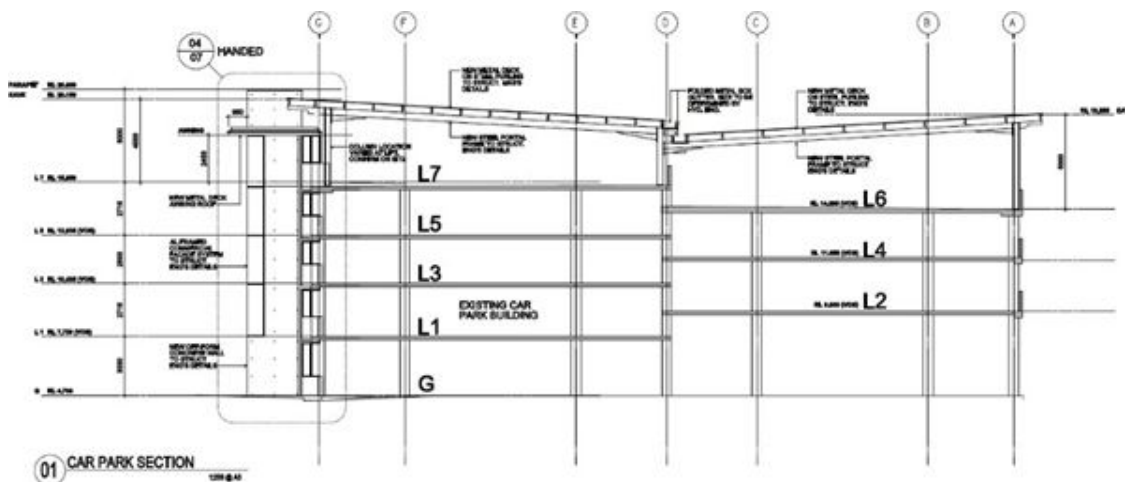
Two of the six tenders received were considered non-conforming as they were offers for only part of the works and therefore not considered further.

The remaining four tenders were from reputable companies with various levels of experience in a range of projects. Some tenderers had extensive experience in multi-level building construction, including car parks, while others had more limited experience with low rise commercial projects.

The most advantageous tender, if additional funds can be allocated, is the cheapest tender identified in the confidential attachment.

Option 2 – Recall tenders based on a new design

Tenders were based on this design:-



Following consultation with CPG and the Architect, the roof can be redesigned to make it cheaper and safer to build with construction staged according to available budget.

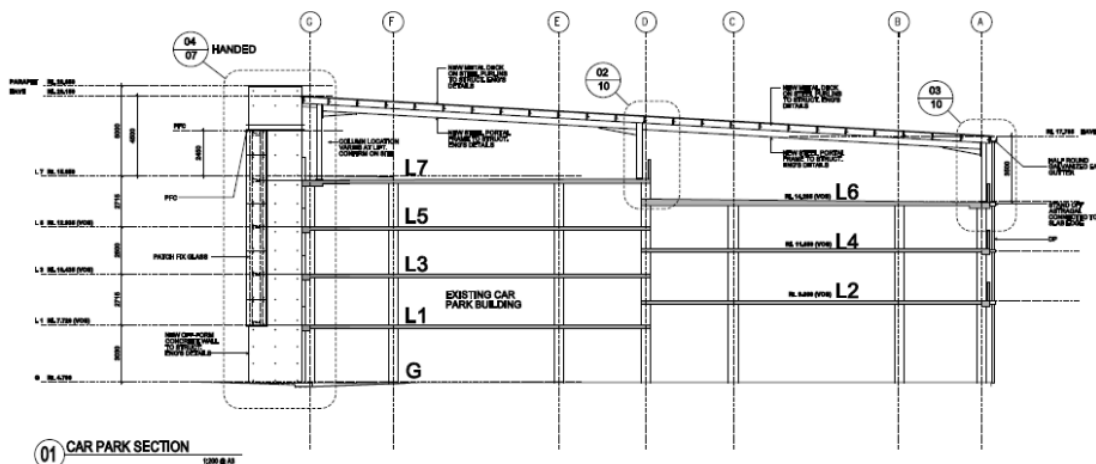
Additionally, savings to the budget can be secured by redesigning the lift well without effecting the lift equipment already ordered.

The Architect and Structural Engineer have been instructed to investigate and price possible saving measures including:-

1. making it safer to build, and thereby omitting the need for expensive scaffolding, by eliminating the roof overhang on the Castle St and Riding Lane sides
2. reducing the roof area capable of supporting solar panels to that area required to generate sufficient power to drive the lifts and carpark lighting only
3. making the roof single pitch, eliminating the box gutter and associated supports, simplifying the haunches to reduce fabrication labour and hopefully drain the roof to existing rooftop outlets via a single eaves gutter on the Riding Lane side
4. staging the construction of the roof - 75% of the top split levels constructed now with the balance deferred until funds become available. 75% represents the distance from the lifts to the area previously leased to Cex.

- reducing the height of the roof by reducing the column height

The following redesign is to be costed (note; no overhangs):



Council could recall roof tenders based on this new design.

Commencement of construction would be delayed however due to the need to redesign and retender which will impact the planned concurrent construction of the lift and roof. This will result in additional construction management costs.

Option 3 – Negotiate

Council could potentially pass over all tenders and negotiate with the most favorable Tenderer with the view to entering into a contract for the existing design however there are few, if any, areas in the tenders that are capable of negotiation without a substantial change to design.

Whether Council has the ability to directly negotiate on the basis of a new design is a moot point. This is because the Regulation requires Council to negotiate “the subject matter of the tender” and whether a different shape, size and structural capacity still constitutes the same subject matter is debatable. It could be argued that the redesign is so different as to make it a different subject matter then that envisaged in the original tender document and should therefore be advertised for tenders again.

Potential objections from those who tendered could be overcome by recalling tenders from only the complying Tenderers. This would maintain competition but the economics of the decision would rely heavily on whether confidentiality of tenderer’s prices has been maintained in the industry to allow market forces to drive the price down – something which Council has no control over. There is also a time and cost penalty involved in retendering.

Option 4 – Council resolves to carry out the work itself

Council can resolve to carry out the requirements of the proposed contract itself. Any subcontract valued over the tender threshold of \$150,000 would still need to be tendered e.g. the structural steel or roof sheeting if the staging plan doesn’t bring the estimate below threshold.

The proposed procurement method would be by direct management of subcontractors utilising the services of CPG simultaneously with the lift. Overheads would be reduced as there would only be one managing contractor on site with one establishment rather than two.

CPG have the ability and capacity to manage both projects and have already priced to manage the roof construction in their current engagement.

This option is potentially the quickest way forward if tenders do not need to be called for any subcontracts and would provide Council with maximum flexibility in scheduling construction. Council would, however, take on full price risk for the roof and lift construction as there would be no fixed contract Lump Sum for either works. CPG's risk would be limited to their fixed price quoted for construction management services for the lift and roof.

Construction of the lift and roof could start as soon as the works are redesigned and trade subcontractors engaged. The lift and roof would potentially proceed concurrently.

Implementation Date / Priority:

Commencement of construction of the roof is dependent upon Council's resolution.

If additional funds were to be allocated the roof contract can be awarded upon resolution with a contract period of 14 calendar weeks finishing in July. The roof will run concurrently with the lift which is scheduled to finish end of August 2014.

If roof tenders are recalled then the roof will be delayed by approximately 4 to 5 weeks finishing after the lift. Construction of the lift will start in March.

Recommendation:

That Council consider tenders received for Contract No. RFT-603-TO Castle Street Car Park Metal Roof and move the motion as detailed in the confidential attachment.

PROPOSED DISPOSAL OF LAND TO HEALTH INFRASTRUCTURE

Purpose:

To seek Council guidance for the disposal to NSW Health of land which is currently part of the Coffs Coast Sport & Leisure Park Precinct at Coffs Harbour.

Description of Item:

During recent years the car parking issues at the Coffs Harbour Health Campus (CHHC) which are well documented and known in the community have become more pressing of late as the hospital continues to expand on its current footprint.

During more recent times, discussions between Council and NSW Health staff have mooted the idea of a sale of land by Council to NSW Health to assist with the current issue. These discussions have resulted in a formal written offer being made by NSW Health for the purchase of a parcel of Council's land at the Sport and Leisure Park which adjoins the current CHHC. This offer was sent and dated 14 February 2014.

The land which is the subject of the NSW Health offer is more particularly described as Part Lot 204 DP1165897 and comprises an area of approximately 28,300 square metres as shown in green on the plan attached to this report as Attachment 1.

The land is generally level and cleared, however is subject to inundation in a 1% AEP event. The land is zoned SP2 Infrastructure under current LEP 2013.

The land if sold as a separate parcel is currently accessible by a gravel track from the south over which there is no formal legal access. The track traverses across the residual of Lot 204 DP 1165897 and connects with Stadium Drive to the south and is known in part as Phil Hawthorne Drive.

The land proposed to be sold adjoins the south-east portion of the CHHC and could be easily incorporated into the facility by a simple boundary adjustment which is permissible under the current planning regime.

The recent formal offer by NSW Health is summarised in the confidential attachment to this report.

During recent discussions between the parties two valuations were commissioned on the land. There was a substantial difference between these valuations however a compromise was reached following a meeting of both Valuers as detailed in the Confidential Attachment.

The NSW Health offer to Council is below the market value of the land as assessed by the valuers, thereby effectively requesting a subsidy by Council for the land for a purpose that is principally a responsibility of the NSW Government and not a Local Government function.

The addition of the land to address parking at the CHHC does however provide a good community outcome for the people of Coffs Harbour and NSW Health have indicated in their offer a number of points of relevance.

1. A multi-storey car park is not financially feasible for CHHC on its existing land given the substantial capital cost.

2. Provision of an additional dedicated parking area will free up areas currently used for informal parking which should be dedicated to storm event management (overland flow paths) feeding into waterways managed by Council.
3. The provision of the land would provide for the potential to provide additional future parking catering to an ever expanding clinical facility and population.
4. The upgrading of the access road known as Phil Hawthorne Drive.
5. Provision of a secondary and safe access point to the CHHC which is not on the Pacific Highway.
6. Possible reduction of traffic flows and congestion at the existing Pacific Highway entrance to the CHHC.
7. Provision of an at grade car park at the CHHC which is above the 1% flood level.

The offer leaves Council with a number of options which are as follows:

- a) Dispose of the land and agree to NSW Health offer.
- b) Dispose of the land at the joint valuers agreed value.
- c) Reply to NSW Health with a counter offer.
- d) Do not dispose of the land.

From Council's staff perspective it is recommended that a counter offer be made to NSW Health based on the underlying understanding that 450 car spaces will initially be constructed which is approximately 55% of the site. The details of the recommended counter offer are contained in the confidential attachment to this report.

Sustainability Assessment:

- **Environment**

There are no environmental impacts associated with the matter in relation to the acquisition. The land is cleared and its development would be subject to planning approvals and the assessment process for such infrastructure projects at a State Government level.

- **Social**

The sale of the land and its subsequent development for car parking and secondary access to the CHHC offer significant community benefits to the population of Coffs Harbour given the current issues that exist. The access to the south of the hospital and emergency access will be greatly enhanced.

- **Civic Leadership**

Whilst the provision of health services is not a Council function, rather a responsibility of the NSW State Government, the benefits to the community of Coffs Harbour would be considerable, both in regard to current and future health of the population. Coffs Harbour 2030 Vision in fact sets a healthy community as one of its key strategic visions. "We pursue healthy lifestyles and special care services and facilities are comprehensive and assessable to all".

- **Economic**

Broader Economic Implications

The facility would generate employment during construction and of course there will be the ongoing benefits in regard to the efficiency of access and parking. The provision of land and car parking should also provide a foundation to expand health services at the facility and reinforce the industry as one of the city's key economic drivers.

Delivery Program/Operational Plan Implications

Costs would have minimal implications to Council's current Operational Plan and would generally be associated with legal's in regard to conveyancing and costs associated with the survey, registration and boundary adjustment as required. These costs can be offset by any proceeds from the sale of the land. Any subsidy provided would obviously be a reduction to Council's current assets.

There may be Delivery Program implications dependent on the infrastructure maintenance agreement reached with NSW Health in establishment of the right of carriageway.

Risk Analysis:

The primary risk associated with this proposal is to the ability of Councils Sport's Unit to manage events and traffic with a new public access point to the Hospital. Mitigation options however can be designed into the agreement with NSW Health.

There are limited risks associated with the proposed in principle agreement as it is subject to resolution of issues detailed in this report.

The net proceeds from the sale of the land can be made available to the program budget of the Coffs Coast Sport and Leisure Park.

Consultation:

Comments from Sports Unit

Day to day operation of the Coffs Coast Sport & Leisure Park relies on safe pedestrian access across Phil Hawthorn Drive and safe, convenient access to parking. The Sports Unit also regularly holds a number of large participation and spectator events which require significant traffic management and sometimes closure of Phil Hawthorn Drive to traffic. Establishment of the Hospital access road and right of carriageway will increase day to day risk management of the Coffs Coast Sport & Leisure Park and significantly increase the complexity of traffic management for major events.

Comments from Engineering Services

NSW Health has been provided with comment in relation to flood impacts of the road proposal and the traffic and road safety issues which will need to be addressed. NSW Health has engaged consultants to carry out a flood impact assessment and a traffic management study for the proposal. It appears that the proposal in its current form is to construct/reconstruct Phil Hawthorn Drive from Stadium Drive through to the proposed car park at approximately current levels. While this minimises adverse flood impacts of the proposal the road will be subject to flooding for minor flood events and impassable for major flood events. Options for raising the road to improve flood protection have been assessed. These options obviously come at significantly increased cost and risk in terms of increased flood levels on adjoining land. From a traffic management perspective the net community benefit of a secondary access to the Hospital outweighs the risks associated with potential closure of the road due to flooding. The NSW Health proposal will need to consider flood markers, warning signs and possibly gates to manage the flood risk to traffic.

NSW Health has not provided any details of proposed traffic management works as part of the proposal. Preliminary analysis of the Phil Hawthorn Drive/Stadium Drive intersection has shown that an intersection upgrade, such as a roundabout, may be required but this has yet to be confirmed. It is anticipated that traffic management works such as pedestrian refuges, speed humps and warning signs will be required to address the pedestrian and road safety risks associated with operation of the Coffs Coast Sport & Leisure Park.

Related Policy and / or Precedents:

Council has in the past provided land to the CHHC due to environmental and flooding restrictions over the site which have restricted development. The following land transfers have to date enabled critically needed facilities to be provided.

1. A site of 4,529 square metres was provided for Rotary to construct affordable residential accommodation for patients receiving treatment and their carers. The land is leased to Rotary for 20 years for \$1 per annum.
2. A site of 3,984 square metres and more recently expanded to 5,106 square metres, was provided to the University of NSW School of Rural Health for 40 years for \$1 per annum.
3. A site of 11,640 square metres for the Cancer Treatment Centre which was transferred to the State Government free of charge.
4. A site of 4,650 square metres was sold to enable the expansion of the Mental Health Unit at the Hospital. The land was used for the provision of car parking and a wildlife corridor. Council agreed to accept \$100,000 for the land which was substantially less than its value.

As can be seen from the above information, Council has been very generous over the years for the good of the community, bearing in mind that the provision of health related services is not a responsibility of local government.

Statutory Requirements:

From a legal point of view Council can dispose of the land which is classified Operational under the Local Government Act 1993, subject to a formal resolution of Council.

Issues:

The main issue to resolve is whether Council should dispose of the land and if so should it provide the land at a subsidised rate. Government levels of responsibility are pertinent, but so too is the consideration for the overall good of the community.

Although NSW Health are offering to provide an upgraded access to the land from Stadium Drive, the infrastructure is not seen as a benefit to Council who administer and control the Coffs Coast Sport & Leisure Park which includes the Stadium, hockey and other fields and nearby motorsport venues. Although the costs of this upgrade are considerable, the benefits are negligible to Council and may even on some levels be a detriment to the ability to manage larger sporting events in the precinct.

NSW Health have also proposed in their offer to acquire a small section of land being 3,500 square metres for access or road purposes to the east of the land in question. It is considered more appropriate that a right of way be created from Stadium Drive through to the northern part of the site to afford legal access as opposed to creating a public dedicated road through Coffs Coast Sport & Leisure Park. An easement would provide suitable legal access to the hospital in perpetuity, but would also provide greater flexibility in future, both in regard to access alignment and maintenance responsibilities.

Another issue which at this stage is unresolved is that a roundabout may be required at Stadium Drive where the new access road would intersect (corner Phil Hawthorne Drive and Stadium Drive) and is the result of forecast increased traffic which will access the hospital from the south. The costs of the roundabout would be a responsibility of NSW Health as part of the upgraded access, but a roundabout at this location may also have impacts on Council managed and private traffic movement.

Should a car park not be located at grade on this land it is likely that in the short to medium term car parking arrangements at the CHHC will remain unresolved as multi-deck car parking is expensive and may be beyond current budget constraints of NSW Health.

Implementation Date / Priority:

The matter can be acted upon immediately.

Recommendation:

1. **That Council in principle agree to the provision of the land to the Coffs Harbour Health Campus at a subsidised rate.**
2. **That Council make a counter offer to NSW Health in line with the terms of this report.**
3. **That Council adopt the recommendation in the confidential attachment to this report, noting that some items will remain confidential until negotiations are complete.**
4. **That any necessary documents required be executed under the common seal of Council once agreement is reached.**
5. **That the net proceeds from the sale of the land be put to the program budget for the Coffs Coast Sport and Leisure Park.**

MONTHLY BUDGET REVIEW FOR JANUARY 2014

Purpose:

To report on the estimated budget position as at 31 January 2014.

Description of Item:

Estimated Budget Position as at 31 January 2014:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 13 June 2013	426,307 (D)	4,553,442 (D)	3,165,226 (D)
Approved Variations to 31 December	(408,707) (S)	Nil	Nil
Recommended variations January 2014	Nil	(556,076) (S)	(300,000) (S)
Estimated result as at 31 January 2014	17,600 (D)	3,997,366 (D)	2,865,226 (D)

General Account

Deficit/(Surplus)

Sponsorship of BCU Coffs Tri 2014	13,000 (D)
Transfer of funding from Business Development reserve per above	(13,000) (S)
2013 Mayoral Ball expenses incurred	30,459 (D)
2013 Mayoral Ball income received	(26,489) (S)
Net cost of mayoral ball offset by savings in EDU's staff costs	(3,970) (S)
Revision of airport operational and capital works program budgets:	
- Terminal Enhancements	(189,000) (S)
- Runway Overlay	8,000 (D)
- Car Park Extension	(225,000) (S)
- Apron Overlay and Extension	189,000 (D)
- Terminal Area Masterplan	8,581 (D)
- General Car Parking Income	(22,000) (S)
- Security Car Park Income	(8,800) (S)
Surplus funds transferred back to airport reserve	239,219 (D)
Purchase of computer tablets to facilitate transition to electronic Development Assessments and Construction Certificate evaluation and inspections	12,000 (D)
Funding of tablet purchase through surplus City Planning staff costs	(12,000) (S)
Revision of Bridge major repairs program:	
- Bobo Bridge	16,000 (D)
- James Small Drive footbridge replacement	62,000 (D)
- Harry Jensen Bridge	10,000 (D)
- Ferrets Bridge	10,000 (D)
- Seccombes Bridge	(25,000) (S)
- Puhos Bridge	10,000 (D)

- Hartleys Bridge	2,000 (D)
- Bridge investigations/appraisal	60,000 (D)
- Davies Bridge	(30,000) (S)
- Herds Bridge	25,000 (D)
Bridge major repairs unallocated funding	(140,000) (S)

West Woolgoolga Sportsground works including design and site monitoring funded from Section 94	17,792 (D)
Section 94 funds held	(17,792) (S)

Total Nil

Water Account

Reduction in water efficiency expenditure relating to meter exchange program	(100,000) (S)
To recognise income from sale of scrap metal relating to meter exchange program	(6,076) (S)
Water Strategy review to be undertaken in 2015/16	(450,000) (S)

Total (556,076) (S)

Sewer Account

Sewer Strategy review to be undertaken in 2015/16	(300,000) (S)
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Total (300,000) (S)

Sustainability Assessment:

- **Environment**

There are no perceived short or long-term environmental impacts.

- **Social**

There are no perceived short or long term social impacts.

- **Civic Leadership**

Council strives to reach a balanced budget cash position by June 30 each year in conjunction with meeting its short term priorities.

- **Economic**

Broader Economic Implications

When dealing with increased community demands Council has to focus on the balance of providing services with the limited funds available. Council aims to ensure that a healthy financial position is maintained to ensure ongoing viability of the organisation.

Delivery Program/Operational Plan Implications

The Original budget for the General Account adopted on the 13 June 2013 provided for a deficit of \$426,307.

For substantial budget adjustments the associated council reports have addressed the triple bottom line factors independently in 2013/14.

Risk Analysis:

Not applicable.

Consultation:

Managers and their relevant staff have been provided with electronic budget reports for each program on a monthly basis. Requested variations and variations adopted by Council have been included in the report.

Related Policy and / or Precedents:

The Director of Corporate Business has provided guidelines to staff regarding their responsibilities relating to effective and transparent budget review and assessment processes. This framework provides guidance in achieving the objective of a year end balanced budget in the General Fund.

Statutory Requirements:

Under local government regulations Council is required to submit a quarterly budget review to Council. Therefore Council is under no obligation to provide monthly reviews but has recommended they be completed as part of prudent financial management.

The Responsible Accounting Officer believes this report indicates the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

Issues:

Currently any major budget issues are collated and addressed on a monthly basis via a separate report to the Corporate Development Team.

Implementation Date / Priority:

Management will continue to monitor the organisation's performance with a view to improving service delivery.

Recommendation:

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

Estimated Budget Position as at 31 January 2014:

	General Account \$	Water Account \$	Sewer Account \$
Original Budget adopted 13 June 2013	426,307 (D)	4,553,442 (D)	3,165,226 (D)
Approved Variations to 31 December	(408,707) (S)	Nil	Nil
Recommended variations January 2014	Nil	(556,076) (S)	(300,000) (S)
Estimated result as at 31 January 2014	<u>17,600 (D)</u>	<u>3,997,366 (D)</u>	<u>2,865,226 (D)</u>

BANK BALANCES AND INVESTMENT FOR FEBRUARY 2014

Purpose:

To list Council's bank balances and investments as at 28 February 2014.

Description of Item:

A copy of the state of Bank Balances and Investments as at 28 February 2014 is attached.

It should be noted that Council is required to account for investments in accordance with the Australian International Financial Reporting Standards. Term deposits are shown at face value all other investment balances at the end of each month reflect market value movements which would be inclusive of accrued interest.

Interest when paid, say quarterly, would result in reductions in the market value of the investments.

The Investment Report reflects the above requirements and reflects the interest earned (or accrued) on each investment, based on the acquisition price.

Reports written by CPG Research & Advisory Pty Ltd (Council's investment portfolio advisors) which examine economic and financial markets data for February 2014, and review the performance of Council's investment portfolio for the month ended 28 February 2014 and the quarter ended 31 December 2013, are available in the Councillors' Resource Centre.

Sustainability Assessment:

- **Environment**

There are no perceived current or future environmental impacts.

- **Social**

There are no perceived current or future social impacts.

- **Civic Leadership**

Council invests surplus funds to maximise investment income and preserve capital to assist with funding requirements for projects listed under the Coffs Harbour 2030 Community Strategic Plan.

- **Economic**

Broader Economic Implications

Council's investments are held according to the requirements stated within Council's investments policy and the returns are acceptable in relation thereto. In the long term earnings from investments can vary due to economic conditions and financial markets. Council constructs its investment portfolio with consideration of current conditions and to comply with the Office of Local Government's (formerly Division of Local Government) investment policy guidelines.

Delivery Program/Operational Plan Implications

For February 2014 it is noted that after deducting, from the total bank and investment balances of \$156,773,786 the estimated restricted General, Trust, Water and Sewerage cash and investments (\$156,653,906) the Unrestricted Cash is \$119,880.

Risk Analysis:

The likelihood of risk associated with New South Wales Local Governments investing funds is now remote due to the conservative nature of investments permitted under statutory requirements. The risk of capital not being returned in relation to each individual investment Council owns is indicated in the attachment. The main risks for Council's investment portfolio are liquidity and credit risk, both of which are being managed under the advice of CPG Research & Advisory Pty Ltd.

Consultation:

Council's investment advisors, CPG Research & Advisory Pty Ltd have been consulted in the preparation of this report.

Related Policy and / or Precedents:

Council funds have been invested in accordance with Council's *Investment Policy* (POL-049), which was adopted on 22 August 2013.

Statutory Requirements:

Local Government Act 1993 – Section 625

Local Government Act 1993 – Investment Order (dated 12 January 2011).

Local Government General Regulation 2005

The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) and 14C(2).

Issues:

Nil.

Implementation Date / Priority:

Nil.

Further details are provided as a note on the attachment.

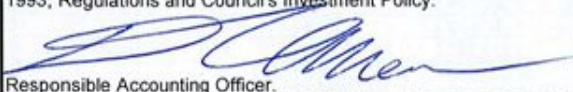
Recommendation:

1. That the bank balances and investments totaling (from loans, Section 94 and other avenues that form the restricted accounts and are committed for future works) one hundred and fifty-six million, seven hundred and seventy-three thousand, and seven hundred and eighty-six dollars (\$156,773,786) as at 28 February 2014 be noted.
2. That the general fund unrestricted cash and investments totaling one hundred and nineteen thousand, eight hundred and eighty dollars (\$119,880) as at 28 February 2014 be noted.

BANK BALANCES AND INVESTMENTS AS AT 28 FEBRUARY 2014

Attachment

	Credit Rating at 28/2/14	Legal Maturity	Acquisition Price \$	Market Value as at 1/2/14 \$	Market Value as at 28/2/14 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) / Current Coupon	Risk of capital not being returned
OVERNIGHT FUNDS:								
Cash - Fair Value movements through profit & loss								
NAB - Bank Accounts	AA-			4,054,939	3,295,747	59,404	2.32	Low
UBS Cash Management Trust	AAA			2,718,266	735,692	14,733	1.57	Low
Members Equity Bank - Business Investment Account	BBB+			71	72	1	3.25	Low
NAB Professional Funds Account	AA-			10,453	9,741,409	70,578	2.90	Low
Delphi Bank - Cash M'tment Acc't	A-			62,276	69,838	321	2.50	Low
Rabo Bank - Premium Cash Manage	AA			6,443	6,423	63	0.00	Low
Suncorp Business Saver	A+			191,818	192,223	2,901	3.25	Low
ANZ Negotiator Saver - Trust A/c	AA-			131,921	132,651	1,398	3.20	Low
Credit Union Australia Prime Access	BBB+			82	82	-	0.01	Low
Total				7,176,268	14,174,135	149,400		
BENCHMARK RATE - 11 AM INDICATIVE CASH RATE							2.50	
BENCHMARK RATE - UBS BANK BILL INDEX							2.79	
Term Deposits - Fair Value movements through profit & loss								
Investec 17/11/14	BBB-	17/11/2014	8,000,000	8,000,000	8,000,000	401,050	7.53	Low
Investec 29/6/16	BBB-	29/06/2016	1,000,000	1,000,000	1,000,000	49,732	7.47	Low
Investec 8/7/15	BBB-	8/07/2015	1,000,000	1,000,000	1,000,000	48,001	7.21	Low
Investec 8/8/16	BBB-	8/08/2016	2,500,000	2,500,000	2,500,000	111,347	6.69	Low
Investec 6/6/17	BBB-	6/06/2017	2,000,000	2,000,000	2,000,000	72,434	5.44	Low
Investec 14/8/15	BBB-	14/08/2015	1,800,000	1,800,000	1,800,000	77,054	6.43	Low
AMP 24/5/16	A+	24/05/2016	5,000,000	5,000,000	5,000,000	244,664	7.35	Low
AMP 10/3/14	A+	10/03/2014	2,000,000	2,000,000	2,000,000	57,921	4.35	Low
Arab Bank 7/5/18	A-	7/05/2018	1,500,000	1,500,000	1,500,000	46,936	4.70	Low
Arab Bank 14/5/14	A-	14/05/2014	1,000,000	1,000,000	1,000,000	11,140	3.80	Low
Arab Bank 10/9/15	A-	10/09/2015	2,000,000	2,000,000	2,000,000	39,822	4.25	Low
Westpac 27/6/14	AA-	27/06/2014	1,000,000	1,000,000	1,000,000	43,274	6.50	Low
Westpac 6/5/14	AA-	6/05/2014	4,000,000	4,000,000	4,000,000	111,847	4.20	Low
NAB 9/3/15	AA-	9/03/2015	2,000,000	2,000,000	2,000,000	59,518	4.47	Low
NAB 12/3/15	AA-	12/03/2015	2,500,000	2,500,000	2,500,000	75,064	4.51	Low
Delphi Bank 29/1/15*	A-	29/01/2015	2,000,000	2,000,000	2,000,000	58,453	4.39	Low
Delphi Bank 5/8/15*	A-	5/08/2015	2,000,000	2,000,000	2,000,000	89,211	6.70	Low
Delphi Bank 7/3/14*	A-	7/03/2014	1,500,000	1,500,000	1,500,000	70,403	7.05	Low
Credit Union Australia 11/4/14	BBB+	11/04/2014	1,000,000	1,000,000	1,000,000	45,404	6.82	Low
Credit Union Australia 12/5/14	BBB+	12/05/2014	2,000,000	2,000,000	2,000,000	90,010	6.76	Low
Credit Union Australia 9/5/14	BBB+	9/05/2014	500,000	500,000	500,000	19,806	5.95	Low
Suncorp 11/8/14	A+	11/08/2014	3,000,000	3,000,000	3,000,000	125,827	6.30	Low
Bank of Queensland 4/9/17	A-	4/09/2017	2,000,000	2,000,000	2,000,000	75,230	5.65	Low
Bank of Queensland 5/2/18	A-	5/02/2018	3,000,000	3,000,000	3,000,000	102,859	5.15	Low
Bank of Queensland 5/3/18	A-	5/03/2018	2,000,000	2,000,000	2,000,000	67,907	5.10	Low
Bank of Queensland 17/5/17	A-	17/05/2017	1,000,000	1,000,000	1,000,000	30,958	4.65	Low
Bank of Queensland 20/2/18	A-	20/02/2018	1,000,000	-	1,000,000	901	4.70	Low
Rabo Direct 24/3/16	AA	24/03/2016	5,000,000	5,000,000	5,000,000	238,007	7.15	Low
Rabo Direct 10/8/15	AA	10/08/2015	1,000,000	1,000,000	1,000,000	44,605	6.70	Low
Rabo Direct 13/4/15	AA	13/04/2015	1,000,000	1,000,000	1,000,000	29,959	4.50	Low
ING 17/8/17	A-	17/08/2017	2,000,000	2,000,000	2,000,000	80,024	6.01	Low
ING 6/9/17	A-	6/09/2017	2,000,000	2,000,000	2,000,000	74,564	5.60	Low
ING 7/5/18	A-	7/05/2018	1,500,000	1,500,000	1,500,000	46,536	4.66	Low
ING 20/8/14	A-	20/08/2014	1,000,000	-	1,000,000	729	3.80	Low
ING 26/11/14	A-	26/11/2014	2,000,000	-	2,000,000	420	3.83	Low
Wide Bay 29/7/16	BBB	29/07/2016	1,000,000	1,000,000	1,000,000	47,268	7.10	Low
Wide Bay 8/8/16	BBB	8/08/2016	1,000,000	1,000,000	1,000,000	47,268	7.10	Low
ME Bank 15/5/14	BBB+	15/05/2014	2,000,000	2,000,000	2,000,000	56,589	4.25	Low
ME Bank 2/6/14	BBB+	2/06/2014	2,000,000	2,000,000	2,000,000	55,923	4.20	Low
ME Bank 18/2/19	BBB+	18/02/2019	3,000,000	-	3,000,000	4,151	5.05	Low
Beyond Bank	BBB+	31/03/2014	1,000,000	-	1,000,000	93	3.38	Low
Police Credit Union 26/2/15	NR	26/02/2015	1,000,000	1,000,000	1,000,000	30,824	4.63	Low
Police Credit Union 17/5/16	NR	17/05/2016	500,000	500,000	500,000	15,013	4.51	Low
Bendigo & Adelaide Bank	A-	16/04/2014	2,800,000	2,800,000	2,800,000	80,157	4.30	Low
Bank of Sydney 12/5/14	NR	12/05/2014	1,000,000	1,000,000	1,000,000	11,836	4.00	Low
Bank of Sydney 14/4/14 - RPT	NR	14/04/2014	1,220,000	1,220,000	1,220,000	5,996	3.90	Low
CBA 16/5/16	AA-	16/05/2016	1,000,000	1,000,000	1,000,000	29,959	4.50	Low
CBA 17/5/16	AA-	17/05/2016	1,000,000	1,000,000	1,000,000	29,959	4.50	Low
CBA 23/5/16	AA-	23/05/2016	1,000,000	1,000,000	1,000,000	30,292	4.55	Low
CBA 30/5/16	AA-	30/05/2016	1,000,000	1,000,000	1,000,000	30,292	4.55	Low
CBA 6/6/16	AA-	6/06/2016	1,000,000	1,000,000	1,000,000	30,292	4.55	Low
CBA 29/10/17	AA-	29/10/2017	2,779,070	2,779,070	2,779,070	58,194	3.03	Low
Total			98,099,070	90,099,070	98,099,070	3,305,723		

	Credit Rating at 28/2/14	Legal Maturity	Acquisition Price \$	Market Value as at 1/2/14 \$	Market Value as at 28/2/14 \$	Income Earned (net of fees) Financial Yr to Date \$	Annualised Monthly Return (Managed Funds) Current Coupon	Risk of capital not being returned
Floating Rate Notes:								
<i>Fair Value through Profit & Loss Accounting - movements through profits & loss.</i>								
Bank of Queensland 7/12/15	A-	7/12/2015	5,034,450	5,092,350	5,114,650	188,998	4.19	Low
Bank of Queensland 30/5/16	A-	30/05/2016	3,000,000	3,041,130	3,024,210	114,001	3.98	Low
CBA	AA	24/12/2015	8,310,300	8,301,990	8,337,724	406,913	3.70	Low
Macquarie Bank 9/3/17	A	9/03/2017	5,000,000	5,260,555	5,269,415	152,230	5.49	Low
Arab	A-	12/12/2014	5,000,000	5,016,715	5,019,330	118,064	4.10	Low
ME Bank	BBB+	28/11/2016	500,000	503,390	500,025	4,894	3.88	Low
Total			26,844,750	27,216,130	27,265,354	985,100		
Capital Protected Notes								
<i>Fair Value through Profit & Loss Accounting - movements through profits & loss.</i>								
Lehman #	D	15/06/2009	300,000	-	-	-	0.00	High
Lehman #^	D	15/06/2009	500,000	-	-	-	0.00	High
Total			800,000	-	-	-		
Floating Rate Term Deposits:								
Bank of Queensland	A-	26/02/2016	1,500,000	1,500,000	1,500,000	47,468	4.14	Low
ING	A	27/02/2015	2,000,000	2,000,000	2,000,000	48,655	4.13	Low
Total			3,500,000	3,500,000	3,500,000	96,123		
Fixed Coupon Bonds								
Heritage Bank	BBB+	20/06/2017	9,395,544	9,084,438	9,693,275	467,986	7.25	Low
CBA	AA-	7/11/2018	1,000,490	1,015,820	1,018,710	32,244	4.50	Low
Total			10,396,034	10,100,258	10,711,985	500,230		
Covered Bonds								
ANZ	AAA *	16/08/2023	995,350	1,019,275	1,001,900	17,139	5.00	Low
Total			995,350	1,019,275	1,001,900	17,139		
Floating Rate Transferrable Certificate of Deposit								
Greater Building Society	BBB	15/04/2016	2,000,000	2,016,280	2,021,340	84,720	4.15	Low
Total			2,000,000	2,016,280	2,021,340	84,720		
Other:								
Southern Phone Company Shares	N/A	N/A	2	2	2	-	N/A	Low
			2	2	2	-		
Securities No Longer Held (excluding Managed Funds).								
Accumulated at January 2014								
Delphi Bank TD *	A-	14/02/2014	5,000,000	5,000,000	-	220,192	7.05	Low
Bank of Sydney TD	NR	11/02/2014	2,000,000	2,000,000	-	19,233	3.90	Low
Bank of Sydney TD	NR	10/02/2014	1,000,000	1,000,000	-	3,312	3.90	Low
Macquarie Bank FRN	A	24/02/2014	1,001,180	1,009,610	-	20,744	4.49	Low
Total			9,001,180	9,009,610	-	476,220		
GRAND TOTAL (before fees)				160,136,893	156,773,786	5,615,155		
Less Portfolio Fees (Advice & Salary)						(110,742)		
GRAND TOTAL				160,136,893	156,773,786	5,504,413		
# Capital Guaranteed at maturity						\$ 4,700		
^ Ex Infrastructure IMP						\$ 5,499,713		
* Rated by Fitch								
The dates quoted alongside the name of the product for FRN's, CDO's and Fixed Bonds are first call dates.								
First call dates for FRN's & fixed bonds are the likely date of maturity because the investment issuer is severely penalised if monies are not redeemed by that date, via damage in the market to their reputation, increased coupon rates and additional capital requirements by APRA.								
Term deposits of \$250,000 or less per financial institution are covered under the Commonwealth Government Deposit Guarantee Scheme & therefore by default have the same credit rating as the Commonwealth Government i.e. AAA.								
Less Unrealised Capital Gains/(Loss) for Available For Sale Investments						\$ 4,700		
Income to Profit & Loss						\$ 5,499,713		
TOTAL CASH & INVESTMENTS AS AT 28 FEBRUARY 2014						\$ 156,773,786		
LESS ESTIMATED RESTRICTED EQUITY FOR WATER & SEWER FUNDS								
		Water Fund			\$ 32,859,952			
		Sewer Fund			\$ 56,534,910			\$ 89,394,861
GENERAL FUND CASH & INVESTMENTS						\$ 67,378,925		
LESS TRUST FUND BALANCES AS AT 28 FEBRUARY 2014						\$ 1,470,578		
LESS ESTIMATED RESTRICTED EQUITY FOR GENERAL FUND (developer contributions, grants, reserves e						\$ 65,788,468		
ESTIMATED GENERAL FUND UNRESTRICTED CASH & INVESTMENTS AS AT 30 JUNE 2014								
		Unrestricted Cash & Investments as at 30 June 2013			\$ 137,480			
		Deduct 2013/14 Budget Deficit as at 31/12/13 (adopted 27/2/14)			\$ (17,600)			
ESTIMATED GENERAL FUND UNRESTRICTED CASH & INVESTMENTS AS AT 30 JUNE 2014						\$ 119,880		
I hereby certify that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Council's Investment Policy.								
								
Responsible Accounting Officer.								

NSW PUBLIC LIBRARY FUNDING

Purpose:

To inform Council of the current situation of State Government funding for public libraries and seek Council support for the NSW Public Library Associations' campaign to improve the level of funding provided to local government in providing public library services.

Description of Item:

Council has provided a public library service to the community since 1964. The library service currently operates facilities located in Coffs Harbour, Toormina and Woolgoolga, as well as a comprehensive online presence and digital services. Council receives an annual subsidy payment from the State Library of NSW, to assist in the operation of this service, as well as grant funds for library development projects.

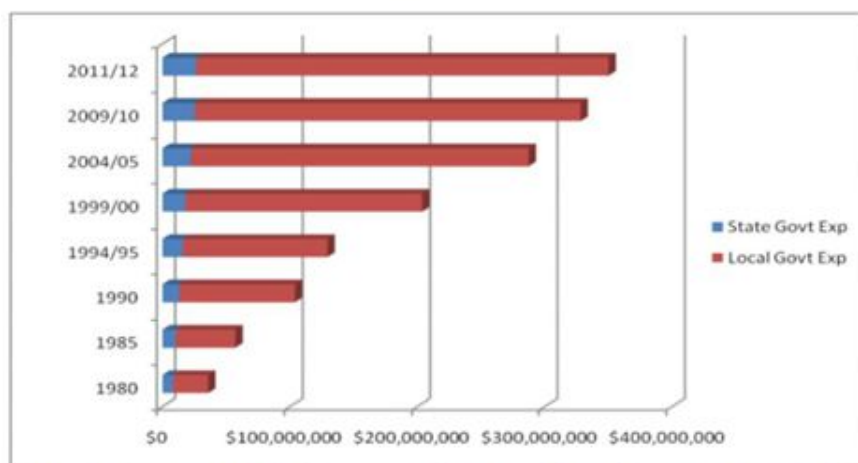
The NSW public library funding situation is an historic issue that is seen to have been ignored by successive NSW governments. The funding level has now reached a crisis point. The key issues are:

- NSW receives the lowest per capita funding for public libraries from the State Government of all States in Australia;
- State Government expenditure on public libraries has decreased as a proportion of total public library expenditure from 23% in 1980 to 7% in 2013.
- NSW Local Government councils are currently paying 93% of the costs to operate public libraries in NSW (which are governed by State legislation);
- The current NSW Public Library Funding Strategy includes three components:
 - Per capita subsidy (legislated at \$1.85 per NSW resident) - \$13,503,243 in 2012-13,
 - Disability & Geographic Adjustment (DGA) - includes a component of population-based payments and a proportion of payments based on five disability factors developed by the NSW Local Government Grants Commission (pre-school children; people over 65; people from a NESB; population distribution; isolation) - \$6,551,966;
 - Library Development Grants - \$549,996 (this amount has reduced from \$3.3M in 2005-06)
- The NSW Public Library Funding Strategy is not indexed to population growth or the consumer price index (CPI). This means that:
 - Funds have been taken from the Library Development Grant pool over a number of years to meet the increased per capita subsidy costs (and the per-capita component of the Disability and Geographic Adjustment fund) as the NSW population increases each year. If the government had not provided an "additional" \$2M to maintain the Country Public Libraries fund contribution in 2013-14, there would be no funding left for Library Development Grants; and
 - If the current funding situation is not addressed urgently, NSW councils will suffer a reduction in their Disability and Geographic Adjustment payments to meet the increase in legislated per-capita subsidy costs for additional NSW population.

In 2012-13, Coffs Harbour City Council received a library subsidy of \$186,816 from the State Government. The total expenditure on library services for that year was \$1,878,764, the subsidy representing 9.9% of the total cost. Council was also successful in applying for a Library Development Grant in 2012-13, receiving \$193,650 for Radio Frequency Identification (RFID) implementation to improve customer service and automation.

The graph shown below from the State Library's report *NSW Public Library Statistics 2011/12* clearly illustrates the increasing investment made by local government on public library services compared with the State Government.

EXPENDITURE ON PUBLIC LIBRARY SERVICES



The graph above records the investment of Local and State Government in public library services for the people of New South Wales.

Sustainability Assessment:

- **Environment**

There are no environmental impacts as a result of this report.

- **Social**

Public library services can have a significant social impact on the communities they serve through free and open access to information and related technologies for all, their role as local knowledge banks and through the provision of resources and programs to support lifelong learning, literacy and literary culture. Libraries are often described as community hubs due to their strategic locations and the open and welcoming environment that they provide to everyone in the community, regardless of age or background. Continued degradation of State Government funding for public libraries puts these outcomes at risk.

- **Civic Leadership**

Public library services in NSW are provided for by local government with limited support from the State Government. Council has both a leadership and advocacy role in planning for, delivering, resourcing and managing public library services. Council's support for the NSW Public Library Funding Campaign aligns with the Community Strategic Plan strategies below:

- LC 3.1 Council supports the delivery of high quality, sustainable outcomes for Coffs Harbour; and
 - LC 3.2 Engage the community and other levels of government in securing outcomes.
- **Economic**

Broader Economic Implications

Research published in 2013 into the economic value of public libraries in Australia found that for every \$1 invested in public libraries, there was a return of \$2.90.

Delivery Program/Operational Plan Implications

Should the campaign be successful, then an increased subsidy from the State Government will offset some of the cost to Council of operating the library service and an improved grants program will provide opportunities for significant development of the service.

Risk Analysis:

The risk in relation to this matter has been assessed as minor and insignificant.

Consultation:

Coffs Harbour City Council is an active member of Public Libraries NSW and their meetings are regularly attended by the Manager – Library Services and during these meetings there has been consultation with representatives of other library services.

Related Policy and / or Precedents:

There are no current related policies however Council has supported similar action previously.

Statutory Requirements:

Public library services, including State Government subsidy and grants administration for public libraries, are governed by the Library Act 1939 (NSW) and the Library Regulation 2010 (NSW).

Issues:

Action to date

During the 2011 election campaign, the current NSW State Government made a pre-election commitment to undertake a comprehensive review of the quantum and allocation of funding for NSW public libraries. To date there has been no significant action by the government to meet this commitment.

In the absence of any government action the Library Council of NSW used the government's pre-election commitment as a trigger to convene a committee of representatives from the Public Libraries NSW Association (representing regional and rural councils and libraries), the NSW Metropolitan Public Libraries Association (representing metropolitan councils and libraries), and the State Library of NSW, to develop an evidence-based submission about public library funding.

The Library Council of NSW then provided a submission to the State Government called *Reforming Public Library Funding* in October 2012. The evidence-based submission recommended a fairer, simplified and more transparent method for the distribution of funds.

The following principles for a new approach were recommended:

- Establish a base level of funding for councils with populations below 20,000 people (a safety net for small councils);
- Grant a modest increase in per capita allocations for all councils to recognise cost movements since 1994;
- Address disadvantage transparently through the application of appropriate disability factors;
- Phase out anomalies in current allocations due to former council amalgamations;
- Ensure sustainability by providing that no council receives less recurrent funding than 2012/13; and
- Build and maintain infrastructure via a substantial capital fund, entitled the Building Library Infrastructure Program.

The Library Council recommended that recurrent public library funding to councils be adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to State-wide Programs.

In addition, a Building Library Infrastructure Program of \$30M per annum for building and maintaining infrastructure was recommended to replace the now defunct provision of grants from operating funds. This program would enable councils to renew library buildings, systems, collections and equipment in regional, urban and growth areas. It was proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

Many NSW councils wrote to Hon. George Souris, Minister for the Arts during 2012, urging the State Government to adopt the Reforming Public Library Funding strategy. Despite a high level of expectation that the State Government would fulfil its pre-election undertaking to review and increase its funding allocation to NSW public libraries, this did not eventuate in the 2013 state budget.

Coffs Harbour City Council supported this action by writing to its local State Member, Mr Andrew Fraser MP, in December 2012 requesting that he also support the Public Library Funding Reform being recommended by the Library Council of NSW.

Current campaign

The NSW Public Library Associations (NSWPLA), representing country and metropolitan libraries, are now co-ordinating a targeted campaign to bring the situation to the attention of politicians and funding decision makers to address the problem.

Local Government NSW (LGNSW) and the Australian Library and Information Association (ALIA) are assisting NSWPLA in this campaign and information will be provided to councils and public libraries on an ongoing basis from these bodies throughout the campaign. In addition, local supporters of public libraries including Friends of the Library groups and library users will be engaged in the campaign to lobby State Members.

Given that 44% of the state's population are library users, it is anticipated that there will be strong support for the campaign in the community. Research also highlights the high value placed on public libraries by users and non-users alike. There will be high level media engagement and local and national champions of public libraries will be advocating for funding reform.

Coffs Harbour Library Strategic Plan

Council's Library's Strategic Plan, *Moving Forward: Coffs Harbour City Library 2012-2016*, adopted in October 2012, highlights the need for significant additional resourcing to develop the library service to effectively meet community needs. Two primary objectives contained in this plan are; a new central library building and collection development – both would benefit from the funding reform proposed by the NSW Public Library Associations.

Conclusion

There is currently a high degree of uncertainty as to the level of ongoing funding for public libraries in NSW from the State Government. The intent of the NSW Library Act in 1939 was for equal funding from state and local governments to provide library services. Since that time local government has increasingly carried the funding burden and the situation has deteriorated significantly over the past few decades. Without urgent action from local government and NSW Public Library Associations, this situation will continue and local councils will once again be forced to pick up the funding shortfall.

Implementation Date / Priority:

The recommendation, if approved by Council is to be actioned immediately.

Recommendation:

That Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- a. **Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;**
- b. **Writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the *Reforming Public Library Funding* submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;**
- c. **Approving the distribution of NSW Public Library Associations campaign information in Council libraries;**
- d. **Taking a lead role in activating the campaign locally, including identifying opportunities, where appropriate, to advocate on the issue.**

DEVELOPMENT APPLICATION 412/14 – DEMOLITION OF EXISTING DWELLING AND SHED AND CONSTRUCTION OF MIXED USE DEVELOPMENT COMPRISING SHOP TOP HOUSING (10 UNITS) AND RETAIL PREMISES (5 TENANCIES) - LOT 8, SECTION 22 DP 759113 NO. 18 MARKET STREET, WOOLGOOLGA

Purpose:

The purpose of this report is to present Development Application No. 412/14 for Council's consideration, which is an application for the demolition of an existing dwelling and shed and construction of a three storey mixed use development comprising shop top housing (10 accommodation units) and ground level car parking and retail premises (5 tenancies).

Conditional approval of the application is recommended. The following locality plan illustrates the existing development site.



At its meeting of 22 August 2013, Council adopted *Development Applications - Consideration by Council Policy* which outlined:

That development applications for approval involving substantial aspects of the following elements be referred to Council for determination:

- *Significant public interest and community input;*
- *Substantial non-compliance with relevant strategic controls;*
- *Significant land use;*
- *Major environmental issue(s);*

In accordance with this resolution and with Department of Planning Circular PS08-014 "Reporting Variations to Development Standards", the application is reported to Council for determination, as it proposes a substantial variation to the floor space ratio standard.

Description of Item:

The site is rectangular in shape, has an area of 1011m² and is located within the B2 Local Centre Zone of Woolgoolga. The site contains an existing dwelling and shed, which will be demolished. The site has frontage to Market Street and is serviced by a rear public laneway which has recently been upgraded. Adjoining the site immediately to the west is a recently constructed mixed use development, while low density residential development exists to the east and south of the site. The Market Street locality is in transition as older low density residential housing is replaced by higher density residential and mixed use development.

The proposed development seeks approval for the following:

- Demolition of existing dwelling and shed.
- Ground Floor
 - 238m² of retail shop area divided into five separate tenancies
 - Waste storage, facilities and service areas
- First Level
 - Four (4) two bedroom residential units
 - One (1) one bedroom residential unit
- Second Level
 - Four (4) two bedroom residential units
 - One (1) one bedroom residential unit
- Nineteen onsite rear car parking spaces accessed from the laneway.

A copy of the proposed plans is included in this report as Attachment 2.

Sustainability Assessment:

• **Environment**

The site is within an established urban environment and is devoid of any native vegetation. The proposed conditions of development consent will provide appropriate measures in relation to stormwater, sediment and erosion control during the construction phase of the development.

The proposal is not likely to result in any significant environmental impacts.

- **Social**

The development represents a combination of additional retail shopping and residential living opportunities in an accessible and central location. The location of residential accommodation above shops within the town centre, will provide tangible social benefits such as improved community safety and security, reduction in reliance on the motor vehicle and improved access to facilities.

The development is not expected to result in any significant or adverse traffic and noise impacts in the locality. The proposed development is not expected to result in any significant adverse social impacts in the locality.

- **Civic Leadership**

The proposed development has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and all relevant Council controls and policies.

- **Economic**

The proposed development will provide a number of direct employment opportunities during the construction phase and ongoing operation of the development.

Broader Economic Implications

The proposed development will provide additional housing and commercial opportunities within the Woolgoolga central business district.

Delivery Program/Operational Plan Implications

There are no implications for Council's Delivery Program/adopted Operational Plan.

Risk Analysis:

A risk analysis has been undertaken and it is considered that approval of the development application as recommended, does not pose a significant risk to Council.

Consultation:

The application was publicly advertised and notified to adjoining landowners between 5 February and 19 February 2014. No formal submissions were received. However, an adjoining landowner submitted notification that they had been in contact with the applicant. The notification raised no objection to the proposed development.

- **Internal Consultation**

The application has been reviewed by Council's Engineering Services (Subdivision and Development, Flooding and Landscaping), Coffs Harbour Water (Sewer), Building Services, Environmental Services (Acid Sulfate Soils), Waste Management and Corporate Finance (developer contributions). Comments were received from each Department and it was considered that the development was acceptable, subject to standard conditions of consent.

Related Policy and / or Precedents:

The application is reported to Council for determination as required by the Department of Planning Circular PS08-014 of 14 November 2008 "Reporting Variations to Development Standards".

Statutory Requirements:

• **Section 79C Evaluation**

Section 79C of the Environmental Planning and Assessment Act 1979, specifies the matters which a consent authority must consider when determining a development application.

The Section 79C evaluation is appended to this report and provides a detailed assessment of the application (refer to Attachment 1).

• **Relevant Statutory Instruments**

- State Environmental Planning Policy No. 71 – Coastal Protection;
- State Environmental Planning Policy No. 65 – Design Quality Residential Flat Code;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Coffs Harbour Local Environmental Plan 2013;
- Coffs Harbour Development Control Plan 2013;

Each of these statutory instruments is considered in detail in the Section 79C assessment appended to this report.

Issues:

• **Variation to development standard**

This application proposes a variation to the Floor Space Ratio development standard. The proposed development is consistent with all other relevant standards and controls and satisfies the objectives of the B2 Local Centre Zone.

Implementation Date / Priority:

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the development application and persons who made a submission will also be notified. A formal notice of determination is valid for five years and the applicant can act on the development consent at any time within that period, subject to meeting any relevant conditions of the consent.

Recommendation:

1. That the objection made pursuant to Clause 4.6 of Coffs Harbour Local Environmental Plan 2013 for the variation to the maximum floor space ratio size under Clause 4.4 (2) of Coffs Harbour Local Environmental Plan 2013 be supported in this particular case.
2. That Development Application 412/14 for demolition of existing dwelling and shed and construction of mixed use development comprising shop top housing (10 units) and retail premises (5 tenancies) at Lot 8 Section 22, DP 759113, No.18 Market Street, Woolgoolga be approved subject to conditions appended to this report (Attachment 3).

**Development Application No. 412/14
Section 79C Assessment**

a. the provisions of,

i. any environmental planning instrument, and

• State Environmental Planning Policy 55 – Remediation of Land

The subject site is not mapped as being potentially contaminated. The site has been used for the purposes of a dwelling house within an established urban environment and no further contamination assessment is considered necessary.

• State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

The application is subject to the controls within this policy relating to context, scale and built form of the development. The application is accompanied by a design verification report prepared by a qualified architect, which demonstrates compliance with the policy.

• State Environmental Planning Policy 71 – Coastal Protection

The proposed development is considered to be consistent with the aims of the policy and satisfies the relevant matters for consideration. The clause of relevance is discussed further below:

Clause 7 – Application of Clause 8 Matters

Clause 7 of the SEPP requires Council to take matters as listed in Clause 8 into consideration when determining development applications. Clause 8 matters have been taken into consideration in the assessment of the proposed development.

- The proposal is considered to meet the aims of the Policy.
- The proposal will not impede or diminish public access to and along the coastal foreshore.
- The site is not subject to Aboriginal cultural heritage significance.
- The site does not contain any known items of heritage, archaeological or historic significance.
- The proposed development will not impact upon the scenic quality of the surrounding locality.
- The site is not subject to any coastal hazards.
- The site is located within an established commercial area and adjoins a mix of commercial and residential development. The proposed development, being a mix of retail and residential, is considered suitable in type, location and design, given the context of the locality.
- The proposal will not result in any significant impacts to flora and fauna present on the site.

Attachment 1

- **State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**

The proposal is accompanied by a Building Sustainability Index (BASIX) Certificate indicating the building's compliance with the policy. The proposed consent conditions will ensure these commitments are fulfilled.

- **Planning Circular PS 08-014 – Reporting Variations to Development Standards**

In November 2008, the then Department of Planning (DoP) issued a Planning Circular outlining new requirements in relation to the determination and reporting of development applications involving variations to development standards under State Environmental Planning Policy No.1 – Development Standards (SEPP No.1) or similar provisions under the standard instrument (clause 4.6). The circular requires that all applications which propose a variation greater than 10% in standards under State Environmental Planning Policy No.1 – Development Standards or clause 4.6 of the Standard Instrument be determined by full Council rather than under delegated authority.

- **Coffs Harbour Local Environmental Plan 2013**

Zoning

The land is zoned B2 Local Centre. The proposed development is permissible with consent in the zone.

(2.7) Demolition Requires Development Consent

The application seeks development consent for demolition of the existing dwelling and shed on the site. Appropriate conditions have been recommended in the draft consent to ensure demolition works and management of demolition waste will comply with relevant standards.

(4.3) Height of Buildings

The Maximum Building Height for this site as specified by the Height of Buildings Map is 15.5m. The total building height of the development is 11.95m and therefore does not exceed the specified height limit.

(4.4) Floor Space Ratio

The Floor Space Ratio (FSR) for this site as specified by the Floor Space Ratio Map is 1:1. The proposed Floor Space Ratio of the development is 1:1.25 and therefore does exceed the FSR limit and a variation is proposed.

(4.6) Exceptions to Development Standards

A request has been received from the applicant for consideration of a variation to the FSR development standard. Planning Circular PS 08-003 allows Council to assume the Director-Generals concurrence in respect to an exception to the standard specified by clause 4.4.

The proposed development represents an increase in the floor space ratio by twenty five percent.

Attachment 1

The intent of floor space ratio provisions is to control buildings bulk and scale so that resulting development is consistent with the desired design outcome. The applicant contends that the specified FSR standard of 1:1 is unreasonable in relation to the circumstances of the proposed development.

It is recommended that Council support the variation request on the basis that the development complies with all other relevant planning controls, including height, setbacks, landscaping and car parking. It is considered that the proposal will make a positive contribution to the locality, is responsive to the site and achieves the desired planning outcomes expected by Council.

(5.5) Development within the Coastal Zone

The development is within the coastal zone and therefore development consent must not be granted, unless the consent authority has considered the matters outlined within Clause 5.5.

The development will not impede or diminish public access to or along the coastal foreshore, impact the amenity of the coastal foreshore, adversely impact the visual amenity of the coast or biodiversity and ecosystems. The proposed development will not be significantly affected by coastal hazards or have a significant impact on coastal hazards, or increase the risk of coastal hazards in relation to any other land.

(7.1) Acid Sulfate Soils

The proposed development is on land shown on the Acid Sulfate Soils (ASS) Map as being Class 3 potential acid sulfate soils. Clause 7.1(3) of Coffs Harbour LEP 2013 states that development consent must not be granted under this Clause for the carrying out of works which exceed 1m in depth or impact on the watertable, without an acid sulfate soils management plan.

Council's Environmental Services Section has confirmed that the proposed works are unlikely to lower the water table below 1m AHD on the site and that no further investigation in relation to acid sulfate soils is warranted.

(7.3) Flood Planning

The subject site is flood affected with the estimated 1% Annual Exceedence Probability (AEP) flood level of 3.6m AHD. Council's Flood Engineer has assessed flooding impacts, by taking into account compatibility with adjoining land uses, flood levels and site constraints and recommended a minimum finished floor level of 3.7m AHD. A condition of consent is recommended to ensure the building complies with this requirement.

(7.11) Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that those of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water;
- b) the supply of electricity;
- c) the disposal and management of sewerage;
- d) stormwater drainage or on-site conservation;
- e) suitable vehicular access.

The subject land has relevant essential services available.

(6.11) Design Excellence

The proposed development satisfies the design excellence provisions of the Plan by exhibiting a contemporary design and style, incorporating a variety of external finishes including rendered brickwork, weatherboard, exposed timber and glass. Existing view corridors are not significantly affected by the proposed development. The proposed development is compatible with the context and land use mix of the locality and the intention for the desired future character of the area.

The development will incorporate a number of sustainable design features such as solar orientation, rainwater harvesting and reuse and energy and water efficient appliances and fixtures. The development will also improve the streetscape and public domain by providing a new pedestrian footpath, cantilevered awning providing weather protection and street trees within the Market Street road reserve.

ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and

There are no draft planning instruments relevant to the application.

iii. any Development Control Plan (DCP)

• **Coffs Harbour Development Control Plan 2013**

The following components of the DCP are relevant to the proposal:

(A2) Notification and Public Participation

The application was publicly advertised and notified to adjoining landowners between 5 February and 19 February 2014. No formal submissions were received.

(B3) Business Development Requirements

B3.1.2 – Setbacks

There are no specific setback requirements for business development, but rather an assessment based on merit. Similarly, the setbacks of the residential component of a mixed use development may be consistent with the commercial component providing suitable design treatments are in place to mitigate potential impacts. No front or side setbacks are proposed for the ground floor commercial component of the building while some setbacks are provided for parts of the residential components of the building to the front and side elevations. The proposed setbacks for the development are considered an appropriate design response.

B3.4.2 Mixed Use

The proposed development meets the mixed use development controls by providing separate residential and commercial entries, appropriate security access controls and safe pedestrian access through the site.

(C1) Design Requirements

Building Design in Urban Areas

The development complies with the controls outlined within this section of the DCP:

- A mix of materials and design elements are proposed, such as balconies, awnings, pitched roofline and a variation in configuration between the base middle and top of the building;
- Existing view lines will not be compromised;
- Direct overlooking of adjoining properties is minimised by the use of screening to the decks;
- Car parking is located at the rear and does not dominate the street frontage.

Commercial and Industrial Development

The ground floor commercial component of the development complies with the controls outlined within this section of the DCP:

- An internal arcade is provided to provide ample light and ventilation;
- Building materials are non reflective;
- There are no large unrelieved expanses of wall proposed;
- Appropriate landscaping is provided to the rear car park;
- An all weather awning is provided to the Market Street frontage of the site.

(C2) Access Parking and Servicing Requirements

C2.3 On-site Parking

A total of 22 car spaces are required for the development to cater for both the residential and commercial uses. A total of 19 car spaces are proposed for the development. A credit of 3 car spaces exists to the development due to the provision of 3 additional on-street car spaces resulting from removal of a redundant driveway and reinstatement of the kerb.

(C3) Landscaping Requirements

The development incorporates appropriate landscaping which complies with Councils requirements.

(C7) Waste Management Requirements

The development incorporates appropriate waste management and bin storage areas, which comply with Councils requirements.

iv. the regulations (to the extent that may prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Clause 92 of the Environmental Planning and Assessment Regulation 2000 requires Council to consider the provisions of the Coastal Policy 1997 and AS2601-1991 - Demolition of Structures. As previously detailed, the proposal satisfies these requirements.

b. the likely impacts of that development, including environmental impacts, on both the natural and built environments, and social and economic impacts in the locality,

• **Natural and built environment**

The locality is in transition as older single dwellings are replaced by higher density mixed use development. The proposed development represents an orderly and well planned continuation of this redevelopment.

The land has been previously cleared and developed and it is unlikely that the proposal will result in any impacts on heritage items, places (including those of Aboriginal origin) or any threatened species, populations, and/or their habitats or endangered ecological communities.

• **Social and economic impacts**

There are no likely adverse cumulative impacts resulting from the development and it is considered that the development is consistent with the objectives of the zone and the desired character of the locality.

c. the suitability of the site for the development,

The development responds to the growing need for higher densities in proximity to transport, infrastructure and services.

There are no major constraints to the proposed development with adequate access and services being available to the site.

d. any submissions made in accordance with this Act or the regulations,

The application was publicly advertised and notified to adjoining landowners and no formal submissions were received.

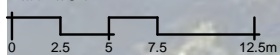
e. the public interest,

The proposed development does not present any issues that are contrary to the public interest. The proposal generally complies with Councils planning standards and approval of the development is recommended.



SK-01 B
SITE / LOCATION PLAN - OPTION B

SITE PLAN
scale 1:250 @ A3



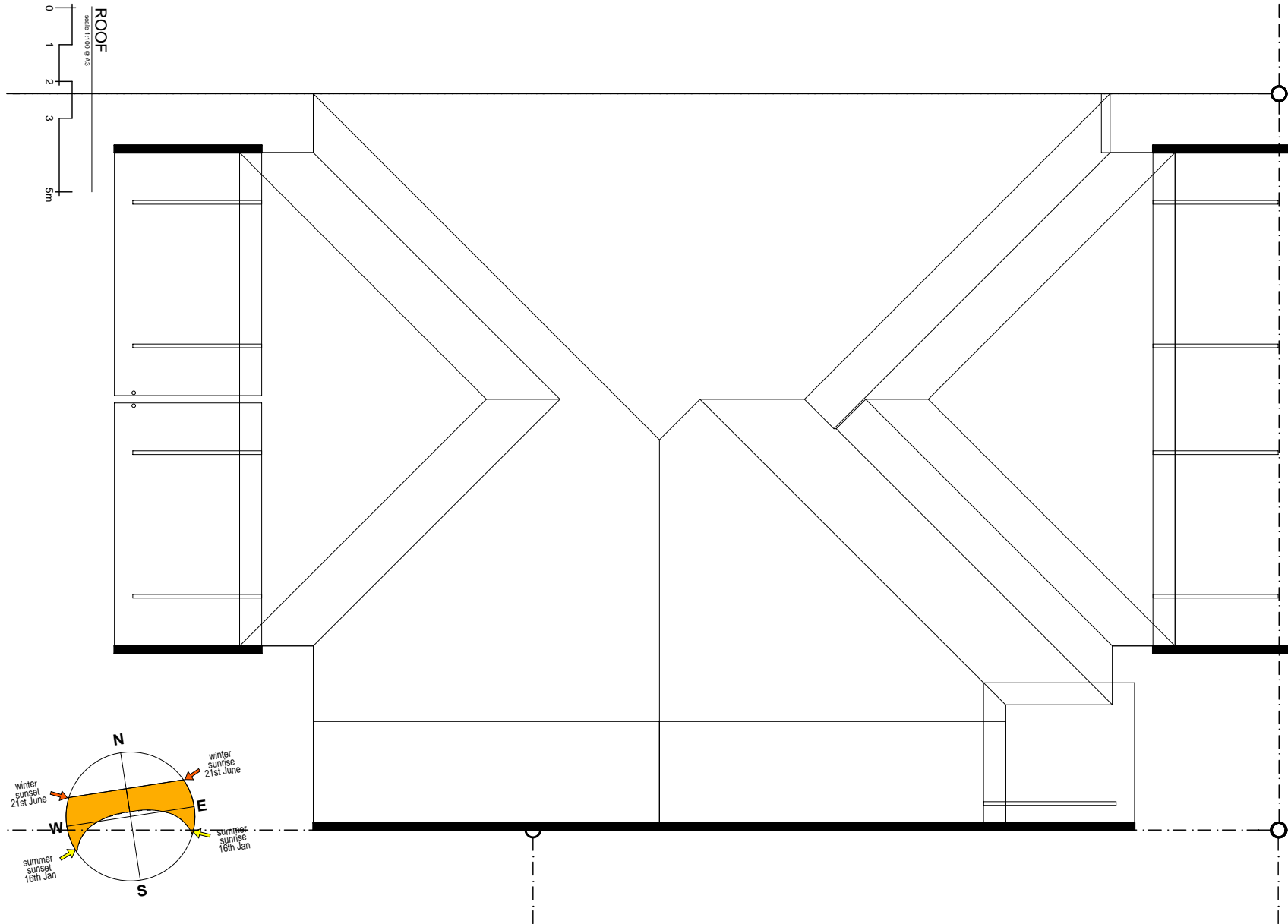
job number: ABW01 date: 23/01/2014 issue: DA 2

18 MARKET ST, WOOLGOOLGA, NSW **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority





EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -



SK-05

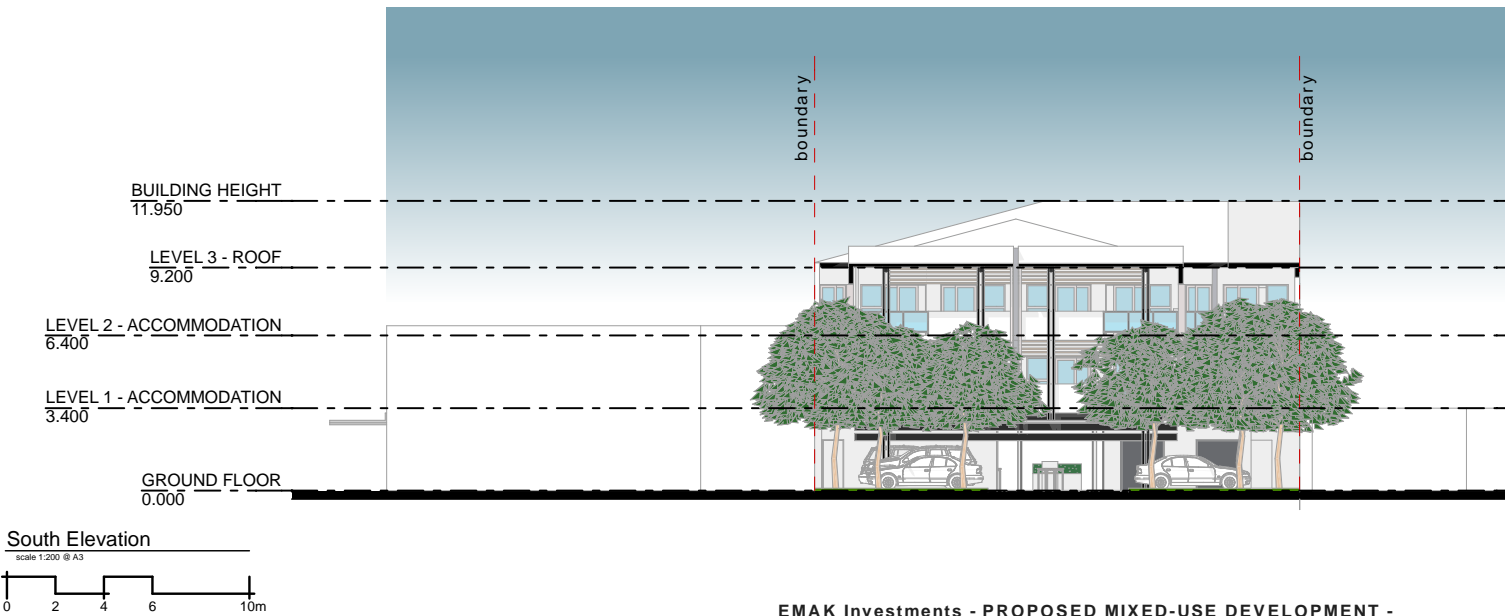
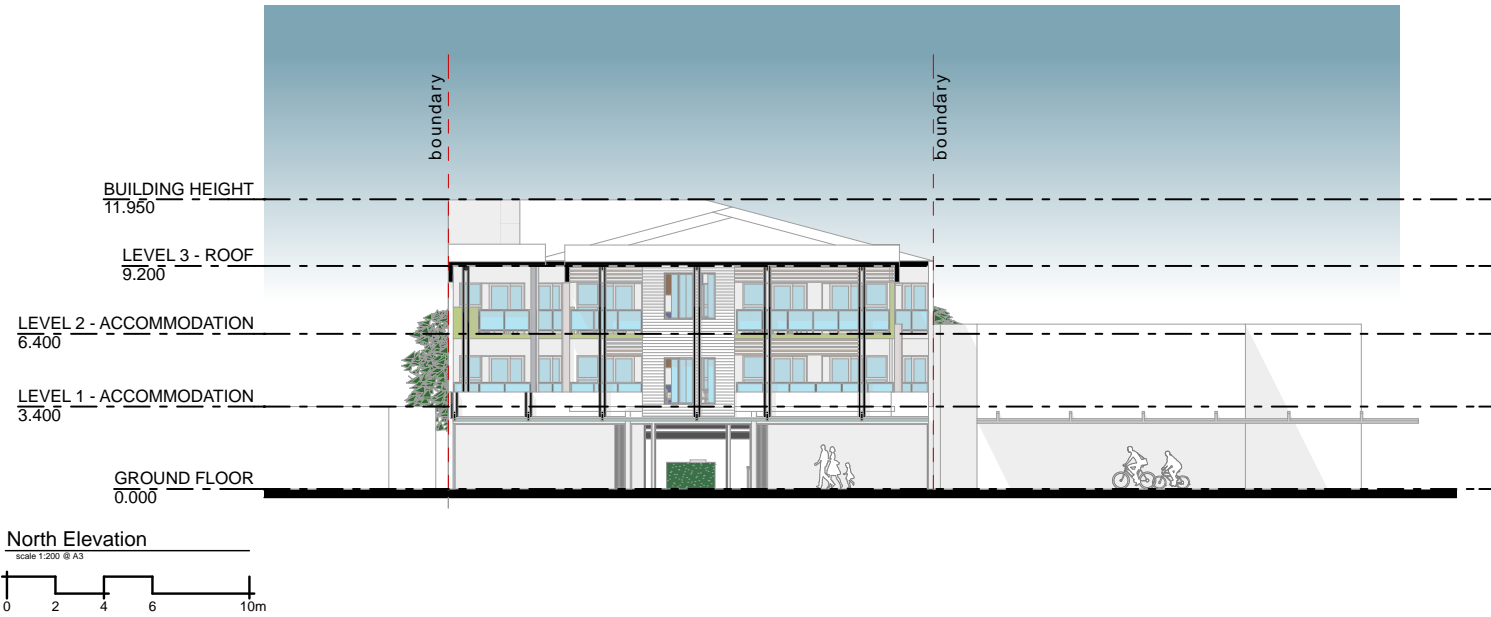
ROOF PLAN

EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -

job number: ABW01 date: 23/01/2014 issue: DA2

18 MARKET ST, WOOLGOOLGA, NSW. **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority





EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -

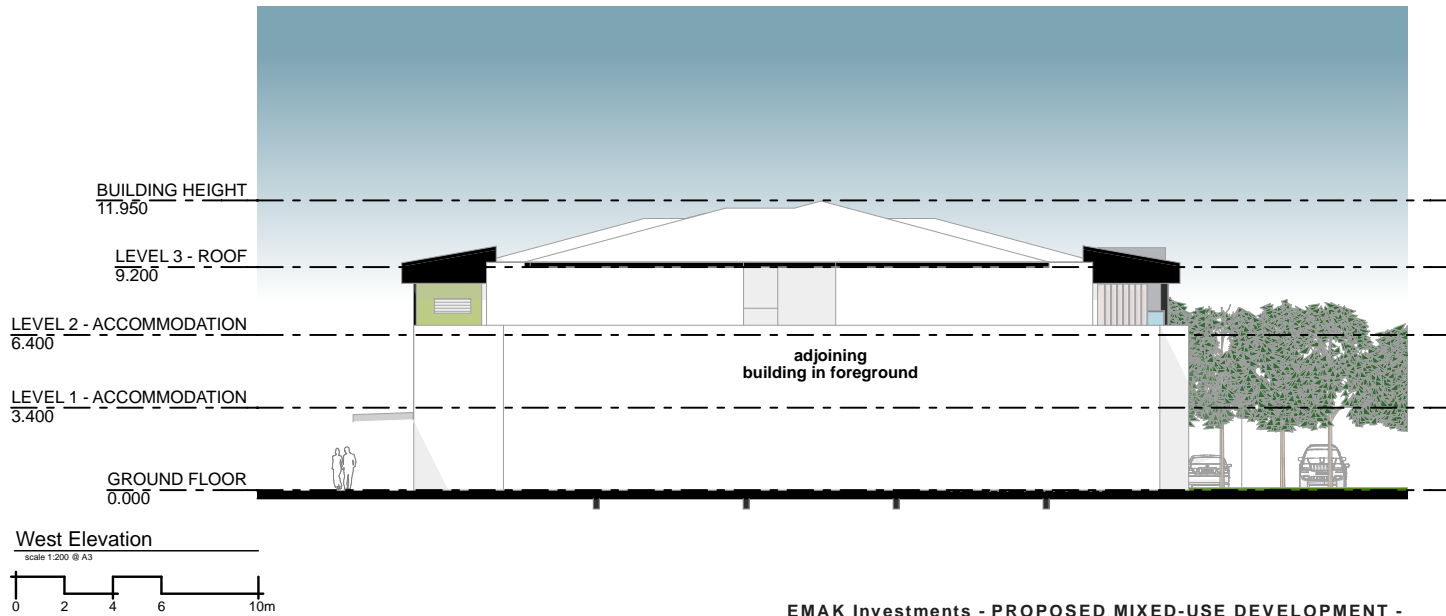
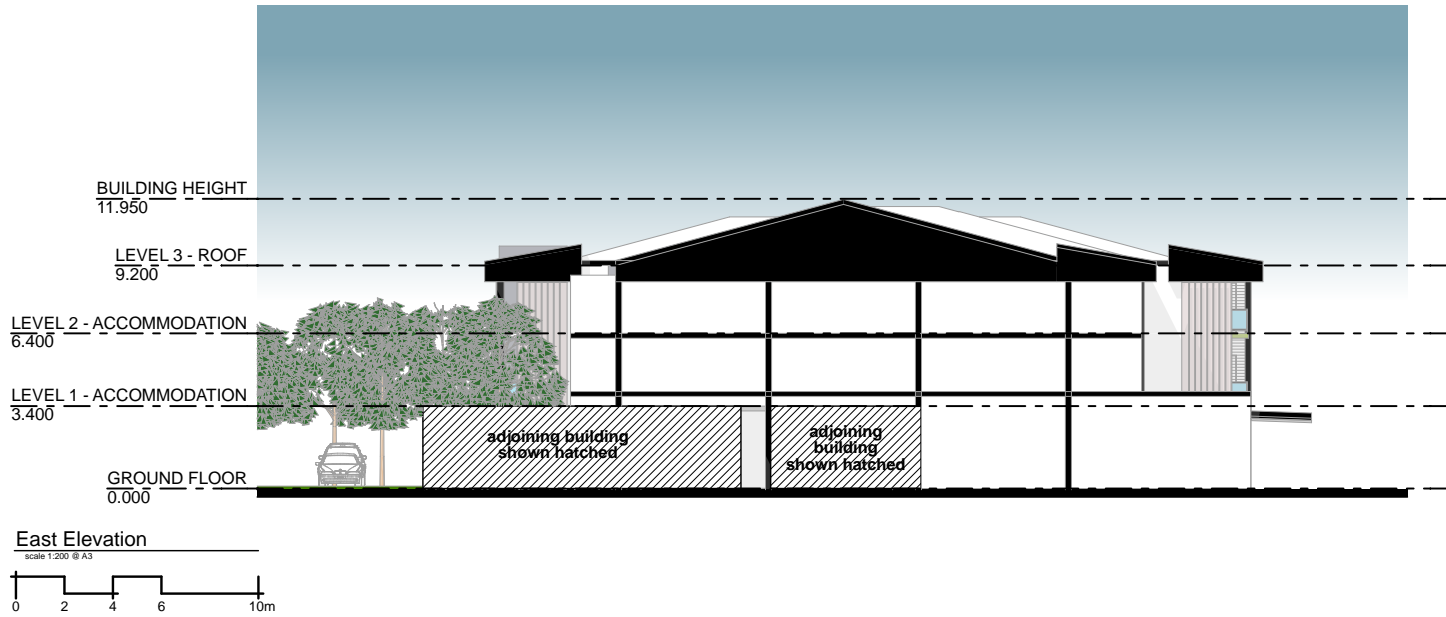
job number: ABW01 date: 23/01/2014 issue: DA2

18 MARKET ST, WOOLGOOLGA, NSW **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority



SK-10

ELEVATIONS SHEET 1

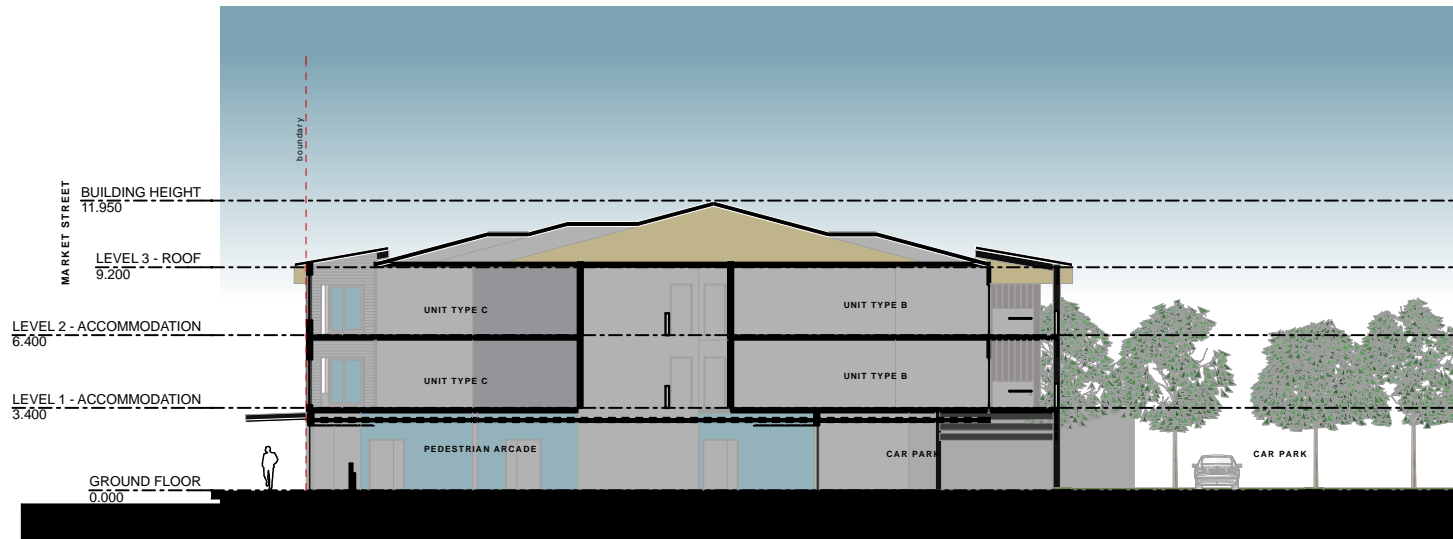


EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -

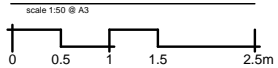
job number: ABW01 date: 23/01/2014 issue: DA2

18 MARKET ST, WOOLGOOLGA, NSW **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority





Section A-A



EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -

job number: ABW01 date: 23/01/2014 issue: DA2

18 MARKET ST, WOOLGOOLGA, NSW **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority



Floor (Story)	Zone	Measured Area
GROUND FLOOR	Arcade	104.2
GROUND FLOOR	Circulation	5.3
GROUND FLOOR	Circulation	29.9
GROUND FLOOR	Retail	42.6
GROUND FLOOR	Retail	49.5
GROUND FLOOR	Retail	49.6
GROUND FLOOR	Retail	51.7
GROUND FLOOR	Retail	52.1
GROUND FLOOR	Toilets	3.4
GROUND FLOOR	Toilets	3.4
GROUND FLOOR	Toilets	8.4
		400.1 m2
LEVEL 1 - ACCOMMODATION	Circulation	33.4
LEVEL 1 - ACCOMMODATION	Residential - 1 Bed	68.8
LEVEL 1 - ACCOMMODATION	Residential - 2 Bed	81.9
LEVEL 1 - ACCOMMODATION	Residential - 2 Bed	83.3
LEVEL 1 - ACCOMMODATION	Residential - 2 Bed	83.3
LEVEL 1 - ACCOMMODATION	Residential - 2 Bed	83.3
		434.0 m2
LEVEL 2 - ACCOMMODATION	Circulation	33.4
LEVEL 2 - ACCOMMODATION	Residential - 1 Bed	68.7
LEVEL 2 - ACCOMMODATION	Residential - 2 Bed	81.9
LEVEL 2 - ACCOMMODATION	Residential - 2 Bed	83.3
LEVEL 2 - ACCOMMODATION	Residential - 2 Bed	83.3
LEVEL 2 - ACCOMMODATION	Residential - 2 Bed	83.3
		433.9 m2
		1,268.0 m2

UNIT NUMBERS

LEVEL	2 BED ROOM UNITS	1 BED ROOM UNITS
LEVEL 1	4	1
LEVEL 2	4	1
TOTAL	8	2

SITE AREA 1,011 m2
PROPOSED PLOT RATIO 1:1.25

CAR PARK ALLOCATION

AREA	CALCULATION	Area / units	NO. REQ
SHOPS	1 space per 25 sqm	246 sqm	10
ACCOMMODATION	1 spaces per each unit (under 100 sqm)	10 units	10
ACCOMMODATION VISITORS	1 space per 6 units	10 units	2
TOTAL REQUIRED			22
TOTAL PROVIDED ON SITE			19
ADDITIONAL CAR PARK CREDITS (due to removal of cross over to street frontage)			3
TOTAL PROVIDED			22
SHORTFALL			0

NOTE:

Areas are approximately only as this has been calculated from a simple massing model contained within this presentation.

GFA AREA: Areas Measured to external face of external walls and centreline of adjoining walls

EMAK Investments - PROPOSED MIXED-USE DEVELOPMENT -

job number: ABW01 date: 23/01/2014 issue: DA2

18 MARKET ST, WOOLGOOLGA, NSW. **Note:** This is a preliminary investigation document only further input is required from consultant team and local authority





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Created = 13/03/2014 2:39 PM
 User = ctscath
 Scale = 1:1,868



Projected Coordinate System- GDA 1994, MGA Zone 56



Proposed Conditions of Development Consent 0412/14

Schedule of Conditions

ADMINISTRATIVE CONDITIONS

Development Description:

1. Development consent is granted only to carrying out the development described in detail below:
 - ***Demolition (existing dwelling and shed), shop top housing (10 units) and shop (5 tenancies)***

Prescribed Conditions:

2. The proponent shall comply with the prescribed conditions of development approval under Clauses 97A, 98, 98A - E of Environmental Planning and Assessment Regulation 2000 as are of relevance to this development.

Development is to be in accordance with approved plans:

3. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent (Development Consent No. 0412/14).

Plan No.	Issue	Prepared by	Dated
Sk-01B, Sk-02B and Sk-30B	DA3	Burling Brown Architects	24 February 2014
Sk-03, Sk-04, Sk-05, Sk-06, Sk-07, Sk-08, Sk-10, Sk-11 and Sk-12	DA2	Burling Brown Architects	23 January 2014

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Inconsistency between Documents:

4. In the event of any inconsistency between:
 - (1) The conditions of this approval and the drawings/documents referred to in condition 3, the conditions of this approval prevail; and
 - (2) Any drawing/document listed in condition 3 and any other drawing/document listed in condition 3, the most recent document shall prevail to the extent of inconsistency.

Development Application No. 0412/14**Schedule of Conditions**

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**Construction Certificate:**

5. No building work is to commence on site until a Construction Certificate has been issued for the work and Council has been notified that a Principal Certifying Authority has been appointed.

Landscape Plan:

6. A detailed landscaping plan for the site being submitted to and approved by Council **prior to issue of the Construction Certificate**. The detailed plan is to incorporate street tree planting to Market Street with turf and tree selection matching existing species and style.

The Plan must be prepared and certified by a qualified architect, landscape architect or professional landscape consultant. The Plan is to comply with Council's Landscaping Guidelines, and is to incorporate measures to ensure the maintenance and survival of the landscaping.

Access for persons with a Disability:

7. Access for persons with a disability is to be provided in accordance with the Disability (Access to Premises - Buildings) Standards 2010 and the Building Code of Australia.

Details indicating compliance must be submitted and approved by the certifying authority **prior to the issue of a Construction Certificate**.

Stormwater Management Plan:

8. A Stormwater Management Plan complying with the relevant controls of Council's Water Sensitive Urban Design Policy being submitted to and approved by Council **prior to issue of the Construction Certificate**.

Please refer to the WSUD Information Sheet, Policy and Guideline available on Council's web site www.coffsharbour.nsw.gov.au.

The design is to incorporate a detention system that achieves compliance with the Coffs Harbour City Council WSUD Policy targets. Design details are to include calculations showing the effect of the proposed development on design stormwater run-off flow rates and the efficiency of proposed measures to limit the flows.

The design shall be accompanied by an Operation and Maintenance Plan for the system.

Road Design and Services (Building):

9. The following works:
 - (i) Creation of three (3) angled car parking spaces in Market Street.
 - (ii) Footpath for the Market Street frontage.
 - (iii) Provision of a sewer manhole at the northern extremity of the sewer main.

Development Application No. 0412/14

Schedule of Conditions

shall be provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (Water Sensitive Urban Design).

Plans and specifications are to be submitted to Council **prior to the issue of a Construction Certificate for the civil works**. Plan submissions are to be accompanied by payment of prescribed fee.

Plans and specifications submitted later than six (6) months from the date of development consent shall comply with Council's current specifications at a date six (6) months prior to submission.

All work is to be at the developer's cost.

Construction Waste Management Plan:

10. **Prior to issue of a Construction Certificate**, the proponent shall submit to the satisfaction of Council a Waste Management Plan prepared by a suitably qualified person in accordance with Council's relevant waste policy.

The Plan shall include the following provisions: all waste building materials shall be recycled or disposed of to an approved waste disposal depot; no burning of materials is permitted on site.

Section 94 Monetary Contributions:

11. Payment to Council of contributions, at the rate current at the time of payment, towards the provision of the following public services or facilities:

Note 1 - The contributions are to be paid **prior to release of any Construction Certificate** unless other arrangements acceptable to Council are made.

Note 2 - The rates will be adjusted in accordance with the procedures set out in Council's Section 94 Contributions Plans. The applicant is advised to confirm the contribution rate applicable at the time of payment as rates are revised quarterly.

Note 3 - If the development is to be staged, contributions are to be paid on a pro rata basis in respect of each stage.

	\$ Per Unit
- Coordination and Administration	270.03
- Coffs Harbour Road Network	650.84
- Surf Rescue Facilities	48.40
- District Open Space	2,440.21
- Neighbourhood Open Space	410.75

The Section 94 contribution is currently \$32,745.30 for the 10 unit development. This includes a 1 lot credit of \$5,457.46

Contributions have been imposed under the following plans:

- Regional, District & Neighbourhood Facilities & Services 2013.
- Coffs Harbour Road Network 2013.
- Surf Rescue Facilities 2013.

Development Application No. 0412/14

Schedule of Conditions

Water Management Act 2000:

12. **The Construction Certificate not being released** until a Certificate of Compliance pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 evidencing that adequate arrangements have been made for the provision of water and sewerage services to and within the development is produced to Council.

The current contribution rate is:

	Amount/unit	Total
	\$	\$
Works to satisfy increased demand within the area for 10 units		
Water	6,818.80	68,188.00
Sewer	6,520.71	65,207.10
Sub total		132,505.80
Less credit for 1 lot		18,929.40
AMOUNT PAYABLE		113,576.40

The current contribution rate is:

	Amount/m²	Total
	\$	\$
Works to satisfy increased demand within the area for 238 square metres of commercial development – Retail outlet		
Water	29.22	6,954.36
Sewer	27.95	6,652.10
AMOUNT PAYABLE		13,606.46
<u>TOTAL AMOUNT PAYABLE</u>		<u>127,182.86</u>

Design Verification Statement – Residential Flat Buildings Construction Certificate:

13. **Prior to the issue of the Construction Certificate**, the proponent shall submit to the certifying authority a Design Verification Statement from a qualified designer, verifying that the plans and specifications for the development achieve or improve the design quality of the development, having regard to the design quality Principals set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Note: as a BASIX certificate applies to the proposal the design quality Principals need not be verified to the extent which they aim:

- a) to reduce consumption of mains – supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated; or
- b) to improve the thermal performance of the building.

Development Application No. 0412/14

Schedule of Conditions

PRIOR TO COMMENCEMENT OF WORKS

Site Notice:

14. Prior to commencement of works a site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of the development details including but not limited to:
 - (1) Details of the Principal Contractor and Principal Certifying Authority for all stages of the development;
 - (2) The approved hours of work;
 - (3) The name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction noise complaints are to be displayed on the site notice; and
 - (4) To state that unauthorised entry to the site is not permitted.

Demolition Works:

15. All works including (where relevant) the handling and disposal of materials containing asbestos, are to be undertaken in accordance with the relevant requirements of WorkCover NSW, the Occupational Health and Safety Act and Australian Standard AS 2601-2001 "The Demolition of Structures".

Prior to demolition all services are to be disconnected and capped off. Disconnection of any sewer drainage lines shall be sealed to prevent ingress of water and debris into the sewerage system.

Where water and sewerage services are no longer required the required fee for disconnection being paid to Coffs Harbour Water prior to the commencement of any demolition work.

Water Meters:

16. A water reticulation plan is to be submitted to Coffs Harbour Water for approval prior to water fitting work commencing. Note, individual water meters are to be provided to all units and common areas.

Sanitary Plumbing and Draining:

17. A separate application is to be made to Council by the licensed plumber and drainer prior to the commencement of any sanitary plumbing and drainage work on site.

Fitout Approval:

18. Separate approval for fitout of the shops being obtained prior to commencement of fitout works.

Development Application No. 0412/14

Schedule of Conditions

DURING CONSTRUCTION

Approved Plans to be On-Site:

19. A copy of the approved and certified plans, specifications and documents incorporating the conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifying Authority.

Excavated Material:

20. Where excavated material is to leave the site it is to be disposed of at an approved landfill facility.

Alternatively, where it is proposed to dispose of the excavated material at another location no material is to leave the site until:

- Council has been advised in writing of the destination site(s); and
- Council has been advised of the quantity and makeup of the material; and
- Council has issued written approval for disposal to the alternate location(s).

Note: The exportation of fill or soil from the site must be in accordance with the provisions of the Protection of the Environment Operations Act (POEO) 1997 and the DECCW "Waste Classification Guidelines" and shall comply with the terms of any approval issued by Council.

Erosion and Sediment Control:

21. Where excavation works or removal of vegetation is to take place on the site, control measures in accordance with Council's Erosion & Sediment Control Policy and Practice for Building & Development Sites to prevent the erosion of soil are to be undertaken at each appropriate construction stage.

Dust Control Measures:

22. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - (1) All materials shall be stored or stockpiled at the best locations;
 - (2) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that runoff occurs;
 - (3) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other materials;
 - (4) Cleaning of footpaths and roadways shall be carried out regularly.

Development Application No. 0412/14

Schedule of Conditions

Hours of Work:

23. Construction works are to be limited to the following hours:

Monday to Friday	7.00 a.m. - 6.00 p.m.
Saturday	7.00 a.m. - 1.00 p.m. if inaudible from adjoining residential properties, otherwise 8.00 a.m. - 1.00 p.m.

No construction work is to take place on Sunday and Public Holidays.

Cultural Heritage:

24. In the event that future works during any stage of the development disturb Aboriginal Cultural materials, works at or adjacent to the material must stop immediately. Temporary fencing must be erected around the area and the material must be identified by an independent and appropriately qualified archaeological consultant. The Office of Environment and Heritage (OEH), Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups must be informed. These groups are to advise on the most appropriate course of action to follow. Works must not resume at the location without the prior written consent of the OEH and Northern Aboriginal Heritage Unit and the Aboriginal Stakeholder groups.

Finished Floor Level:

25. The finished floor level of the ground floor of the building is to be a minimum of 3.7 metres Australian Height Datum and a registered surveyor's certificate certifying such level is to be submitted to the Principal Certifying Authority prior to works proceeding beyond ground floor level.

Public Way to be Unobstructed:

26. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

Occupation Certificate:

27. A person must not commence occupation or use of the new building **prior to the issue of an Occupation Certificate** from the Principal Certifying Authority.

Stormwater Management Certification:

28. **Prior to the issue of an Occupation Certificate** the consultant design engineer shall issue a certificate to the Principal Certifying Authority to the effect that the stormwater treatment system has been installed and complies with the approved design.

Individual Water Meters:

29. Individual water meters are to be provided to all units and common areas **prior to issue of an Occupation Certificate**.

Development Application No. 0412/14

Schedule of Conditions

Road Design and Services:

30. The following works:

- (i) Creation of three (3) angled car parking spaces in Market Street.
- (ii) Footpath for the Market Street frontage.
- (iii) Provision of a sewer manhole at the northern extremity of the sewer main.

being provided to serve the development with the works conforming with the standards and requirements set out in Council's Development Design and Construction specifications and relevant policies (WSUD).

These works are to be completed **prior to the issue of an Occupation Certificate.**

All work is to be at the developer's cost.

Landscaping Works:

31. **Prior to the issue of an Occupation Certificate** a works as executed plan is to be submitted to the Principal Certifying Authority certifying that all landscape works have been carried out in accordance with the approved plan.

BASIX:

32. All of the commitments listed in each relevant BASIX Certificate for the development being fulfilled **prior to the issue of an Occupation Certificate.**

Car Parking Spaces:

33. Nineteen (19) car parking spaces including one (1) accessible space being provided on the development site **prior to the issue of an Occupation Certificate.** All car parking and manoeuvring areas being constructed in accordance with Council's Off Street Car Parking Development Control Plan and the provisions of Australian Standard 2890.1 "Parking Facilities: Off-Street Car Parking". Car Parking areas are to be maintained in a serviceable condition at all times.

Rainwater Tanks:

34. A separate application being submitted to Coffs Harbour Water for approval of the rain water tank(s) prior to installation and any associated plumbing works. Evidence confirming such approval being submitted to the Principal Certifying Authority **prior to the issue of Occupation Certificate.**

Note: an application form may be downloaded from Council's web site www.coffsharbour.nsw.gov.au

Development Application No. 0412/14

Schedule of Conditions

Access Works:

- 35. Sealed driveways being constructed over the footpath at right angles to the road in accordance with Council's standard drawings. Any existing driveways which are not required for the development are to be removed and the footpath reinstated. All such work is subject to a separate driveway application, fees and approval by Council.

These works are to be completed **prior to the issue of an Occupation Certificate** for the development.

**Design Verification Statement – Residential Flat Buildings
Occupation Certificate:**

- 36. **Prior to the issue of the Occupation Certificate**, the proponent shall submit to the Principal Certifying Authority a Design Verification Statement from a qualified designer, verifying that the residential development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality Principals set out in Par 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*.

Note: as a BASIX certificate applies to the proposal the statement need not be verified to the extent which they aim:

- a) To reduce consumption of mains – supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated; or
- b) To improve the thermal performance of the building.

OPERATIONAL MATTERS

Waste Management:

- 37. Provision being made on the site (*or within the premises*) for the separation of recycling and organic waste, including food waste and other putrescible wastes from the general waste stream in accordance with Council's requirements. The waste management practices of the premises should provide for the continued separation of recycling and organic waste from the general waste stream.
