

**Purpose:**

To seek Council's endorsement to adopt the Terms of Reference for the CBD Masterplan Committee.

**Description of Item:**

At the 23 February 2012 Council meeting, Council resolved to make a special rate variation application to the Independent Pricing & Regulatory Tribunal (IPART) for a ten year extension to the existing CBD Special Rate. Council also resolved that a report be presented to Council detailing the Terms of Reference for the CBD Masterplan Committee.

On 4 June 2012, IPART approved a one year extension to the current CBD Special Rate.

Staff have continued to work with the CBD Special Rate Working Group, and other members of the business community who own property and businesses in the CBD, to draft up Terms of Reference. A meeting was held with the relevant stakeholders on 15 March at which time the terms of reference were discussed and drafted. These were further circulated and modified by the group over the following weeks. The attached Terms of Reference set out the framework that the Working Group believes the CBD Masterplan Committee should operate under. They are similar to terms of reference utilised in other areas such as the Port Macquarie CBD Masterplan Committee that has been operating since the early 1990's. The Terms of Reference cover the role of the Committee, provides for delegated authorities to be provided to the Committee which gives them permission to allocate funds to the works as approved by Council's budget and in line with the CBD Masterplan once adopted.

The Terms of Reference also sets out the membership, that being:

- The General Manager or delegate,
- Council's Manager of Investigation and Design from City Services,
- Council's Manager of Special Projects from Land Use, Health & Development,
- One community member, non-retailer or landowner,
- Four CBD landowners with three representatives with property values greater than \$1 million and one of property values less than \$1 million, and
- One CBD retailer who is not a property owner.

The Terms of Reference also sets out requirements in relation to meetings, quorums, voting and recommendations, general communications and the line of authority, being that they report to Council. It also highlights that all Committee members must abide by Council's Code of Conduct.

**Sustainability Assessment:**

- **Environment**

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

- **Social**

A vibrant CBD is critical for the social benefits of a large number of people as it is a place to meet, to congregate, to engage in business etc. These activities are an important part of the social fabric of any vibrant and growing community.

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- **Civic Leadership**

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

Relevant strategies include:

- Build pride and identity in Coffs Harbour as a community and a place;
- Create facilities and services that allow the community to reach its full development potential;
- Develop inclusive community, sporting and recreational activities;
- Promote healthy living;
- Encourage the provision of facilities, services and resources which attract and support young people;
- Provide opportunities for all, including the Aboriginal community, to contribute to the local economy.
- Create community structures which capitalise on intergenerational knowledge, experience and capacity.
- Create opportunities for enhancement of the community's sense of well being.

- **Economic**

**Broader Economic Implications**

The past CBD special rate has had significant broader economic impact as can be seen by the fact that vacancies in the CBD have dropped from 20% to 3-5%, crime rates have dropped and valuations have increased. It is believed that the ongoing development of projects across a greater CBD area would bring broader benefits.

**Delivery Program/Operational Plan Implications**

Should Council adopt the Terms of Reference and appoint the CBD Masterplan Committee, the Committee will commence functioning immediately.

**Consultation:**

Consultation has continued to take place with the CBD Special Rate Working Group and other CBD property owners, including the meeting held on 15 March 2012 and emails, discussions and correspondence to finalise the draft Terms of Reference.

**Strategic Alignment**

The proposal aligns with Council's 2030 in relation to the provision of a vibrant CBD and also in relation to Council undertaking consultation with the community.

**Related Policy and / or Precedents:**

Council has a number of Section 355 committees that have terms of reference that they are to abide by.

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**Statutory Requirements:**

Council has the ability, under Section 355 of the *Local Government Act 1993*, to delegate its function through the appointment of a committee of Council. In Section 377, 'The general power of the council to delegate', the Council may by resolution delegate to the General Manager or any other person or body, any of the functions of Council. This would include the establishment of this 355 committee and the delegations as laid out in the Terms of Reference.

**Issues:**

It has been proposed that Council establish its CBD Masterplan under Section 355 of the *Local Government Act 1993* and in line with the attached Draft Terms of Reference. The Terms of Reference provides for the CBD Masterplan Committee to oversee the implementation of the Masterplan and related expenditure. Council will be required to initially adopt the Masterplan to then set the schedule of works to be carried out over the coming years. The CBD Masterplan Committee would be required to report annually to Council on all of its income and expenditure and the progress being made in relation to the implementation of the Masterplan. Reporting will also be required on what is planned for the coming twelve months. As the Masterplan will set out a program of works and the Committee will be overseeing this, this will be integrated into Council's Long Term Financial Plan, Delivery Program and Operational Plan. Therefore, it is not envisaged that there are any issues associated with delegating the authority to the Committee to expend funds in line with the adopted Masterplan of Council.

The delegation of the ability to manage the implementation of a Masterplan to the CBD Masterplan Committee empowers the local property owners in the delivery of projects that are directly funded by special rates collected directly from them. This will ensure a far greater level of ownership and engagement with the property owners, and will assist in the development of a partnership between the property owners and Council in the delivery of much needed infrastructure works in the CBD.

**Implementation Date / Priority:**

Advertisements will take place immediately for the community members of the Committee. These will then come back to Council for ratifications at which time the Committee will start to operate. Up until that time staff will continue to work with the appointed CBD Special Rate Working Group to continue to develop the draft brief for the development of the CBD Masterplan.

**Recommendation:**

1. That Council establishes the CBD Masterplan Committee as a 355 committee of Council.
2. That Council adopts the attached Terms of Reference as the Terms of Reference for the CBD Masterplan Committee.
3. That Council commences advertising for the positions of the Committee membership under those Terms of Reference.
4. A further report be presented to Council making recommendations in relation to the appointment of community members for the CBD Masterplan Committee.
5. That the Committee report at least annually to Council on the implementation of the Masterplan and all related income and expenditure and future planned works.

**Attachments:**

**Terms of Reference  
for the CBD Masterplan Sub-committee**

**1. Role**

- 1.1 To direct the development of a Masterplan for the CBD.
- 1.2 To recommend work priorities to Council for the implementation of the CBD Masterplan.
- 1.3 To recommend an annual works program and budget.
- 1.4 To account for and approve all expenditure of funds raised through the Special Rate Variation and externally to Council.
- 1.5 To act as a communication conduit between Council and the CBD stakeholders in respect to the CBD Masterplan.
- 1.6 To advocate the CBD Masterplan to the community.
- 1.7 Report annually to Coffs Harbour City Council, the CBD ratepayers and IPART on the progress of works.
- 1.8 Consult with the Chamber of Commerce, Tourism Association and other relevant bodies as needed.
- 1.9 Liaise with Council in relation to Council's Asset Management Plans and annual operational works program for the CBD.

**2. Delegated Authorities**

- 2.1 To expend funds allocated to the CBD Masterplan's Sub-Committee by Council within the approved budget.
- 2.2 To establish sub-committees as deemed appropriate.
- 2.3 To promote the advantages of the CBD inside and outside the area, including making press releases and promoting the CBD Masterplan Project.
- 2.4 To raise funds other than rates and loans to fund the objectives of the Sub-committee.
- 2.5 To expend funds raised outside of Council as the Sub-committee deems appropriate, eg promotions, entertainment etc.

**3. Sub-committee membership**

- 3.1 Sub-committee members will comprise of:-
  - The General Manager or delegate,
  - Council's Manager of Investigation and Design (City Services),
  - Council's Manager of Special Projects (LUHD),
  - One community member (non retailer or landowner),
  - Four CBD landowners (three landowners of property valued at greater than \$1,000,000, one property owner of land values less than \$1,000,000,
  - One CBD retailer (not property owner).
- 3.2 The committee will appoint the position of chairperson annually.
- 3.3 The role of the chairperson shall be:-
  - Chairperson of meetings of the CBD Masterplan Sub-committee,
  - Representative on sub-committees as appropriate,
  - oversight of activities of a co-ordinator (if applicable),
  - Attend Council/Sub-committee meetings as appropriate.

**4. Meetings**

- 4.1 Meetings will be held at least quarterly depending on demand.
- 4.2 Topics for the agenda should be forwarded to the chairperson no later than 14 days prior to the meeting.
- 4.3 Agenda and minutes from the previous meeting will be circulated to members at least seven days prior to the meeting.
- 4.4 Members must declare in writing any interest in any report tabled at the meeting.
- 4.5 Council to supply a minute secretary.

**5. Quorum**

- 5.1 A quorum will consist of at least five members of the Sub-committee.

**6. Voting and Recommendations**

- 6.1 Voting on recommendations are made by consensus and all decisions regarding the allocation of funding for works must be stated precisely for the inclusion of the minutes.
- 6.2 Where a consensus cannot be reached at two consecutive meetings, then a majority of 60% of those present excluding the 3 Council Representatives can adopt a recommendation. The alternate views are to be minuted.

**7. Communication**

- 7.1 Members of the Sub-committee are not permitted to speak to the media as representatives of the Sub-committee unless approved the chairperson.
- 7.2 Where approval has been given by the chairperson, views and opinions expressed are those of the CBD Masterplan Sub-committee and not of Coffs Harbour City Council.
- 7.3 When endorsement is required from Coffs Harbour City Council, approval must be sought through the formal processes.

**8. Parent Committee**

- 8.1 Ordinary Council Meeting.

**9. Code of Conduct**

- 9.1 All members of the Sub-committee are to abide by Council's Code of Conduct.