

**From:** KENYON Cassandra  
**Sent:** Sunday, 7 November 2004 10:37 PM  
**To:** DONGES Kim  
**Cc:** McCABE Joe; FINLAYSON Graeme  
**Subject:** RE: Finance Agenda Next Week

IN THE MATTER OF:

*OP GRAND*

EXHIBIT No. 34  
*Rob* CLERK

Kim  
Please find attached a memo to Cnlr Molhoek in response to his query below. If any further information is required, please let me know.  
Regards,  
Cassandra  
x6312



Discount Memo  
8-11-04.doc

-----Original Message-----

**From:** McCABE Joe  
**Sent:** Friday, 5 November 2004 8:45  
**To:** FINLAYSON Graeme  
**Cc:** KENYON Cassandra; DONGES Kim  
**Subject:** FW: Finance Agenda Next Week  
Graeme (Cass, Kim)

Could you please provide the appropriate advice to Cnr Molhoek. I can't remember too many examples of special circumstances.  
Joe

-----Original Message-----

**From:** DONGES Kim  
**Sent:** Friday, 5 November 2004 8:26  
**To:** McCABE Joe  
**Subject:** Finance Agenda Next Week  
Hi Joe

Re: Item 2 - Discount on Rates. What precedent if any is there for refunding the discount if it was missed due to late payment?

It has been suggested to me that there are special circumstances re this particular matter. If discounts have been revisited/refused in the past, can I please have some examples.  
Would appreciate your wisdom on this.

Thanks  
Cr Rob

# memorandum

*Respectfully referred  
to Council*



TO: Cr R Molhoek  
COPY: Director Organisational Services  
Director City Governance  
FROM: A/Manager Financial Services  
SUBJECT: Discount on Rates  
DATE: 8 November 2004  
FILE NO: LG113/161/03/06(P2)

I refer to your enquiry re what precedent, if any, there is for refunding the discount if it was missed due to late payment.

Financial Services procedures permit officers to extend/allow discount in the following circumstances:

- A) A ratepayer advises the relevant rate notice was not received (if the address quoted is different due to an incorrect address being advised by the ratepayer's solicitor, they are not entitled to discount. Ratepayers need to address this error with their solicitor);
- B) A ratepayer advises that the required payment was late due to sickness;
- C) A ratepayer advises that a cheque for the required amount was posted to Council but did not arrive (cheque must not have been presented to their bank account);
- D) A ratepayer advises that a cheque for the required amount was posted in sufficient time to reach Council by the relevant date but did not do so.
- E) A ratepayer advises that a cheque for the required amount was posted in sufficient time to reach Council by the relevant date but did not do so.

It should be noted that in all of the above cases, discount may only be extended/allowed if the ratepayer **HAS NOT** been granted and allowance or extension of discount within the previous 24 months on any rate account they own.

The follow circumstances are specific categories of discount not to be allowed/extended:

- A) Where a ratepayer advises that they were away from the postal address for the entire or partial discount period for reasons such as holidays or business;
- B) Where a ratepayer has purchased a property and the date of possession is after the date of issue of the rate notice in question (Council has a search facility for solicitors and purchasers detailing the status of a rate account);
- C) Where a ratepayer advises that they forgot to pay the required amount by the stipulated date (previous payment history cannot be considered);
- D) Where a ratepayer advises that a third party, entrusted with the duty of paying the required amount by the stipulated date, neglected to do so.

Certain officers within the Branch have delegated authority to allow/extend discount for special circumstances. These circumstances are determined by the officer's exercising their delegation of Section 1021 of the Local Government Act 1993, for discount if special circumstances prevent prompt payment. Discount is allowed if Council "is satisfied that a person liable to pay the rate has been prevented, by circumstances beyond the person's control, from paying the rate in time to benefit from the discount." Recent examples of discount allowed/extended due to special circumstances include:

- Cheque dishonoured in error by the ratepayer's financial institution - in these cases, written confirmation of the error must be received from the financial institution addressed to Council;

- Incorrect loading of postal address into Council's property system by either Council or the Department of Natural Resources;
- Personal incident that required police involvement.

Specific procedures have been developed and implemented to ensure fairness and consistency when allowing/extending discount.

If you have any further enquiries, please contact me on extension 6312.

Cassandra Kenyon  
A/MANAGER FINANCIAL SERVICES

# 340



**Gold Coast City Council**

## **AGENDA**

*for the*

# **FINANCE AND INTERNAL SERVICES COMMITTEE MEETING**

*to be held*

**Tuesday 9 November 2004**

*at*

**1:00 PM**

**Gold Coast City Council Chambers  
135 Bundall Road Surfers Paradise**

#### **OUR VISION**

Naturally, the world's best place to be . . . because we will create a city that is recognised internationally for the quality, diversity and sustainability of its lifestyle, economy and environment. The Gold Coast's future will be secure as Australia's most desirable place to live and favourite place to visit.

#### **OUR MISSION**

To benefit our local community by sustainably managing the City's resources and opportunities, and by delivering high-quality, affordable services, in partnership with the community, State and Federal Governments, educational institutions and the private sector.

<b>INDEX</b>				
<b>AGENDA</b>				
<b>FINANCE AND INTERNAL SERVICES COMMITTEE MEETING Tuesday 9 November 2004</b>				
<b>ITEM</b>	<b>DIRECT.</b>	<b>FILE</b>	<b>PAGE</b>	<b>SUBJECT</b>
1	PE & T	PD113/106/05-01(P4)	4	CONSULTANCY SERVICES - WILLIAM OWEN (CORE ECONOMICS PTY LTD)
2	OS	PN67889/36/-(P1)	7	REQUEST FOR DISCOUNT ALLOWANCE
<b>GENERAL BUSINESS</b>				

**KEY:**

- CEO - CHIEF EXECUTIVE OFFICER
- CG - CITY GOVERNANCE
- CMS - COMMUNITY SERVICES
- EDMP - ECONOMIC DEVELOPMENT & MAJOR PROJECTS
- ES - ENGINEERING SERVICES
- GCW - GOLD COAST WATER
- OS - ORGANISATIONAL SERVICES
- PET - PLANNING ENVIRONMENT & TRANSPORT

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**ATTENDANCE**

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Cr R Molhoek            Chairperson  
Cr D L Power  
Cr D M Crichlow  
Cr E Sarroff

Mr G Finlayson        Director Organisational Services  
Mr J McCabe            Director City Governance

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**APOLOGIES**

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**PRESENTATIONS**

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**ITEM 1** **PLANNING ENVIRONMENT & TRANSPORT**  
**CONSULTANCY SERVICES—WILLIAM OWEN (CORE ECONOMICS PTY LTD)**  
**PD113/106/05-01(P4)**

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**1 BASIS FOR CONFIDENTIALITY**

Not applicable.

**2 EXECUTIVE SUMMARY**

Not applicable.

**3 PURPOSE OF REPORT**

To recommend to Council that it resolves, pursuant to section 486(2) (b) of the *Local Government Act 1993*, that the services required are of such a specialised nature that it would be impractical and disadvantageous to invite tenders or quotations for the supply of independent economic and infrastructure planning consultancy services for the development of the Priority Infrastructure Plan required under the *Integrated Planning Act 1997* to be adopted as part of the GCCC Planning Scheme.

**4 PREVIOUS RESOLUTIONS**

Not applicable.

**5 DISCUSSION**

Growth pressures in Gold Coast Since the adoption of the infrastructure policies by Council in January 2004 and implementation in February of 2004, feedback has been received from developers and some members of the community about various aspects of the charges and implementation approaches. This feedback contributes to the refinement of these policies that needs to be progressed under guidance from relevant and direct expertise in this specialist area.

The State Government has also now promulgated *IPOLA 2003*, which requires the development and adoption of a Priority Infrastructure Plan (PIP). The PIP is the statutory instrument for managing future growth and implementing infrastructure charges. The State Government Guidelines for the preparation of PIP's were released in October 2004 by the Department of Local Government, Planning, Sport and Recreation (DLGPSR). Mr Owen and his firm were engaged by DCILGP to draft the guidelines and to recommend other strategies for implementing the Governments infrastructure charging provisions within the IPA legislation.

City necessitated that Council progress the development and implementation of management strategies as 'policies' under the Planning Scheme in the interim period whilst the guidelines were being prepared. Mr Owen was engaged by Gold Coast City Council to assist in that process by preparing policy papers for the Infrastructure Charges Evolution Project including risk management and in scenario generation as a base for testing draft infrastructure charges.

There is now an urgent need to move forward with the current policies, to review them in light of the feedback received and to meet Government expectations in respect to the adoption of a PIP that complies with the IPA legislation and accords with the recently released Guidelines issued by DLGPSR.

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**ITEM 1 (CONTINUED)**

**CONSULTANCY SERVICES—WILLIAM OWEN (CORE ECONOMICS PTY LTD)  
PD113/106/05-01(P4)**

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The on-going substantive work will involve review of the adopted policies (especially recreation (open space), transport and drainage. Water and sewerage are being reviewed by Gold Coast Water with only peripheral involvement from Mr Owen in respect of conformity with the Guidelines and risk analysis.

The services required of Mr Owen are of such a specialised nature given his unique experience with infrastructure policy development within the Queensland Government and legislative context that it would be impractical for Council to invite tenders or quotations from other providers.

Accordingly it is recommended that Mr William Owen of Core Economics be engaged to provide independent and professional economic and strategic infrastructure advice to Council as the services to be supplied are of such a specialised nature it would be impractical and disadvantageous to invite tenders or quotes. It is further recommended that these services be engaged for a period of 12 months dating from the 4 October 2004.

**6 STATUTORY MATTERS**

Not applicable.

**7 CORPORATE/OPERATIONAL PLAN**

Not applicable.

**8 COUNCIL POLICIES**

This report is in accordance with the Purchasing Policy adopted by Council Resolution 14 December 2001; F01.1211.006.

**9 DELEGATIONS**

Not applicable.

**10 BUDGET/FUNDING**

Funding is available as per the program funding adopted in the 2004/05 budget for Strategic Infrastructure Planning.

**11 COORDINATION & CONSULTATION**

The relevant infrastructure service providers have been consulted in the preparation of this report.

**12 TIMING**

It is proposed that that this recommendation will be effective from 4 October 2004 through to October 2005.

**13 STAKEHOLDER IMPACTS**

Not applicable.



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**ITEM 1 (CONTINUED)**  
**CONSULTANCY SERVICES—WILLIAM OWEN (CORE ECONOMICS PTY LTD)**  
**PD113/106/05-01(P4)**

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**14 CONCLUSION**

Due to Mr William Owen's (Core Economics) unique background, qualifications and experience, it is considered to be impractical to invite tenders or quotes for the provision of infrastructure economics and strategic infrastructure services advice for a period not exceeding 12 months, effective from 4 October 2004. Should a requirement for this service exist beyond the specified date then a further report will be forwarded to Council for approval.

**15 RECOMMENDATION**

It is recommended that Council resolves as follows:

**That in accordance with Section 486(2)(b) of the Local Government Act, Council is satisfied that the services to be supplied by Mr William Owen of the firm Core Economics Pty Ltd, are of such a specialised nature it is considered to be impractical and disadvantageous to invite tenders or quotes for the provision of economic and strategic infrastructure services advice for a period of 12 months effective from 4 October 2004.**

*Author:*

Stewart Somers  
Coordinator Strategic Planning and City  
Infrastructure  
28 October 2004

*Authorised by:*

Matthew Hulse  
Acting Director Planning Environment &  
Transport

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**ITEM 2**  
**REQUEST FOR DISCOUNT ALLOWANCE**  
**PN67889/36 (P1)**

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**ORGANISATIONAL SERVICES**  
**CONFIDENTIAL ATTACHMENT**

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Refer 2 page confidential attachment

**1 BASIS FOR CONFIDENTIALITY**

I recommend that the attachment be deemed a confidential document pursuant to sections 250 (2) and 1143 (4) of the Local Government Act and remain so unless Council decides otherwise by resolution.

**2 EXECUTIVE SUMMARY**

Not Applicable

**3 PURPOSE OF REPORT**

To consider a request from the applicant to allow discount on the late payment of rate notice issued on 28 January 2004.

**4 PREVIOUS RESOLUTIONS**

Not Applicable

**5 DISCUSSION**

The Mayor's Office has received a request from the applicant to consider allowing discount on the late payment of the rate notice that was issued on 28 January 2004 because of extenuating circumstances. The rate notice was due for payment on the 2 March 2004 to qualify for the discount.

The discounted amount to pay on the rate notice was \$86,045.94. This amount was paid on the 25 March 2004 following the issue of a "Notice of Creditors Intention to Instigate Legal Proceedings" on the 19 March 2004. Because payment was received after the due date it left an amount outstanding of \$13,822.45 representing lost discount. Both the rate notice and the aforementioned recovery notice had been sent to the same postal address.

Upon receiving the "Notice of Creditors Intention to Instigate Legal Proceedings" and making payment the applicant wrote to Council seeking consideration for allowance of discount on the basis that the subject rate notice was received 15 days after the due date.

Council undertook a check of the rating records which confirmed that the postal address for service of notices recorded in Council's rating system was the address provided for this purpose on the documentation received when the owner purchased the property back in October 2003.

On the basis Council had issued the rate notice to the address nominated, the request for discount allowance was declined.

A second request to consider the discount allowance was received on the 1 June 2004. The applicant claiming the address on the notice was its business address and not its postal address and that previous payment history for its other properties would indicate payment being made by the due date.

**ITEM 2 (CONTINUED)  
REQUEST FOR DISCOUNT ALLOWANCE  
PN67889/36 (P1)**

**CONFIDENTIAL ATTACHMENT**

The applicant was again advised that discount could not be allowed and that they could request for further consideration of the decision to the Manager Financial Services. On the 22 June 2004 the applicant requested for discount to be granted to the Manager Financial Services, stating the reasons already mentioned and the applicant stating its involvement

with large development projects within the City and engaging Council for its building certifications.

The Acting Manager Financial Services considered the request and the decision was that grounds did not exist to allow the discount, but in this instance, approved the waiving of interest penalty up to 6 August 2004 to allow time for payment of the outstanding amount. A further request was made on the 28 July 2004 and the decision was that Council had issued the rate notice to the correct address as advised and therefore, could not assist in this matter.

On the 22 September 2004, the applicant wrote to the Mayor's Office stating that it was now believed the rate notice was delivered to their office but because of an administrative mix-up, the rate notice was not recognised as one of their own because they did not recognise the company name (Carnriver Pty Ltd) on the rate notice.

The Mayor's Office requested a report be presented to Council for consideration.

**6 STATUTORY MATTERS**

Section 1021 of the Local Government Act 1993 – Discount if special circumstances prevent prompt payment.

**7 CORPORATE/OPERATIONAL PLAN**

2.1.3 Healthy Economy, Well Managed City, Services

**8 COUNCIL POLICIES**

Revenue Policy – Appendix D Revenue Statement:

(d) Discount: "That discount of 10% of the current rates and charges shall be granted to ratepayers who pay the whole of a rate or charge within 31 days after the date of issue of each notice."

(e) Due Date: "All rates and utility charges must be paid within 31 days after the date of issue of the initial rate notice that includes a rate or utility charge."

**9 DELEGATIONS**

Not Applicable

**10 BUDGET/FUNDING**

Not Applicable

**11 COORDINATION & CONSULTATION**

Not Applicable

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**ITEM 2 (CONTINUED)**  
**REQUEST FOR DISCOUNT ALLOWANCE**  
**PN67889/36 (P1)**

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**CONFIDENTIAL ATTACHMENT**

**12 TIMING**

Not Applicable

**13 STAKEHOLDER IMPACTS**

Not Applicable

**14 CONCLUSION**

It is Council's practice to decline requests made by ratepayers for discount allowance in situations such as those of this case i.e. wrong mailing address because of incorrect information supplied on transfer documentation or the taking into consideration of previous payment history of the applicant. If Council was to "open up" the ability for allowance of discount based on these circumstances, the precedent such a decision would set for other ratepayers in the City to apply to Council for discount on the grounds of error (e.g. forgot to pay, misread the due date etc) would negatively impact on Council's revenue budget and negate the incentive for the ratepayer to pay their rates on time.

The other important issue to consider in this matter is Council's legislative power. Section 1021 of the Local Government Act permits Council to allow discount if it "is satisfied that a person liable to pay the rate has been prevented, by circumstances beyond the person's control, from paying the rate in time to benefit from the discount."

In this instance Council correctly discharged its responsibility by issuing the rates notice to the correct address as advised at the time. The failure on behalf of the applicant in not recognising the rate notice as belonging to them is not considered to be a circumstance beyond the person's control. The other factor is that the rate notice contains other identifying information such as the address of the property and the description of the property or properties being rated.

**15 RECOMMENDATION**

**It is recommended that Council resolves as follows:**

**That Council advises the applicant that it cannot allow the discount on the subject rate notice, which was paid late.**

*Author:*  
Paula Deveson  
Supervisor CSO Group  
29 October 2004

*Authorised by:*  
Graeme Finlayson  
Director Organisational Services

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Gold Coast City Council

## MINUTES

*of the*

# FINANCE AND INTERNAL SERVICES COMMITTEE MEETING

*held on*

Tuesday 9 November 2004

*at*

1:00 PM

Gold Coast City Council Chambers  
135 Bundall Road  
Surfers Paradise

#### **OUR VISION**

Naturally, the world's best place to be . . . because we will create a city that is recognised internationally for the quality, diversity and sustainability of its lifestyle, economy and environment. The Gold Coast's future will be secure as Australia's most desirable place to live and favourite place to visit.

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## MINUTES

FINANCE AND INTERNAL SERVICES COMMITTEE MEETING Tuesday 9 November  
2004

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4	CS	LG314/411/05/017	7	TENDER FOR SUPPLY, DELIVERY AND RECYCLING OF WHEELIE BINS
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**KEY:**

CEO	CHIEF EXECUTIVE OFFICER	OS	ORGANISATIONAL SERVICES
CG	CITY GOVERNANCE	PET	PLANNING ENVIRONMENT & TRANSPORT
CMS	COMMUNITY SERVICES		
EDMP	ECONOMIC DEVELOPMENT & MAJOR PROJECTS		
ES	ENGINEERING SERVICES		
GCW	GOLD COAST WATER		

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**ATTENDANCE**

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Cr R Molhoek            Chairperson  
Cr D L Power  
Cr D M Crichlow  
Cr E Sarroff

Mr G Finlayson        Director Organisational Services  
Mr J McCabe           Director City Governance

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**APOLOGIES**

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**PRESENTATIONS**

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**ITEM 1** **PLANNING ENVIRONMENT & TRANSPORT**  
**CONSULTANCY SERVICES—WILLIAM OWEN (CORE ECONOMICS PTY LTD)**  
**PD113/106/05-01(P4)**

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Changed Recommendation

**COMMITTEE RECOMMENDATION FI04.1109.001**  
moved Cr Crichlow **seconded Cr Sarroff**

- 1 That in accordance with Section 486(2)(b) of the Local Government Act, Council is satisfied that the services to be supplied by Mr William Owen of the firm Core Economics Pty Ltd, are of such a specialised nature it is considered to be impractical and disadvantageous to invite tenders or quotes for the provision of economic and strategic infrastructure services advice for a period of 12 months effective from 4 October 2004.
- 2 It be noted that the anticipated expenditure for the 12 month period is approximately \$50,000. All charges to be debited to Budget Number B0267500.

CARRIED

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**ITEM 2** **ORGANISATIONAL SERVICES**  
**REQUEST FOR DISCOUNT ALLOWANCE**  
**PN67889/36 (P1)** **CONFIDENTIAL ATTACHMENT**

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Changed Recommendation

**MOTION**  
moved Cr Crichlow **seconded Cr Sarroff**

That the officer's recommendation as printed be adopted.

THE MOTION WAS LOST

**MOTION**  
moved Cr Clarke **seconded Cr Power**

That the discount on the subject rate notice be granted due to the special circumstances.

THE MOTION WAS CARRIED

**COMMITTEE RECOMMENDATION FI04.1109.002**

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**ITEM 3** **COMMUNITY SERVICES**  
**CONTRACT NO. CS431/310/14 – SUPPLY OF CAMERA MONITORING AND**  
**MAINTENANCE SERVICES FOR TWO YEARS**  
**CS431/310/14**

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**REFERRED ITEM**

The item was referred from the Community Services Committee, held on 4 November 2004, Item 5. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. CS04.1104.005 (in part) reads as follows:

- “2 That this be referred to the Finance Committee in respect of future funding, for which similar budgets to that approved for the 2004/ 2005 financial year are anticipated to be submitted for approval in each of the financial years 2005/ 2006 and 2006/ 2007. It should be noted that the total expenditure over the contract period is anticipated to be \$841,000.”*

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.1109.003**  
moved Cr Crichlow seconded Cr Sarroff

**That Council endorses the recommendation as proposed by the Community Services Committee held on 4 November 2004, Minute No. CS04.1104.005 on the basis that sufficient funds exist to cover the portion of this contract to be incurred in the current year and the amounts committed for future years will be similar to the existing allocation (total estimated cost of this contract over three financial years is anticipated to be \$841,000).**

**CARRIED**

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<b>ITEM 4</b>	<b>COMMUNITY SERVICES</b>
<b>TENDER FOR SUPPLY, DELIVERY AND RECYCLING OF WHEELIE BINS</b>	
<b>LG314/411/05/017</b>	<b>REPORT CONFIDENTIAL</b>

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**REFERRED ITEM**

The item was referred from the Health Committee, held on 4 November 2004, Confidential Item 2. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. HS04.1104.002 (in part) reads as follows:

*"4 That this be referred to the Finance Committee in respect of future funding, for which similar budgets to that approved for 2004/05 will be submitted for approval in 2005/06."*

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.1109.004**  
moved Cr Crichlow                      seconded Cr Power

That Council endorses the recommendation as proposed by the Health Committee held on 4 November 2004, Minute No. HS04.1104.002 on the basis that sufficient funds exist to cover the portion of this contract to be incurred in the current year and the amount committed for 2005/06 will be similar to the existing allocation (total estimated cost of this contract over two financial years is anticipated to be \$850,000).

**CARRIED**

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**ITEM 5** **ENGINEERING SERVICES**  
**GOLD COAST HIGHWAY, BURLEIGH HEADS, CONTRIBUTION TO DEPARTMENT OF  
MAIN ROADS**  
**RD1121/46/-**

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**REFERRED ITEM**

The item was referred from the City Infrastructure Assets Committee, held on 4 November 2004, Item 5. The item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. CI04.1104.005 (in part) reads as follows:

- "4 That the item be referred to the Financial & Internal Services Committee for consideration for future funding as part of the 2005/06 'Contribution to QDMR' and it be noted that a similar budget amount will be requested in the 2005/06 Major Roadworks budget for 'Contributions to QDMR' in line with the 2004/05 budget allocation."*

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.1109.005**  
moved Cr Power seconded Cr Crichtlow

That Council endorses the recommendation as proposed by the City Infrastructure Assets Committee held on 4 November 2004, Minute No. CI04.1104.005 and notes the future commitment on the 2005/06 Major Roadworks budget.

**CARRIED**

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**ITEM 6** **ENGINEERING SERVICES**  
**CONTRACT NO LG314/254/04/099 – HORTICULTURAL MAINTENANCE OF SOFT**  
**LANDSCAPING AT RIVERSIDE ESTATE, NERANG AND RIVER MEADOWS ESTATE,**  
**UPPER COOMERA FOR TWO YEARS**  
**LG314/254/04/099**

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**REFERRED ITEM**

The item was referred from the City Infrastructure Assets Committee, held on 4 November 2004, Item 12. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. CI04.1104.012 (in part) reads as follows:

*“5 That this item be referred to the Finance Committee in respect of future funding, for which similar budgets to that approved for the 2004/2005 financial year are anticipated to be submitted for approval in each of the financial years 2005/2006 and 2006/2007. It is noted that the total expenditure over the contract period is anticipated to be \$312,917.84.”*

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

Changed Recommendation

**COMMITTEE RECOMMENDATION FI04.1109.006**  
moved Cr Power seconded Cr Crichlow

- 1 That Council endorses the recommendation as proposed by the City Infrastructure Assets Committee held on 4 November 2004, Minute No. CI04.1104.012 on the basis that sufficient funds exist to cover the portion of this contract to be incurred in the current year and the amount committed for future years will be similar to the existing allocation (total estimated cost of this contract over the three financial years is anticipated to be \$312,917.84).
- 2 That the Director Engineering Services ensure a standard no less than any other area in the city is provided and maintained by the contractor.

**CARRIED**

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**ITEM 7** **ENGINEERING SERVICES**  
**CONTRACT NO LG314/254/04/065 - MECHANICAL MAINTENANCE OF AIR**  
**CONDITIONERS AT COUNCIL'S COMMUNITY AND SPORT FACILITIES, TRANSFER**  
**STATIONS AND SELECTED LIBRARIES FOR TWO YEARS**  
**LG314/254/04/065**

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**REFERRED ITEM**

The item was referred from the City Infrastructure Assets Committee, held on 4 November 2004, Item 13. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. CI04.1104.013 (in part) reads as follows:

- "2 *That this be referred to the Finance Committee in respect of future funding, for which similar budgets to that approved for the 2004/2005 financial year are anticipated to be submitted for approval in each of the financial years 2005/2006 and 2006/2007. It should be noted that the total contract expenditure over three financial years is anticipated to be \$88,694.*"

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.1109.007**  
moved Cr Crichlow                      seconded Cr Power

That Council endorses the recommendation as proposed by the City Infrastructure Assets Committee held on 4 November 2004, Minute No. CI04.1104.013 on the basis that sufficient funds exist to cover the portion of this contract to be incurred in the current year and the amount committed for future years will be similar to the existing allocation (total estimated cost of this contract over the three financial years is anticipated to be \$88,694).

**CARRIED**

**ITEM 8**

**GOLD COAST WATER**

**CONTRACT GCW 170/04/42**

**WATER SUPPLY NETWORK – PUMPS AND PIPES PROJECT**

**REPORT ON INITIAL TENDERS AND WORK PACKAGE P1 FUNDING REQUIREMENTS**

**WS113/870/02/06(P1)**

**REFERRED ITEM**

The item was referred from the Water Sustainability Committee, held on 4 November 2004, Item 5. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. WS04.1104.005 (in part) reads as follows:

- "2 That the Water Sustainability Committee endorses the following recommendation to be referred to the Finance and Internal Services Committee to be held on 9 November 2004 for its consideration:
- a That approval be given to increase the budget for Work Package P1 of the Water Supply Network – Pumps and Pipes Managing Contractor Project from \$2,600,000 to \$5,330,000.
  - b That the additional funding of \$2.73M required to complete the works be approved for 2004/05 as an amendment to the 2004/05 Capital Expenditure Program funded by the Water Headworks Component 2 Coastal Trust Funds.
  - c That a contra variation for the above amount be made to Cost Centre Function 187 7901 – Water – Cat 2 Trunk Network, Project ADSV – P1\_Molendinar Catchment 04, at the next budget review."

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI041109.008**

moved Cr Power

seconded Cr Sarroff

- 1 That Council endorses the recommendation as proposed by the Water Sustainability Committee held on 4 November 2004, Minute No. WS04.1104.005 on the following basis:
- a That approval be given to increase the budget for Work Package P1 of the Water Supply Network – Pumps and Pipes Managing Contractor Project from \$2,600,000 to \$5,330,000.
  - b That the additional funding of \$2.73M required to complete the works be approved for 2004/05 as an amendment to the 2004/05 Capital Expenditure Program funded by the Water Headworks Component 2 Coastal Trust Funds.
  - c That a contra variation for the above amount be made to Cost Centre Function 187 7901 – Water – Cat 2 Trunk Network, Project ADSV – P1\_Molendinar Catchment 04, at the next budget review.

**CARRIED**

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**ITEM 9** **GOLD COAST WATER**  
**NCR SECURITIES PTY LTD –REIMBURSEMENT OF HEADWORKS CREDITS**  
**COOMERA GRAND SUBDIVISION**  
**PN170580/12/DA2(P3)**

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**REFERRED ITEM**

The item was referred from the Water Sustainability Committee, held on 4 November 2004, Item 6. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. WS04.1104.006 reads as follows:

- "1 That the Water Sustainability Committee endorses the following recommendation to be referred to the Finance and Internal Services Committee to be held on 9 November 2004 for its consideration:*
- a That in accordance with Council's Local Planning Policy, Policy 3, in force at the time of payment of contributions:*
    - i the amount of \$111,513.60 is due and payable to NCR Securities Pty Ltd with respect to the construction of a 225mm diameter headworks water main and this amount be reimbursed in the form of a cheque payment;*
    - ii the amount of \$74,148.14 is due and payable to NCR Securities Pty Ltd with respect to the construction of a 300mm diameter headworks sewer main along Old Coach Road and this amount be reimbursed in the form of a cheque payment;*
    - iii the amount of \$111,513.60 be provided in the 2004/05 Capital Expenditure Program, CCF184.7901, funded by Water Headworks Component 2 –North Trust Funds;*
    - iv the amount of \$74,148.14 be provided in the 2004/05 Capital Expenditure Program, CCF184.8841, funded by Sewerage Headworks Component 2 –North Trust Funds;*
  - b That the contra variation for the above amount be made to Cost Centre Function 184.7901 and 184.8841 (GCW Asset Coverage / Growth) at the next budget review;*
  - c That in order not to disadvantage the Applicant, Council notes that payments are being made prior to the next budget review."*

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.109.009**  
moved Cr Power seconded Cr Crichlow

- 1 That Council endorses the recommendation as proposed by the Water Sustainability Committee held on 4 November 2004, Minute No. WS04.1104.006 on the following basis:**
- a That in accordance with Council's Local Planning Policy, Policy 3, in force at the time of payment of contributions:**
    - i the amount of \$111,513.60 is due and payable to NCR Securities Pty Ltd with respect to the construction of a 225mm diameter headworks water main and this amount be reimbursed in the form of a cheque payment;**



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**ITEM 9 Continued**  
**NCR SECURITIES PTY LTD –REIMBURSEMENT OF HEADWORKS CREDITS**  
**COOMERA GRAND SUBDIVISION**  
**PN170580/12/DA2(P3)**

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- ii the amount of \$74,148.14 is due and payable to NCR Securities Pty Ltd with respect to the construction of a 300mm diameter headworks sewer main along Old Coach Road and this amount be reimbursed in the form of a cheque payment;
  - iii the amount of \$111,513.60 be provided in the 2004/05 Capital Expenditure Program, CCF184.7901, funded by Water Headworks Component 2 –North Trust Funds;
  - iv the amount of \$74,148.14 be provided in the 2004/05 Capital Expenditure Program, CCF184.8841, funded by Sewerage Headworks Component 2 –North Trust Funds;
- b That the contra variation for the above amount be made to Cost Centre Function 184.7901 and 184.8841 (GCW Asset Coverage / Growth) at the next budget review;
  - c That in order not to disadvantage the Applicant, Council notes that payments are being made prior to the next budget review.

CARRIED

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**ITEM 10**  
**BILLINGHURST CRESCENT COOMERA - WATER MAIN EXTENSIONS**  
**PN169925/12/DA1**

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**GOLD COAST WATER**

**REFERRED ITEM**

The item was referred from the Water Sustainability Committee, held on 4 November 2004, Item 7. The Item was referred to the Finance & Internal Services Committee for consideration of funding requirements.

Minute No. WS04.1104.007 (in part) reads as follows:

- "2 That the Water Sustainability Committee endorses the following recommendation to be referred to the Finance and Internal Services Committee to be held on 9 November 2004 for its consideration:
- a That the additional funding of \$260,000 required to complete the water main links in the vicinity of Billinghamurst Crescent, Coomera be approved for 2004/05 as an amendment to the 2004/05 Capital Expenditure Program funded by the Water Headworks Component 2 North Trust Funds.
  - b That a contra variation for the above amount be made to Cost Centre Function 187 7901 - Water - Cat 2 Trunk Network, at the next budget review."

The funding outlined in the recommendation has been endorsed by the Corporate Finance Branch.

**COMMITTEE RECOMMENDATION FI04.1109.010**  
**moved Cr Crichlow    seconded Cr Power**

- 1 That Council endorses the recommendation as proposed by the Water Sustainability Committee held on 4 November 2004, Minute No. WS04.1104.007 on the following basis:
- a That the additional funding of \$260,000 required to complete the water main links in the vicinity of Billinghamurst Crescent, Coomera be approved for 2004/05 as an amendment to the 2004/05 Capital Expenditure Program funded by the Water Headworks Component 2 North Trust Funds.
  - b That a contra variation for the above amount be made to Cost Centre Function 187 7901 - Water - Cat 2 Trunk Network, at the next budget review.

**CARRIED**



I HEREBY CERTIFY THAT THESE PAGES  
NUMBERED 1 To 16  
CONSTITUTE THE MINUTES OF THE MEETING  
OF THE FINANCE AND INTERNAL SERVICES COMMITTEE  
HELD TUESDAY 9 NOVEMBER 2004

-----  
CHAIRPERSON

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13 December 2004  
Customer Service Obligations Officer  
Surfers Paradise  
(07) 5581 6096

RA1036954 PN67889/36

Carnriver Pty Ltd  
PO Box 1301  
SURFERS PARADISE QLD 4217

Dear Sir/Madam

**DISCOUNT REQUEST - JANUARY 2004 RATES NOTICE**  
**PROPERTY LOCATION: 3216 SURFERS PARADISE BLVD, SURFERS PARADISE**

At the Council Meeting of 22 November 2004, it was resolved to grant discount on the January 2004 rates notice for the above property. In addition, the accrued interest has also been withdrawn.

I advise that the above rate account currently has a credit balance of \$15,236.28, which will partially offset the next rate notice anticipated to issue in January 2005. However, should you wish this amount to be refunded please contact Council's Financial Services Contact Centre on 1300 366 659.

Kindly note that discount may only be granted once for extenuating circumstances within a **twenty-four (24) month period**. Please take care in ensuring that the net amount is paid prior to the due/discount date in future.

When corresponding on this matter please quote Council's reference.

Yours faithfully



Paula Deveson  
**SUPERVISOR CUSTOMER SERVICE OBLIGATIONS**  
for the Chief Executive Officer

# COUNCIL DECISION ACTION REQUEST

FILE NO/s	PN67889/36		
COUNCIL MEETING DATE	22 November 2004		
COMMITTEE	Finance Committee		
ITEM NO	2	MINUTE NUMBER	F104
SUBJECT	Request for Discount Allowance		
TO (Primary Action Officer)	P Deveson Levying Org Services. Please return completed form to Kay Bennett Director's Office Org Services		

Attached are the details of Council's decision in relation to your report on the above matter.

As the Primary Action Officer, it would be appreciated if you would now implement Council's Decision. In doing so, it is your responsibility to liaise with any other Officer who needs to be involved in such implementation and to ensure that all Stakeholders and other interested parties are advised.

This is the only Action Request being distributed in relation to Council's decision.

Dale Dickson  
CHIEF EXECUTIVE OFFICER

**Primary Action Officer's Comments:**

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*Provisional in question (Jan 04) has been resolved.*

*Discount approval letter produced and forwarded to act pay along with revised note sheet.*

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Signature: *P. Deveson* 86296 Date: *29.11.04*

original hand-delivered to Kay 29.11.04.

24 November 2004

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9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS

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9.8 FINANCE & INTERNAL SERVICES

Cr Molhoek, Chairperson of the Finance & Internal Services Committee, presented the Minutes of the Meeting of the Finance & Internal Services Committee held on Tuesday 9 November 2004.

**RESOLUTION** G04.1122.028 moved Cr Molhoek seconded Cr Pforr

That the Report of the Finance & Internal Services Committee Meeting held on Tuesday 9 November 2004, covered by Recommendations FI04.1109.001 to FI04.1109.012, be received.

CARRIED

ITEM 2  
REQUEST FOR DISCOUNT ALLOWANCE  
PN67889/36(P1)

**MOTION** moved Cr Crichlow seconded Cr Young

That the original officer's recommendation, as follows, be adopted:

"That Council advise the applicant that it cannot allow the discount on the subject rate notice, which was paid late."

Cr Sarroff called for a Division

For	6	Cr Power, Cr Pforr, Cr Young, Cr Crichlow, Cr Douglas, Cr Sarroff
Against	7	Cr Clarke, Cr Hackwood, Cr Molhoek, Cr La Castra, Cr Shepherd, Cr Grew, Cr Betts

The MOTION was LOST.

Cr Betts declared a conflict of interest and left the Chambers during further discussion and voting on this matter.



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9 RECEPTION & CONSIDERATION OF COMMITTEE REPORTS

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9.8 FINANCE & INTERNAL SERVICES

ITEM 2 (Continued)  
REQUEST FOR DISCOUNT ALLOWANCE  
PN67889/36(P1)

**MOTION** moved Cr Molhoek seconded Cr La Castra

That the Committee Recommendation FI04.1109.002 be adopted as printed.

Cr Sarroff called for a Division.

For 8 Cr Hackwood, Cr Power, Cr Pforr, Cr Molhoek, Cr La Castra,  
Cr Shepherd, Cr Grew, Cr Clarke  
Against 4 Cr Young, Cr Crichlow, Cr Douglas, Cr Sarroff

The MOTION was CARRIED:-  
RESOLUTION G04.1122.029

**ADOPTION OF FINANCE & INTERNAL SERVICES COMMITTEE REPORT**

**RESOLUTION** G04.1122.030 moved Cr Molhoek seconded Cr Power

That the Report of the Finance & Internal Services Committee Meeting held on Tuesday 9 November 2004, covered by Recommendations FI04.1109.001 to FI04.1109.012, be adopted with the exception of:-

Recommendation Number FI04.1109.002 which was specifically resolved.

CARRIED

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ITEM 1 PLANNING ENVIRONMENT & TRANSPORT  
 CONSULTANCY SERVICES- WILLIAM OWEN (CORE ECONOMICS PTY LTD)  
 PD113/106/05-01(P4)

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Changed Recommendation

COMMITTEE RECOMMENDATION FI04.1109.001  
 moved Cr Crichlow seconded Cr Sarroff

- 1 That in accordance with Section 486(2)(b) of the Local Government Act, Council is satisfied that the services to be supplied by Mr William Owen of the firm Core Economics Pty Ltd, are of such a specialised nature it is considered to be impractical and disadvantageous to invite tenders or quotes for the provision of economic and strategic infrastructure services advice for a period of 12 months effective from 4 October 2004.
- 2 It be noted that the anticipated expenditure for the 12 month period is approximately \$50,000. All charges to be debited to Budget Number B0267500.

CARRIED

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ITEM 2	ORGANISATIONAL SERVICES
REQUEST FOR DISCOUNT ALLOWANCE	
PN67889/36 (P1)	CONFIDENTIAL ATTACHMENT

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Changed Recommendation

MOTION  
 moved Cr Crichlow seconded ~~Cr Sarroff~~

That the officer's recommendation as printed be adopted.

THE MOTION WAS LOST

MOTION  
 moved Cr Clarke seconded Cr Power

That the discount on the subject rate notice be granted due to the special circumstances.

THE MOTION WAS CARRIED

COMMITTEE RECOMMENDATION FI04.1109.002

**ITEM 2**  
**REQUEST FOR DISCOUNT ALLOWANCE**  
**PN67889/36 (P1)**

**ORGANISATIONAL SERVICES**  
**CONFIDENTIAL ATTACHMENT**

Refer 2 page confidential attachment

**1 BASIS FOR CONFIDENTIALITY**

I recommend that the attachment be deemed a confidential document pursuant to sections 250 (2) and 1143 (4) of the Local Government Act and remain so unless Council decides otherwise by resolution.

**2 EXECUTIVE SUMMARY**

Not Applicable

**3 PURPOSE OF REPORT**

To consider a request from the applicant to allow discount on the late payment of rate notice issued on 28 January 2004.

**4 PREVIOUS RESOLUTIONS**

Not Applicable

**5 DISCUSSION**

The Mayor's Office has received a request from the applicant to consider allowing discount on the late payment of the rate notice that was issued on 28 January 2004 because of extenuating circumstances. The rate notice was due for payment on the 2 March 2004 to qualify for the discount.

The discounted amount to pay on the rate notice was \$86,045.94. This amount was paid on the 25 March 2004 following the issue of a "Notice of Creditors Intention to Instigate Legal Proceedings" on the 19 March 2004. Because payment was received after the due date it left an amount outstanding of \$13,822.45 representing lost discount. Both the rate notice and the aforementioned recovery notice had been sent to the same postal address.

Upon receiving the "Notice of Creditors Intention to Instigate Legal Proceedings" and making payment the applicant wrote to Council seeking consideration for allowance of discount on the basis that the subject rate notice was received 15 days after the due date.

Council undertook a check of the rating records which confirmed that the postal address for service of notices recorded in Council's rating system was the address provided for this purpose on the documentation received when the owner purchased the property back in October 2003.

On the basis Council had issued the rate notice to the address nominated, the request for discount allowance was declined.

A second request to consider the discount allowance was received on the 1 June 2004. The applicant claiming the address on the notice was its business address and not its postal address and that previous payment history for its other properties would indicate payment being made by the due date.

The applicant was again advised that discount could not be allowed and that they could request for further consideration of the decision to the Manager Financial Services. On the 22 June 2004 the applicant requested for discount to be granted to the Manager Financial Services, stating the reasons already mentioned and the applicant stating its involvement

**ITEM 2 (CONTINUED)  
REQUEST FOR DISCOUNT ALLOWANCE  
PN67889/36 (P1)**

**CONFIDENTIAL ATTACHMENT**

with large development projects within the City and engaging Council for its building certifications.

The Acting Manager Financial Services considered the request and the decision was that grounds did not exist to allow the discount, but in this instance, approved the waiving of interest penalty up to 6 August 2004 to allow time for payment of the outstanding amount. A further request was made on the 28 July 2004 and the decision was that Council had issued the rate notice to the correct address as advised and therefore, could not assist in this matter.

On the 22 September 2004, the applicant wrote to the Mayor's Office stating that it was now believed the rate notice was delivered to their office but because of an administrative mix-up, the rate notice was not recognised as one of their own because they did not recognise the company name (Carnriver Pty Ltd) on the rate notice.

The Mayor's Office requested a report be presented to Council for consideration.

**6 STATUTORY MATTERS**

Section 1021 of the Local Government Act 1993 - Discount if special circumstances prevent prompt payment.

**7 CORPORATE/OPERATIONAL PLAN**

2.1.3 Healthy Economy, Well Managed City, Services

**8 COUNCIL POLICIES**

Revenue Policy - Appendix D Revenue Statement:

(d) Discount: "That discount of 10% of the current rates and charges shall be granted to ratepayers who pay the whole of a rate or charge within 31 days after the date of issue of each notice."

(e) Due Date: "All rates and utility charges must be paid within 31 days after the date of issue of the initial rate notice that includes a rate or utility charge."

**9 DELEGATIONS**

Not Applicable

**10 BUDGET/FUNDING**

Not Applicable

**11 COORDINATION & CONSULTATION**

Not Applicable

**12 TIMING**

Not Applicable

**13 STAKEHOLDER IMPACTS**

Not Applicable

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ITEM 2 (CONTINUED)  
REQUEST FOR DISCOUNT ALLOWANCE  
PN67889/36 (P1)

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CONFIDENTIAL ATTACHMENT

14 CONCLUSION

It is Council's practice to decline requests made by ratepayers for discount allowance in situations such as those of this case i.e. wrong mailing address because of incorrect information supplied on transfer documentation or the taking into consideration of previous payment history of the applicant. If Council was to "open up" the ability for allowance of discount based on these circumstances, the precedent such a decision would set for other ratepayers in the City to apply to Council for discount on the grounds of error (e.g. forgot to pay, misread the due date etc) would negatively impact on Council's revenue budget and negate the incentive for the ratepayer to pay their rates on time.

The other important issue to consider in this matter is Council's legislative power. Section 1021 of the Local Government Act permits Council to allow discount if it "is satisfied that a person liable to pay the rate has been prevented, by circumstances beyond the person's control, from paying the rate in time to benefit from the discount."

In this instance Council correctly discharged its responsibility by issuing the rates notice to the correct address as advised at the time. The failure on behalf of the applicant in not recognising the rate notice as belonging to them is not considered to be a circumstance beyond the person's control. The other factor is that the rate notice contains other identifying information such as the address of the property and the description of the property or properties being rated.

15 RECOMMENDATION

It is recommended that Council resolves as follows:

That Council advise the applicant that it cannot allow the discount on the subject rate notice, which was paid late.

*Author:*

Author's Name Paula Deveson  
Author's Title Supervisor CSO Group  
Date 29 October 2004

*Authorised by:*

Graeme Finlayson  
Director Organisational Services

CONFIDENTIAL ATTACHMENT

Property Owner & Details

Applicant: Falcon Group on behalf of the Sunland Group of Companies  
Current Owner: Carnriver Pty Ltd  
Property Location: 3216 Surfers Paradise Boulevard, Surfers Paradise  
Property Description: L102 L111, L115-116 RP21839; L2 RP54244; L1 RP73577;  
L3 RP78025; L9 RP802556; L1-2 RP85531; L1-2 RP87950;  
L1-6 RP90703; L3 RP90910; L1 RP98831; L163-171 SP129420  
File Number: PN 67889/36 (P1)  
Rate Account: RA1036954

UNAUTHORISED RELEASE OF CONFIDENTIAL REPORTS OR INFORMATION may be an offence under the Local Government Act 1993 and other statutes, a breach of the Local Law Policy (Meetings), Code of Conduct or other policies, and a breach of a Council decision or By-Laws of the Council. FOR CARNRIVER P/L (SUNLAND GROUP)

**CONFIDENTIAL**

Summary of Activity

Date	Details
28/01/04	Rate Notice number 2 1036954 5 issued and due for payment on 2/03/04. Gross amount \$107,215.39 Discounted amount \$ 86,045.94 (if paid by due date)
19/03/04	Notice of Creditors Intention to Instigate Legal Proceedings issued to Carnriver Pty Ltd (registered owner).
25/03/04	Payment received \$86,045.94.
26/03/04	Letter received requesting discount allowance. <b>Discount Request Reason:</b> "Rate Notice for the property in question was not received until 16 March 2004".
31/03/04	Interim discount acknowledgement letter sent.
06/05/04	Discount decline letter sent. <b>Discount Decline Reason:</b> Address on rate notice was the "Address for Service of Notices" as advised on property ownership transfer documentation.
01/06/04	Fax received requesting a review of the discount decline decision and advising of the correct postal address. <b>Discount Request Reason:</b> Postal address issue and history of paying on time
10/06/04	Copy of the transfer documentation faxed to the applicant for verification with advice a request for further consideration would need to be lodged with the Manager Financial Services.
22/06/04	Letter received requesting the discount decline decision. <b>Discount Request Reason:</b> Postal address issues, history of making payment on time and reputation as a developer of large projects in the City and using Council for all building certifications
23/07/04	Letter sent advising that in this instance discount cannot be allowed however, all interest charges that had accrued (\$667.44) were withdrawn and payment of the outstanding (discount) amount of \$13,822.45 was required by 06/08/04.
22/09/04	Letter received advising why Sunland Group did not make payment by the due date. <b>Discount Request Reason:</b> "The rates notice was addressed to Carnriver Pty Ltd, Level 18/50 Cavill Avenue, Surfers Paradise. We believe the rates notice was delivered to our office but we did not recognise the name Carnriver".