

# NOTICE OF ORDINARY MEETING

Notice is hereby given that a meeting of

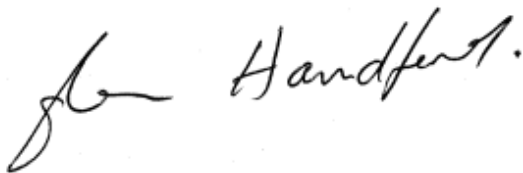
**MidCoast**Council

**Will be held at the Taree Administration Centre,  
2 Pulteney Street, Taree**

**19 APRIL 2017 AT 2.00PM**

The order of the business will be as detailed below (subject to variation by Council)

1. Acknowledgement of Country
2. Declaration of Pecuniary or Conflicts of Interest (nature of Interest to be Disclosed)
3. Apologies
4. Confirmation of Minutes
5. Matters Arising from Minutes
6. Address from the Public Gallery
7. Matters for Information
8. Close of Meeting



**Glenn Handford  
INTERIM GENERAL MANAGER**

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## **CONSIDERATION OF OFFICERS' REPORTS:**

### **DIRECTOR PLANNING & NATURAL SYSTEMS**

#### **1 PLANNING PROPOSAL - 391 DIAMOND BEACH RD, DIAMOND BEACH**

**Report Author**

**Angela Tinlin, Strategic Planner**

**File No. / ECM Index S1568**

**Date of Meeting 19 April 2017**

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#### **SUMMARY OF REPORT**

The planning proposal for 391 Diamond Beach Road, Diamond Beach proposes to rezone the site from the Primary Production (RU1) zone to the Tourist (SP3) and Environmental Conservation (E2) zones. The change will allow for the future expansion of the existing tourist facilities and protection of environmentally sensitive areas (coastal hazard to the east and habitat in the south west corner of the site). A Planning Agreement is proposed to address pedestrian access to Diamond Beach and restoration of land with environmental values.

#### **SUMMARY OF RECOMMENDATION**

That the planning proposal be referred to the Minister for Planning for a Gateway determination and plan making delegation. Consultation (State and community) be undertaken in accordance with the determination.

A Planning Agreement is to be prepared and placed on public exhibition with the planning proposal. If no submissions are received, the plan can proceed to be made and the Planning Agreement registered.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

An application fee was paid for the assessment of the planning proposal in accordance with Council's fees and charges. As a developer-initiated rezoning application all costs associated with preparing studies and the Planning Agreement are to be incurred by the applicant, in accordance with Council policy.

#### **LEGAL IMPLICATIONS**

The planning proposal has been prepared in accordance with *A guide to preparing planning proposals* as required under Section 55(3) of the *Environmental Planning and Assessment Act 1979*.

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#### **BACKGROUND**

The site is located at 391 Diamond Beach Road, Diamond Beach (Lot 17 DP 576415), has an area of 4.35ha and is located within the Primary Production (RU1) zone. The site is bordered by Diamond Beach Road to the south; a neighbouring tourist facility also located in the RU1 zone to the north and west; and the Diamond Beach coastline to the east (refer Attachment A). It is located to the north of the Diamond Beach village which has developed as a tourist precinct.

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On 8 August 2016, a planning proposal (Attachment B) was lodged by PDA Services on behalf of Oceanic Realty Pty Ltd seeking to amend the *Greater Taree Local Environmental Plan 2010* (LEP 2010) to:

- Rezone the land from the Primary Production (RU1) zone to a combination of the Tourist (SP3) and Environmental Conservation (E2) zones.
- Include the land in Schedule 1 of LEP 2010 to allow up to 30% of the gross floor area of the tourist facilities on the subject land to be used as permanent residential accommodation.
- Allow for the maximum height on the land to be 11.5 metres.
- Apply a Floor Space Ratio (FSR) of 0.6:1 to the SP3 zone, consistent with other SP3 zoned land.
- Apply a minimum lot size of 1 hectare to the SP3 zone, consistent with other SP3 zoned land.

Currently the Diamond Beach Holiday Villas operate from the site, which includes a two storey dwelling inhabited by the owner of the land as well as six (6) holiday rental properties. In addition to this, a development approval for a staged caravan park on the lot exists which will provide 90 short term sites and 15 campsites with recreational facilities and amenities to be constructed over three (3) stages.

The process for considering a planning proposal is shown below. This application is currently in the initial stages of the process.

 <b>Application lodged</b>  (August 2016)	 <b>Council Report</b>  (April 2017)	<b>Gateway Determination</b>  (June 2017)	<b>Exhibit planning proposal</b>  (Sept 2017)	<b>Consider submissions. Report to Council</b>  (Nov 2017)	<b>Consult with Parliamentary Counsel to make the plan</b>  (Dec 2017)	<b>Minister to approve rezoning</b>  (Feb 2018)
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## DISCUSSION

Key considerations for this planning proposal included:

### ***Environmental values***

There are two locations where the environmental values of the site warrant the application of the Environmental Conservation (E2) zone (refer Attachment A):

- Seaward of the 2100 coastal hazard line. Along this section of the coast, the E2 zone has been consistently applied to identify and protect important coastal vegetation and dunal systems.
- The south western portion of the site where there is a natural drainage line and a stand of existing trees classified as an endangered ecological community (EEC) of Swamp Sclerophyll Forest on Coastal Floodplains which provides an important link to vegetation on the adjoining site -363 Diamond Beach Rd. A vegetation management plan will be required for this part of the site to restore and protect the EEC vegetation in this location.

Consultation with the NSW Office of Environment and Heritage will be undertaken following a Gateway determination to ensure an appropriate restoration and management plan is established for this vegetation.

### **Aboriginal Cultural Heritage**

An Aboriginal Cultural Heritage Impact Assessment has been submitted with the planning proposal. After the Gateway determination, the NSW Department of Environment and Heritage will be consulted to ensure the process of assessment and findings to determine if it meets their requirements.

### **Coastal access**

Pedestrian access to the coast was raised as an issue for the adjoining site at 363 Diamond Beach Road. Investigations are underway to determine the most appropriate location and type of access along this part of the coast. The result will be a pedestrian/access strategy for north Diamond Beach which will include the subject site.

To address this issue the owner of the land has agreed to enter into a Planning Agreement to provide the following:

- dedication of a 5m strip of land on the eastern boundary to Council;
- providing a monetary contribution to construct a 3m wide concrete path along the dedicated land to a satisfactory standard as determined by Council;
- providing a monetary contribution to construct fencing to control access to the coastal area;
- a time limit of three years for the preparation of a strategy by Council, dedication of the land one year after the endorsement of the strategy and the payment of the monetary contribution immediately upon the dedication of the land; and
- preparation of a Vegetation Management Plan for the proposed Environmental Conservation areas of the site (to address the environmental restoration).

A copy of the letter offering the above is provided in Attachment C.

It is proposed to draft a Planning Agreement in accordance with section 93F-93L of the *Environmental Planning and Assessment Act 1979*. The Planning Agreement will be placed on exhibition with the planning proposal for a minimum of 28 days.

### **Tourist zone**

The proposed tourist zone is consistent with both the *Hallidays Point Development Strategy 2000*, *Hunter Regional Plan 2036* and the current use of the land. This zone has been applied to areas of Diamond Beach and Old Bar only, where tourist facilities have been encouraged.

The following development provisions will be applied to the land within the Tourist (SP3) zone, consistent with other areas within the SP3 zone:

- the land will be identified in Schedule 1 of LEP 2010 to allow for 30% permanent residential accommodation;
- the height of buildings will be limited to 11.5m. a floor space ratio (FSR) of 0.6:1;
- a minimum lot size of 1 hectare.

### **Change of ownership**

The property is currently in the process of being sold. Correspondence has been received from the purchaser supporting the progression of the application and proposed Planning Agreement.

### ***Bushfire assessment***

The site is subject to a bushfire buffer. Consultation with NSW Rural Fire Services will be undertaken after the Gateway determination to ensure that the proposal meets their requirements.

Other issues considered in the planning proposal included stormwater drainage and traffic. Mining and extractive industries are not impacted by this planning proposal and consultation with Primary Industries will be undertaken to confirm this assessment.

### **CONSULTATION**

Consultation with Council's Engineering, Natural Systems and Development Assessment Departments has been undertaken.

Consultation with the NSW Office of Environment and Heritage, Rural Fire Services, Department of Primary Industries, MidCoast Water and Telstra will occur following a Gateway determination.

When all issues have been considered in the planning proposal, community consultation will occur for a minimum of 28 days. Consultation will involve an advertisement in the local paper, letters to adjoining landowners and information being available at Council offices (Taree and Forster), Hallidays Point Library and on Council's website. The draft Planning Agreement will be exhibited with the Planning Proposal.

### **COMMUNITY IMPACTS**

The planning proposal is anticipated to have a positive community impact by providing a mixture of tourist facilities, permanent residences and caravan park facilities at Diamond Beach. In addition, important areas with environmental value will be protected through rezoning and other protection mechanisms. The community consultation process will identify any potential impacts for the community.

### **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The planning proposal is consistent with the *Manning Valley Community Plan 2010-2030* in terms of:

- Strategy 7- to maintain and enhance biodiversity, in accordance with the principle of ecologically sustainable development. The application of the Environmental Conservation (E2) zone and appropriate management plans in two locations on the site, will ensure the environmental values are maintained and enhanced.
- Strategy 17 - to ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community. The Tourist zone in this location is consistent with the development of this tourist precinct at Diamond Beach.

### **TIMEFRAME**

The Gateway determination will provide a timeframe for community consultation and completing the planning proposal.

## **BUDGET IMPLICATIONS**

The costs associated with the preparation and review of all studies and the Planning Agreement associated with the planning proposal, will be provided by the applicant in accordance with Council policy. The application fee (in accordance with the Council's fees and charges) provides for the assessment of the planning proposal by Council staff.

## **RECOMMENDATION**

1. That a request be made for a Gateway determination from the Department of Planning and Environment, pursuant to the Environmental Planning and Assessment Act (EP&A Act) 1979, in relation to the planning proposal in Attachment B.
2. That a request be made for delegation in respect of the Minister for Planning's plan making function under section 59 of the EP&A Act 1979 for the planning proposal.
3. A draft Planning Agreement between MidCoast Council and the owner of the land be prepared in accordance with the letter of offer in Attachment C.
4. That consultation with State Government agencies and service authorities be undertaken in accordance with the Gateway determination.
5. That the planning proposal and Planning Agreement be placed on public exhibition in accordance with the Gateway determination and relevant legislation.
6. That the plan be made and Planning Agreement registered if no objections are received during public exhibition.

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## **ATTACHMENTS**

- A: Maps of subject site
- B: Planning Proposal (issued to the Administrator only due to its large size)
- C: Letter of offer for the Planning Agreement

Attachments A & C have been issued to the Administrator and Senior Staff only as a paper conservation measure. However, these Attachments are publicly available on Council's Website, copies are available at Council offices and copies are available on request.

## **2 DEDICATION OF ENVIRONMENTAL OFFSET ON LAND ADJOINING PALMS OASIS CARAVAN PARK**

**Report Author** Alexandra Macvean, Senior Strategic Planner

**File No. / ECM Index** SP-PP-26; Rezoning Land Adjoining Palms Oasis Caravan Park

**Date of Meeting** 19 April 2017

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### **SUMMARY OF REPORT**

This report requests that Council accept the dedication of ecologically significant land that has been identified for a development offset to a rezoning in Pacific Palms, in lieu of dedication to the National Park estate.

### **SUMMARY OF RECOMMENDATION**

That Council accept the dedication of ecologically significant land on Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms with suitable funding arrangement and in-perpetuity management commitments.

Council advise the proponents of the rezoning that a Planning Agreement is to be drafted to transfer the land to Council at no cost and to cover the full cost of rehabilitation and maintenance of the land for a reasonable period.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The dedication and on-going management of ecologically sensitive land requires funding sufficient to cover the restoration and maintenance for an initial period and maintenance costs thereafter, so that there is no financial burden to Council.

### **LEGAL IMPLICATIONS**

The dedication of land and payment of funds for rehabilitation and ongoing management of the land in accordance with a Plan of Management, requires the preparation of a Planning Agreement. The Planning Agreement provides a legal mechanism between the proponent and Council, for these arrangements to occur in conjunction with the rezoning of the land.

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### **BACKGROUND**

The current Planning Proposal affects land known as Lot 1 DP 653396, Lot 83 DP 753168 and Lot 427 DP 861736 which lie adjacent to the Palms Oasis Caravan Park (Lot 1 DP 862876), Boomerang Drive Pacific Palms. All of the land, including the Palms Oasis Caravan Park, is in the same ownership. A copy of the Planning Proposal is provided in Attachment A to this report.

The three allotments subject of the Planning Proposal and the adjoining Palms Oasis Caravan Park were originally included within the Pacific Palms Study Area rezoning process. This was an exhaustive rezoning process and took some 25 years to complete.

The Pacific Palms Study Area was the subject of numerous ecological investigations and negotiations between Council, National Parks and multiple land owners over two decades. These investigations and negotiations resulted in ecologically significant lands being protected into perpetuity by way of dedication to the National Park Estate, as environmental off-sets for urban release areas adjoining Elizabeth, Boomerang and Blueys Beach. The primary benefit of dedicating these environmental off-sets was to solidify natural linkages between the Pacific Palms area and the adjoining Booti Booti and Wallingat National Parks. A range of associated benefits were also realised including protection of habitats of threatened species and endangered ecological communities, protection of land important for water quality [rotection and protection of important urban greenspace and scenic lands.

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However, a change in the ownership of the three allotments and Palms Oasis Caravan Park coupled with a failure to reach a suitable negotiated development/conservation offset agreement, resulted in the three allotments being rezoned to 7(a) Wetlands and Littoral Rainforest and 7(a1) Environmental Protection under Great Lakes Local Environmental Plan (LEP) 1996.

The western end of the adjoining caravan park site was also partly rezoned to 7(a1) Environmental Protection to preserve a fauna corridor, with the majority of the site remaining in the 5(a) Special Uses zone.

The rezoning process for the Pacific Palms Study Area was completed in March 2013, with the publishing of Amendment No.82 to Great Lakes LEP 1996 in the NSW Gazette. The complete rezoning plan for the Pacific Palms Study Area as at 2013 is illustrated in Figure 1 below.

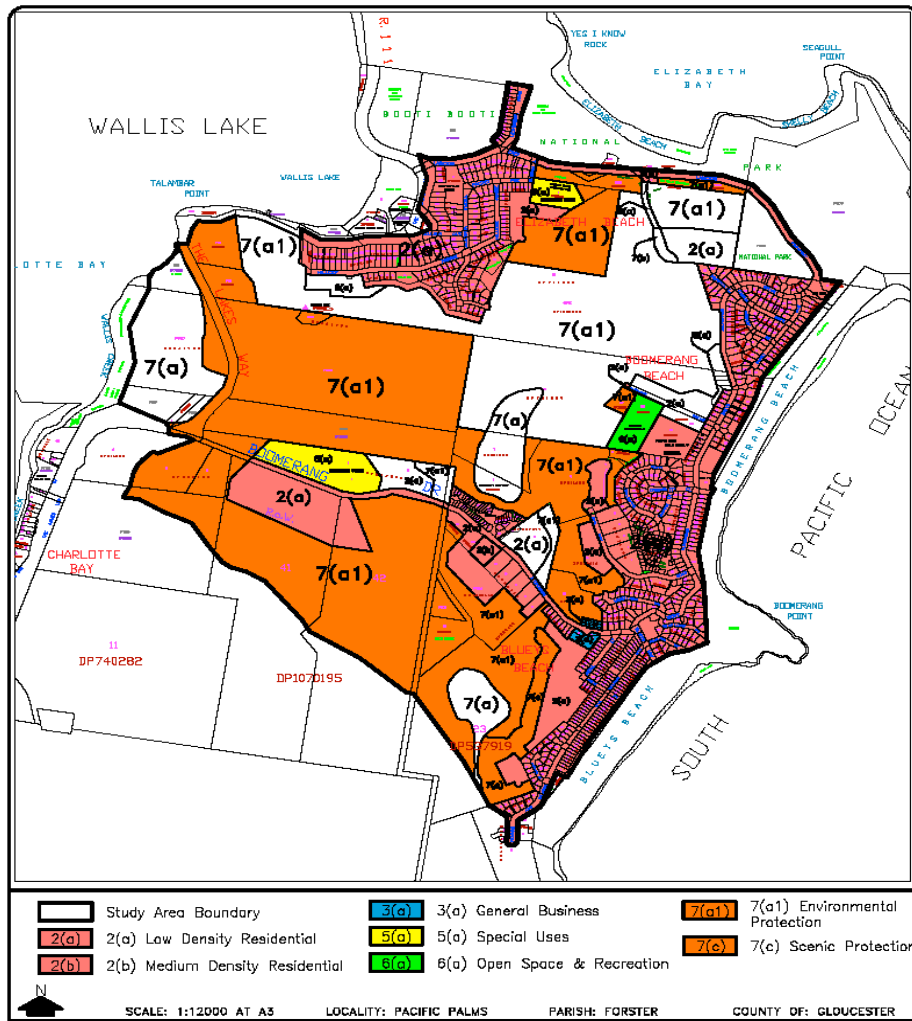
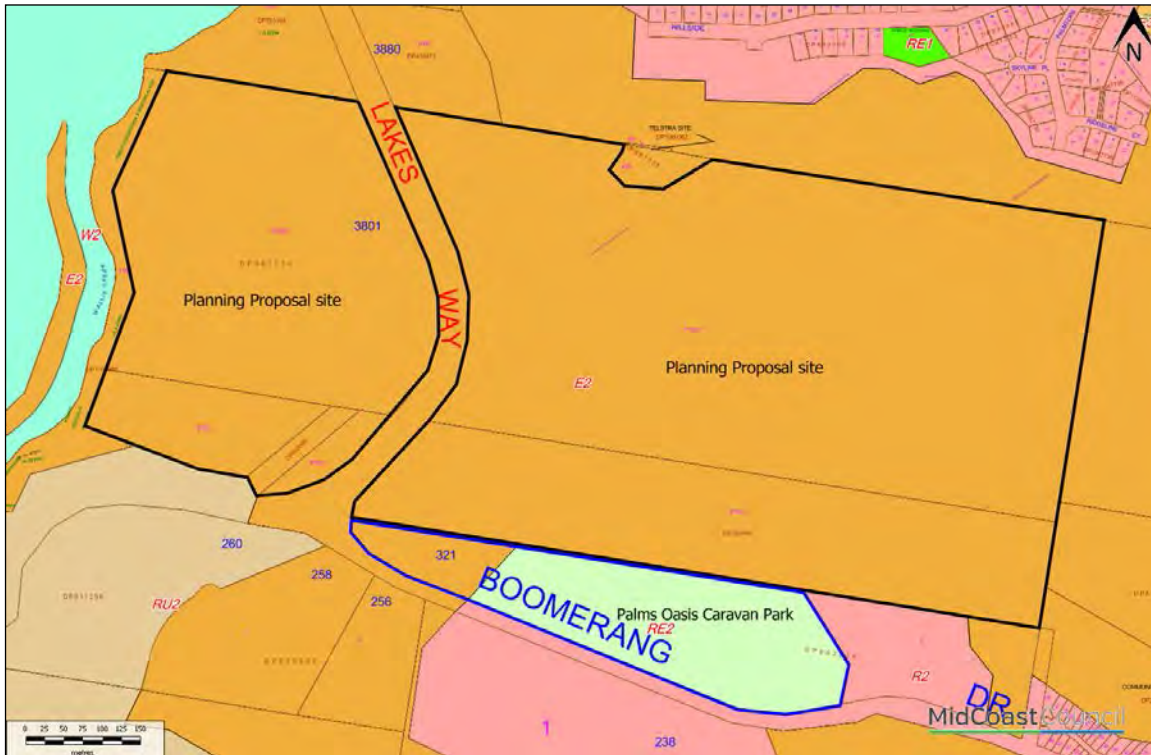


Figure 1. Pacific Palms Study Area Zone Amendments to Great Lakes LEP 1996

The three allotments were then transitioned from the 7(a) Wetlands and Littoral Rainforest and 7(a1) Environmental Protection zones into the E2 Environmental Conservation zone with the gazettal of Great Lakes LEP 2014 in April 2014.

During this process, the adjoining Palms Oasis Caravan Park site was also transitioned to part E2 Environmental Conservation and part RE2 Private Recreation zone, under Great Lakes LEP 2014.

The current zones for the Planning Proposal and Palms Oasis Caravan Park sites are shown below in Figure 2.



B1	Neighbourhood Centre	R3	Medium Density Residential
B1	Neighbourhood Centre	R4	High Density Residential
B2	Local Centre	R5	Large Lot Residential
B4	Mixed Use	RE1	Public Recreation
B5	Business Development	RE2	Private Recreation
E1	National Parks and Nature Reserves	RU2	Rural Landscape
E2	Environmental Conservation	RU3	Forestry
E3	Environmental Management	RU5	Village
E3	Environmental Management	SP2	Infrastructure
E4	Environmental Living	SP3	Tourist
IN1	General Industrial	W1	Natural Waterways
IN2	Light Industrial	W2	Natural Waterways
IN4	Working Waterfront	W2	Recreational Waterways
R2	Low Density Residential		

Figure 2. Planning Proposal and Palms Oasis Caravan Park zones Great Lakes LEP 2014

In 2015 a development application was approved to develop a portion of Lot 427 DP 861736 for private use of a single dwelling and swimming pool. The dwelling house and access have been constructed.

In 2015 a Planning Proposal was also submitted that proposed very similar outcomes to the current Proposal:

- *The retention in private ownership of an existing dwelling site on the western side of The Lakes Way on Lot 427 covering an area of approximately 1.5 ha. The site would remain in the E2 Environmental Protection zone but have an amended Minimum Lot Size to enable the house lot to be excised from the remainder of the lot.*

- *The rezoning of approximately 2ha of land to the north of the existing caravan park to RE2 Private Recreation. The land is already disturbed and would allow for future expansion and accommodate bushfire asset protection zones for the caravan park.*
- *Maintenance of 61ha of ecologically sensitive land in the E2 – Environmental Conservation Zone, which will be transferred to the Office of Environment and Heritage as National Park. A Planning Agreement between Council, The Minister for the Environment and the landowners would be executed to give effect to the transfer of the land to National Park.*

This Proposal and a draft Planning Agreement for the dedication of the ecologically sensitive land progressed through Gateway Determination and public exhibition. However, the planning proposal was discontinued when the landowner failed to execute the Planning Agreement which would have facilitated the dedication of off-set land to the National Park Estate.

The current Planning Proposal is generally consistent with Council's land use strategy for the Pacific Palms Study Area and with the previously exhibited Planning Proposal (2015).

Preliminary discussions with both the NSW Office of Environment & Heritage (OEH) and the Department of Planning & Environment (the Department) have established that these agencies are willing to progress the current proposal, on the understanding that the area of protection and the area of development are not significantly different to the 2015 proposal.

The agencies are also adamant that there must be certainty that the offset will be delivered this time given the owner, on two previous occasions, has failed to execute a Planning Agreement to dedicate the off-set land.

Progression of the Planning Proposal is conditional on the provision of the following additional information:

1. OEH requested that a preliminary bio-banking calculation report to be prepared prior to any application for a Gateway Determination. The report is required to confirm whether or not there are sufficient environmental credits over the E2 Environmental Conservation land to off-set the proposed RE2 Private Recreation development area.

OEH and Council representatives have determined that this assessment report is to be undertaken by an independent assessing consultant. Niche Environment and Heritage Pty Ltd were commissioned to prepare this assessment, which forms Appendix A of this Planning Proposal.

2. OEH also requested that written justification of the validity of previous environmental studies and investigations be provided. The subject studies were prepared between 2004 and 2009. OEH generally require studies that have been prepared no less than 5 years prior to the lodgement of such a rezoning application.

However, given the circumstances of this Proposal and the environmental and community benefits of the potential dedication of the E2 Environmental Conservation lands to a public authority; OEH have agreed that it will be sufficient at this time to:

- provide a preliminary bio-banking calculation report,
- copies of the previous studies and
- a report from Council regarding the validity of these studies,

prior to any Gateway Determination.

The preliminary bio-banking calculation report is provided in Appendix A and the Council report regarding validity of these studies is provided in Appendix B to this Proposal. The file size of the studies means that these documents are provided separate to the Planning Proposal document.

3. Representatives of the Department and Council advised the applicant that a Planning Agreement, signed by the land owner and any other party with an ownership-interest in the land, will also be required prior to the commencement of any public exhibition period, as a condition of any Gateway Determination that may be issued. To this end, the Planning Proposal and appended covering letters, outline the principles of the proposed Planning Agreement.

All parties acknowledge that the construction of the existing dwelling house on Lot 427 does impact on the potential value of the environmental lands as a parcel for dedication to the National Park Estate.

Therefore, the 2016 Planning Proposal also provides for a variation to the Minimum Lot Size LEP 2014 maps to enable the future subdivision of Lot 427 to excise an allotment that contains the existing dwelling and sufficient land for appropriate bushfire asset protection zones, from the remainder of Lot 427.

Therefore, the potential dedication of this land to Council, another public authority or conservation of the land under a bio-banking agreement or similar robust conservation mechanism, is considered to be a viable form of protection for the sensitive environmental land zoned E2 Environmental Conservation zone. A Planning Agreement will be executed between Council and the landowner to ensure this protection occurs.

The dedication of land to a public authority for protection and management into perpetuity is contingent upon the payment of sufficient funds to ensure the ongoing protection and management of the off-set land.

In this regard, Council's Senior Ecologist has provided a preliminary report *Evaluation of Restoration Activities and Draft Costings for the Long-term Public Conservation Management of Biodiversity Lands at Palms Oasis, Pacific Palms*, should the land be dedicated to MidCoast Council for protection into perpetuity. This report is documented in Appendix C of this Planning Proposal.

The principles of the Planning Agreement are documented within the cover letters submitted with the Planning Proposal, copies of which are provided in Appendix D. One copy has been signed by the existing land owners and another by a representative for the potential purchasers of the lots affected by the Planning Proposal and the adjoining Palms Oasis Caravan Park.

## **DISCUSSION**

Council adopted the current Planning Proposal and endorsed its submission to the Department of Planning & Environment (the Department) for a Gateway Determination in November 2016. A copy of the Planning Proposal is provided in Attachment A to this report.

The Planning Proposal was submitted to the Department and a conditional Gateway Determination issued on 6 February 2017. A copy of the Gateway Determination is provided in Attachment B to this report.

One of the requirements of the Determination included the recommendation that "OEH should be requested to reconfirm its position regarding the potential for the proposed biodiversity offsets to be added to the NSW National Parks and Reserves System" and that the "planning agreement for the dedication of land for permanent protection occurs concurrently with the planning proposal".

To address these concerns and to ensure that the Planning Agreement placed on public exhibition is an accurate reflection of the proposed method of permanent protection, Council officers requested that NSW OEH provide formal confirmation on whether the ecological lands subject to the Proposal would:

- be accepted for the purposes of dedication to the National Park Estate (similar to adjoining environmentally sensitive lands). If such a dedication is supported it is also requested that the anticipated rehabilitation and management funding that would be required with this dedication also be provided so that this can be reflected within the Planning Agreement.

OR

- not be accepted for dedication into the National Park estate.

The subsequent response from NSW OEH, provided in full in Attachment C, stated:

*"OEH has received formal confirmation from the NPWS that they are not in a position to accept the offset lands. As such, given the high conservation values associated with the conservation lands OEH supports Council's recommended approach for transfer of the land to Council ownership with suitable funding arrangements and in-perpetuity management commitments in place."*

Therefore, Council support for the dedication of the ecologically sensitive lands to Council and funding for the restoration and ongoing management of these lands is sought.

## **CONSULTATION**

The current Planning Proposal has been the subject of several years of consultation between the former Great Lakes Council and now MidCoast Council, with representatives of the Department of Planning & Environment and NSW Office of Environment & Heritage.

Previous versions of the Planning Proposal have also subject to community engagement programs in accordance with the requirements of the *Environmental Planning & Assessment Act 1979*.

## **COMMUNITY IMPACTS**

The Planning Proposal has the potential to have positive economic affects within the Pacific Palms and broader Great Lakes region of the MidCoast Council local government area. The MidCoast is recognised as a significant tourism location because of the high quality of the natural environment - terrestrial and aquatic, within the region. The protection into perpetuity of the nominated 60 hectares creates a significant local and regional environmental corridor between Booti Booti and Wallingat National Parks, through the Pacific Palms villages.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The Planning Proposal is closely linked with three of the four Key Directions of the Great Lakes Community Strategic Plan 2010 - 2030 and its objective of protecting the natural environment while addressing the challenges of population growth.

The dedication, restoration and management of the ecologically sensitive lands associated with the Planning Proposal is consistent with *Key direction 1 - our environment*. The objectives of which include:

- Protect and maintain the natural environment so it is healthy and diverse
- Ensure that development is sensitive to our natural environment

The Key Strategy (2.1) is to 'Base strategic land use planning on ecologically sustainable principles'.

## **TIMEFRAME**

Upon endorsement of the dedication of ecologically sensitive lands to Council, the proponent will be required to prepare the necessary Planning Agreement and Plan of Management documentation to enable public exhibition.

It is anticipated that the drafting of the Planning Agreement and Plan of Management is expected to take up to three months. Following this process an exhibition period of at least 28 days will be commenced.

## **BUDGET IMPLICATIONS**

The Planning Proposal is a developer-initiated application which is processed on a cost-recovery basis, including the preparation of the Planning Agreement and associated documents, in accordance with Council Policy.

## **RISK CONSIDERATION**

The preparation of a Planning Agreement to facilitate the dedication of land, preparation of a Plan of Management and funding of the restoration and ongoing management of the land limits the risks associated the proposal.

## **RECOMMENDATION**

That Council accept the dedication of ecologically significant land on Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms with suitable funding arrangement and in-perpetuity management commitments

Council advise the proponents of the rezoning that a Planning Agreement is to be drafted to transfer the land to Council at no cost and to cover the full cost of maintenance of the land for a reasonable period.

Council advise the proponents of the rezoning a Plan of Management is to be prepared in accordance with the Local Government Act, 1993 on Council's behalf and at their cost.

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## **ATTACHMENTS**

- A: Planning Proposal to amend Great Lakes Local Environmental Plan 2014 Land Use Zone, Minimum Lot Size and Floor Space Ratio map layers affecting Lot 1 DP 653396, Lot 83 DP 753168 & Lot 427 DP 861736 The Lakes Way, Pacific Palms (issued to the Administrator only due to its large size)
- B: Department of Planning & Environment Gateway Determination 6 February 2016
- C: Correspondence from NSW Office of Environment & Heritage 23 March 2017

Attachments B and C have been issued to the Administrator and Senior Staff only as a paper conservation measure. However, these Attachments are publicly available on Council's Website, copies are available at Council offices and copies are available on request.

**3 MINUTES FOR PORT STEPHENS-MYALL LAKES COAST & ESTUARY COMMITTEE**

**Report Author** Debbi Delaney, Catchment Management Coordinator

**File No. / ECM Index** NS-EST-PS-MGT; Estuary Mgmt Port Stephens

**Date of Meeting** 19 April 2017

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**SUMMARY OF REPORT**

The Minutes of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee meeting held 23 November 2016 are submitted for adoption.

**SUMMARY OF RECOMMENDATION**

It is recommended that the Minutes of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee held 23 November 2016 be noted.

**FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

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**REPORT**

That the Minutes of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee held 23 November 2016 are attached as Annexure A for noting.

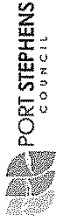
**RECOMMENDATION**

It is recommended that the Minutes of the Port Stephens/Myall Lakes Estuary and Coastal Zone Management Committee meeting held 23 November 2016 be noted.

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**ANNEXURES**

**A: Minutes for Port Stephens/Myall Lakes Estuary and Coastal Zone Management**



**Meeting** Port Stephens/Myall Lakes Estuary & Coastal Zone Management Committee PSC2005-4446  
**Team Name:** Port Stephens/Myall Lakes Estuary & Coastal Zone Management Committee  
**Date:** 23 November 2016 **Time:** 12noon-3.00pm **Venue:** Committee Rooms – Port Stephens Council  
**Chairperson:** Councillor John Neil **Minutes:** Joanne Atkins (PSC)  
**Purpose of Meeting:** To Address The Requirements Of The NSW Estuary Management Plan

**Attendance**

Cr John Neil Port Stephens Council	Charlene Weiland Port Stephens Council	Debi Delany Mid Coast Council	Luke Erskine Port Stephens – Great Lakes Marine Park	Robert Bailey Cove Marine
Joanne Atkins Port Stephens Council (minutes)	Don Burgoyne Oyster Industry Representative	Peter Chappelow North Arm Cove Residents Association	Len Roberts Karuah Aboriginal Land Council	Jenny Weingott (for Michael Baer) Hunter Local Land Services
John Clarke – PROAM	Vicki Davis Community Representative CORLETTE	Gordon Grainger Myall River Association	Neil Kelleher Office of Environment & Heritage	Tony Minchin – PROAM
Josh Ward OEH	Daniel Brauer Mid Coast Water	Kelly Drinkwater Karuah Local Aboriginal Land Council	Paul Hearfield Roads & Maritime Services	Greg West DPI – Fisheries
Les Seddon Port Stephens Council				

**Apologies**

Colin Howard Community Representative SOLDIERS POINT	Ian Watt Econetwork	Rob Michelli Department of Trade & Investment	Frank Future Econetwork	
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Item	Topic	Time Required	Responsible Officer	Action/Decision Date to be Completed
1.0	WELCOME	2 mins	Chair	Councillor Nell welcomed everyone to the meeting
2.0	PRESENTATION			
	MidCoast Waterway and Catchment Report Card Presentation	15 mins	Daniel Brauer	MidCoast Water is a reasonably new entity. 7 Villages in the Mid Coast LGA have been identified for future projects. No major works have been carried out in those areas since 2000. There's an inhibiting cost involved to provide and maintain assets. Daniel talked about pressure pump system concepts <b>ACTION:</b> Invite the CEO of Midcoast Water, Ken Goldthorpe, to the next meeting in February 2017. Action: Councillor Nell to lobby State Government for more funding for sewer upgrades in North Port Stephens. Moved: Don Burgoyne 2 <sup>nd</sup> ; Peter Chappelow
3.0	MINUTES AND OUTSTANDING ACTIONS			
3.1	Minutes of last meeting held in August 2016	5 mins	Chair	Minutes were moved by Councillor Nell and seconded by Peter Chappelow
3.2	Outstanding Actions from minutes	15 mins	Chair	There were no outstanding actions
3.3	Matters Arising	5 mins	Chair	A study on water quality in North Arm Cove has been completed and will be exhibited in a few weeks.

Item	Topic	Time Required	Responsible Officer	Action/Decision Date to be Completed
4.0	<b>PORT STEPHENS COUNCIL/GREAT LAKES COUNCIL PROJECTS</b>			
4.1	General Update	20mins	Charlene Wellard	Little Beach – Consultation with key committees has been completed. A final report will be completed in the next couple of weeks. The report will include recommendations and an appropriate concept plan. When finalised and available the final report and concept plan will be available for viewing on Council's website
5.0	<b>ONGOING UPDATES</b>			
6.1	Hunter Local Land Services update	10mins	Jenny Weingott	Hunter Local Land Services gave an overview of what HLLS is up to. A significant amount of money is to be dispersed including money for Marine Discovery Series Nights, Marine Debris Initiatives and riparian works.
6.2	New Coastal Reforms Updates		Neil Kelleher	Coastal Reforms tools and resources are continuing to be rolled out. Coastal SEPP Maps are on exhibition till 23 December 2016
6.3	Huon Kingfish Aquaculture Farm Update			DPI have been circulating monthly updates on the progress of the project. These updates have been forwarded to committee members. A number of members believed that a formal apology from the media and other agencies, be forwarded to DPI Fisheries and Huon in regard to the bad publicity around the whale entanglement. Ian Lyle to present a 6 monthly update at the February meeting
7.0	<b>AGENCY &amp; OTHER UPDATES</b>			

Item	Topic	Time Required	Responsible Officer	Action/Decision Date to be Completed
7.1	RMS Update	10 mins	Paul Hearfield	A old wooden trawler sank off Lemon Tree Passage Marina on 21 November 2016. RMS currently in talks with the owner in regard to refloat the vessel and salvage. RMS and EPA are working in closely to address the situation. There were over 20 complaints about effluent off moored boats not being disposed properly at the LTP Marina. The pump out does not seem to be working. The new PSC public pumpout is up and operational since the infrastructure upgrade.
7.2	The disappearance of sea grass – mapping	10mins	Greg West	Since 1985 there's been a loss of 3 kms of seagrass in the port but it does appear to be coming back in many areas throughout the port. There does not seem to be one reason for the loss however, above normal weather conditions, sand inundation may be contributing factors.
7.3	Cleaning approach to the Nelson Bay break wall	5 mins	Charly	Dept of Lands have been working with PSC in regard to the management of the breakwall and the distribution of 3-4 secured bins to be places along the break wall. Emptying of the bins will be part of the Council garbage collection schedule.
7.4	Update on Stinky Creek – Mambo Wetlands	5 mins	Les Seddon	An REF has been put together for the upgrade of the culvert on Foreshore Drive. PSC are looking to apply for Fish Habitat Funding to undertake work to ensure that the longevity of the natural habitat.
7.5	RAMSAR update – Mambo Wetlands	5 mins	Frank Future	<b>ACTION:</b> Frank to invite a key speaker to talk about the opportunity of having Mambo Wetlands RAMSAR listed.

Item	Topic	Time Required	Responsible Officer	Action/Decision Date to be Completed
	<b>AGENCY &amp; OTHER UPDATES (cont.)</b> Dredging of the Myall River		Gordon Grainger	Gordon tabled correspondence from the Hon. Niall Blair MLC (Minister for Primary Industries, Minister for Lands and Water in reply to the Myall River Action Groups concerns about Dredging of the Myall River. (See correspondence attached). Concerns were raised about departmental responsibilities in relation to dredging.
Item	Topic	Time Required	Responsible Officer	Action/Decision Date to be Completed
8.0	<b>GENERAL BUSINESS</b> Fingal Bay boat ramp	2 mins	John Clarke	The boat ramp will be closed for 6 weeks over the Christmas period.

**MEETING CLOSED AT 3.00pm**

**NEXT MEETING**

Date: February 2017

Time: 12noon

Venue: Port Stephens Council

**MEETING CODE OF COOPERATION**

We start on time and finish on time.

We all participate and contribute — everyone is given opportunity to voice their opinions.

We use improvement tools that enhance meeting efficiency and effectiveness.

We actively listen to what others have to say, seeking first to understand then to be understood.

We follow up on the actions we are assigned responsibility for and complete them on time.

We give and receive open and honest feedback in a constructive manner.

We use data to make decisions (whenever possible)

We strive to continually improve our meeting process and build time into each agenda for reflection.

## **4 AMENDMENTS TO GREATER TAREE DEVELOPMENT CONTROL PLAN 2010**

**Report Author** Alexandra Macvean, Senior Strategic Planner;  
Richard Pamplin, Project Manager

**File No. / ECM Index** S925; Coastal Development

**Date of Meeting** 19 April 2017

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### **SUMMARY OF REPORT**

The report proposes amendments to Greater Taree Development Control Plan (DCP) 2010 Part D1 - Coastline management.

The amendments are proposed to simplify the application and assessment process for development in coastal planning areas by:

- Removing the existing reference to the Greater Taree Coastal Zone Management Plan (CZMP) September 2015; and
- Replacing this reference with all relevant maps, objectives and development controls.

The amendments have been prepared in response to the revised coastal management program which will result in the Greater Taree CZMP (2015) being replaced with the Draft Manning Region CZMP and Old Bar - Manning Point Coastal Management Program.

### **SUMMARY OF RECOMMENDATION**

That Council endorse for public exhibition, proposed amendments to the Greater Taree Development Control Plan (DCP) 2010 Part D1 - Coastal Management in conjunction with the public exhibition of the Manning Region Coastal Zone Management Plan.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Public exhibition of the proposed amendments to the Greater Taree DCP 2010 will require resources from the Strategic Planning, Natural Systems, Development Assessment, Building Services, Design & Investigation and GIS Sections of Council. This work has been factored into the work program of these Sections.

### **LEGAL IMPLICATIONS**

Incorporating maps, objectives and development controls into Part D1 - Coastal management provisions of the Greater Taree Development Control Plan, will ensure application and assessment processes are maintained when the Greater Taree CZMP (2015) is replaced.

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### **BACKGROUND**

MidCoast Council (formerly Greater Taree Council) has been in discussions with the NSW Office of Environment & Heritage (NSW OEH) and the Department of Planning & Environment (DPE) regarding the coastal management program and requirements of the NSW Coastal Reforms as they apply to the MidCoast beaches and development.

During these discussions it has been determined that the Greater Taree Coastal Zone Management Plan would be replaced by two (2) new documents:

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- Manning Region Coastal Zone Management Plan (CZMP) 2017 - a revised and updated version of the Greater Taree CZMP 2015, which would address all areas potentially affected by coastal hazards other than Old Bar - Manning Point. This revised CZMP would be publicly exhibited and submitted to the Minister to certify as a matter of priority, under the provisions of the (current) Coastal Protection Act 1979; and
- Old Bar Manning Point Coastal Management Program (CMP) - a new document would be prepared, with the support of and in collaboration with, a dedicated team of experts from the NSW Office of Environment & Heritage in consideration of the active erosion occurring within this location. This new Plan would involve a cost-benefit analysis and other work associated with the preparation of a CMP in accordance with the NSW Coastal Reforms, including the new Coastal Management Guidelines and (pending) Coastal Management Act 2016.

## DISCUSSION

During the preparation of the Manning Region CZMP 2017 it was recognised that the current reference to the *Greater Taree Coastal Zone Management Plan September 2015* within the Greater Taree Development Control Plan (DCP) would need to be replaced (when the 2015 CZMP is to be rescinded).

The Coastal Management Project Team, which includes representatives from the Strategic Planning, Natural Systems, Development Assessment, Building Services, Design & Investigation and GIS Sections of Council, determined that amendments to the DCP should aim to:

- Harmonise where possible, the coastal management assessment requirements and processes of the Great Lakes and Greater Taree DCP documents; and
- Reflect the two-stage and two-document approach of the broader coastal management program; and
- Provide all relevant maps, objectives and development controls within the DCP document, to simplify the process of finding and considering all of the relevant information for development in coastal planning areas for land owners and assessing officers.

Therefore, the proposed amendments to Part D1 Coastline management of the Greater Taree DCP include:

- Maps of the coastal areas where the objectives and development controls will apply;
- The harmonisation of objectives and development controls for coastal hazard areas identified in the Manning Region CZMP with those currently applied by the Great Lakes Development Control Plan; and
- The retention of objectives and development controls from the current Greater Taree CZMP 2015 for beaches identified in Old Bar - Manning Point until such time as they are reviewed in conjunction with the new Old Bar - Manning Point CMP.

## CONSULTATION

Members of Council's Coastal Management Project Team will undertake public exhibition of the draft DCP amendments in conjunction with the Draft Manning Region Coastal Zone Management Plan and attend public open days during the exhibition.

The purpose of the combined consultation is to ensure that the complementary provisions of the coastal management plan and development control plan documents are understood and given appropriate consideration by affected land owners and the broader community.

Given the localised nature of the coastal hazard mapping it is anticipated that affected property owners will be notified by post.

## **COMMUNITY IMPACTS**

The intention of the amendments is to provide clear guidelines on how Council will assess development applications on land affected by coastal hazards. It is anticipated that the amended DCP provisions will be reviewed periodically in conjunction with the ongoing coastal management program review requirements.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The subject matter of this report aligns with the Key Direction of *Respecting our environment* in the Manning Valley Community Plan 2010 – 2030 and specifically with Strategy 10 - *Effective management of environmental risks and hazards*.

## **TIMEFRAME**

Public exhibition of the proposed amendments to Greater Taree DCP 2010 will be undertaken for a minimum period of 28 days, in conjunction with the public exhibition of the Manning Region Coastal Zone Management Plan.

## **BUDGET IMPLICATIONS**

The work associated with the preparation of the amendments to Greater Taree DCP 2010 are being undertaken using existing staff resources and the implementation of these development controls will be through the standard Development Application process and have no additional impact on staff resourcing.

## **RISK CONSIDERATION**

Inclusion of these development controls in Greater Taree DCP 2010 will ensure that Council meets its duty of care obligations under the *Local Government Act 1993* for coastal management pursuant to section 733.

## **RECOMMENDATION**

That Council endorse the proposed amendments to the Greater Taree Development Control Plan 2010, as set out in Attachment B to this report, for public exhibition for a minimum period of twenty-eight (28) days with a further report to be submitted to Council after the exhibition period.

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## **ATTACHMENTS**

- A: Greater Taree Development Control Plan Part D1 Coastline management
- B: Draft amendments to Greater Taree Development Control Plan Part D1 Coastline management

Attachments A and B have been circulated in hard copy to the Administrator and Senior Staff only as a paper conservation measure. However, these Attachments are publicly available on Council's Website, copies are available at Council offices and copies are available on request.

## **5 RURAL ECONOMIC DIVERSITY STRATEGY - STATUS REPORT**

**Report Author** Alexandra Macvean, Senior Strategic Planner  
**File No. / ECM Index** SP-STRAT-14; Rural Economic Diversity Strategy MCC  
2016-2017  
**Date of Meeting** 19 April 2017

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### **SUMMARY OF REPORT**

Council has engaged consultants to progress the Rural Economic Diversity Strategy.

### **SUMMARY OF RECOMMENDATION**

That Council note the information contained within the report.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The Rural Economic Diversity Strategy is being funded with existing budgets.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

At the Ordinary Meeting of Council on 22 March 2017 the Strategic Planning work program was endorsed. Within the report it was noted that one of the main priorities agreed to between Council and the Department of Planning & Environment (DPE) at a meeting shortly after the merger proclamation, was the undertaking of a Rural Economic Diversity Strategy (REDS).

A key purpose of the Rural Economic Diversity Strategy is to give direction to and underpin the preparation of a new local environmental plan for MidCoast Council.

It will also initiate the development of a strategic planning framework consistent with the Regional Priorities for MidCoast Council, as identified in the Hunter Regional Plan 2036:

- Support the visitor economy by leveraging the natural beauty of the area and enhancing nature-based tourism infrastructure.
- Protect productive landscapes that sustain the poultry, dairy and beef industries.
- Manage development within sensitive water catchments and protect environments that sustain the oyster industry.
- Provide capacity for long-term employment through education and training, and by capitalising on intra- and inter-regional connections.
- Provide housing, services and facilities, as well as accessible public spaces for an ageing population.

### **DISCUSSION**

The Strategic Planning team can now report that City Plan Services with sub-consultants Aurora Research & Development and MJD Environmental have now been appointed to the REDS project.

Two inception meetings have been held with the consultancy team, Council's Project Team, key internal stakeholders, MidCoast Water, representatives of the Hunter-Central Coast office of the Department of Planning & Environment and a Resource Management Officer of the NSW Department of Primary Industries.

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## **CONSULTATION**

The Project Team will be instrumental in the development of a key stakeholder engagement strategy and program for community engagement during the relevant phases of the REDS program.

It is anticipated that at critical milestones of the REDS program, reports will be tabled for Council's consideration, noting or endorsement as required.

## **COMMUNITY IMPACTS**

The key purpose of the REDS project is to give direction to and underpin a new local environmental plan for MidCoast Council.

In this regard, by identifying opportunities for diversification and constraints to development throughout the rural landscape of the MidCoast local government area: it is anticipated that REDS and subsequent land use planning programs, will create positive social, economic and environmental benefits, particularly for our rural communities in the future.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The project remains consistent with the following key objectives from our community plans:

### **Gloucester Community Strategic Plan 2014 - 2024**

#### *Direction One: Maintaining core infrastructure*

Key indicators of our success with this program will be:

- Infrastructure is maintained to agreed community standards
- Increased resources are directed to core infrastructure

#### *Direction Two: Protecting the environment*

Key indicators of our success with this plan will include:

- An increase in available environmental data
- Support for existing, and the establishment of new, environmental management programs

#### *Direction Three: Creating a strong economy*

Key indicators of our success in implementing our strategies will be:

- Improved quality and number of tourism facilities, products and operators
- An increase in the range and efficiency of agricultural activity
- Mining is undertaken in a manner that does not adversely impact the community, both now and into the future
- Increased Manufacturing activity

#### *Direction Four: an engaged & supportive community*

Key indicators of our success with this plan will be:

- Increased cultural tourism
- Continuation and growth of community festivals and events

### **Great Lakes Community Plan 2030**

#### *Key direction 1 - our environment*

- Protect and maintain the natural environment so it is healthy and diverse
- Ensure that development is sensitive to our natural environment
- Prepare for the impact of sea level rise and climate change
- Sustainably manage our waste

*Key direction 2 - strong local economies*

- Establish and maintain a supportive business environment that encourages job opportunities
- Provide transport infrastructure that meets current and future needs

*Key direction 3 - vibrant and connected communities*

Objectives:

- Plan for sustainable growth and development
- Build on the character of our local communities and promote the connection between them

*Key direction 4 - local leadership*

Objectives:

- Deliver Council services which are effective and efficient
- Strengthen community participation
- Represent the community's interests through regional leadership

**Manning Valley Community Plan 2010 - 2030**

*Objective: To improve the current standard of infrastructure and plan for the future needs of the community.*

2. Ensure the road system meets the transport needs of the community.
6. Maintain a strategic land-use planning framework that will establish a clear balance between development and conservation, and accommodate economic investment and lifestyle change demands.

*Objective: To recognise our responsibility as a community to protect and preserve the environment for future generations.*

7. Maintain and enhance biodiversity, in accordance with the principles of ecologically sustainable development.
8. Protect and preserve local water resources
9. Maintain air quality
10. Effective management of environmental risks and hazards
12. Ensure the preservation of quality agricultural land
14. Council is recognised for its leadership in sustainability
15. Our community will have a high level of environmental knowledge and understanding

*Objective: To create a robust economic environment that is encouraging of business, attracts investment creates employment and promotes sustainable economic growth and development*

16. Maintain a comprehensive understanding of the local economy and the context in which it operates
17. Ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community.
18. Expand job opportunities through the growth of existing businesses, and encourage new businesses to establish or relocate
20. Develop effective partnerships and relationships between all key economic stakeholders

*Objective: To create an environment in which there is a sense of strong community relationships, a celebration of diversity and lifelong learning and good social support.*

22. Food - Develop strategies and actions to address sustainability and security issues related to local food
28. Arts and culture - Encourage activity and participation in the arts and cultural activities throughout the community
29. Commit to active reconciliation between the indigenous and nonindigenous communities through recognition and celebration of the strengths of our Aboriginal heritage
30. Heritage - Ensure that our heritage is valued, preserved, conserved and interpreted
32. Community Identity - Encourage and celebrate the unique identity of the Manning Valley and its community

*Objective: To create an environment that is achieved through partnerships strengthened by good local governance and decision making.*

33. Pursue adequate resources for implementation of the plan
34. Establish strong partnerships between council, community groups and government agencies
36. Ensure ongoing community involvement in shaping and enhancing the Valley on an ongoing basis

#### **TIMEFRAME**

The Rural Economic Diversity Strategy program has commenced and is expected to be completed within the 2017 calendar year.

#### **BUDGET IMPLICATIONS**

The Rural Economic Diversity Strategy is being funded as a merger implementation project.

#### **RISK CONSIDERATION**

There are several risks that have been anticipated within the REDS program and discussed at the inception meetings. These include internal resourcing, commencement of concurrent studies/work, engagement programs, anticipated outcomes of the project, timeframes and external influences. Where possible, these risks are being identified and resolved during the inception program.

#### **RECOMMENDATION**

That Council note the information contained within the report.

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## **DIRECTOR ENGINEERING & INFRASTRUCTURE**

### **6 ROAD ACQUISITION AND COMPENSATION FOR THE BUCKETTS WAY**

**Report Author** Julian Schneider, Survey Designer

**File No. / ECM Index** W1490.900

**Date of Meeting** 19 April 2017

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#### **SUMMARY OF REPORT**

The former Gloucester Shire Council undertook road improvement works at 2022 The Bucketts Way Belbora as part of the FY2015/16 Capital Works program. These works extended into Lot 63 DP 1142874 and the property owner Mr David Elliott has agreed for Council to acquire this land under the Land Acquisition (Just Terms Compensation) Act 1991.

#### **SUMMARY OF RECOMMENDATION**

That Council resolve to acquire the area of land shown on Annexures as road widening for road purposes and agrees to compensate Mr David Elliot in accordance with the attached confidential Acquisition Budget Estimate.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Council has the finances in this year's budget to resolve this matter.

#### **LEGAL IMPLICATIONS**

Council has a responsibility to acquire land on which public infrastructure is located.

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#### **BACKGROUND**

The former Gloucester Shire Council undertook Black Spot funded road improvement works at 2022 The Bucketts Way (refer Annexure A - Location Plan). Bank excavation works associated with this project extended into Lot 63 DP 1142874.

The property owner Mr David Elliott has agreed for Council to acquire this land. The area to be acquired is approximately 34.3m<sup>2</sup> (refer Annexure B Proposed Road Widening Plan).

#### **DISCUSSION**

Council intends to progress this matter of road widening by subdivision and is required to acquire this land under the Land Acquisition (Just Terms Compensation) Act 1991.

Council's approval is required for the acquisition of land for the purpose of both the Roads Act 1993 and the Local Government Act 1993.

#### **CONSULTATION**

- Mr David Elliott - Landowner
- Julian Schneider - Survey Designer (Gloucester Office)
- Calco Surveyors Pty Ltd

#### **COMMUNITY IMPACTS**

The acquisition of this land will resolve the intrusion of public infrastructure into Mr David Elliott's property and ensure the road structure is located within the public road reserve.

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## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

This complies with the former Gloucester Shire Council's Direction 5 – Governance and partnerships – Objective 2: Establish strong partnerships with community groups and government.

## **TIMEFRAME**

It would be estimated that this acquisition of land would take between 6 – 8 months to complete.

## **BUDGET IMPLICATIONS**

Mr David Elliott has agreed to the amount of compensation under the Land Acquisition (Just Terms Compensation) Act 1991.

A budget estimate, including the agreed compensation payable to Mr Elliot, has been provided (refer confidential Attachment A - Acquisition Budget Estimate). Council's budget (ex Gloucester Council) has funds sufficient for this acquisition.

## **RISK CONSIDERATION**

The intrusion of public road infrastructure onto Mr Elliot's property has been recognised and action to remedy this situation is required.

## **RECOMMENDATION**

It is recommended that:

1. Council resolve to acquire the area of land in Lot 63 DP 1142874 as shown on Annexures as road widening for road purposes.
2. That Council agrees to compensate Mr David Elliot in accordance with the attached confidential Acquisition Budget Estimate.

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## **ATTACHMENTS**

A: Confidential Acquisition Budget Estimate

Attachment A has been classified as confidential and circulated to the Administrator and Senior Staff only. The Attachment has been classified as confidential in accordance with Section 10A(2) of the Local Government Act 1993 as it relates to:

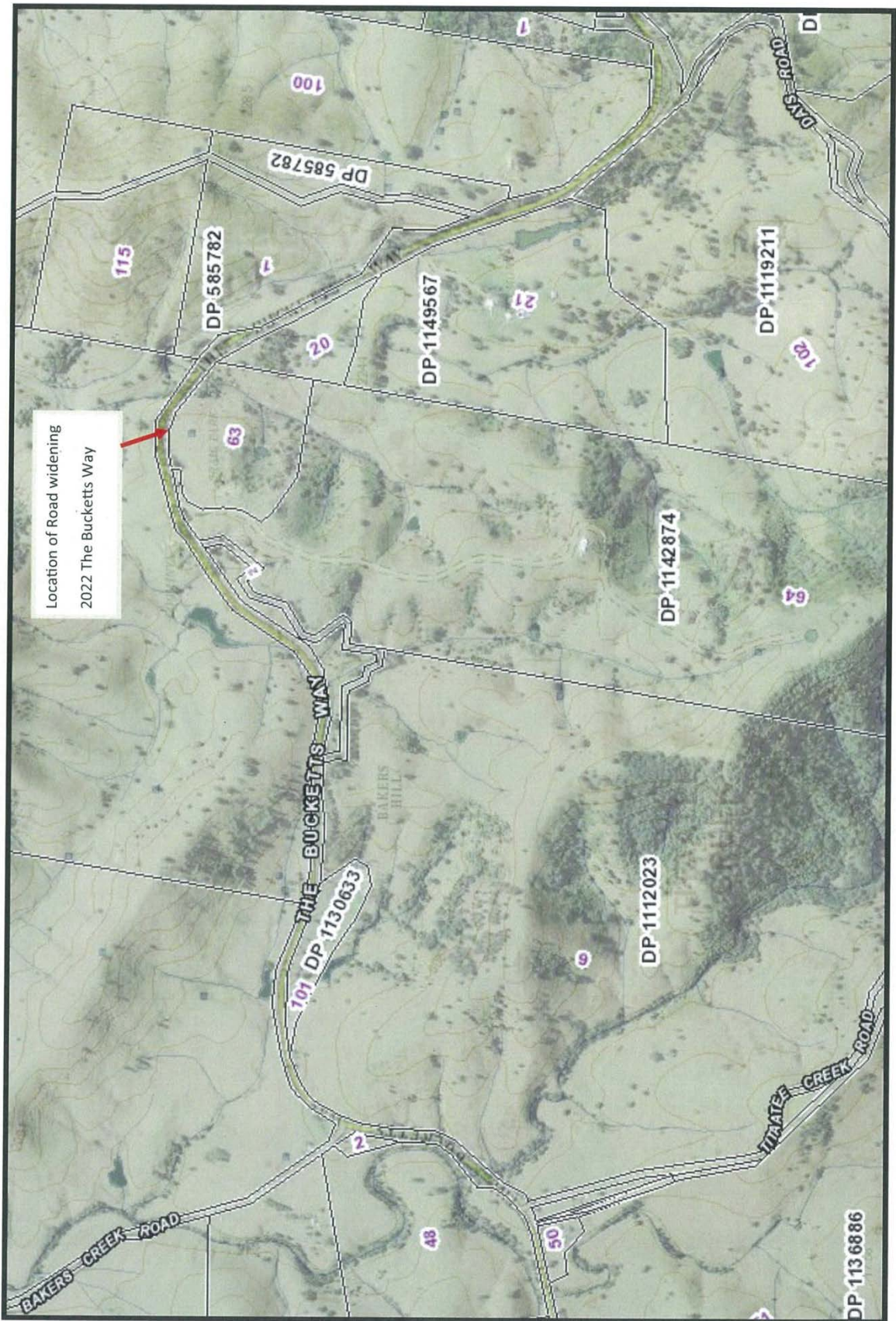
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

It is considered that it would be contrary to the public interest for this matter to be discussed in an open meeting. The disclosure of information such as valuation ranges and negotiated prices prior to acceptance may disadvantage Council in ensuring that only a reasonable price is paid for land and that ratepayers are not impacted by Council having to pay a premium.

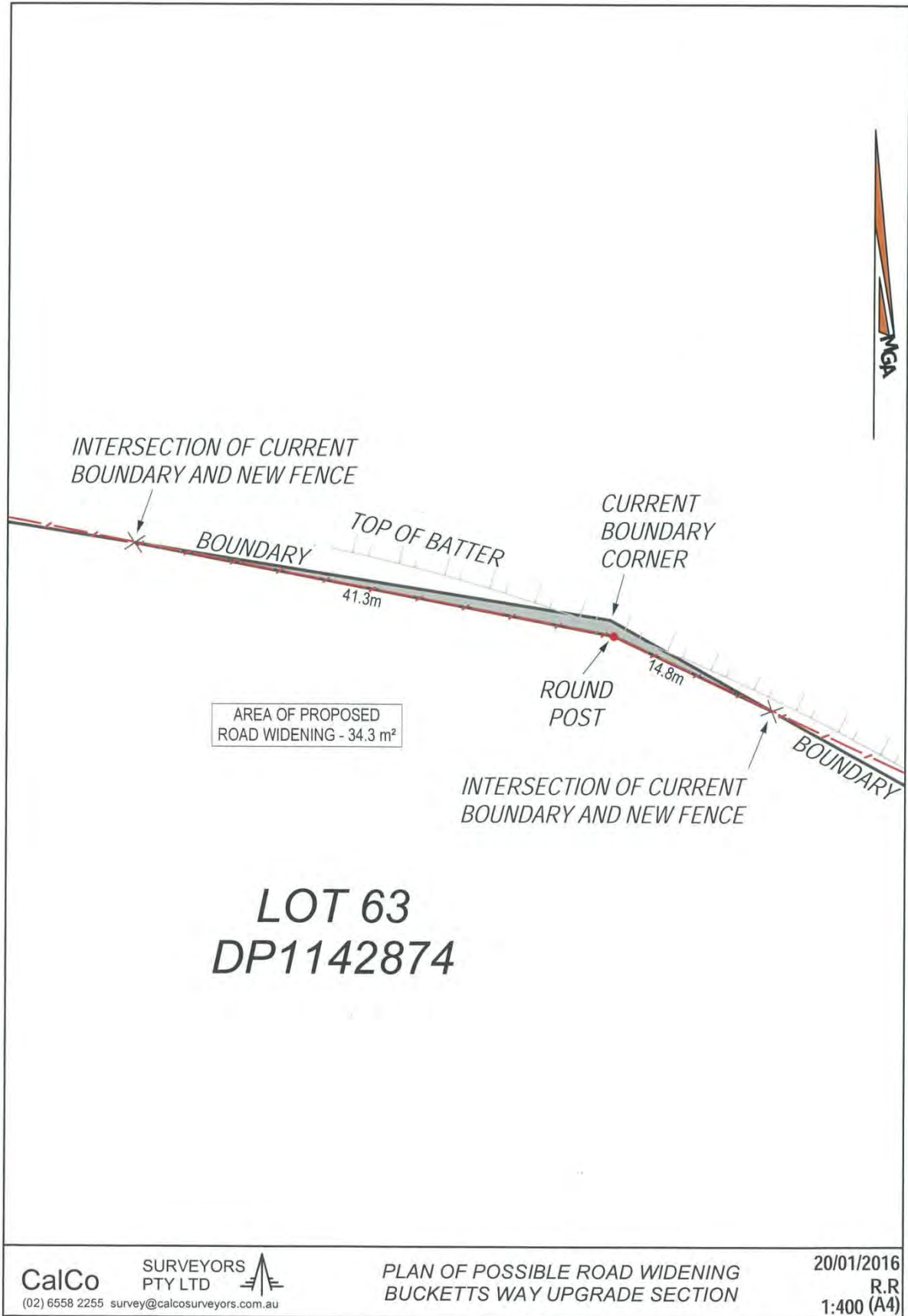
# ANNEXURES

## A. Location Plan

Plan of location of road widening at 2022 The Bucketts Way, Belbora NSW



B. Proposed Road Widening Plan



## **7 CAPITAL WORKS REPORT - FEBRUARY, MARCH & APRIL 2017**

**Report Author** Phil Miles, Manager Projects and Engineering

**File No. / ECM Index** Corporate Mgmt - Works Depot

**Date of Meeting** 19 April 2017

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### **SUMMARY OF REPORT**

This report provides advice on work currently in progress or recently completed within MidCoast Council by day labour staff and contractors. Also included is advice on work planned in the near future.

### **SUMMARY OF RECOMMENDATION**

That Council note the information included in this report.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Projects listed within this report are included in the 2015/16 Operational Plans of the former Great Lakes, Greater Taree and Gloucester Shire Councils. In addition this report includes projects included in the 2016/17 Operational Plan of MidCoast Council or grant funding that has subsequently been accepted by Council.

Work funded under Council's Road Maintenance Council Contract (RMCC) with Road & Maritime Services (RMS) for the state road sections of The Lakes Way and Failford Road is also included.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

An update on the progress of capital works included in the 2015/16 and 2016/17 Operational Plans for the MidCoast Council area is included in this report. It also includes works undertaken through special grants and the RMCC. The report is provided for the information of Council.

### **DISCUSSION**

Annexure A (Works Program - Monthly Report) provides a summary of the capital works completed in the previous month and those in progress or commencing in the subsequent month. The projects listed to commence in the future are a projection based on work programs at the time of writing this report. The annexure outlines whether the work is being undertaken by day labour staff or contractors.

Within the projects listed in Annexure A, a summary of the main highlights is as follows:

#### **Taree**

- Lansdowne Rd and Comboyne Rd rehabilitation projects are now practically completed and are only awaiting fine weather to permit final seal.
  - Reconstruction of the southern abutment of Killawara Bridge is complete pending final AC seal when weather permits.
  - Diamond Beach Road reconstruction is progressing with current works between Blackhead Rd and Red Head Rd.
  - Rehabilitation works on Combined Street and Dennes Street has commenced but delayed due to the wet conditions.
  - Due to commence in April is Drainage improvement works in Wootton Crescent Taree, reconstruction works on Comboyne Rd Cedar Party, Footpath upgrade on Manning St Taree, boat ramp extensions at Endeavour Place, and various AC heavy patch and overlay projects.
-



## **Forster**

- The pavement of Breese Pde has been reconstructed with the asphalt surface to be placed in early April.
- The construction of a roundabout at the intersection of Kent St and Peel St, Tuncurry has commenced. The asphalt work has been planned as night work to reduce impact on businesses and traffic.
- Works on the Lake St / Hadley St Pedestrian refuge has commenced.
- The rehabilitation of Manns Rd is planned to commence in April after being delayed due to wet weather.

## **Bulahdelah**

- The reseal of Kestevens Road is planned to occur in April. The urban reseals for Nerong are planned to occur in April.

## **Coomba**

- Coomba Road shoulder widening has commenced. This will see a section of road widened to improve road safety. This work will include the widening of a culvert to allow for the additional road width.

## **Stroud**

- Reseals on two segments of Stroud Hill Road are planned for April after being delayed due to wet weather.
- Works on the reconstruction of a section of Booral Washpool Rd is planned to commence in April.

## **Tea Gardens / Hawks Nest**

- Work has recommenced on Marine Drive reconstruction. These works will include reconstruction of the road.
- Charles St Reconstruction will commence in April.
- Works to commence on Cove Ave and Second Ave, Bundabah in April.
- Reseals on sections of Mungo Brush Rd and Warri Rd, Pindimar are planned to occur in April after being delayed due to poor weather conditions.

## **Gloucester**

- Continuation of The Bucketts Way Upgrade Project #86 (2.5 Km of reconstruction commencing approx. 6 Km east of Gloucester) with sealing of the final section now complete. Safety fence, signs and guidepost installation completed.
- The Bucketts Way Upgrade - Part Project #84 (up to 0.5km of reconstruction of the approaches to the bridge over the Avon River at Stratford) Project has commenced with completion in April / May.
- Planning and development for SRV – Boundary St and Philip St Intersection Reconstruction Project is completed. Site establishment and site preparation works to commence mid April weather permitting.
- Reseal preparation works for SRV – Bundook Road are now complete. Sealing works are planned for 8/9 April – weather permitting.
- Preparation works for additional reseals under the amalgamation are completed with sealing to occur 8-9 April – weather permitting.
- Demolition/dismantling of Geales Bridge (SRV - Deck Replacement on Scone Road) has been completed with the construction of headstocks and capwales commenced.
- Tate Street SRV – Reconstruction / Rehabilitation planning and development works have commenced.

Further information on these projects is included in Attachment A, in addition to other projects in progress or due to commence in the near future.

## **CONSULTATION**

The management and coordination of all aspects of the Capital Works Program is undertaken in consultation with a wide range of internal and external stakeholders.

The key stakeholders in the preparation of this monthly report include the Transport Assets Section, Projects and Engineering Section, Operations (North and South) Sections and the Finance Section.

## **COMMUNITY IMPACTS**

Community Impacts are considered and managed as part of each Capital Works Program project.

## **TIMEFRAME**

Details are reported within the attachments.

## **RECOMMENDATION**

That Council note the information in this report.

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## **ATTACHMENTS**

A: Summary of projects completed or to be completed February, March & April 2017

Attachment A has been circulated in hard copy to the Administrator and Senior Staff only as a paper conservation measure. However, this Attachment is publicly available on Council's Website, copies are available at Council offices and copies are available on request.

## **DIRECTOR COMMUNITY SPACES & SERVICES**

### **8 BULAHDELAH LIBRARY**

**Report Author** Chris Jones, Manager Libraries

**File No. / ECM Index** Library - Branches

**Date of Meeting** 19 April 2017

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#### **SUMMARY OF REPORT**

The Bulahdelah Library Service Point has seen a substantial decline in membership and loans as residents shift their lending patterns to larger libraries in larger centres. There has also been an increasing difficulty in securing sufficient volunteer hours to keep the facility open consistently.

To address these issues and look to the future, Council has investigated the option of relocating library services to the Bulahdelah Rural Transaction Centre, which is run by the Bulahdelah Chamber of Commerce. This would involve entering into a Memorandum of Understanding with the Chamber for a twelve month period regarding ongoing library service provision. This arrangement would be subject to assessment against key performance indicators and would attract a rental and service provision fee of \$5,000, plus GST.

#### **SUMMARY OF RECOMMENDATION**

That:

1. The Bulahdelah Library Service Point be relocated to the Bulahdelah Rural Transaction Centre for a trial period of twelve months.
2. The Bulahdelah Chamber of Commerce be paid an annual rental fee of \$5,000, plus GST, to provide the service.
3. The draft Memorandum of Understanding between the Bulahdelah Chamber of Commerce and MidCoast Council (see Annexure A) be executed prior to any relocation occurring.

#### **FINANCIAL/RESOURCE IMPLICATIONS**

Annual rental fee of \$5,000, plus GST.

#### **LEGAL IMPLICATIONS**

Nil

#### **LIST OF ANNEXURES**

1. Draft Memorandum of Understanding between the Bulahdelah Chamber of Commerce and MidCoast Council.
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#### **BACKGROUND**

In 2015 the Manager Library Services (Great Lakes) undertook a review of library service provision out of the Bulahdelah Library Service Point. This review was undertaken due to challenges in service provision from the facility, a decline in usage and the impending retirement of the coordinator of the service point.

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A report was presented to Strategic Committee of Great Lakes Council on 8 September, 2015 regarding options for the facility. This led to investigations into a possible relocation of the service to either the Visitors Information Centre or the Rural Transaction Centre.

A further report was put to the Strategic Committee on Tuesday 9 February, 2016, which included the following resolution:

*That Council advise the Bulahdelah Chamber of Commerce that unless a response on negotiations for the potential co-location of the Bulahdelah Library with the Rural Transaction Centre can be finalised prior to the next Strategic Committee Meeting on 8 March 2016 that Council will commence the process to close the Bulahdelah Library.*

A response was received from the Bulahdelah Chamber of Commerce on 15 February, 2016. This entailed a charge of \$5,000 per annum, plus GST. In return the Chamber would handle all relevant library functions during their standard opening hours (Monday-Thursday 9-1 pm, Friday 9-3 pm). This could be implemented on a twelve-month trial basis.

Before Council could formulate a response to this the proclamation to form MidCoast Council was announced. Other matters then took precedence and resulted in an unplanned deferral of a decision.

From November 2016 through to March 2017 the challenges associated with service provision were revisited by Council, which included a meeting with community representatives on Wednesday 15 February, 2017 and a meeting with the Administrator, the Interim General Manager and representatives of the Bulahdelah Chamber of Commerce on Monday 6 March 2017.

## **DISCUSSION**

Bulahdelah Library Service Point usage statistics for 2016 are provided below:

- Membership - 287 (Active members in the past two years - 162).
- Annual loans - 4,271.
- Collection size - 3,501.
- Collection age - 50% of stock is less than five years old, 80% is less than 10 years old. This is the same book age profile as the wider library service.

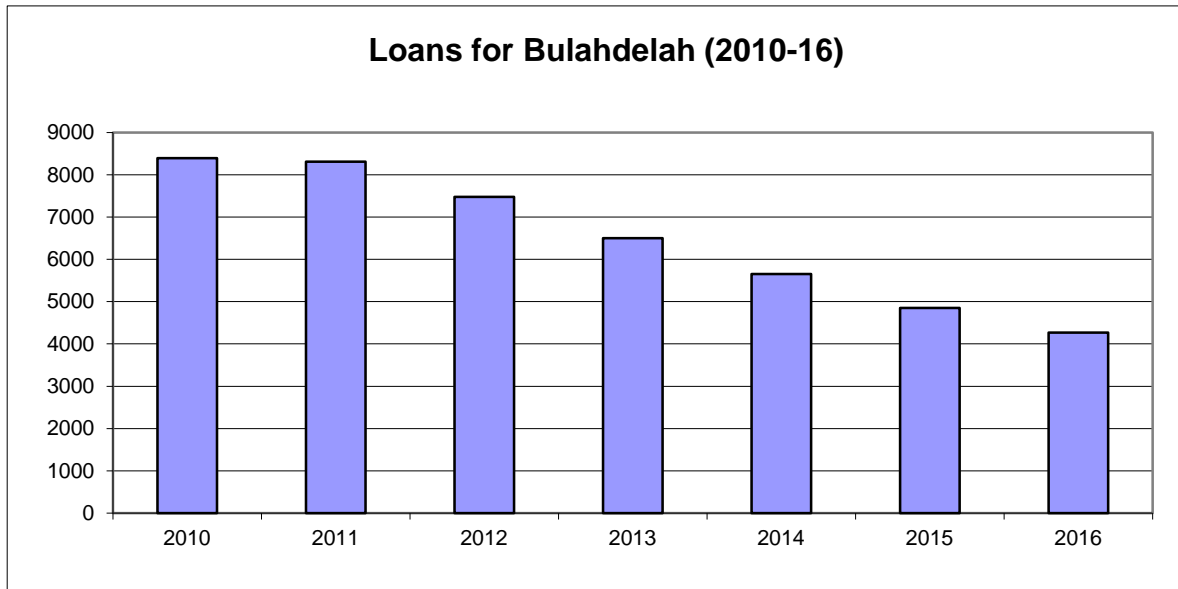
The ongoing operation of the service point is compromised by the following issues:

### ***Volunteer problem***

It has proved very difficult to find volunteers to staff the library, even though the facility is only open six hours a week, over three days. This has been an ongoing issue at Bulahdelah for some time.

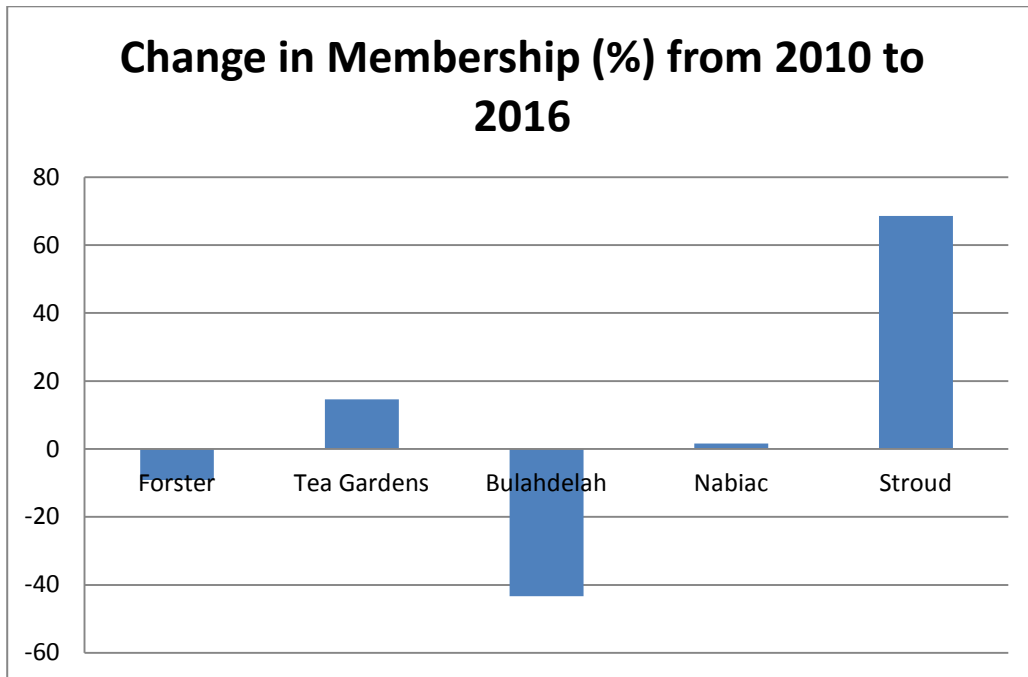
### ***Loans***

Loans for Bulahdelah Library have been steadily dropping since 2011. The loans for 2016 were down 12% on 2015 loans. In 2014, for the first time since data has been recorded, loans for Bulahdelah fell below loans for Stroud, making it the least used library service point. Since 2010 loans have dropped 50%. Of particular note is that the rate of decline has been consistently above 10% every year. There is no sign of the trend levelling out. In total Bulahdelah contributed to 1.6% of the total loans for Great Lakes and 0.6% of loans for MidCoast Libraries.



### **Membership**

Since 2010 membership levels at Bulahdelah have dropped 43%. This compares with a total membership drop of 4.8%. There are currently 287 library members, representing around 1 in 5 residents in the service catchment of Bulahdelah. Conversely, the average membership rate for the Great Lakes LGA is close to 1 in 2 residents as library members. Of the Bulahdelah membership 125 have not borrowed in the past two years.



### **Coordinator retiring**

Forster, Tea Gardens and Stroud Libraries operate with permanent staff. Nabiac and Bulahdelah are coordinated by two Library employees, based in Forster. In the case of Bulahdelah Library the Coordinator has now retired. The coordinator has been able to coordinate Bulahdelah Library because Bulahdelah lies on their travel route to and from work. This option is now no longer available. Any other solution within the existing staff base would require funding, additional travel and staffing costs.

It should be noted that although the library service in Bulahdelah suffers from operating out of a small facility and with limited opening hours these conditions have not changed during the significant downwards trend in loans and membership. The collection is also of the same quality and currency as other library service points.

## **CONSULTATION**

Initial consultation occurred with representatives from the Bulahdelah Visitors Information Centre and the Bulahdelah Chamber of Commerce in 2015 and 2016.

A further meeting was also arranged with community representatives to discuss alternative service provision options. This meeting occurred on Wednesday 15 February, with 15 community members attending, including representatives from the Bulahdelah Visitors Information Centre and the Bulahdelah Chamber of Commerce.

Representatives of the Bulahdelah Chamber of Commerce also met the Administrator and Interim General Manager on Monday 6 March. As a result of this meeting the Manager Libraries was requested to investigate a model for library service delivery out of Bulahdelah, by working in collaboration with the Bulahdelah Chamber of Commerce and utilising the space available in the Bulahdelah Rural Transaction Centre (RTC).

## **RELOCATION TO THE BULAHDELAH RURAL TRANSACTION CENTRE (RTC)**

A meeting with representatives from the Bulahdelah Chamber of Commerce and library staff was held on Friday 17 March at Bulahdelah. The purpose of this meeting was to discuss the feasibility of relocating the library to the RTC and, if implemented, what issues would need to be addressed. As a result of the meeting the following was agreed:

- That, as Council was effectively contracting out the library service, a Memorandum of Understanding (MOU) between MidCoast Council and the Bulahdelah Chamber of Commerce would need to be developed (see Annexure A);
- There was sufficient floor space in the RTC to accommodate the bulk of the existing Bulahdelah library collection;
- Council could provide adequate shelving to house the book stock;
- Home library services would operate out of the RTC in a similar fashion to the existing model at the Bulahdelah Library Service point;
- Council would provide a PC with access to the library management system, which would continue to offer access to the wider library collection for Bulahdelah residents;
- Council would continue to provide new titles for the collection;
- The Chamber of Commerce would provide staff to operate the library service during their normal opening hours;
- Council would train these staff in the use of the library management software;
- The use of volunteers would fall under the umbrella of the Bulahdelah Chamber of Commerce and should not compromise service levels of opening hours;
- After-hours returns would be managed through the RTC;
- The opening hours of the library would match those of the RTC (effectively increasing opening hours from 6 to 22 hours);
- The RTC would participate in any relevant stock refreshment/rotation programs deemed relevant to the library service point;
- Council would continue to provide support to the new service point;
- The RTC would provide public access to the Internet and associated technology;

- Council staff would oversee the operation to relocate library stock from the existing premises to the RTC;
- The agreement would be for a twelve month trial period;
- At the end of the trial period usage would be assessed against key performance indicators; and
- MidCoast Council would pay a rental fee of \$5,000, plus GST, in return for the use of the facilities and support in library service provision.

### **TIMEFRAME**

The Home Library Services Officer, who coordinated Bulahdelah Library Service Point, retired effective on 31 March, 2017. As this predated the timeframe for the adoption of this proposal and as such there will be an interim period of library closure until the new service arrangements can be implemented.

If the proposal is adopted as suggested a tentative date for the launch of the new service point location would be Monday 1 May, 2017.

### **BUDGET IMPLICATIONS**

An annual rental of \$5,000, plus GST will be required to relocate the Bulahdelah Library Service Point.

### **RISK CONSIDERATION**

Nil

### **CONCLUSION**

Community patronage of the Bulahdelah Library Service Point has been declining steadily for six years and now represents just 0.6% of library patronage across the region. The overall low level of demand for the service is reflected in the Bulahdelah community's shift in patronage from the smaller library collection to much larger facilities and collections at other MidCoast Libraries facilities.

Council recognises that the ongoing service provision model is not sustainable and also acknowledges that the retirement of the library coordinator has necessitated a change in delivery model.

Following on from discussions with the Bulahdelah Chamber of Commerce a proposal has been identified to relocate the library service point to the Rural Transaction Centre. This proposal involves the execution of an MOU to define service level provision at the site and the level of support offered by Council. This MOU will have a trial period of twelve months and the success of the project will be subject to assessment against key performance indicators.

In return for the use of the RTC and in supporting library service provision a rental of \$5,000 per annum, plus GST, is proposed to be paid to the Bulahdelah Chamber of Commerce.

### **RECOMMENDATION**

That:

1. The Bulahdelah Library Service Point be relocated to the Bulahdelah Rural Transaction Centre for a trial period of twelve months.
2. The Bulahdelah Chamber of Commerce be paid an annual rental fee of \$5,000, plus GST, to provide the service.
3. The draft Memorandum of Understanding between the Bulahdelah Chamber of Commerce and MidCoast Council (see Annexure A) be executed prior to any relocation occurring.

## ANNEXURE

A: Draft Memorandum of Understanding Bulahdelah Library

MidCoastCouncil

### **MEMORANDUM OF UNDERSTANDING** *Provision of Library Services from the Bulahdelah Rural Transaction Centre*

Date:

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#### **Parties**

This Memorandum of Understanding (MOU) is between:

**BULAHDELAH CHAMBER OF COMMERCE & TOURISM (BCCT)**  
63 Stroud Street, Bulahdelah NSW 2423

and

**MID-COAST COUNCIL (Council)**  
PO Box 450 Forster 2428

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#### **Preamble**

Since 1997, Council (including in its former capacity as Great Lakes Council) has provided a level of library service in Bulahdelah. In light of low and declining levels of usage, Council has undertaken an analysis on the viability of continuing to provide ongoing library services in Bulahdelah in its current format. This analysis indicates that the current arrangements are neither sustainable nor suitable for service provision in Bulahdelah. This has necessitated an assessment of the options available, one of which includes relocation of the library service point to the Rural Transaction Centre (RTC) in Bulahdelah.

At the Ordinary Meeting of Council on Wednesday 19 April 2017, it was resolved to relocate the existing library service point to the Bulahdelah Rural Transaction Centre. It was also resolved that the library service would be operated and managed by BCCT for a trial period of twelve months. As part of this trial, Key Performance Indicators (KPIs) have been developed to assess the success of the relocation.

This MOU details the arrangements between Council and BCCT for the provision of library services by the BCCT to the Bulahdelah community.

#### **1. BCCT obligations**

- 1.1. BCCT must operate and deliver a library service (utilising its own staff to manage and maintain the existing Bulahdelah Library Service Point collection) to a level commensurate with the accepted standards of MidCoast Libraries, during the standard hours of operation of the RTC. This includes

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compliance with MidCoast Council's Code of Conduct and Statement of Business Ethics and the MidCoast Libraries Charter of Service Values.

1.2. BCCT must provide:

- Sufficient floorspace within the Rural Transaction Centre to accommodate the existing Bulahdelah Library Service Point collection and relevant furniture (and keep that collection and furniture secure)
- Access to a private meeting room for study purposes, access to quiet space or for patrons to hold small meetings as required to the extent that this does not adversely impact on or compromise the operations of the RTC
- Library opening hours which align with the existing opening hours of the RTC
- Public Internet and technology access to library members, via equipment provided and maintained by BCCT. Internet access must be provided free of charge
- An ability for the return of items outside normal operating hours
- Reliable Internet access of an adequate speed to perform library functions at a standard acceptable to MidCoast Libraries
- A telephone number that library customers can dial for library service enquires (this can be an existing phone line if it does not impact significantly on library services)

1.3. BCCT must also:

- Operate the library service in accordance with all relevant library guidelines and protocols
- Diligently and professionally meet the needs of library customers in compliance with appropriate customer service standards, such as the MidCoast Libraries Charter of Service Values
- Operate home library outreach services modelled on the existing arrangements and in alignment with the practices of MidCoast Libraries
- Support all necessary training for staff at the Rural Transaction Centre to ensure they have the requisite skills to provide a high standard of library service provision
- Manage after-hours returns on a daily basis (during weekdays) to ensure returned items are rapidly processed
- Participate in any relevant stock refreshment/rotation programs deemed relevant to the library service point
- Support Rural Transaction Centre staff in attending any relevant library meetings

1.4. BCCT must also meet the Key Performance Indicators (KPIs) expected for ongoing service provision

1.5. All obligations to be performed by BCCT under this clause 1, must be performed at BCCT's risk and cost.

**2. Council obligations**

2.1. Council must provide to BCCT:

- The collection from the existing Bulahdelah Library Service Point
- New titles for the collection (as and when they become available)
- Access to the wider MidCoast Libraries network and collections (to the extent reasonably practicable)
- Adequate shelving to house the library collections
- Other relevant furniture from the existing facility
- Relevant technology to access the library management system, which will be maintained by relevant Library IT and/or Council IT staff to acceptable standards
- The existing after hours returns bin, subject to its suitability to the proposed new location,

SUBJECT TO THE FOLLOWING CONDITIONS:

- All furniture and stock remains the property of Council
- Council will be responsible for insurance coverage for all of the library property the subject of this MOU on the RTC premises and BCCT must not do anything which would have the effect of voiding that insurance
- Stock within the MidCoast Libraries is part of a floating collection. Consequently, items will freely move to and from the Bulahdelah Library Service Point at Council's discretion. They do not remain the sole position of that location
- Modifications to any furniture or equipment the subject of this MOU, including the after-hours returns bin, will require prior approval from the Manager Libraries (Council), or a relevant delegate
- Relocation of furniture should be done in consultation with the Manager Libraries, or a relevant delegate

2.2. Council also commits to:

- Providing access to library services and support that could normally be expected for a library service point (of a nature similar to that in existence in Bulahdelah)
- Supporting a home library service, consistent with the standards provided through other library service points (of a nature similar to that in existence in Bulahdelah)
- Training Rural Transaction Centre staff to ensure they are able to operate the library service point to standards consistent with MidCoast Libraries
- Assisting the BCCT with staff attendance at relevant library meetings. This would be through negotiation with the BCCT and could extend to providing support for staff absence whilst attending such meetings
- Paying a rental and library service provision fee of \$5,000 per annum plus GST, to BCCT. This payment is to be on a monthly basis.

2.3. Council will provide the BCCT with clear Key Performance Indicators (KPIs) based on targets consistent with relevant public library service provision in the MidCoast LGA. These indicators will be updated as appropriate, should the MOU continue beyond its trial period.

2.4. All obligations to be performed by Council under this clause 2, must be performed at Council's risk and cost

**3. Staffing and opening hours**

3.1. Staffing will be the responsibility of the BCCT, including all necessary insurances

3.2. The use of volunteers is at the discretion of the BCCT and volunteers would fall under the responsibility of the BCCT. The use of volunteers should not compromise the professional standards expected in service delivery.

3.3. Library opening hours will align with the opening hours of the Rural Transaction Centre. There will not be additional volunteer-run opening hours.

**4. Confidentiality**

4.1. All confidential information contained in or in connection with this MOU must remain confidential and must not be disclosed to any other person or entity without the express authority in writing by both parties.

**5. Status of this MOU**

5.1. This MOU is legally binding on the parties and the parties agree to act in good faith and in the spirit of co-operation to achieve the matters set out in this MOU.

**6. Term of MOU**

6.1. This MOU commences on the date identified on page 1 of this MOU and will continue (in a trial capacity) for a period of twelve-months from that date or such longer period as BCCT and Council agree to in writing.

6.2. At the end of the trial period, the library service provided by BCCT will be assessed by Council against the agreed Key Performance Indicators (KPIs). Failure to achieve these KPIs may result in a further review of the current arrangements by Council.

6.3. Either party can terminate (for any reason) this MOU on one month's notice in writing. In the event that this MOU is terminated (or expires without being renewed or extended), then BCCT must co-operate with Council in relation to the return of all stock, equipment, furniture and other property owned by Council the subject of this MOU.

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**Execution**

BULAHDELAH CHAMBER OF COMMERCE & TOURISM

Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Authority \_\_\_\_\_

MID-COAST COUNCIL

Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Authority \_\_\_\_\_

## 9 LEASH FREE AREAS FOR DOGS IN PARKS

Report Author Andrew Morris, Community Spaces and Services

File No. / ECM Index Subject: Leash free areas for Dogs in Parks/Reserves

Date of Meeting 19 April 2017

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### SUMMARY OF REPORT

Through Council's (former Great Lakes) Companion Animals Management Plan (2012), appropriate off-leash areas have been formally identified.

The creation of a formal identified on and off-leash area for dogs within Elizabeth Reserve, Forster Keys has been pursued by the Forster Keys Progress & Ratepayers Association (FKP&RA) on behalf of its members for a number of years.

Council staff have investigated this request and have proposed the following on and off-leash areas for dogs (see attached proposed map for further information):

That:

- Part of Elizabeth Parade Reserve north of the intersection of King George Parade and Elouera Crescent to be designated 'Dogs on leash'.
- Part of Elizabeth Parade Reserve south of the intersection of King George Parade and Elouera Crescent is designated 'Dogs off leash'

This specific proposal was unanimously endorsed by the Forster Keys Progress Association's Management Committee on 24/08/2016. Following this support, Council staff wrote to local residents in December 2016 to determine wider public views on the matter. This information was also hosted on Council's website, and was included in Council's notices in the Great Lakes Advocate.

Of the 168 letters sent out to residents, Council received 20 responses. 12 of these responses supported the proposal, 8 did not support the proposal.

Council has reviewed the responses and has included additional actions within the proposal to address some of the key concerns of residents.

### SUMMARY OF RECOMMENDATION

That:

1. Council proceeds with establishment of a leash-free area in Elizabeth Parade as follows:
  - That part of Elizabeth Parade Reserve north of the intersection of King George Parade and Elouera Crescent is designated 'Dogs on leash'.
  - That part of Elizabeth Parade Reserve south of the intersection of King George Parade and Elouera Crescent is designated 'Dogs off leash'.
2. That the following supporting actions are to be undertaken to mitigate impacts on adjacent residents and other park users:
  - Council install appropriate signage clearly identifying on and off-leash areas.
  - Use of these areas for exercising dogs will be restricted to 6:00am - 8:00pm. (These times are consistent with other on/off-leash areas within Forster and will be clearly shown on proposed signage).
  - Install 'dog poo bag' dispensers throughout the off-leash area.

## FINANCIAL/RESOURCE IMPLICATIONS

Council's Community Spaces Recreation and Trades section will fund the installation of signage and dog poo bag receptacles.

## LEGAL IMPLICATIONS

Nil.

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## DISCUSSION

Under Section 13 of the Companion Animals Act 1998, a local authority can by order declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days.

Through Council's (former Great Lakes) Companion Animals Management Plan (2012), appropriate off-leash areas have been formally identified.

The creation of a formal identified on and off-leash area for dogs within Elizabeth Reserve, Forster Keys has been pursued by the Forster Keys Progress & Ratepayers Association (FKP&RA) on behalf of its members for a number of years.

Council staff have investigated this request and have proposed the following on and off-leash areas for dogs (see attached proposed map for further information):

- That part of Elizabeth Parade Reserve north of the intersection of King George Parade and Elouera Crescent is designated 'Dogs on leash'
- That part of Elizabeth Parade Reserve south of the intersection of King George Parade and Elouera Crescent is designated 'Dogs off leash'.

This specific proposal was unanimously endorsed by the Forster Keys Progress Association's Management Committee on 24/08/2016 (see Annexure A).

Following this support, Council staff wrote to local residents in December 2016 to determine wider public views on this matter. This information was also hosted on Council's website, and included in Council's notices in the Great Lakes Advocate.

It should be noted, that while an area within this reserve is proposed to be declared as an off-leash area, all dogs must still be under the effective control of a competent person while in the off-leash area. In addition, under the Companion Animals Act 1998 the number of dogs controlled by one person cannot exceed 4 dogs.

### Summary of responses

Of 168 letters sent out to residents, Council received 20 responses. 12 of these responses supported the proposal, 8 did not support the proposal.

Responses were also assessed based on the location of respondent, to specifically determine the concerns of residents who lived directly adjacent to the reserve:

	Live directly adjacent to reserve	Live elsewhere
Support	4	8
Don't Support	5	3

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## Key issues opposing establishment of a leash-free area within Elizabeth Reserve

A summary of key issues raised in submissions opposing the proposal and a subsequent response is provided below.

	Issue	Response
1	General concerns associated with dogs being in the area	<p>Walking of dogs is currently allowed in the area. Whether the site becomes an off-leash area or not, residents will continue to be allowed to legally walk their dogs in the reserve.</p> <p>Use of these areas for exercising dogs will be restricted to 6:00am - 8:00pm, which is consistent with other dog on/off leash areas in Forster.</p>
2	Concerns with safety related to uncontrolled dogs	<p>Dogs must be under the effective control of a competent person while in the off leash area.</p> <p>Signage will incorporate this statement and the fact that fines will apply (LGA 632 (1)).</p> <p>The number of dogs controlled by one person cannot exceed 4 dogs under the Companion Animals Act 1998.</p>
3	Fears regarding dogs running onto the road	<p>See above.</p> <p>An off-leash area is currently established in a similar reserve adjacent to Pipers Bay Drive. To date, Council has received no formal complaints relating to incorrect use of the site.</p>
4	Concerns for picnickers, children	<p>See above (2)</p> <p>The northern portion of Elizabeth Parade will continue to be 'on-leash'.</p>
5	Concerns with dog faeces	<p>Cleaning up after dogs is the responsibility of pet owners. Walking of dogs is currently allowed in the reserve and thus this issue presently exists.</p> <p>To reduce impact, Council is proposing to install 'dog poo bag' dispensers in the reserve.</p>
6	This issue was supported by FKP&RA's Management Committee without full support of its members	<p>This issue has been pursued by the FKP&amp;RA on behalf of its members for many years, Council has received requests from this Association on numerous occasions.</p> <p>Council will inform the FKP&amp;RA's Secretary that this comment has been raised.</p>
7	How will this effect community events?	<p>Events in Elizabeth Parade Reserve are generally held within the on-leash area. If the event extends to the off leash area event organisers will need to take this into consideration. E.g. install temporary signage or fencing if this is seen as necessary.</p>
8	Impacts felt by home owners directly fronting the reserve	<p>Of the approximately 60 homes which front the reserve, 5 were in opposition of the project and 4 supported the project. The remaining 51 households did not respond.</p>

## **Comment: Manager Waste, Health & Regulatory Services**

This additional area is supported. It is known to be an area with a high proportion of companion animals. Council Rangers will undertake routine patrols of the area to ensure dog owners comply with their obligations when using the area.

### **Additional Actions**

To address the issues raised by the community above, the following actions are recommended to be incorporated into the proposal:

- Council is to install appropriate signage clearly identifying on and off-leash areas.  
This is consistent with Action 17 of the (former Great Lakes Council's) Companion Animal Management Plan (2012): Investigate information available to the public on leash free areas in regard to its accessibility, simplicity and accuracy.
- Install 'dog poo bag' dispensers throughout the off-leash area.  
This is consistent with Action 25 of the (former Great Lakes Council's) Companion Animal Management Plan (2012): Continue to provide 'dog poo' receptacles and bags *in key areas but also encourage the community to provide their own bags as part of responsible pet ownership.*

### **RECOMMENDATION**

That:

1. Council proceeds with establishment of a leash-free area in Elizabeth Parade as follows:
    - That part of Elizabeth Parade Reserve north of the intersection of King George Parade and Elouera Crescent is designated 'Dogs on leash'.
    - That part of Elizabeth Parade Reserve south of the intersection of King George Parade and Elouera Crescent is designated 'Dogs off leash'.
  2. That the following supporting actions are to be undertaken to mitigate impacts on adjacent residents and other park users:
    - Council install appropriate signage clearly identifying on and off-leash areas.
    - Use of these areas for exercising dogs will be restricted to 6:00am - 8:00pm. (These times are consistent with other on/off-leash areas within Forster and will be clearly shown on proposed signage).
    - Install 'dog poo bag' dispensers throughout the off-leash area.
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## ANNEXURES:

### A. Correspondence from Forster Keys Progress Association endorsing proposal

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**From:** Glenys Roberts <ggdundas1@gmail.com>  
**Sent:** Thursday, 25 August 2016 11:29 AM  
**To:** Andrew Morris  
**Subject:** Leash Free Dog Area, Elizabeth Parade

Hi Drew,

Council's proposal as set out in your email of 22/8/2016 was discussed at our Association's Management Committee Meeting on 24/8/2016. At this meeting it was unanimously resolved "That this Association once again endorses Council's proposal to have Elizabeth Parade south of the King George Parade intersection a "Dog Leash Free" area, while the northern end of Elizabeth Reserve will remain a "Dogs on Leash" area".

It is suggested that when you write to residents in the area about this proposal you explain that under the Companion Animals Act dogs off leash must be under effective control. From my discussions with people who oppose leash-free areas they are not aware of this. I note that this is clearly stated on your proposed signage as well as "Please pick up after your dog".

It is noted in your letter of 22/8/2016:-

- Mr. Dave Sharrock of our committee is to provide you with details of the proposed "Welcome to Forster Keys" sign
- You are progressing on the issue of foreshore erosion in Elizabeth Reserve.

I'd like to thank you for your advise on these matters and look forward to you attending one of our committee Meetings in the future.

Bryson Roberts  
Secretary  
Forster Keys Progress and Ratepayers Association



B. Map of proposed on/off-leash areas in Elizabeth Reserve



## 10 NABIAC RECREATION FACILITIES REPORT

Report Author Kerrie Simmons, Recreation Coordinator  
File No. / ECM Index Parks & Reserves - Playground Equipment Nabiac  
Parks & Reserves - Landscaping Major Design

Date of Meeting 19 April 2017

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### SUMMARY OF REPORT

Council has been working with the Nabiac Futures Group to develop a Community Strategic Plan. This plan lists the replacement and relocation of the existing play equipment from Memorial Reserve to the outer area of the sports field, adjacent to the tennis courts and swimming pool. The plan also identifies the installation of a dump point for use by recreational vehicles adjacent to the public toilet at Nabiac Oval.

### SUMMARY OF RECOMMENDATION

That:

1. The decommissioning of the existing play equipment and playground in Memorial Reserve, Nabiac be approved.
2. A new playground be built at the recreation precinct located within lot 7301, DP 1138280.
3. The installation of a dump point adjacent to the public amenities at Nabiac Oval be approved.
4. Funding of \$30,000 be provided from the Nabiac Section 94 Plan for the purchase of new playground equipment.
5. The \$30,000 assigned for public purposes through a Planning Agreement attached to DA 534-2016 be spent on the dump point and new play equipment.

### FINANCIAL/RESOURCE IMPLICATIONS

It is expected that the relocation of the playground, purchase of new play equipment and the installation of a dump point will cost approximately \$60,000. Partial funding of \$30,000 has been provided to Council for Nabiac Community Projects through a Planning Agreement attached to DA 534-2016. The remaining \$30,000 is requested to be provided through Councils Section 94 plan for Nabiac.

### LEGAL IMPLICATIONS

Nil

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### BACKGROUND

Council was presented with a DA (534-2016) for outdoor eating on 23 November 2016 with the following recommendation being adopted;

*"Council agree to the execution of a Planning Agreement, with Kenneth Leigh Logan as contained in Annexure A to this report, for the contribution of \$30,000 for public purposes in Nabiac, and the Common Seal of Council affixed to any necessary documents.*

MidCoast Council has been working closely with the Nabiac Village Futures Group and members of the community to develop a recreational precinct on Crown Reserve R38834 which includes the swimming pool, tennis/netball courts and Nabiac oval, being lot 7301, DP 1138280.

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## **CONSULTATION**

The Nabiac Futures Group, in conjunction with Council's Community Engagement Officer has developed a local Community Strategic Plan 2016 - 2021 which lists strategies and prioritises future works. The following two projects were given high priority by the community when developing this plan.

### **Provision of a Playground**

It was agreed to replace the existing play equipment located in Memorial Reserve (Lots 5 & 6 Section 1 DP 758747, Crown Reserve R90741) and relocate the playground to the old netball site within the proposed recreation precinct, as it would provide greater recreational value than the current location.

In 2011 the Bureau of Statistics stated the population for Nabiac and surrounding district to be 1508, however in 2016 the population was 2,432, with the largest percentage falling in the 0 to 15yrs age category. The current play equipment is 18 years old and in need of replacing to meet the growing needs of the Nabiac Community. The play equipment is also highlighted in Councils Asset Management Plan for renewal.

### **Provision of a Dump Point**

The close proximity of Nabiac Village to the Pacific Highway has made the village a popular rest point for highway travellers, in particular, self-contained Recreation Vehicles. As such, Council has undertaken investigations into providing a dump point at Nabiac with the recommended location being adjacent to the public amenities within the recreation precinct. This location has also been approved by MidCoast Water. The community of Nabiac also sees this as a great benefit to the commercial viability of the town where it would attract people to stop at the village and purchase provisions etc.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

The Nabiac Local Community Strategic Plan 2016 clearly lists these two items as a high priority.

## **TIMEFRAME**

Should funding be made available Council will commence with the installation of the dump point and the consultation process for the purchase of suitable play equipment that meets the needs of the community. Once this is completed Council will arrange for the purchase and installation of the play equipment. It is anticipated works should be completed by September 2017.

## **RECOMMENDATION**

That:

1. The decommissioning of the existing play equipment and playground in Memorial Reserve, Nabiac be approved.
2. A new playground be built at the recreation precinct located within lot 7301, DP 1138280.
3. The installation of a dump point adjacent to the public amenities at Nabiac Oval be approved.
4. Funding of \$30,000 be provided from the Nabiac Section 94 Plan for the purchase of new playground equipment.
5. The \$30,000 assigned for public purposes through a Planning Agreement attached to DA 534-2016 be spent on the dump point and new play equipment.

## DIRECTOR CORPORATE & BUSINESS SYSTEMS

### 11 ALCOHOL FREE ZONES - ESTABLISHMENT AND RENEWAL

Report Author Yvette Ellis, Admin Officer

File No. / ECM Index Alcohol Free Zones

Date of Meeting 19 April 2017

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#### SUMMARY OF REPORT

Establishment of an Alcohol Free Zone (AFZ) in Tea Gardens following a submission from NSW Police Service, and re-establishment of the AFZs in Hawks Nest, and adjacent to Palmgrove and Collendina Parks in Forster, for a four (4) year period commencing 1 July 2017.

#### SUMMARY OF RECOMMENDATION

That:

1. Council resolve to establish an AFZ in Tea Gardens under the provisions of the Local Government Act 1993 for a period of four (4) years.
2. Council resolve to re-establish the AFZs in Hawks Nest, and adjacent to Palmgrove and Collendina Parks in Forster under the provisions of the Local Government Act 1993 for a period of four (4) years.
3. Areas to be included in the AFZs to be those shown on the diagrams at Annexures A, B and C.
4. The necessary statutory requirements be undertaken to allow establishment of an AFZ in Tea Gardens and re-establishment of the AFZs in Hawks Nest and adjacent to Palmgrove and Collendina Parks.

#### FINANCIAL/RESOURCE IMPLICATIONS

Updating signage.

#### LEGAL IMPLICATIONS

Alcohol Free Zones under the provisions of the Local Government Act 1993.

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#### BACKGROUND

Due to problems of inappropriate behaviour associated with the irresponsible consumption of alcohol in public places, provision was made in the Local Government Act 1993 for the establishment of AFZs in public roads, carparks and footpaths.

AFZs are enforced only by Police Officers or by Council Officers where the Commissioner of Police has given authorisation relating to a special event. AFZs are in force for a maximum of four (4) years and operate twenty-four (24) hours per day.

#### DISCUSSION

##### Hawks Nest

Council first established the AFZ in Hawks Nest in June 1997, with the area defined as all public roads, public carparks and footpaths within the area bordered by and including Beach Road and Booner Street, from Beach Road to Bennett Street and the waterline connecting those extremities (see Annexure B). This was re-established in December 2013 with the current period due to expire on 13 December 2017.

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As well as supporting the re-establishment of the AFZ at Hawks Nest, Snr Constable David Coyle, Tea Gardens Police, Port Stephens Local Area Command NSW, has requested the establishment of an AFZ on the footpath adjacent to the Tea Gardens Hotel (see Annexure A). Snr Constable Coyle has outlined in his request the difficulties being experienced in policing street drinking in the area. A map of the proposed area is attached as Annexure A.

### **Palmgrove & Collendina Parks**

Council first established AFZs adjacent to Palmgrove and Collendina Parks in Forster in July 2006, with the areas defined as:

- **Palmgrove Park:** The area bordered by (and including) Palmgrove Place (between Underwood Road and the high water mark One Mile Beach), Underwood Road to Cliff Road, Cliff Road to the intersection with Edward Street, "a line" from Edward Street to the high water mark One Mile Beach, and the waterline connecting those extremities (excluding surf club function rooms).
- **Collendina Park:** The area bordered by (and including) Strand Street (between Underwood Road and the high water mark One Mile Beach), Underwood Road to the southern boundary of Collendina Park, "a line" along the southern boundary of Collendina Park to the high water mark One Mile Beach, and the waterline connecting those extremities (see Annexure C).

In addition to the AFZ, Council, in accordance with Section 632 of the Local Government Act 1993, has also resolved to prohibit the consumption of alcohol in public reserves within the areas described above (excluding defined caravan parks and surf club function rooms) between the hours of 8pm and 6am.

### **CONSULTATION**

The Ministerial Guidelines for the establishment and re-establishment of AFZs require Council to undertake general community consultation and specific consultation with businesses such as clubs, bottle shops and hotels operating within the proposed zone.

### **COMMUNITY IMPACTS**

A proposal to establish or re-establish an AFZ must be supported by evidence that the public's use of the area has been compromised by the behaviour of street drinkers, eg vandalism, littering, offensive behaviour etc.

### **TIMEFRAME**

Following the resolution, the timeframe for establishment and re-establishment is as follows:

- The proposal must be advertised in newspapers circulating in the area, and notification sent to all relevant business organisations within the proposed AFZs, with submissions invited within 30 days of the date of publication and notification.
- Following completion of this public consultation process, and giving consideration to any submissions received, Council may, by resolution, adopt a proposal to establish or re-establish AFZs. The resolution itself will establish the AFZs.
- Council must advertise the establishment or re-establishment of the AFZs in newspapers circulating in the area. The AFZs may not operate until seven (7) days after publication of this notice and until signage in the area has been updated.

## **RISK CONSIDERATION**

Provision has been made in the Local Government Act for the establishment of AFZs which prohibit the consumption of alcohol in public roads, carpark and footpaths within the zone. A proposal to establish an AFZ must be supported by evidence that the public's use of the area has been compromised by the behaviour of street drinkers, eg vandalism, littering offensive behaviour etc.

## **RECOMMENDATION**

That:

1. Council resolve to establish an AFZ in Tea Gardens under the provisions of the Local Government Act 1993 for a period of four (4) years.
  2. Council resolve to re-establish the AFZs in Hawks Nest, and adjacent to Palmgrove and Collendina Parks in Forster under the provisions of the Local Government Act 1993 for a period of four (4) years.
  3. Areas to be included in the AFZs to be those shown on the diagrams at Annexures A, B and C.
  4. The necessary statutory requirements be undertaken to allow establishment of an AFZ in Tea Gardens and re-establishment of the AFZs in Hawks Nest and adjacent to Palmgrove and Collendina Parks.
-

**ANNEXURES:**

A: Map of proposed AFZ in Tea Gardens

B: Map of AFZ in Hawks Nest



C: Map of AFZs adjacent to Palmgrove and Collendina Parks Forster

D: Email from Senior Constable Coyle, Tea Gardens Police, Port Stephens' Local Area Command NSW Police in support of the re-establishment of the AFZ in Hawks Nest and requesting the establishment of an AFZ in Tea Gardens

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**Subject:** Re: Renewal of Alcohol Free Zone - Hawks Nest

**From:** David Coyle  
**Sent:** Friday, 31 March 2017 11:39 AM  
**To:** Yvette Ellis  
**Subject:** Re: Re: Renewal of Alcohol Free Zone - Hawks Nest

Hi Yvette

Yes you have my full support for Hawks Nest

I am interested in an AFZ on the footpath in front of the Tea Gardens Hotel. It is currently impossible for me to police open containers being remove from the hotel and being consumed on the footpath.

Can this be looked at. I would consider this currently more of an issue than Hawks Nest

Regards

dave

David Coyle | Senior Constable | Tea Gardens Police  
Port Stephen's LAC | New South Wales Police Force

**From:** Jeffrey Farmer  
**Sent:** Monday, 20 March 2017 10:44 AM  
**To:** Yvette Ellis; David Coyle  
**Subject:** Re: Renewal of Alcohol Free Zone - Hawks Nest

Yvette.

I will pass your email onto S/Constable Coyle who is the Tea Gardens police officer and the author of the attached correspondence. I will have Dave contact you with your requested reply. I have read his application which I support

**Regards**

*Jeffrey Farmer* BM VA  
*Sergeant, Port Stephens LAC*

**From:** Yvette Ellis  
**Sent:** Friday, 10 March 2017 1:42 PM  
**To:** Jeffrey Farmer  
**Subject:** Renewal of Alcohol Free Zone - Hawks Nest

Good Afternoon

**Re: Re-establishment of Alcohol Free Zone - Hawks Nest**

The alcohol free zone (AFZ) established under the provisions of the Local Government Amendment (Alcohol Free Zones) Act 1995, at Hawks Nest expires on 13 December 2017, and Council is in the process of preparing a proposal to re-establish the zone for a further four-year period. The AFZ in Hawks Nest covers all public roads, public car parks and footpaths within the area bordered by and including Beach Road and Booner Street from Beach Road to Bennett Street and the waterline connecting those extremities. In addition to the AFZ, Council, in accordance with Section 632 of the Local Government Act 1993, has also resolved to prohibit the consumption of alcohol in public reserves within the area (excluding defined caravan parks and surf club function rooms) between the hours of 8pm and 6am.

A map showing this area is attached for your information, and also attached is a copy of the letter of support from Tea Gardens Police when the AFZ was renewed in 2013. NB: The letter of support should be addressed as follows: Yvette Ellis, Admin Officer, MidCoast Council, PO Box 450, Forster NSW 2428, and emailed to me at [yvette.ellis@midcoast.nsw.gov.au](mailto:yvette.ellis@midcoast.nsw.gov.au) The Ministerial Guidelines for the re-establishment of AFZs require Councils to consider the factors that originally supported the zoning, the success or otherwise of the zoning and any additional relevant matters. Your comments on the proposal to re-establish the AFZ at Hawks Nest would be appreciated by 3 April 2017 to allow the re-establishment process to be finalised in a timely manner.

Many thanks - Yvette

E: Email from Licensing Coordinator, Manning Great Lakes Local Area Command, NSW Police Force in support of the re-establishment of the AFZs adjacent to Palmgrove and Collendina Parks Forster.

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**Subject:** Re: Alcohol Free Zones - Palmgrove and Collendina Parks

**From:** Linda Hedley  
**Sent:** Tuesday, 14 February 2017 9:16 AM  
**To:** Yvette Ellis  
**Subject:** Re: Alcohol Free Zones - Palmgrove and Collendina Parks

Good morning Yvette,

The Manning/Great Lakes Police Command continues to support the existence of Alcohol Free Zones and Alcohol Prohibition areas in the Forster/Tuncurry areas. They greatly assist us in maintaining order, and allow us to prevent and reduce incidents of public intoxication, anti-social behaviour and crime typically associated with public drinking.

Kind regards,

Linda.

Linda Hedley  
Licensing Coordinator  
Manning/Great Lakes

**From:** Yvette Ellis  
**To:** 'Linda Hedley'  
**Date:** 07/02/2017 14:44  
**Subject:** Alcohol Free Zones - Palmgrove and Collendina Parks

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Hi Linda

**Re: Re-establishment of Alcohol Free Zones at Palmgrove and Collendina Parks**

The alcohol free zones (AFZs) established under the provisions of the Local Government Amendment (Alcohol Free Zones) Act 1995, at Palmgrove and Collendina Parks, Forster expire on 1 July 2017, and Council is in the process of preparing a proposal to re-establish these zones for a further four-year period.

The area of these AFZs are:

- **Palmgrove Park:** The area bordered by (and including) Palmgrove Place, Underwood Road to Cliff Road, Cliff Road to the intersection with Edward Street, "a line" from Edward Street to the high water mark One Mile Beach, and the waterline connecting those extremities (excluding defined Surf Club function rooms).
- **Collendina Park:** The area bordered by (and including) Strand Street (between Underwood Road and the high water mark One Mile Beach), Underwood Road to the southern boundary of Collendina Park, "a line" along the southern boundary of Collendina Park to the high water mark One Mile Beach, and the waterline connecting those extremities.

A diagram showing these areas is attached for your information. In addition to the establishment of these AFZs, Council has also resolved to prohibit the presence of alcohol in public reserves within the area (excluding Surf Club function rooms) between the hours of 8 pm and 6 am.

The Ministerial Guidelines for the re-establishment of Alcohol Free Zones require Councils to consider the factors that originally supported the zoning, the success or otherwise of the zoning and any additional relevant matters. Your comments on the proposal to re-establish the alcohol free zones at Palmgrove and Collendina Parks would be appreciated, together with any recommendation to amend the areas as shown on the attached diagram.

It would be appreciated if we could receive your comments by 28 February 2017 to allow the re-establishment process to be finalised prior to expiry of the zones on 1 July 2017.

Kind regards

Yvette

F: Relevant section on Street Drinking from the Local Government Act 1993

Local Government Act 1993 No 30

**Part 4 Street drinking**

**642 Confiscation of alcohol in alcohol-free zones**

- (1) A police officer or an enforcement officer may seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an alcohol-free zone if:
  - (a) the person is drinking alcohol in the alcohol-free zone, or
  - (b) the officer has reasonable cause to believe that the person is about to drink, or has recently been drinking, alcohol in the alcohol-free zone.
- (2) Any alcohol or thing seized under this section is, by virtue of the seizure, forfeited:
  - (a) if seized by a police officer—to the State, or
  - (b) if seized by an enforcement officer—to the council that employs the officer.
- (3) Any alcohol seized under this section may:
  - (a) be disposed of immediately by tipping it out of the bottle, can, receptacle or package in which it is contained, or
  - (b) be otherwise disposed of in accordance with directions given by the Commissioner of Police or the council (as the case requires).
- (4) In this section:

*enforcement officer* means an employee of a council authorised in writing by the Commissioner of Police to be an enforcement officer for the purposes of this section.

**643 (Repealed)**

**644 Proposal for establishment of alcohol-free zone**

- (1) A council may prepare a proposal for the establishment of an alcohol-free zone, either on its own motion or on the application of one or more of the following people:
  - (a) a person who the council is satisfied is a representative of a bona fide community group active in the area,
  - (b) a police officer,
  - (c) a person who the council is satisfied lives or works in the area.
- (2) The application must be in the form set out in the guidelines in force under section 646 or, if there are no such guidelines, in the approved form.
- (3) The proposal must comply with the guidelines (if any) in force under section 646.
- (4) The proposed alcohol-free zone may comprise either or both of the following:
  - (a) a public road or part of a public road,
  - (b) a public place that is a car park or part of a car park.
- (5) The proposal may provide for an alcohol-free zone to be established for a period not exceeding 4 years and for the zone to operate for the whole of that period or just for days on which particular special events occur.

#### **644A Public consultation on proposal to establish alcohol-free zone**

- (1) After preparing a proposal under section 644, the council may, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
  - (a) declare that it proposes to establish an alcohol-free zone, indicating the location of the zone and the proposed period or special events for which it will operate, and
  - (b) state the place at which, the dates on which and the times during which a copy of the proposal may be inspected, and
  - (c) invite representations and objections from persons and groups within the area, indicating that any representations or objections by them must be made within 14 days after the date on which the notice is published.
- (2) The council must give a copy of its proposal to each of the following persons, indicating that any representations or objections by the person must be made within 30 days after the date on which the copy is given:
  - (a) the officer in charge of the police station within or nearest to the proposed alcohol-free zone,
  - (b) each holder of a licence in force under the *Liquor Act 1982* for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone,
  - (c) each secretary of a registered club under the *Registered Clubs Act 1976* that borders on, or adjoins or is adjacent to, the proposed alcohol-free zone.
- (3) If required to do so by the guidelines in force under section 646, the council must also give a copy of its proposal to the Anti-Discrimination Board, indicating that any representations or objections by the Board must be made within 40 days after the date on which the copy is given.
- (4) The council must consider all representations and submissions that are duly made to it under this section.

#### **644B Establishment of alcohol-free zones**

- (1) After complying with the procedures set out in sections 644 and 644A, the council may, by resolution, adopt a proposal (with or without modifications) to establish an alcohol-free zone.
- (2) The resolution has the effect of establishing the alcohol-free zone in accordance with the terms of the resolution.
- (3) After making the resolution, the council must, by notice published in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned:
  - (a) declare that an alcohol-free zone has been established, and
  - (b) specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.
- (4) An alcohol-free zone may be re-established from time to time, in accordance with this Part, for further periods each not exceeding 4 years.

#### **644C Operation of alcohol-free zones**

- (1) An alcohol-free zone operates, in accordance with the terms of the resolution establishing the zone, for the whole of the period specified in the resolution or just for specified days on which particular special events occur.
- (2) However, an alcohol-free zone cannot operate earlier than 7 days after the first publication of the relevant notice under section 644B.
- (3) An alcohol-free zone operates only so long as there are erected at the outer limits of the zone, and at suitable intervals within the zone, conspicuous signs:
  - (a) stating that the drinking of alcohol is prohibited in the zone, and
  - (b) specifying the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate, as specified in the resolution by which it was established.
- (4) The signs must comply with the requirements of the guidelines (if any) in force under section 646.

#### **645 Suspension or cancellation**

- (1) The council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned.
- (2) During the period indicated in such a notice as the period of suspension, the zone does not operate as an alcohol-free zone.
- (3) In like manner the council may at any time cancel the operation of an alcohol-free zone.

#### **646 Guidelines for alcohol-free zones**

- (1) For the purposes of this Part, the Minister may from time to time prepare, adopt or vary guidelines that must be followed by councils for the establishment of an alcohol-free zone or the cancellation or suspension of the operation of an alcohol-free zone.
- (2) The guidelines for the time being in force are to be made available to councils on request and, on payment of such fee (if any) as the Minister may determine, to any interested person.
- (3) The guidelines are to include a list of the names of the councils that are required to advise the Anti-Discrimination Board under section 644A (3). The list is to be prepared after consultation with the Board.
- (4) However, the guidelines are to make it clear that other councils may also advise the Anti-Discrimination Board under section 644A (3).

#### **647 (Repealed)**

#### **648 Other laws not affected**

This Part is to be read as supplementing, and not as derogating from, the provisions of the Summary Offences Act 1988 or any other Act or law.

#### **649 (Repealed)**

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## 12 INVESTMENTS REPORT - MARCH 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 19 April 2017

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### SUMMARY OF REPORT

This report provides details of the funds invested by Mid-Coast Council under section 625 of the Local Government Act 1993 as required by clause 212 of the Local Government (General) Regulation 2005.

### SUMMARY OF RECOMMENDATION

That the report be received and noted.

### FINANCIAL/RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

A monthly report on Investments made and held by Council together with a statement by Council's Responsible Accounting Officer is required by legislation.

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### BACKGROUND

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of Council must provide Council with a written report setting out all money invested under section 625 of the Local Government Act, at the last day of the month immediately preceding the meeting.

This report represents the position as at 31 March 2017. It is a consolidation of the investments made by the 3 offices under the existing policies. As previously reported this will remain the case for most, if not all, of 2016/2017 as the financial systems, policies and operations are merged.

Over the next few months the previous Investment Policies will be reviewed and consolidated into a new Investment Policy which will be presented to Council for adoption. It is proposed that this draft policy will be referred to an appropriate external adviser to peer review the contents against relevant guidelines and industry best practice. Once adopted each office will start to realign the investment portfolios to match the new policy settings.

### DISCUSSION

The following comments are made in respect of the individual offices:

#### *Gloucester Office*

Total invested funds held by the Gloucester Office at 31 March 2017 amounted to **\$6,402,696.77**. The average return on invested funds was 2.09%. It should be noted that this is not a weighted average return.

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The Gloucester policy limits for investments held per rating and per institution and the actual results are set out below.

<b>Per rating</b>	<b>Policy Limit</b>	<b>Actual</b>
A1+ or above	100%	57%
A1 or below	65%	43%
Unrated (max. of \$250k)	34%	4%
<b>Per Single Institution</b>		
A1+ or above	80%	32%
A1 or below	34%	18%
Unrated	34%	5%

It should also be noted that in 2007 the former Gloucester Shire Council purchased a CDO investment with the Commonwealth Bank worth \$500,000 which subsequently reduced down to zero as a result of the Global Financial Crisis (GFC).

Council instructed Piper Alderman (now Squire Patton Boggs) through International Litigation Partners Pty Ltd on a no-win - no-fee basis to try and recoup the lost investment. The initial case has been settled for the group of claimants represented against the Commonwealth Bank, recouping \$150,000 of the original \$500,000 capital for Council.

Squire Patton Boggs have submitted a second claim against the Fitch rating agency for any amounts unrecovered from the Commonwealth Bank (Fitch was the rating agency behind the Palladin investment purchased by Council). This claim is proceeding through various court hearings at present.

The CDO is not included on the list of investments (Attachment A) due to the investment being fully provided for back in 2008.

#### **Taree Office**

The Taree Office cash position as at 31 March 2017 was as follows:

	<b>Balance</b>
	<b>(\$'000)</b>
Cash on Hand and at Bank (Ledger balance)	\$1,233
Investment Portfolio (Attachment A)	\$44,508
<b>Total Funds</b>	<b>\$45,741</b>

Investment movements during the month were:

Opening Balance	\$41,400
New Investments	\$4,008
Withdrawn Investments	(\$900)
Net Movement Cash at Call	\$0
<b>Closing Balance</b>	<b>\$44,508</b>

The weighted average return on the Taree Office investment portfolio at the end of January 2017 was 2.61%.

The Taree Office investments are being maintained in a series of term deposits with short maturities (typically 90 days) in accordance with previous policy directions.



## Forster Office

The Forster Office investments at 31 March 2017 amounted \$78,890,682. This includes the \$20 million from the NSW Government as part of the merger arrangements. This includes \$15 million in Stronger Communities Fund investments and \$4 million in New Councils Implementation Fund investments.

The Forster Office investment portfolio remains weighted to shorter investments, however more floating rate notes have been acquired in recent months.

The following table provides a summary of movement of Investments for the month of March 2017.

Investment Type	Opening Balance 01/03/2017	Movement	Closing Balance 31/03/2017	Portfolio %
Term Deposits	\$47,000,000	\$0	\$47,000,000	59.58%
Managed FRNs & FTDs	\$29,050,000	-\$250,000	\$28,800,000	36.50%
On Call Deposits	\$3,082,424	\$8,258	\$3,090,682	3.92%
<b>Total</b>	<b>\$79,132,424</b>	<b>-\$241,742</b>	<b>\$78,890,682</b>	<b>100.00%</b>

Whilst Attachment A provides a detailed summary of each investment held by the Forster Office, the following table provides an analysis of those investments based on their maturity horizon, the actual amount and percentage of portfolio, the benchmark return and the actual weighted average return for the month.

Investment Horizon	Amount Invested	Actual % of Portfolio	Targeted Minimum Return	Weighted Average Monthly Return	Investment
On Call	\$3,090,682	3.92%	Cash Rate (1.79%)	2.10%	On Call Accounts
0-3 Months	\$29,750,000	37.71%	BBSW +20-40 (1.99%)	2.76%	Term Deposits, FRNs, FTFDs
3-6 Months	\$15,250,000	19.33%	BBSW +30-50 (2.09%)	2.76%	Term Deposits, FRNs, FTDs
6-12 Months	\$7,300,000	9.25%	BBSW +40-60 (2.19%)	3.21%	Term Deposits, FRNs, FTDs
1-2 Years	\$1,000,000	1.27%	BBSW +80-100 (2.59%)	3.09%	Term Deposits, FRNs, FTDs
Greater	\$22,500,000	28.52%	BBSW +100 (2.79%)	3.16%	Term Deposits, FRNs, FTDs
<b>Total</b>	<b>\$78,890,682</b>	<b>100.00%</b>			

Council uses a weighted average when determining the return (interest rate) on investments within any given period. A weighted average calculation takes into account the interest rate applied to each investment and the actual amount of each investment. The greater the amount invested the more weight its interest rate carries.

The following table provides a break-up of Council's investments into long and short term with their corresponding credit ratings.

<b>Long Term Credit Rating</b>	<b>% of Portfolio</b>	<b>Short Term Credit Rating</b>	<b>% of Portfolio</b>
AA	12.68%	A1	30.53%
A	8.56%	A2	34.60%
BBB & Unrated	7.29%	Unrated	6.34%
<b>Total</b>	<b>28.53%</b>	<b>Total</b>	<b>71.47%</b>

Long term investments are investments with a maturity of greater than 2 years.

### **CONSOLIDATED INVESTMENT POSITION**

The following is a summary of the individual positions from each of the offices.

<b>Office</b>	<b>Amount Invested</b>
Gloucester Office	\$6,402,697
Taree Office	\$44,508,679
Forster Office	\$78,890,682
<b>Total</b>	<b>\$129,802,058</b>

### **RECOMMENDATION**

That the report be received and noted.

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**ANNEXURES**

**A: Mid-Coast Council Investments at 31 March 2017**

Financial Securities as at		31 March 2017				Amount Invested	Maturity Date	Held With	Credit Rating
Investment Date	Interest Rate	Security Type	Duration						
<b>FORSTER OFFICE INVESTMENTS</b>									
<u>Floating Rate Notes</u>									
11/12/2015	BBSW +110	FRN			\$750,000.00	11/06/2019	AMP	A1/A+	
24/06/2014	BBSW +110	FRN			\$1,000,000.00	24/06/2019	Bank of Queensland	A1/AA	
24/10/2014	BBSW +113	FRN			\$1,000,000.00	22/12/2017	Bank of Queensland	A1/AA	
12/11/2014	BBSW +130	FRN			\$1,000,000.00	6/11/2019	Bank of Queensland	A1/AA	
19/06/2013	BBSW + 1.2	FRN			\$1,000,000.00	17/05/2017	Bendigo & Adelaide	A2/BBB	
27/11/2013	BBSW +1.30	FRN			\$1,000,000.00	27/11/2018	Bendigo & Adelaide	A2/BBB	
18/08/2015	BBSW+110	FRN			\$1,000,000.00	18/08/2020	Bendigo & Adelaide	A2/BBB	
28/01/2016	BBSW +115	FRN			\$1,000,000.00	18/01/2021	CBA	A1/AA+	
9/03/2016	BBSW +195	FRN			\$1,000,000.00	9/03/2021	Credit Suisse	A1/A	
20/03/2017	BBSW +130	FRN			\$750,000.00	20/03/2020	CUA	A2/BBB+	
24/02/2017	BBSW +145	FRN			\$1,000,000.00	24/02/2020	Greater Bank	A2/BBB	
9/08/2016	BBSW+152	FRN			\$1,000,000.00	7/06/2019	Greater Bank	A2/BBB	
30/08/2016	BBSW+155	FRN			\$1,500,000.00	30/08/2019	Greater Bank	A2/BBB	
3/03/2015	BBSW+110	FRN			\$2,000,000.00	3/03/2020	Macquarie Bank	A1/A	
7/07/2015	BBSW+110	FRN			\$1,000,000.00	3/03/2020	Macquarie Bank	A1/A	
5/11/2015	BBSW+108	FRN			\$1,000,000.00	5/11/2020	NAB	A1/AA	
26/02/2015	BBSW+110	FRN			\$500,000.00	27/02/2018	Newcastle Permanent	A2/BBB+	
15/12/2015	BBSW +110	FRN			\$800,000.00	27/02/2018	Newcastle Permanent	A2/BBB+	
21/08/2014	BBSW +110	FRN			\$1,000,000.00	17/08/2017	Police Bank	A2/BBB+	
4/03/2016	BBSW + 150	FRN			\$1,000,000.00	4/03/2021	RaboBank	A1/A+	
20/10/2015	BBSW +125	FRN			\$1,000,000.00	20/10/2020	Suncorp	A1/A+	
4/12/2014	BBSW+1.05	FRN			\$1,000,000.00	4/12/2017	Teachers Mutual Bank	A2/BBB+	
28/10/2016	BBSW+140	FRN			\$500,000.00	28/10/2019	Teachers Mutual Bank	A2/BBB+	
					<b>\$22,800,000.00</b>				
<u>Floating Rate Notes</u>									
19/02/2015	3.2800%	FTD			\$1,000,000.00	21/02/2020	ING	A1/AA	
11/12/2014	3.6000%	FTD			\$1,000,000.00	11/12/2019	NAB	A1/AA	
11/12/2014	3.6000%	FTD			\$1,000,000.00	11/12/2019	NAB	A1/AA	
1/12/2015	3.0000%	FTD			\$1,000,000.00	1/12/2020	WESTPAC	A1/AA	
					<b>\$4,000,000.00</b>				
<u>Floating Term Deposits</u>									

<u>On Call Bank Accounts</u>											
31/03/2017	1.4000%	On call								CBA	A1/AA+
31/03/2017	2.1100%	On call								T-Corp	A1/AAA
		On Call					\$52,654.24				
							\$3,038,027.95				
							<u>\$3,090,682.19</u>				
<b>Term Deposits</b>											
16/03/2017	2.9500%	Term Deposit	189	\$1,250,000.00	21/09/2017	AMP					A1/A+
14/11/2016	2.7000%	Term Deposit	185	\$1,750,000.00	18/05/2017	AMP					A1/A+
16/02/2017	2.8000%	Term Deposit	182	\$1,000,000.00	17/09/2017	Bananacoast CU					NR
5/01/2017	2.7500%	Term Deposit	182	\$1,000,000.00	6/07/2017	Bank of Queensland					A1/AA
6/12/2016	2.8000%	Term Deposit	184	\$1,000,000.00	8/06/2017	Beyond Bank					A2/BBB+
2/03/2017	2.7000%	Term Deposit	189	\$1,000,000.00	7/09/2017	Beyond Bank					A2/BBB+
28/02/2017	2.7000%	Term Deposit	184	\$1,000,000.00	31/08/2017	CUA					A2/BBB+
23/09/2016	2.7000%	Term Deposit	209	\$1,000,000.00	20/04/2017	Defence Bank					A2/BBB+
9/03/2017	2.6700%	Term Deposit	203	\$1,000,000.00	28/09/2017	Greater Bank					A2/BBB
23/10/2014	5.5400%	Term Deposit	1096	\$1,000,000.00	23/10/2017	ING					A1/AA
12/01/2017	2.8000%	Term Deposit	189	\$1,000,000.00	20/04/2017	ING					A1/AA
14/02/2017	2.6700%	Term Deposit	184	\$1,000,000.00	17/08/2017	ME BANK					A2/BBB+
21/02/2017	2.6900%	Term Deposit	182	\$1,000,000.00	22/08/2017	ME BANK					A2/BBB+
7/10/2016	2.7500%	Term Deposit	202	\$1,000,000.00	27/04/2017	My State Bank					A2/BBB
17/10/2016	2.7700%	Term Deposit	206	\$1,000,000.00	11/05/2017	My State Bank					A2/BBB
25/11/2016	2.7500%	Term Deposit	188	\$1,000,000.00	1/06/2017	My State Bank					A2/BBB
6/03/2017	2.7500%	Term Deposit	199	\$1,000,000.00	21/09/2017	My State Bank					A2/BBB
19/01/2017	2.6000%	Term Deposit	91	\$1,000,000.00	20/04/2017	NAB					A1/AA
25/11/2016	2.7400%	Term Deposit	182	\$1,000,000.00	26/05/2017	NAB					A1/AA
7/10/2016	2.8000%	Term Deposit	188	\$1,000,000.00	1/06/2017	NAB					A1/AA
9/01/2017	2.8000%	Term Deposit	300	\$1,000,000.00	3/08/2017	NAB					A1/AA
3/03/2017	2.7500%	Term Deposit	195	\$1,000,000.00	13/07/2017	Newcastle Permanent					A2/BBB+
30/03/2017	2.8000%	Term Deposit	189	\$1,000,000.00	5/10/2017	Police Credit Union SA					NR
23/02/2017	2.8000%	Term Deposit	196	\$1,000,000.00	14/09/2017	Police Credit Union SA					NR
21/09/2016	2.8200%	Term Deposit	204	\$1,000,000.00	7/09/2017	Rural Bank					A2/BBB+
13/10/2016	2.6500%	Term Deposit	203	\$1,000,000.00	4/05/2017	St George					A1/AA-
6/12/2016	2.8000%	Term Deposit	212	\$1,000,000.00	6/07/2017	St George					A1/AA-
2/09/2016	2.6500%	Term Deposit	216	\$1,000,000.00	6/04/2017	Suncorp					A1/A+
		Term Deposits		<u>\$30,000,000.00</u>							

<u>Strouger Communities Investments</u>									
22/12/2016	2.8000%	Term Deposit	182	\$2,000,000.00	22/06/2017	AMP	A1/A+		
27/06/2016	BBSW+148	FRN		\$1,000,000.00	18/05/2021	Bank of Queensland	A1/AA		
22/09/2016	2.7500%	Term Deposit	210	\$1,000,000.00	20/04/2017	Beyond Bank	A2/BBB+		
24/06/2016	3.0000%	Term Deposit	364	\$1,000,000.00	23/06/2017	CJA	A2/BBB+		
23/06/2016	3.0000%	Term Deposit	371	\$2,000,000.00	29/06/2017	CJA	A2/BBB+		
27/10/2016	2.6500%	Term Deposit	175	\$1,000,000.00	20/04/2017	ME Bank	A2/BBB+		
17/11/2016	2.7500%	Term Deposit	181	\$1,000,000.00	17/05/2017	ME Bank	A2/BBB+		
24/11/2016	2.7500%	Term Deposit	182	\$1,000,000.00	25/05/2017	ME Bank	A2/BBB+		
23/12/2016	2.8500%	Term Deposit	188	\$2,000,000.00	29/06/2017	My Slate Bank	A2/BBB		
19/01/2017	2.6000%	Term Deposit	91	\$2,000,000.00	20/04/2017	NAB	A1/AA		
25/11/2016	2.7600%	Term Deposit	195	\$1,000,000.00	8/06/2017	Suncorp	A1/A+		
				<b>\$15,000,000.00</b>					

<u>Implementation Funds Investments</u>									
27/10/2016	2.7500%	Term Deposit	365	\$1,000,000.00	27/10/2017	Bananaoast CU	NR		
27/06/2016	BBSW+148	FRN		\$1,000,000.00	18/05/2021	Bank of Queensland	A1/AA		
21/02/2017	2.5700%	Term Deposit	91	\$1,000,000.00	23/05/2017	NAB	A1/AA		
23/03/2017	2.8500%	Term Deposit	273	\$1,000,000.00	21/12/2017	Police Credit Union SA	NR		
				<b>\$4,000,000.00</b>					

**TOTAL FORSTER OFFICE INVESTMENTS**

**\$78,890,682.19**

<u>GLOUCESTER OFFICE INVESTMENTS</u>									
10/10/2017	2.6100%	Term Deposit	210	\$1,000,000.00	10/10/2017	Bankwest	A1+		
11/04/2017	2.5800%	Term Deposit	91	\$250,000.00	11/04/2017	NAB	A1+		
23/05/2017	2.5500%	Term Deposit	126	\$250,000.00	23/05/2017	NAB	A1+		
20/06/2017	2.5500%	Term Deposit	147	\$500,000.00	20/06/2017	Bankwest	A1+		
6/06/2017	2.8500%	Term Deposit	126	\$250,000.00	6/06/2017	Bank of Sydney	unrated		
11/07/2017	2.6500%	Term Deposit	140	\$500,000.00	11/07/2017	ME Bank	A2		
19/09/2017	2.5900%	Term Deposit	182	\$506,482.19	19/09/2017	People's Choice Credit Union	A2		
4/04/2017	2.7500%	Term Deposit	140	\$500,000.00	4/04/2017	ME Bank	A2		
18/04/2017	2.7500%	Term Deposit	133	\$500,000.00	18/04/2017	Beyond Bank Australia	A2		
25/04/2017	2.6000%	Term Deposit	126	\$500,000.00	25/04/2017	NAB	A1+		
9/05/2017	2.5500%	Term Deposit	140	\$250,000.00	9/05/2017	Bankwest	A1+		
4/07/2017	2.8000%	Term Deposit	210	\$500,000.00	4/07/2017	Suncorp	A2		
				<b>\$5,506,482.19</b>					

On Call Bank Accounts  
31/03/2017

1.6500%

On Call  
On Call Deposits

\$896,214.58  
\$896,214.58  
\$6,402,696.77

**TOTAL GLOUCESTER OFFICE INVESTMENTS**

**TAREE OFFICE INVESTMENTS**

Term Deposits							
5/01/2017	2.6400%	Term Deposit	90	\$1,500,000.00	5/04/2017	NAB	A1+/AA-
11/01/2017	2.7000%	Term Deposit	91	\$3,500,000.00	12/04/2017	Members Equity Bank Pty Ltd	A2/BBB+
19/01/2017	2.7000%	Term Deposit	90	\$3,000,000.00	19/04/2017	Beyond Bank	A2/BBB+
23/12/2016	2.9000%	Term Deposit	124	\$2,000,000.00	26/04/2017	Members Equity Bank Pty Ltd	A2/BBB+
25/01/2017	2.5900%	Term Deposit	98	\$1,000,000.00	3/05/2017	NAB	A1+/AA-
2/02/2017	2.6000%	Term Deposit	90	\$1,300,000.00	3/05/2017	IMB Bank	A2/BBB+
1/02/2017	2.5800%	Term Deposit	98	\$1,200,000.00	10/05/2017	NAB	A1+/AA-
2/02/2017	2.6000%	Term Deposit	97	\$1,000,000.00	10/05/2017	IMB Bank	A2/BBB+
8/02/2017	2.5600%	Term Deposit	98	\$2,000,000.00	17/05/2017	NAB	A1+/AA-
10/02/2017	2.6000%	Term Deposit	96	\$800,000.00	17/05/2017	IMB Bank	A2/BBB+
15/02/2017	2.6000%	Term Deposit	98	\$3,000,000.00	24/05/2017	NAB	A1+/AA-
17/02/2017	2.5800%	Term Deposit	103	\$1,500,000.00	31/05/2017	NAB	A1+/AA-
20/02/2017	2.6500%	Term Deposit	100	\$1,000,000.00	31/05/2017	Beyond Bank	A2/BBB+
20/02/2017	2.6500%	Term Deposit	107	\$1,000,000.00	7/06/2017	Beyond Bank	A2/BBB+
23/02/2017	2.5600%	Term Deposit	104	\$1,200,000.00	7/06/2017	IMB Bank	A2/BBB+
1/03/2017	2.5600%	Term Deposit	111	\$1,000,000.00	14/06/2017	NAB	A1+/AA-
1/03/2017	2.6000%	Term Deposit	105	\$2,000,000.00	14/06/2017	Members Equity Bank Pty Ltd	A2/BBB+
1/03/2017	2.6000%	Term Deposit	112	\$2,500,000.00	21/06/2017	Members Equity Bank Pty Ltd	A2/BBB+
2/03/2017	2.5600%	Term Deposit	111	\$2,000,000.00	21/06/2017	NAB	A1+/AA-
2/03/2017	2.5600%	Term Deposit	118	\$2,000,000.00	28/06/2017	NAB	A1+/AA-
15/03/2017	2.5000%	Term Deposit	105	\$1,500,000.00	28/06/2017	Bank of Queensland Ltd	A2/A-
15/03/2017	2.5000%	Term Deposit	105	\$2,000,000.00	28/06/2017	Newcastle Permanent	A2/BBB+
8/03/2017	2.5500%	Term Deposit	119	\$2,500,000.00	5/07/2017	Bank of Queensland Ltd	A2/A-
8/03/2017	2.5500%	Term Deposit	119	\$1,700,000.00	5/07/2017	Bank of Queensland Ltd	A2/A-
30/03/2017	2.5000%	Term Deposit	97	\$1,208,679.45	5/07/2017	Newcastle Permanent	A2/BBB+
22/03/2017	2.5000%	Term Deposit	112	\$1,100,000.00	12/07/2017	Newcastle Permanent	A2/BBB+

\$44,508,679.45  
\$44,508,679.45  
\$129,802,058.41

Term Deposits

**TOTAL TAREE OFFICE INVESTMENTS**

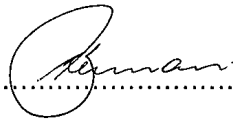
**TOTAL MID-COAST COUNCIL INVESTMENTS**

B: Responsible Accounting Officer's Certificate

**Investment Certificate**

In accordance with the provisions of the Local Government (General) Regulations, Part 9 Division 5 Clause 212, I certify that Council's Investments have been made in accordance with the Local Government Act 1993, Regulations and Council's Investment Policy.

This certificate is to be read in conjunction with the Investment Report and Annexures for the month of March 2017.



.....  
Phil Brennan  
Responsible Accounting Officer  
17 April 2017

**CLOSED COUNCIL**

**13 CONTRACT 2016-17/16 - BOHNOCK BOAT RAMP UPGRADE**

**Report Author Phil Miles, Manager Projects and Engineering**

**File No. / ECM Index CW0063**

**Date of Meeting 19 April 2017**

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**REASON FOR CONFIDENTIALITY**

This report is CONFIDENTIAL in accordance with Section 10A(2)(c) and 10A(2)(d) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:


- (c) *information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*It is considered that it would be contrary to the public interest for this matter to be discussed in an open meeting. The disclosure of information such as quoted prices prior to acceptance may disadvantage Council in ensuring that only a reasonable price is paid under the contract and that ratepayers are not impacted by Council having to pay a premium.*

- (d) *commercial information of a confidential nature that would if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it.*

*Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.*

It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.



Glenn Handford

**INTERIM GENERAL MANAGER**