

NOTICE OF ORDINARY MEETING

Notice is hereby given that a meeting of

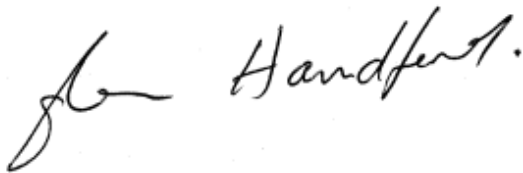
MidCoastCouncil

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

24 MAY 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 RENAMING OF TUNCURRY WASTE MANAGEMENT CENTRE & TIP ROAD

Report Author John Cavanagh, Manager Waste Health & Regulatory Services

File No. / ECM Index Tuncurry Waste Management Centre

Date of Meeting 24 May 2017

SUMMARY OF REPORT

The Tuncurry Waste Management Centre is undergoing the final stages of a major transformation from originally being a Landfill only to now being the centre for recycling and processing waste in the Forster Tuncurry area. The Landfill is also being closed and capped with residual waste being transported to the Taree Landfill. As a result of this change in operations and focus, it is proposed to also change the name of the facility to the Tuncurry Community Recycling Centre and the road name to Midge Orchid Road.

SUMMARY OF RECOMMENDATION

That Council:

1. Change the name of the Tuncurry Waste Management Centre to the Tuncurry Community Recycling Centre.
2. Change the name of the access road from Tuncurry Tip Road to Midge Orchid Road.

FINANCIAL/RESOURCE IMPLICATIONS

There will be minimal cost in changing over signage which is required as a result of the closing Landfill and opening of the new Waste Transfer Station. The EPA provides funding for standard signs associated with the new Community Recycling Centre facility.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

Council's Waste Strategy included closing Tuncurry Landfill and sourcing another more suitable site for landfilling purposes. The Great Lakes Landfill located at Minimbah has been constructed and its future use will be an outcome of Council's position once the 'Facilities Review' consultant's report is complete. The Tuncurry Landfill progressively developed from landfilling only in the mid 1970's to having a Tip Shop, Weighbridge, and the Material Recovery Facility where kerbside collected recyclables are processed. It has since undergone major redesign and the construction of a new Waste Transfer Station is almost complete.

The concept design of the Tuncurry Waste Management Centre was the subject of a report to Council on 22 November 2011. The purpose was to accommodate the changing focus of improving recycling and processing of waste materials that previously were disposed at Landfill whilst closing the old Landfill and constructing a new Transfer Station.

DISCUSSION

The Tuncurry Waste Management Centre has been undergoing major change over the past 2 years with the concept becoming a reality. Council has been successful in obtaining several grants to assist funding these works with details as follows:

- \$135,124 to construct a new Men's Shed. This is almost complete with power soon to be connected.
- \$116,011 to install a 2nd weighbridge. This is complete.
- \$189,904 to construct a new Community Recycling Centre adjoining the existing Tip Shop. This is almost complete.
- \$1,000,000 to construct a Waste Transfer Station. This is also almost complete.
- \$15,000 for Community Recycling Centre signage. This is yet to commence.

The Waste Transfer Station and Community Recycling Centre should both be completed by the end of June with commissioning to follow. This will also include changing public access and use from landfilling to the new Transfer Station. This transformation will in itself be a significant milestone in the way waste is managed in the MidCoast Council area.

Due to the change in focus of the centre it seems fitting to also change the name of the facility and access road. This will also assist in branding and help promote the change to the local community. As a result it is recommended to change the name of the facility to the Tuncurry Community Recycling Centre. The reasons for recommending this name are as follows:

- It is an easy name to recognise.
- The name fits with the main focus of the new facility.
- The NSW EPA promotes Community Recycling Centres through paid advertising which will assist Council's promotion and reduce advertising costs.

In keeping with the above, it is also recommended to change the name of the access road. Tuncurry Tip Road appears to have originated from the community's informal reference to the facility. As the Landfill is being formally closed, the current name does not fit well with the new focus of promoting recycling or avoiding waste disposal. As a result, it is recommended to change the name to Midge Orchid Road. The main reason for this is the threatened species commonly known as 'Tuncurry Midge Orchid' thrives in the area and there are several specimens on site which required Council to quarantine specific areas within the facility boundary. It is also intended at some future date to highlight the species and provide site tours when in flower.

RECOMMENDATION

That Council:

1. Change the name of the Tuncurry Waste Management Centre to the Tuncurry Community Recycling Centre.
2. Change the name of the access road from Tuncurry Tip Road to Midge Orchid Road.

2 PLANNING PROPOSAL - COASTAL PLANNING AREAS IN GREAT LAKES LEP 2014

Report Author Alexandra Macvean, Senior Strategic Planner

File No. / ECM Index SP-PP-14; Coastal Development

Date of Meeting 24 May 2017

SUMMARY OF REPORT

A Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes Local Environmental Plan (LEP) 2014 is presented for Council's adoption and lodgement with the Department of Planning & Environment to be made.

Individuals and groups that made submissions during the 2015 public exhibition of the Planning Proposal have been notified of this report.

These individuals and groups were invited to make oral presentations to the former Great Lakes Council when related coastal management issues were tabled for discussion. Requests for another opportunity to present at this meeting are considered to be reasonable, given the time that has lapsed and the priority that coastal management has been given within the new MidCoast Council.

SUMMARY OF RECOMMENDATION

1. Council adopt the *Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes LEP 2014* as documented in Attachment B to this report and forward the Plan to the Department of Planning and Environment with a request for the amendments to be drafted and made.
2. Council request that the existing Great Lakes Complying Development Land Map - Sheet LCD_001 in Schedule 5 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, be repealed when the amendments to Great Lakes LEP 2014 Coastal Risk Planning Area clause and maps are published on the NSW Legislation website.
3. Upon the Local Environmental Plan Amendment being published on the NSW Legislation website the following former Great Lakes Council policies are to be repealed and notations on S149 Planning Certificates removed:
 - *PL-PLN-002 NSW Coastal Planning Guideline: Adapting to Sea Level Rise; and*
 - *Draft Policy to account for Climate Change.*

FINANCIAL/RESOURCE IMPLICATIONS

Completion of the *Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes LEP 2014* has been accommodated within the existing work program of the Strategic Planning, Design & Investigation and GIS sections of Council.

LEGAL IMPLICATIONS

The identification of coastal planning areas in Great Lakes LEP 2014 is consistent with legal advice to the former Great Lakes Council to provide clear and consistent information to affected land holders.

Great Lakes Complying Development Land Map - sheet LCD-001 in schedule 5 of the *State Environmental Planning Policy (exempt and complying development codes) 2008* identifies out-dated coastal hazard mapping and needs to be repealed.

Two former Great Lakes Council policies are to be repealed and relevant notations on S149 Planning Certificates removed, when the amendment Great Lakes Local Environmental Plan 2014 is made:

- *PL-PLN-002 NSW Coastal Planning Guideline: Adapting to Sea Level Rise; and*
 - *Draft Policy to account for Climate Change.*
-

BACKGROUND

2014

The original Gateway Determination for the *Planning Proposal to amend Coastal Planning Area maps in Great Lakes LEP 2014* was issued on 11 July 2014 with a recommended deadline for completion of 11 July 2015. Two Gateway extensions have since been issued. The Gateway Determination letters are provided in Attachment C to this report.

2015

As part of an Integrated Coastal Management program the Planning Proposal was placed on public exhibition between Thursday 2 April and Friday 15 May 2015 with the following documents:

1. Draft Development Objectives and Controls for Coastal Risk Planning Areas in the Great Lakes Development Control Plan. This included maps of the Coastal Risk Planning Area.
2. Draft Coastal Zone Management Plan for Jimmy's Beach, Winda Woppa.
3. Draft Coastal Zone Management Plan for Great Lakes Beaches.

In September 2015 the former Great Lakes Council requested that the Planning Proposal not be finalised until the two Coastal Zone Management Plans were certified by the Minister for Planning.

Council officers acted in good faith with this request.

In November 2015, the Minister for Planning announced the public exhibition of the NSW Coastal Reforms program, including a draft Coastal Management Act.

2016

Development Objectives and Controls for Coastal Planning Areas in the Great Lakes Development Control Plan came into force on 16 March 2016.

Coastal Zone Management Plan for Jimmy's Beach, Winda Woppa was certified by the Minister for Planning on 23 September 2016.

Coastal Zone Management Plan for Great Lakes Beaches, amended in accordance with the requirements of the Minister for Planning and NSW Coastal Panel, was re-lodged for certification by the Minister for Planning on 1 September 2016.

In November 2016, the Minister for Planning announced the public exhibition of Stage 2 of the NSW Coastal Reforms program which included a draft State Environmental Planning Policy for Coastal Management.

DISCUSSION

Finalisation of the *Planning Proposal to amend Coastal Planning Area maps in Great Lakes Local Environmental Plan 2014* has been subject to significant and unanticipated delays and Council officers are now encouraged by representatives of the Department of Planning & Environment (the Department) and NSW Office of Environment & Heritage (NSW OEH) to finalise the Proposal.

Finalisation of coastal hazard mapping programs by local Councils and the supply of mapping data to the Department and NSW OEH is consistent with the NSW Government Coastal Reform program. The intention of the Reform program is to promote the identification and adaptive management of areas potentially affected by coastal hazards throughout New South Wales.

Therefore, the *Planning Proposal to amend Coastal Planning Area maps in Great Lakes Local Environmental Plan (LEP) 2014* is presented for Council's adoption and lodgement with the Department of Planning & Environment.

CONSULTATION

During the 2015 public exhibition of the Planning Proposal, Coastal Zone Management Plans and draft Development Control Plan provisions, submissions were received from land owners, community groups, public agencies and other relevant stakeholders. The matters raised in submissions have been addressed progressively, as each document has been reported to Council.

While no submissions were received specifically addressing the Planning Proposal, relevant comments and concerns were documented in an annexure to the 8 September 2015 Strategic Committee meeting.

It was during this meeting that the former Great Lakes Council requested that the Planning Proposal not be finalised until the two Coastal Zone Management Plans (CZMPs) were certified by the Minister for Planning.

Attachment A to this report contains the original comments and concerns recorded at the September 2015 meeting. An additional column has been added to document any actions undertaken by Council since that meeting.

The key issues raised during community consultation are documented below:

Submissions (5):

Preparation of CZMPs should precede planning decisions and rely on evidence-based data. These decisions may change over time and therefore any CZMP will need to be flexible to cater for this.

Response:

Councils throughout New South Wales are in the process of addressing and co-ordinating available information on coastal risks in accordance with the Department and NSW OEH requirements. The content of the CZMP and Planning instruments is expected to evolve over time as new information becomes available.

Additional Actions since September 2015:

Council officers have consulted with representatives of both the Department and NSW OEH and confirmed that the Planning Proposal process should be completed.

The Planning Proposal and the CZMP for Great Lakes Beaches have been formed by the coastal hazard studies and both require endorsement by the Minister of Planning to be given legislative stature.

Lodgement of the Planning Proposal with the Department would allow the proposed amendments to Great Lakes LEP 2014 and certification of the Great Lakes Beaches CZMP to be considered concurrently by the relevant state agencies and new Minister for Planning, in accordance with coastal management guidelines and requirements.

Submissions (10):

Coastal risk area is discriminatory. Remove unsubstantiated Boomerang & Blueys hazard lines from the LEP and planning controls, pending proper evidence based research.

Response:

Technical studies have been undertaken to identify the range of coastal hazards that may apply to beaches along the Great Lakes coastline.

The adopted studies indicate that land on part of Boomerang Beach is at risk of erosion from an extreme ocean storm at the present time.

The identification and management of emerging risks by Council, is considered to be diligent and reasonable by the Department, NSW OEH and the NSW Coastal Panel.

Additional Actions since September 2015:

The draft coastal planning area maps for Blueys and Boomerang Beaches have been informed by additional ground penetrating radar investigations in response to these concerns.

The data from these studies has also been used to inform the LEP mapping and recommendations of the CZMP for Great Lakes Beaches, as they apply to these locations.

The CZMP also includes recommendations regarding the ongoing need for monitoring and responsiveness to new data and best practice over time.

Submissions (21):

'Planned retreat' or similar would damage values of properties at Boomerang/Blueys.

Response:

Provisions within Clause 7.4 Coastal Planning regarding the "relocation, modification or removal of the development" are standard provisions from the Standard Principle Instrument LEP. Council is providing additional management and development options within the CZMP and DCP documents which are aimed at facilitating the long term use and occupation of beachfront land.

Additional Actions since September 2015:

Coastal Planning DCP provisions were amended in response to public submissions, providing additional guidance on how development may be designed and located within areas potentially affected by coastal erosion and inundation. The DCP amendments were subsequently adopted in March 2016.

Submissions (10):

Coastal risk area only captures beachfront properties and not lower land behind.

Response:

Coastal erosion/recession hazards define the Coastal Risk Planning Area. Inundation risks are only critical in low areas such as Elizabeth Creek and Ampat Place (Blueys).

Additional Actions since September 2015:

In certain areas improved mapping data and flood modelling indicates that areas previously identified as being affected by coastal hazards, are in fact, affected by localised flooding and the draft coastal planning area maps reflect this new data.

In this regard it is noted that the existing Great Lakes Complying Development Land Map - Sheet LCD_001 in Schedule 5 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, incorrectly identifies some properties at Boomerang Beach as being affected by coastal hazards. A copy of Map - Sheet LCD_001 is provided in Attachment D to this report.

Therefore, Council officers will amend the Planning Proposal to include a request for the removal of this map from the SEPP.

Submissions (2):

Variables and assumptions render Coastal Risk Area mapping highly uncertain – lack of consideration of vegetation and underlying rock.

Response:

The coastal risk planning area mapping is based on a joint probability of continued recession combined with an extreme ocean storm at the end of the recession. These areas also take the zone of reduced foundation capacity into account. In subsequent reviews OEH and Council will seek advice on improving the representation of joint probability.

Vegetation is (conservatively) disregarded as it only has a marginal benefit during the peak of an ocean storm. The value of vegetation lies in its ability to trap and retain sand as a reserve for future storms.

Additional geotechnical work to investigate subsurface conditions is recommended in specific areas by the Coastal Zone Management Plan.

Additional Actions since September 2015:

Since preparation of the Planning Proposal the Department and NSW OEH have continued to progress the NSW Coastal Reforms.

Council has been advised to continue with its current coastal planning and management work as the documents and program is well-advanced and has been undertaken in accordance with the existing state requirements.

Submissions (2):

Believe that hazard line and existing 'restriction' will sterilize some land, prevent future expansion and development and prevent further development at Winda Woppa in isolation to other areas.

Response:

Great Lakes LEP 2014 Clause 7.18 Residential accommodation at Winda Woppa transitioned a development restriction from Great Lakes LEP 1996 and is not amended by the Planning Proposal.

The proposed clause and map amendments do not prohibit development in coastal planning areas.

Additional Actions since September 2015:

Coastal Planning DCP provisions were amended in response to public submissions, providing additional guidance on how development may be designed and located within areas potentially affected by coastal erosion and inundation. The DCP amendments were subsequently adopted in March 2016.

Submissions (2):

Older existing houses within the Coastal Risk Planning Area cannot be refurbished.

Response:

Provision for renovations and minor additions is made in the DCP. The Coastal Risk Planning Area provisions in the amended development control plan aim to clarify requirements on land within a coastal risk planning area, particularly in response to the range of risks that may apply to certain areas.

Additional Actions since September 2015:

Coastal Planning DCP provisions were amended in response to public submissions and subsequently adopted in March 2016.

In addition to these submission issues, the elected Council also sought to respond to significant community concerns regarding the language of the Local Environmental Plan.

Specifically, the current clause in Great Lakes Local Environmental Plan 2014 reinforces unnecessarily, emotive responses to coastal hazards by repeating throughout the clause, the term "risk". It is therefore recommended that the exhibited Planning Proposal be amended to the term "risk" as follows:

7.4 Coastal risk planning

- (1) *The objectives of this clause are as follows:*
 - (a) *to avoid significant adverse impacts from coastal hazards,*
 - (b) *to ensure uses of land identified within coastal planning areas ~~as coastal risk~~ are compatible with the risks presented by coastal hazards,*
 - (c) *to enable the evacuation of land identified within coastal planning areas ~~as coastal risk~~ in an emergency.*
- (2) *This clause applies to the land identified as "Coastal Risk-Planning area" on the Coastal Risk Planning Map.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:*
 - (a) *is likely to be adversely affected by the impacts of coastal hazards, and*
 - (b) *is likely to cause detrimental increases in coastal risks to other development or properties, and*
 - (c) *is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
 - (d) *incorporates appropriate measures to manage risk to life from coastal risks, and*
 - (e) *avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the 2060 hazard line, and*
 - (f) *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks.*

- (4) *A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.*
- (5) *In this clause:*
2060 hazard line *means the landward extent of erosion, recession and stability hazards consistent with the projected 2060 sea level rise of 0.5 metres above the 1990 mean sea level.*
coastal hazard *has the same meaning as in the Coastal Protection Act 1979.*

The exhibited Planning Proposal has therefore been amended to reflect community and agency submissions where possible as documented in Attachment B to this report.

CONCLUSION

Council officers have acted in good faith since Council requested that the Planning Proposal not proceed until the Jimmy's Beach and Great Lakes Beaches Coastal Zone Management Plans were certified by the Minister for Planning.

Finalisation of the *Planning Proposal to amend Coastal Planning Area maps in Great Lakes Local Environmental Plan 2014* has been subject to significant and unanticipated delays and Council officers are now encouraged by representatives of the Department of Planning & Environment (the Department) and NSW Office of Environment & Heritage (NSW OEH) to finalise the Proposal. This advice is consistent with the Department's Fact Sheet on Coastal vulnerability areas provided in Annexure A to this report.

Finalisation of coastal hazard mapping programs by local Councils and the supply of mapping data to the Department and NSW OEH is therefore consistent with the NSW Government Coastal Reform program. The intention of the Reform program is to promote the identification and adaptive management of areas potentially affected by coastal hazards throughout New South Wales.

In this regard it is also noted that Council's program and process of coastal planning and management has been generally supported by the state agencies. Council officers also continue to collaborate and consult with these agencies on coastal management issues and the processes required to transition existing coastal planning and management plans to those required by the new Coastal Management Act.

Therefore, the *Planning Proposal to amend the Coastal Planning Area maps in Great Lakes Local Environmental Plan (LEP) 2014* is presented for Council's adoption and lodgement with the Department of Planning & Environment.

COMMUNITY IMPACTS

As documented within the exhibited Planning Proposal, the social/economic impacts of identifying coastal planning areas within the local environmental plan has not been assessed directly, but is expected to be minimal given the former Great Lakes Council's on-going commitment to providing advice on potential hazards to the community through a variety of documents including studies, S149 notations and Council policies.

Approximately 120 private properties are identified within the existing Coastal Risk Planning Area maps within Great Lakes LEP 2014, according to Council property information. It is estimated that an additional 50 private properties are identified within the amended coastal planning area maps.

It is noted that the identification of hazards does not generally result in the prohibition of development on land, but does result in additional development and construction considerations.

The identification of coastal risk areas does not directly impact upon community access to and enjoyment of the affected beaches or community cohesion, transport or communication.

The only exceptions to this may be at Jimmy's Beach Winda Woppa and Boat Beach Seal Rocks. In these locations an access road, services and infrastructure are located seaward of private properties.

Should these roads, services and infrastructure be severely impacted by coastal hazards in the long-term or in an extreme event, there would be considerable risk to public and private assets. Access and communications may also be disrupted and there would be significant impacts on affected land owners.

During the public exhibition of the Planning Proposal it was noted that the existing Great Lakes Complying Development Land Map - Sheet LCD_001 in Schedule 5 of the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, incorrectly identifies some properties at Boomerang Beach as being affected by coastal hazards.

The properties in question are not located on the beachfront and improved hazard classification studies have identified that these properties are primarily affected by localised flooding rather than coastal hazards.

To remove the unnecessary coastal hazard development restrictions imposed by the *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* from these properties, the outdated and inaccurate map contained within the Exempt & Complying Development SEPP should be repealed when the Planning Proposal amendments to Great Lakes LEP 2014 Coastal Risk Planning clause and maps are made.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The subject matter of this report aligns with Great Lakes 2030 (July 2015) Key Objective 3: *Prepare for the impact of sea level rise and climate change* and specifically, Strategy 3.1: *Establish a risk based adaptation response to sea level rise and climate change*.

Furthermore, lodging the Planning Proposal with the state agencies to progress the plan in conjunction with the CZMP for Great Lakes Beaches is generally consistent with:

- Delivery Program 2013-2017 Action 3.1.1: Develop strategies that address the impacts of sea level rise and climate change;
- Operational Plan 2015-2016 Action: Continued preparation of coastal management plans for beaches under Council's care and control; and
- Performance outcome indicators
 - Areas of environmental value are protected by appropriate local environmental plan provisions while at the same time land is rezoned to provide for population growth
 - Environmental management system developed, adopted and implemented; number of actions achieved

TIMEFRAME

Should the Planning Proposal be adopted at the 19 April Council meeting, it will be submitted to the Department of Planning & Environment by the end of April 2017. On this basis, should the Planning Proposal progress as an amendment to Great Lakes LEP 2014 it could be expected that this would be finalised by June 2017.

BUDGET IMPLICATIONS

The completion of the Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes LEP 2014 project has been accommodated within the existing work program of the Strategic Planning, Design & Investigation and GIS sections of Council.

RISK CONSIDERATION

The identification of coastal planning areas in Great Lakes LEP 2014 is consistent with legal advice to the former Great Lakes Council to provide clear and consistent information to affected land holders.

RECOMMENDATION

1. Council adopt the Planning Proposal to amend the Coastal Planning Area clause and maps in Great Lakes LEP 2014 as documented in Attachment B to this report and forward the Plan to the Department of Planning and Environment with a request for the amendments to be drafted and made.
2. Council request that the existing Great Lakes Complying Development Land Map - Sheet LCD_001 in Schedule 5 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008, be repealed when the amendments to Great Lakes LEP 2014 Coastal Risk Planning Area clause and maps are published on the NSW Legislation website.
3. Upon the Local Environmental Plan Amendment being published on the NSW Legislation website the following former Great Lakes Council policies are to be repealed and the respective notations on S149 Planning Certificates removed:
 - *PL-PLN-002 NSW Coastal Planning Guideline: Adapting to Sea Level Rise; and*
 - *Draft Policy to account for Climate Change.*

ATTACHMENTS

- A: Summary of Submissions to Planning Proposal - Coastal Planning Area maps in Great Lakes Local Environmental Plan (LEP) 2014.
- B: Planning Proposal to amend the Coastal Risk Planning Area clause and maps in Great Lakes Local Environmental Plan (LEP) 2014 (issued to the Administrator only due to its large size).
- C: Department of Planning & Environment Gateway Determination documents.
- D: Great Lakes Complying Development Land Map - Sheet LCD_001 in Schedule 5 of the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

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

ANNEXURES:

- A: Draft Coastal Management State Environmental Planning Policy - Coastal vulnerability area Fact Sheet.



November 2016

What is the purpose of this area?

- The coastal vulnerability area is land which is subject to current and future coastal hazards, as defined in the *Coastal Management Act 2016*
- Defining and applying specific controls to this area will build awareness of coastal hazards in order to inform land use decisions.

What are the objectives for this area?

The following objectives for this area within the *Coastal Management Act 2016* (the Act), are:

- ensuring public safety and preventing risk to human life
- managing current and future risks from coastal hazards
- maintaining the presence of beaches and other natural coastal features
- maintaining public access, use and amenity of beaches and foreshores
- encourage land use that reduces exposure to coastal hazards over time
- avoiding adverse impacts on adjoining land, resources or assets
- maintaining essential infrastructure, and
- improving the resilience of coastal communities.

How will development be managed in this area?

- Development is permitted in this area but will need to satisfy requirements set out in the Coastal Management State Environmental Planning Policy (SEPP).
- This will ensure we build appropriately near the coast, that we minimise risks to human life and safety and don't create legacy issues for future generations to deal with.

What coastal hazards form the coastal vulnerability areas?

- The Act provides for the management and mapping of seven coastal hazards. These are:
 - beach erosion
 - shoreline recession
 - coastal lake or watercourse entrance instability
 - coastal inundation
 - tidal inundation
 - coastal cliff or slope instability
 - erosion and inundation of foreshores caused by tidal water and waves including the interaction of those waters with catchment floodwaters.

Draft Coastal Management State Environmental Planning Policy

○ Coastal vulnerability area

November 2016

- It is the intent of the NSW Government that coastal councils, through the development of Coastal Management Programs (CMPs) and with the support of the NSW Government, will map all coastal hazards relevant to their local government area based on local science and values, and include appropriate maps in land use planning instruments within the next five years.
- The Coastal Management SEPP will initially recognise areas for which councils have already incorporated appropriate coastal hazard maps and controls for any or all of the seven coastal hazards into land use planning instruments.
- The NSW Government will also work with councils and communities over the next 12 months to include relevant coastal hazard mapping from adopted studies into the CVA.
- In recognition of the fact that not all areas of coastal hazard are currently identified in land use planning instruments, the draft SEPP includes a requirement for consent authorities to consider coastal hazards throughout the coastal zone. In undertaking this assessment, consent authorities should consider the many coastal studies or plans that have been undertaken in the past.

My council already has coastal hazard mapping in a local plan. Are these areas part of the coastal vulnerability area?

- Many councils have already undertaken detailed local coastal hazard modelling and community consultation. The Department recognises the value of this work and does not intend to duplicate work that is already complete. Local studies provide the best current information on coastal hazards for each local government area.
- By integrating mapping of coastal hazards from local studies into the coastal vulnerability area, councils and communities will be able to make more informed planning decisions that will better manage risks to public and private assets and resources, and avoid future legacy issues that come from inappropriate coastal development.
- Where councils have already incorporated provisions relating to these coastal hazards in their local plans (Local Environmental Plans or Development Control Plans) these areas become part of the coastal vulnerability area. They are identified on the maps as the 'Local Council Coastal Hazard Map' and the local development controls will continue to apply in these areas.
- Consideration of coastal hazards will still apply to the remainder of the coastal zone in these local government areas, as typically councils have not mapped all coastal hazards.
- The following councils have coastal hazard controls and maps in local plans:
 - Ballina Shire Council
 - Bega Valley Shire Council
 - Byron Shire Council
 - Central Coast Council (for both former Gosford and Wyong local government areas)
 - Clarence Valley Council
 - Mid-Coast Council (for the former Great Lakes local government area)
 - Lake Macquarie City Council

Draft Coastal Management State Environmental Planning Policy

○ Coastal vulnerability area

November 2016

- Nambucca Shire Council
 - Northern Beaches Council (for all three former local government areas of Manly, Pittwater and Warringah)
 - Port Macquarie-Hastings Council
 - Shellharbour City Council
 - Shoalhaven City Council
 - Tweed Shire Council
 - Waverley Council.
- Local coastal hazard modelling and mapping exists for the majority of coastal council areas. The NSW Government will consult with coastal councils and communities over time to identify the areas to be included in the coastal vulnerability area.
 - It is expected that all councils that have not yet undertaken local coastal hazard mapping will do so over the next five years. Those councils that already have already mapped hazards in their local plans may need to update their maps over time in accordance with the Act and Coastal Management Manual.
 - The NSW Government will provide assistance to councils and other state landowners to undertake the process of mapping all seven coastal hazards, and to revise the coastal vulnerability area.

Where can I view the draft Coastal Management SEPP, and how do I provide feedback?

- The draft Coastal Management SEPP is on exhibition until 23 December 2016, and can be viewed at www.planning.nsw.gov.au/CoastalReform
- Submissions can be made via www.planning.nsw.gov.au/CoastalReform

3 PLANNING PROPOSAL - HIGHWAY SERVICE CENTRE - PACIFIC HWY, BULAHDELAH

Report Author Alexandra Macvean, Senior Strategic Planner
File No. / ECM Index SP-PP-30; Planning Proposal Lot 100 DP 1139447 Pacific Highway Bulahdelah
Date of Meeting 24 May 2017

SUMMARY OF REPORT

This report documents the assessment of Planning Proposal which proposes an amendment to Great Lakes Local Environmental Plan (LEP) 2014 which would make a Highway Service Centre permissible with consent on Lot 100 DP 1139447, Pacific Highway Bulahdelah.

A copy of the Planning Proposal lodged with Council on 10 February 2016, the additional and amended information received by Council on 23 January 2017 and the independent assessment reports are attached for completeness and transparency.

The applicant has been provided with a copy of the independent assessment. The applicant will be advised of this report and may wish to make a presentation on this matter at the Council meeting.

SUMMARY OF RECOMMENDATION

1. Council formally notify the Applicant that the Planning Proposal provides insufficient justification for the proposed additional permitted use of a Highway Service Centre on the subject land and therefore does not demonstrate sufficient strategic merit to warrant lodgement with the Department of Planning and Environment for a Gateway Determination.
2. Council formally notify the Department of Planning and Environment that the Planning Proposal to facilitate development of a Highway Service Centre on Lot 100 DP 1139447 Pacific Highway Bulahdelah does not demonstrate sufficient strategic merit to warrant lodgement for a Gateway Determination.
3. Council provide the Planning Proposal and independent assessment information, as contained in Attachments to this report, to the Department of Planning and Environment.

FINANCIAL/RESOURCE IMPLICATIONS

The applicant has paid Planning Proposal lodgement fees and the costs of the independent review of the Planning Proposal, consistent with Council policy.

LEGAL IMPLICATIONS

A Planning Proposal must be considered by Council in a manner consistent with its obligations under the *Environmental Planning and Assessment (EP&A) Act 1979* and the *EP&A Regulation 2000*.

The Regulation requires Councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent then has 40 days to request the Department of Planning and Environment (the Department) to facilitate a review of the planning proposal. Council officers advised the applicant that the subject Planning Proposal application '*provides insufficient justification for the proposed additional permitted use of a Highway Service Centre on the subject land*' on 13 April 2017.

Where a Council has not made a determination after 90 days, the proponent may request a Rezoning Review any time after the 90 days has lapsed. It is noted that the applicant lodged such a request with the Department in January 2017.

Upon receipt of the independent consultant's report on the additional and amended information for the Planning Proposal, Council officer's provided the recommendations and findings of this report to the applicant, within 90 days of the additional information being provided.

A copy of the report and Council's letter to the applicant were also provided to the Department in consideration of the pending Rezoning Review request.

BACKGROUND

Summary of Process and Findings

In February 2016 a Planning Proposal was received to facilitate development of a Highway Service Centre on land adjacent to the northern bypass interchange at Bulahdelah. It would do this by amending *Schedule 1 - Additional Permitted Uses* of Great Lakes LEP 2014 to identify that a highway service centre was permissible with consent on Lot 100 DP 1139447, Pacific Highway Bulahdelah. A copy of the Proposal is provided in Attachment 'A' to this report.

The Planning Proposal has been processed as a developer-initiated application on a full cost-recovery basis, in accordance with Council policy.

In July 2016 a review of the Planning Proposal and accompanying Economic Impact Assessment was undertaken for MidCoast Council by an independent consultant - Strategy Hunter consultants.

The draft review by Strategy Hunter was completed in September 2016 and provided to the applicant for their consideration. Review of the initial documentation identified areas where the Planning Proposal application required substantial additional research, studies and content in order to meet the requirements for consideration. A copy of this review is provided in Attachment 'B' to this report.

In response, the applicant provided Council with an Addendum to their original documentation, as well as a commentary in response to Strategy Hunter's review of the Economic Impact Assessment in January 2017. A copy of this additional and amended information is provided in Attachment 'C' to this report.

Subsequently, Council engaged Strategy Hunter in March 2017 to review the Addendum and economic commentary. This review was combined with that of the previous documentation in order to ensure a comprehensive approach. A copy of the Final Review is provided in Attachment 'D' to this report.

The Final Review of the Addendum and economic commentary concluded that while the Addendum to the initial Planning Proposal addressed many of the initial deficiencies, the collective documentation submitted with the Planning Proposal application did not achieve a reasonable pre-Gateway level of content.

Economic impact is the most critical consideration in assessing the merits of the Planning Proposal. Importantly, Strategy Hunter concludes that additional work is required in relation to economic impact before the accompanying Economic Impact Assessment is adequate.

In summary, the collective documentation submitted with Planning Proposal application provides insufficient justification for the proposed additional permitted use of a highway service centre on the subject land and therefore does not demonstrate sufficient strategic merit to warrant lodgement with the Department of Planning and Environment for a Gateway Determination.

The applicant has been advised of this conclusion and has been provided with a copy of Strategy Hunter's review documents.

Planning Proposal

A Planning Proposal to enable the development of a Highway Service Centre on Lot 100 DP 1139447 Pacific Highway Bulahdelah was submitted by Hamptons Property Services on 10 February 2016.

Lot 100 is located adjacent to the Bulahdelah Golf Club and the northern interchange to Bulahdelah from the Pacific Highway bypass. The site is currently vacant and is part of a proposed larger development (the "wider site") which the applicant states will eventually include housing and tourist accommodation. The land is already suitably zoned for the wider development and is not part of the Planning Proposal although it provides important context.

The Planning Proposal seeks to permit a Highway Service Centre on land zoned RU2 Rural Landscape and R2 Low Density Residential as shown in the Locality Map in Attachment 'E' to this report. The map shows the "wider site" and the approximate site for the Highway Service Centre. A Highway Service Centre is not a permitted use in the land use tables for either of these zones.

Accordingly, the Planning Proposal seeks to allow a Highway Service Centre as an additional permitted use on the subject land by amending Schedule 1 - Additional Permitted Use of the Great Lakes Local Environmental Plan (LEP)2014. It also proposes changes to the LEP development standards of building height, floor space ratio and minimum lot size applying to the land. The precise numerical changes to these development standards have not been specified by the applicant.

Bulahdelah was bypassed by the Pacific Highway in 2013. Prior to this, the Highway passed through the town and Bulahdelah was an important stop for travellers seeking food, services, petrol and accommodation. Following the completion of the bypass, business in the town dramatically reduced. Anecdotal evidence is that business generally appears to have experienced a minor recovery, but the town is still in transition from its heyday.

Bulahdelah performs the function of a highway service town whereby the local businesses collectively provide a wide range of services to travellers. Because it is easy to leave and rejoin the highway to visit Bulahdelah (no additional travel distance is involved relative to the bypass), there is potential for Bulahdelah to build a market based on the ambience of the main street and the local character of the businesses and their offerings.

Nabiac and Coolongolook are also highway service towns and have recently experienced growth in highway service businesses, particularly food services. A Highway Service Centre was recently approved by the Land and Environment Court on the northern periphery of Nabiac at the former Liberty service station/caravan park.

The applicant states that an Highway Service Centre will provide services not able to be provided by businesses in Bulahdelah, for example integrated fuelling and parking facilities for large trucks/B doubles. Based on this differentiation, the applicant believes that the business loss in Bulahdelah that has already occurred as a result of the bypass will not be significantly compounded by the proposed Highway Service Centre.

Independent Review

In recognition of its significance, the likely controversial nature of the Proposal and in order to provide a comprehensive independent assessment of the Proposal, Strategy Hunter consultants were engaged by Council to review the Proposal including the Economic Impact Assessment. Strategy Hunter has considerable experience in preparing and reviewing Planning Proposals and has no conflict of interest in relation to the subject Proposal.

The review considered the recommendations of the Great Lakes Highway Service Centre Study and Strategy Report (May 2004), which identified Bulahdelah and Nahiaca as highway service towns and recommended the prohibition of the development of any Highway Service Centre type development outside of these towns.

The review also drew heavily on compliance with the guidelines produced by the NSW Department of Planning and Environment (Department) for Local Environmental Plans and Planning Proposals. In addition, Council and State Government policies of relevance were reviewed to ensure they were addressed by the Proposal documentation, including the Roads and Maritime Services (RMS) policy for Highway Service Centres.

The Department also issued a Section 117 Ministerial Direction that requires Council to consider a number of matters when assessing Planning Proposal for commercial development on the Pacific Highway. In particular, the Direction strongly seeks to discourage out of town commercial development such as highway service centres and identifies specific locations where "out of town" Highway Service Centres may be established, based on the RMS Highway Service Centre Policy. The proposed Bulahdelah Highway Service Centre is not one of the locations identified in the Direction or the Policy.

The preliminary draft review by Strategy Hunter was provided to the applicant in late 2016. In response, in January 2017 the applicant provided Council with an Addendum to their original documentation, as well as a commentary in response to Strategy Hunter's review of the Economic Impact Assessment.

Subsequently, Council engaged Strategy Hunter in March 2017 to review the Addendum and economic commentary. This review was combined with that of the previous documentation in order to ensure a comprehensive approach.

DISCUSSION

Bulahdelah town centre is still suffering from a loss of business resulting from the bypass. While businesses are adapting to the change and slowly developing new markets, it is unlikely the Bulahdelah economy is sufficiently robust to withstand an additional withdrawal of economic activity. An increase in vacancies in the main street will detract from its coherence and critical mass. A cautious approach to competing development is therefore warranted.

A Highway Service Centre on the periphery of Bulahdelah may draw business away from the town centre. On the other hand, it may draw on an entirely different market of travellers and support the town centre by defining Bulahdelah as a "place to stop" on the Highway that caters to a diverse clientele and markets.

The Planning Proposal and Economic Impact Assessment need to provide further evidence and detail about the current state of business in Bulahdelah and the nature of its existing and potential markets. Similarly, the nature of the market for the Highway Service Centre and its interaction with Bulahdelah town centre is insufficiently explored. In addition, the nature of any impacts on other centres and towns to the north and south on the Pacific Highway are inadequately assessed.

In addition, while a Highway Service Centre will create new jobs, it may lead to a decrease in employment in other parts of the town economy (and possibly other nearby highway service towns) if existing businesses are adversely affected by the Highway Service Centre. The Planning Proposal makes no assessment of likely net employment impacts.

These matters are critical to addressing the Section 117 Direction and meeting the information requirements to assess a Planning Proposal of this nature.

They are also critical to defining the nature of a possible Planning Agreement foreshadowed by the applicant. It is stated within the Addendum that the Planning Agreement "will not be offered as directed funds" but is to provide resources to assist Bulahdelah to improve its economic competitiveness, viability and appeal to its market niche. The Proposal does not provide sufficient detail on the principles or methods of implementation of such an agreement.

This is important because the Department and guidelines state it is important that Council ensure that development that is unacceptable on planning grounds (including, without limitation, environmental, sustainability or financial grounds), will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms.

Conclusion

In general, the Addendum to the Planning Proposal addresses many of its initial deficiencies in meeting the information and assessment matters listed in the Department's Guides to Preparing Planning Proposals and Local Environmental Plans.

While it is acknowledged that a Planning Proposal is often further developed after the Department issues a Gateway Determination the Proposal as submitted, does not achieve a reasonable pre-Gateway standard in that it provides insufficient justification for the proposed additional permitted use of a highway service centre on the subject land and does not demonstrate sufficient strategic merit to warrant lodgement with the Department of Planning and Environment for a Gateway Determination.

In this regard, the independent assessment for Council by Strategy Hunter has identified a range of deficiencies which are documented in the review report. Notwithstanding other matters, economic impact is the most critical consideration in assessing the merits of the subject Planning Proposal. In particular:

- The Economic Impact Assessment has not been produced to support a Planning Proposal to provide for a highway service centre as an additional permitted use on a specific site. This is clearly stated by Hill PDA, who prepared the Assessment to address the wider development on the site, i.e. highway service centre, hotel and residential development. The other uses are already permissible on the land so the Planning Proposal should address the Highway Service Centre in detail rather than relying upon the wider development.
- Because of the above, many of the financial and other figures provided are based on the wider development, not the Highway Service Centre.
- A number of assumptions, source documents and the like are not quoted or missing. The need to carefully interpret some data such as employment multipliers is not stated.
- The Economic Impact Assessment largely relies on desktop research. However, given the absence of, or age of, certain important data additional original research is required.
- The concept of a highway services town and how Bulahdelah might be assisted to sustainably perform this role is not adequately discussed.
- The impacts of the Highway Service Centre on "highway service towns" such as Bulahdelah, Coolongook and Nahiack are inadequately assessed.

- The market niche of Bulahdelah as a highway service town vs the proposed Highway Service Centre is not explored in terms of minimising any impact of a Highway Service Centre and maximising any opportunities.
- There is insufficient analysis of the impact of a Highway Service Centre on local business and an assessment of net economic impacts.
- There is insufficient assessment against the former Great Lakes Council's Highway Service Strategy and little analysis of the RMS Highway Service Centre Review (2014). In particular, one of the key recommendations of the Strategy: to reinforce Bulahdelah as a Highway Service Town by making service stations and highway service centres prohibited in the rural zones along the route of the Pacific Highway, has not been sufficiently addressed.

It is considered that additional work is required before the Planning Proposal and accompanying Economic Impact Assessment are adequate.

CONSULTATION

Council officers have consulted with the applicant before and after the submission of the Planning Proposal, the Addendum and economic commentary. No formal external consultation was undertaken in the writing of this report. The review of the Planning Proposal documentation was done by desktop analysis, site inspection of the subject site, Bulahdelah, Coolongolook, Karuah, Nahiab and an informal review of economic activity in Bulahdelah township.

COMMUNITY IMPACTS

The Planning Proposal is likely to have significant impacts both positive and negative. The documentation available to date is inadequate for Council to fully assess its impacts.

Some possible positive impacts are

- Increased economic activity in Bulahdelah;
- A new source of jobs in Bulahdelah;
- Capture of passing highway trade which would otherwise patronise other highway service centres and towns; and
- Reinforcement of Bulahdelah's role as a "reviver stop" on the Pacific Highway.

Some possible negative impacts are:

- Continued erosion of the economic base of the Bulahdelah town centre and other enterprises heavily reliant on passing highway trade;
- Net loss of local employment;
- Highway trade patronising the Highway Service Centre only and not accessing the tourism attractions of the local area; and
- Negative impacts and reduced viability of the business communities of highway towns to the north, such as Coolongolook and Nahiab.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Relevant objectives of the Community Plan are:

Objective 2.1

Diversifying local business options

- Our local government area is attractive and supportive of business.
- We have a diversity of business and industries across the local government area.
- Our planning controls provide for adequate industrial and commercial land.

Objective 2.2

Achieving more sustainable employment opportunities

- We have learning opportunities for people of all ages.
- We have employment opportunities in the local government area.

Objective 2.3

Increasing tourism opportunities and visitation in the area

- We have a range of diverse visitor experience across the entire local government area.
- Our local government area is attractive to visitor.

Objective 3.1

Protecting & enhancing the natural environment & the rural character of the area

- Our area's rural character and heritage is protected.
- Our community is aware of the value of natural resources and biodiversity.
- Our environmental amenity is protected and enhanced.
- Our waterways and catchments are maintained and enhanced.

Other aspects of the local strategic framework are:

- The aims and relevant zone objectives of the Great Lakes Local Environmental Plan 2014.
- The Great Lakes Highway Service Centre Study and Strategy Report 2004 (which is consistent with the 2014 RMS Highway Service Centre Policy).
- The Bulahdelah, Coolongolook and Nahi Community Strategic Plans.
- The Great Lakes Rural Living Strategy 2004.

TIMEFRAME

A Planning Proposal has been received by Council under the provisions of the *Environmental Planning and Assessment Act 1979*. Council is obliged to assess the application and reach a decision in a timely manner, i.e. after 90 days the applicant can request a review by the Department of Planning and Environment.

BUDGET IMPLICATIONS

The costs of the independent consultant that reviewed the Planning Proposal application documentation, including review of the Economic Impact Assessment, were met by the applicant who provided the funding on request by Council, in accordance with Council policy. The applicant did not play a role in selecting the consultant or in managing the independent review process.

RISK CONSIDERATION

Nil.

RECOMMENDATION

1. Council formally notify the Applicant that the Planning Proposal provides insufficient justification for the proposed additional permitted use of a highway service centre on the subject land and therefore does not demonstrate sufficient strategic merit to warrant lodgement with the Department of Planning and Environment for a Gateway Determination.
2. Council formally notify the Department of Planning and Environment that the Planning Proposal to facilitate development of a Highway Service Centre on Lot 100 DP 1139447 Pacific Highway Bulahdelah does not demonstrate sufficient strategic merit to warrant lodgement for a Gateway Determination.
3. Council provide the Planning Proposal and independent assessment information, as contained in Attachments to this report, to the Department of Planning and Environment.

ATTACHMENTS

- A: Planning Proposal Highway Service Centre Bulahdelah February 2016 (issued to Administrator only due to its large size).
- B: Draft Highway Service Centre Bulahdelah Adequacy Report September 2016 (issued to Administrator only due to its large size).
- C: Planning Proposal Highway Service Centre Bulahdelah amended and additional information January 2017.
- D: Final Highway Service Centre Bulahdelah Adequacy Report April 2017 (issued to Administrator only due to its large size).
- E: Locality Plan of proposed site of Highway Service Centre.

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

DIRECTOR ENGINEERING & INFRASTRUCTURE

4 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 5 APRIL 2017

Report Author Richard Wheatley, Traffic Engineer
File No. / ECM Index Traffic Committee Agendas
Date of Meeting 24 May 2017

SUMMARY OF REPORT

This report presents the Minutes of the Local Traffic Committee meeting held on 5 April 2017 for adoption.

SUMMARY OF RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 5 April 2017 be noted and that Council endorse the recommendations made at the meeting.

FINANCIAL/RESOURCE IMPLICATIONS

For the items 2, 3, 4, 5 and 6 Council will be responsible for the costs associated with the installation of signage and pavement markings. Item 7 Council will be responsible for 50% of the costs of the cycleway.

LEGAL IMPLICATIONS

Nil

BACKGROUND

The Local Traffic Committee meeting was held on Wednesday 5 April 2017 at MidCoast Council's Forster Office. The minutes of the meeting are attached as Annexure A with the recommendations for each item.

It should be noted that in order for traffic control devices to be approved and installed Council must seek the opinion of members of the Local Traffic Committee. The Committee make a recommendation to install a device, and the recommendation must then be accepted or rejected by Council.

By noting the minutes and endorsing the recommendations made at the meeting Council is accepting the advice and installing traffic control devices.

CONSULTATION

Attendees at the Local Traffic Committee meeting are listed in the minutes. Consultation was undertaken in the development of the recommendations in the minutes with Police, RMS and Council staff.

COMMUNITY IMPACTS

Community impact (negative and positive) is considered by the Local Traffic Committee in its deliberations for each item. A whole of community impact is taken into account when formulating the recommendations within the regulations, standards and guidelines that administer the roads, traffic management and road safety

BUDGET IMPLICATIONS

For the items 2, 3, 4, 5 and 6 Council will be responsible for the costs associated with the installation of signage and pavement markings. Item 7 Council will be responsible for 50% of the costs of the cycleway.

RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 5 April 2017 be noted and that Council endorse the recommendations made at the meeting.

ATTACHMENT

A: Minutes of the Local Traffic Committee meeting held on 5 April 2017

5 CAPITAL WORKS REPORT - MARCH, APRIL & MAY 2017

Report Author Rhett Pattison, Team Leader Project Delivery

File No. / ECM Index Corporate Mgmt - Works Depot

Date of Meeting 24 May 2017

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.

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

- Reconstruction of the southern abutment of Killawara Bridge is now complete.
- Granter Street Cribwall and Endeavour Boat Ramp extension is now complete.
- 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 recommenced and due for completion in June.
- Projects commenced in April include: Drainage improvement works in Wootton Crescent Taree, reconstruction works on Comboyne Rd Cedar Party, and various AC heavy patch and overlay projects.
- Due to commence in May is: Footpath upgrade on Manning St Taree, replacement of Kellys Bridge including roadworks on The Bucketts Way Burrell Creek.

Forster/Tuncurry

- The rehabilitation of Breese Pde has been completed
- The construction of a roundabout at the intersection of Kent St and Peel St, Tuncurry has commenced. The asphalt work has been completed.
- Works on the Lake St / Hadley St Pedestrian refuge has been completed.
- The rehabilitation of Manns Rd has commenced after being delayed due to wet weather.
- The reconstruction of Memorial Drive has commenced and will take approximately three months to complete.

Bulahdelah

- The reseal of Kestevens Road has been completed.
- Work has commenced on Booral Rd Rehabilitation.

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. Progress on this project has been hampered by wet weather causing significant delays

Stroud

- Works on the reconstruction of a section of Booral Washpool Rd has commenced and will take approximately three weeks to complete.

Tea Gardens / Hawks Nest

- Work has recommenced on Marine Drive reconstruction. These works will include reconstruction of Charles St. .
- Works have commenced on Cove Ave, Second Ave and Pleasant View Pde, Bundabah
- Reseals on sections of Myall Way, Mungo Brush Rd and Warri Rd, Pindimar have been completed.

Gloucester

- The Bucketts Way Upgrade Project #86 is now completed.
- The Bucketts Way Upgrade - Project #84 (up to 0.5km of reconstruction of the approaches to the bridge over the Avon River at Stratford) is under construction due for completion in May.
- 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.

ATTACHMENT

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

6 TRANSFER OF MANAGEMENT - WOOTTON RESERVE TRUST (R96342 & R 96355)

Report Author Andrew Braybrook, Project Manager, Community Spaces and Services

File No. / ECM Index Service Level Review and Public Halls - General

Date of Meeting 24 May 2017

SUMMARY OF REPORT

The former Great Lakes Council resolved to hand a number of public hall facilities back to the NSW State Government, following a Public Halls Service Level Review which was completed in 2014. This decision was made rather than running the risk of the halls being closed/sold and being lost to their local communities. Council undertook to facilitate the process, and to find local organisations that would manage the properties into the future.

This report recommends that Council support the request for the trusteeship to be transferred to the Wootton Community Network Inc.

The report also supports the proposal by the Wootton Community Network that the Crown create a new expanded Reserve Trust, where the 3 adjoining reserves are merged to create a new reserve.

SUMMARY OF RECOMMENDATION

1. That Council support the proposal to immediately transfer the functions of Reserve Trust Manager Lot 1 DP169165 Crown Reserve R96342 from MidCoast Council to the Wootton Community Network Inc.
2. That Council support the proposal by the Wootton Community Network to create a new Crown Reserve Trust at Wootton, NSW, encompassing the existing Lot 1/DP169165 (Crown Reserve 96342), and including the two adjacent Lots of Crown Land, Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014. (Crown Reserve 96352).
3. That these recommendations are communicated to the NSW State Government; requesting that the appropriate formal processes be carried out.
4. That the recommended actions, procedures and processes for handover of the facility detailed in the body of this report be endorsed.

FINANCIAL/RESOURCE IMPLICATIONS

Payment of rates, pest control inspections, and fire extinguisher services, as a form of subsidy to support the transition process has nil effect on the budget as these services are already budgeted for. In the longer term, there is a saving to Council in not having these costs, or more significantly, expenditure on building maintenance and refurbishment costs.

LEGAL IMPLICATIONS

Council is seeking to surrender the responsibility for managing a Crown Reserve Trust. Council has found a suitable local not-for-profit community organisation willing to take on the responsibility, and is supporting the proposal from the Wootton Community Network Inc. to manage the Crown Reserve Trust, however Council cannot make the decision.

BACKGROUND

The former Great Lakes Council carried out a formal service level review of public halls and community buildings in 2013 and 2014. Council considered the topic through a Workshop, Business Paper Report, Call for written submissions, Consideration of the Delivery Program/Operational Plan for 2014/2015, and finally via a further Business Paper Report in October 2014, which resulted in the following Resolution:

4 CCS - Public Halls Service Level Review Recommendations

Index: Service Delivery Review & Public Halls - General
Author: Manager Community Services - Andrew Braybrook
Strategic Committee Meeting: 14 October 2014

RECOMMENDATION:

1. That Council agree to initiate steps for the responsibility for the management and maintenance of the following facilities be handed back to the Crown: Allworth Hall, Bungwahl Hall, Coolongolook Hall, Limeburners Creek Hall, Monkerai Hall and the Wootton Hall, School Residence, Tennis Courts and Resource Centre.
2. That Council support the transfer for the management of these facilities to local committees or organisations where possible.
3. That Council consider the option to continue the provision of financial support to the management and maintenance of the Wards River Church Hall to a limited amount of \$5,000 per annum for a further five-year period from 30 June 2015.

42 RESOLUTION

(Moved K Hutchinson/Seconded A Summers)

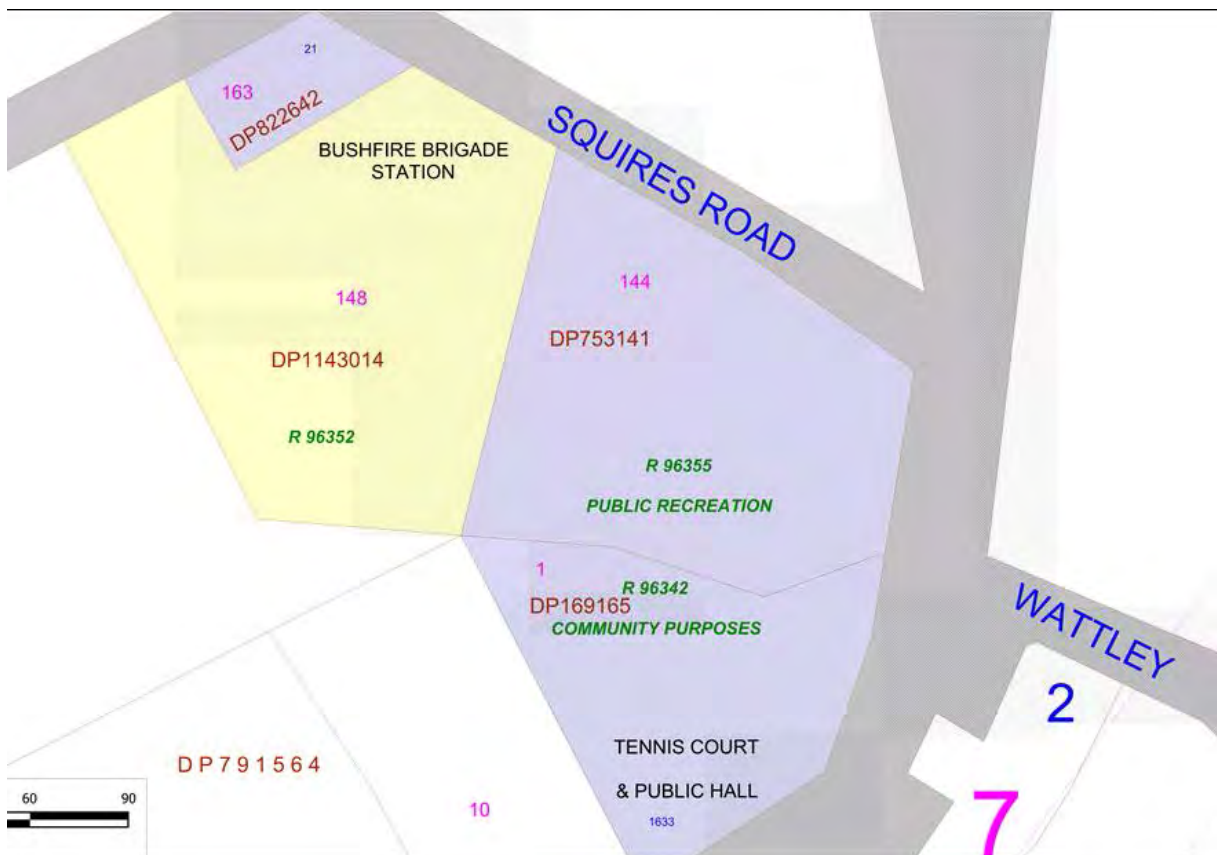
1. That Council agree to initiate steps for the responsibility for the management and maintenance of the following facilities be handed back to the Crown: Allworth Hall, Bungwahl Hall, Coolongolook Hall, Limeburners Creek Hall, Monkerai Hall and the Wootton Hall, School Residence, Tennis Courts and Resource Centre.
2. That Council support the transfer for the management of these facilities to local committees or organisations where possible.
3. That Council continue the provision of financial support to the management and maintenance of the Wards River Church Hall to a limited amount of \$5,000 per annum for a further five-year period from 30 June 2015 with this arrangement to cease at the conclusion of 5 years.

Cr Gill requested that her name be recorded as voting against the resolution.

It should be noted that the Review recognised that the Wootton Community Centre (Brush Turkey Café) and Old Wootton Schoolmasters House were on the site, but were independent from the hall and tennis courts, being subject to a licence agreement and lease respectively. Since that time, Council Officers have been engaged in discussions with the local community to find the best way forward to make this transition. Full credit should be given to work carried out by the Wootton S355 Hall Committee and the Wootton Community Network, who combined to form a *Crown Lands Working Group* to progress discussions and look at viable options.

The subject land is comprised of three Lots:

- Lot 1 (Reserve 96342) includes all the existing facilities and comprises the current Wootton Community Reserve Trust. This reserve is managed by MidCoast Council.
- Lot 144 (Reserve 96355) includes the access road from Squires Road and an open area of land that includes some, but not all, of the dam that provides water for the house and the toilets. This land provides the only access to the house, community centre and the tennis courts. Any new Trust would need to include this site to allow ongoing public recreation and access.
- Lot 148 (R96352) includes a flat area for holding community events and part of the dam that supplies water to the facilities. The inclusion of this lot in a new consolidated Reserve Trust is considered vital to enable the coordinated management of the facilities.



(The 3 Lots are shown above - Note that the actual Bushfire Brigade Station is on Lot 163)



(Aerial photograph of the 3 lots - Note that the Tennis Courts, Community Resources Centre, Wootton Hall and Old Schoolmaster's House are all located on Lot 1)

DISCUSSION

The process of handing buildings and responsibility for trust management back to the Crown is long, and has involved multiple conversations with departmental officers and with the local community organisations.

The Wootton Crown Lands Working Group took a lead role in promoting discussions within the community, keeping the community informed, and considering the merits of various options to ensure that the community facilities are maintained for future community use.

The Wootton Community Network have written (The full letter is attached as **Annexure A**) requesting the support of MidCoast Council in their organisation becoming the Trust Manager for the current Wootton Community Reserve Trust and adjacent Crown Land, namely Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014 making the following request:

'This letter requests the endorsement of Council for the WCN to become the new Trust Manager for a newly formed Wootton Community Reserve Trust (comprising Lots 1, 144 and 148) and Council assistance in ensuring a smooth transfer of management to the WCN.'

'Specifically, we request the following from Council:

1. *Support for the WCN to work with Council staff to write to Crown Lands requesting a change to the Trust Manager for the Wootton Reserve Trust, plus an expansion of that Trust to include Lots 144 and 148;*
2. *Participation in a site review of Lot 1 with WCN and s355 Committee members and a commitment from Council to rectify any current maintenance issues;*
3. *Initial financial support for the Wootton Community Reserve Trust to ensure a smooth transition to the WCN becoming Trust Manager; and*
4. *Assistance in resolving any issues arising from the Aboriginal Land Claim.'*

The Wootton Community Network Executive has indicated their organisation's readiness to take on the role with the following statement:

'Members of the WCN have familiarised themselves with existing Crown Land requirements, including information in the Trust Handbook and the changes that will be implemented under the new Crown Land Management Act 2016. WCN is committed to manage the Wootton community facilities for the benefit of the people of NSW in line with the principles of Crown Land management.'

The next section of the report provides detail of the steps that have been completed.

CONSULTATION

Council has liaised with the Wootton Community Network and the Wootton Community Centre S355 Committee to manage the process of investigating a range of future options for the management of the facilities. The two community organisations were very active in keeping the local community informed of both the process and possible options available. This process culminated in a public meeting in March.

Wootton Community: At a community meeting on Sunday 12 March 2017, the Wootton community resolved to request that the WCN become the new Trust Manager for Crown Land in the village of Wootton, including Lots 1, 144 and 148.

Correspondence received from the Wootton Community Network states that:

"There were 44 attendees at the meeting and 32 postal votes. The Wootton community resolved 75 to 1 to request that the WCN become the new Trust Manager for Crown Land in the village of Wootton, namely Lot 1/DP169165 (Crown Reserve 96342), Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014. This result shows the high level of interest and strong feeling that these facilities should be retained and used for the local community, and this is why the WCN has agreed to take on the overall management of the Trust.'

Wootton Community Centre S355 Committee: Correspondence has been received from the Committee stating: *'We therefore request that Council support a transition from Council being the Trust Manager to the WCN being the Trust Manager with the Trust broadened to include all three lots of Crown Land within the Wootton village.'*

COMMUNITY IMPACTS

One of the underlying principles behind the recommendations of the *Great Lakes Council Public Halls Service Level Review* was that where possible, the change in management is to be completed without any reduction of service. There is potential for communities to achieve a greater level of engagement with a local management group, and with the building itself, than they ever had with the Council-run facility.

This is reflected by the comments made at the public meeting held on 12 March, where community members indicated that they strongly supported the Community Hall, Tennis Courts, Old Schoolmaster's House, and Wootton Community Resource Centre (Brush Turkey Café) becoming part of an overall complex of buildings, under a local management group; the Wootton Community Network.

The Wootton Community Network has been in existence for over 12 years, membership is open to anyone, and there are regular meetings every 2 months. The group writes, prints and distributes the *Wootton Valley News* to 400 addresses 6 times a year, has a web page and Facebook presence, and conducts an Annual General Meeting and election of office bearers; these are all indicators that there is a good level of transparency and regular communication at the local grassroots level.

In order for the overall Community Centre to be functional, with is no loss of amenity or standard of service to the community, it needs to be adequately furnished and equipped. This was recognised in the *Public Halls Service Level Review* carried out in 2014; and Council endorsed the proposal that furniture, equipment, contents and any retained earnings at a facility are to be transferred to the incoming management organisation to enable continuity of service provision, and that there is some ongoing Council support for a transitional period. It has always been council's stated intention to hand over the properties in good order, so the practise has been that there be a combined inspection to identify and agree to any necessary remedial building maintenance works to be carried out.

Recommended actions:

- That MidCoast Council transfers the ownership of the contents of the Wootton Community Hall Centre building and Tennis Courts, along with Council-owned mowing equipment to the Wootton Community Network, upon that organisation taking on management responsibilities.
- That at the time of transfer, the Wootton Community Hall S355 Committee of Management be disbanded, and the members thanked for their efforts on behalf of the local community.
- MidCoast Council staff members to carry out a property inspection with representatives of the Wootton Community Hall S355 Committee and the Wootton Community Network to identify any building maintenance needs for the properties. (Community Hall, Tennis Courts, Old Wootton Schoolmaster's House). Note that under the terms of the lease agreement, permission is needed from the tenant for an inspection of the house. For the purposes of completing the audit, it would be sensible for the property inspection to also include the Wootton Community Resource Centre (Brush Turkey Café) although Council is has not been responsible for maintenance of that building.
- Remedial works to be carried out by Council, with assistance where possible from the Wootton Community Network and S355 Committee.
- That MidCoast Council provides financial assistance and ongoing support to the Wootton Community Network for a period of three years. This to be through payment of rates, pest control inspections, and fire extinguisher services, as a form of subsidy to support the transition process.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

This proposal aligns with:

Objective 9 *Provide the right spaces and places to support a diverse life balance, and;*

Strategy 9.1 *Ensure community and cultural facilities and services reflect current and future needs.*

TIMEFRAME

Subject to the endorsement by Council of the report recommendations, correspondence will be forwarded to the NSW State Government during May.

It is hoped that a decision would be forthcoming in the following 3 months, and the process worked through in the following 3 month period. On this basis, it is reasonable to expect that the Wootton Community Network would be managing the reserves on behalf of the Crown by the end of 2017.

RISK CONSIDERATION

Nil

RECOMMENDATION

1. That the proposal to immediately transfer the functions of Reserve Trust Manager Lot 1 DP169165 Crown Reserve R96342 from MidCoast Council to the Wootton Community Network Inc be supported.
 2. That the proposal by the Wootton Community Network to create a new Crown Reserve Trust at Wootton, NSW, encompassing the existing Lot 1/DP169165 (Crown Reserve 96342), and including the two adjacent Lots of Crown Land, Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014. (Crown Reserve 96352) be supported.
 3. That these recommendations be communicated to the NSW State Government; requesting that the appropriate formal processes be carried out.
 4. That the recommended actions, procedures and processes for handover of the facility detailed in the body of this report be endorsed.
-

ANNEXURES

A: Letter from Wootton Community Network 3 April 2017, *Re: Proposed Wootton Community Reserve Trust*. Requesting Council support for transfer of Trust Management.

Wootton Community Network Inc
A not-for-profit community group
Operating the Brush Turkey Cafe

President: Jim O'Connor
Secretary: Fran O'Connor 49977323



1635 Wootton Way
Wootton NSW 2423

Email: brushturkey@live.com.au
www.wootton.org.au

ABN No: 78 047 910 115

3 April 2017

General Manager
Mid Coast Council
Breese Parade
PO Box 450
Forster NSW 2428

Att: Andrew Braybrook, Leonie Cooke

Dear Sir,

Re: Proposed Wootton Community Reserve Trust

We write to you on behalf of the Wootton Community Network Inc (**WCN**) and the Wootton Community Centre Management Committee (**s355 Committee**) responsible for the management of the Hall on Crown Reserve 96342.

As you may be aware, in its 2014 review of community halls, the former Great Lakes Council decided to hand back the management of the Wootton Community Reserve Trusts (Crown Reserve 96342) to Crown Lands. At around the same time, the NSW Government indicated its intention to divest locally important Crown Land to local government. Accordingly, the s355 Committee and the WCN created a Working Group to consider the most appropriate course of action for the community with respect to these facilities. After discussions with Crown Lands and Mid Coast Council, the Working Group developed a preferred management option – namely that the WCN become the new Trust Manager for Crown Land in Wootton. The opinions of all Wootton residents were canvassed by mailbox and at a public meeting of our local community on Sunday 12th March. There were 44 attendees at the meeting and 32 postal votes. The Wootton community resolved 75 to 1 to request that the WCN become the new Trust Manager for Crown Land in the village of Wootton, namely Lot 1/DP169165 (Crown Reserve 96342), Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014. This result shows the high level of interest and strong feeling that these facilities should be retained and used for the local community, and this is why the WCN has agreed to take on the overall management of the Trust.

This letter requests the endorsement of Mid Coast Council (**Council**) for this decision and Council assistance in ensuring a smooth transfer of management of the Wootton Crown Land (Lots 1, 144 and 148) to the WCN as the new Trust Manager.

170403 Letter to Council

Background

Mid Coast Council currently is Trustee of the Wootton Community Reserve Trust (Crown Reserve 96342) which is shown as Lot 1 in Figure 1. Lots 148 and 144 are managed by the Crown. Lot 1 includes numerous community facilities including the Brush Turkey Café/Resource Centre, community hall, schoolmaster's house, toilet block and tennis courts. The community has been involved in the management and use of these facilities since the 1970's (see Attachment 1 for further information).



Figure 1: Lot boundaries for Wootton Crown Land

As you are aware, in March 2014 the then Great Lakes Council resolved to hand management of the Wootton Community Reserve Trust back to the NSW Crown. In response to this decision, members of the WCN and the s355 Committee formed the Crown Lands Working Group to investigate options to ensure the Wootton community facilities are maintained for future community use.

The Crown Land Working Group has had numerous discussions with Andrew Braybrook and other Council staff as we have worked through various options for future community management. We appreciate the support and advice that Council staff have provided throughout this process.

At a community meeting on Sunday 12th March 2017, the Wootton community resolved to request that the WCN become the new Trust Manager for Crown Land in the village of Wootton, including Lots 1, 144 and 148 (see Attachment 2 for minutes of that meeting). Both the existing s355 Committee and the WCN support this proposal (see Attachments 3 and 4).

Proposed New Trust Management

The community proposes that all three lots of Crown Land in the Wootton village are incorporated into one Trust, to be managed by the WCN. Each Lot makes an important contribution to maintaining the integrity of the Wootton community facilities and is vital for proper community management of the area. We note that this proposal is consistent with one proposed by the then Great Lakes Council in 2001.

Lot 1 includes all the existing facilities and comprises the current Wootton Community Reserve Trust.

Lot 144 includes the road and the open area from Squires Road to the tennis court. It includes some, but not all, of the dam that provides water for the house and the toilets. It is vital because it provides the only access to the house and the tennis courts plus the disabled access to the hall. Any new Trust would need to include this site to allow ongoing public recreation and access.

Lot 148 includes a flat area for holding community events and, we believe, part of the dam that supplies water to the facilities. In our view this site is vital to ensure coordinated management of the facilities.

We note that there are a number of issues that will need to be appropriately managed as part of any transition process, namely:

- Rental Property – the Old Headmasters Cottage on Lot 1 is currently tenanted. We would seek Ministerial approval, as required, to continue the rental on the current terms.
- Aboriginal Land Claim 20129 – we recognise that there is currently an Aboriginal Land Claim over part of the proposed new Trust area. Upon notification of this claim, Council wrote to the Crown objecting to the claim on the basis that the lot was vital to the effective management of the facilities. The current status of the claim is unknown. We will work with Crown Lands to resolve this issue.
- Plan of Management - Once the new Trust is in place, the community will develop a Plan of Management for all three lots that comprise the new Trust.

Request to Council

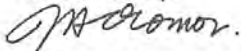
This letter requests the endorsement of Council for the WCN to become the new Trust Manager for a newly formed Wootton Community Reserve Trust (comprising Lots 1, 144 and 148) and Council assistance in ensuring a smooth transfer of management to the WCN.

Specifically, we request the following from Council:

1. support for the WCN to work with Council staff to write to Crown Lands requesting a change to the Trust Manager for the Wootton Reserve Trust, plus an expansion of that Trust to include Lots 144 and 148;
2. participation in a site review of Lot 1 with WCN and s355 Committee members and a commitment from Council to rectify any current maintenance issues;
3. initial financial support for the Wootton Community Reserve Trust to ensure a smooth transition to the WCN becoming Trust Manager; and
4. assistance in resolving any issues arising from the Aboriginal Land Claim.

If you would like to discuss this request further, please contact me, details on the letterhead. We would be happy to meet with relevant Council staff to discuss this request further.

Yours sincerely,



President, Wootton Community Network

- B: Letter from Wootton Community Network 3 April 2017, Re: *Wootton Community Reserve Trust*. Provides information about the Wootton Community Network and requests Council support.

Wootton Community Network Inc.
A not-for-profit community group
Operating the Brush Turkey Cafe

President: Jim O'Connor
Secretary: Fran O'Connor 49977323



1633 Wootton Way
Wootton NSW 2423

Email: brushturkey@live.com.au
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ABN No: 78 047 910 115

3 April 2017

General Manager
Mid Coast Council
Breese Parade
PO Box 450
Forster NSW 2428

Att: Andrew Braybrook, Leonie Cooke

Dear Sir,

Re: Wootton Community Reserve Trust

I am writing as president of the Wootton Community Network (WCN) to seek the support of the Mid Coast Council in our organisation becoming the Trust Manager for the current Wootton Community Reserve Trust and adjacent Crown Land, namely Lot 144/DP753141 (Crown Reserve 96355) and Lot 148/DP1143014.

As you are aware, the WCN, in conjunction with members of the Council s355 Committee, has been participating in the Crown Land Working Group designed to decide how the community can best ensure the ongoing viability and management of the Wootton community facilities. As part of this process, the WCN was asked whether it was willing to become the Trust Manager for the Wootton Crown Land. At our meeting on 11th March 2017 (Minutes attached) the WCN agreed to become the Trust Manager, if this option was supported by the broader community. At the community meeting on 12th March 2017, the community strongly supported this option.

The WCN has been in existence for over 12 years and is a vigorous local community organisation. We write, print and distribute the Wootton Valley News to 400 addresses every two months, have our own web page and a Facebook presence. We feel that this sort of communication with our members and other interested people greatly assists with keeping our local community alive and healthy. As part of our activities we run a variety of community events at the Wootton facilities, such as monthly dinners, film and supper nights, and support various activities such as Landcare and other workshops by providing catering. Until very recently the Brush Turkey café was open every Sunday offering a full range of food to the public (this should resume later this year after some refurbishments and volunteer training). We feel that the WCN possesses the experience and the qualities required for successful Trust Management.

170403 (WCN letter to Council attachment 4)

The WCN is registered as an Incorporated Body, with ABN, and annual Public Officer reports. Our regular meetings, open to all, take place every two months, and office holders elected annually. Financially we have a strong record over the last ten years, with a modest profit every year sufficient to pay for various improvements to the café interior. We propose that the Trust is managed by the WCN via designated office holders reporting to the bi-monthly meetings. These office holders would have specific responsibilities such as infrastructure maintenance and repairs, rent from bookings and use of the facilities, relationship with estate agent for the house lease, financial status of the Trust, and reporting requirements.

A financial forecast for the proposal based on the Great Lakes Council figures for costs and expenditure on the Trust over the last five years indicates that we should be able to realise an annual cash profit sufficient to cover running repairs and regular maintenance. We also know that a variety of grants are available which we would use to improve or develop aspects of the facilities which we consider relevant.

The WCN has had an excellent working relationship with Council since its formation and has greatly appreciated Council's support for the development of the Resource Centre and the Brush Turkey Café on the current Wootton Community Reserve Trust. Given Council's decision to hand management of the Wootton Community Reserve Trust back to the Crown, we now request Council's support to ensure the WCN becomes the next Trust Manager of the Wootton Crown Land. An important component of any handover will be the ability to conduct a site review with Council to ensure that any outstanding maintenance tasks are dealt with prior to handover. We also request some initial ongoing financial support from Council to ensure a smooth transition.

To initiate a handover process, we propose to send Attachment A to this letter to the Department of Lands requesting that the WCN be made Trust Manager for the Wootton Crown Land. In our view, our success in making this request is likely to be significantly increased by a letter of support from Council.

We therefore request the following from Council:

1. support for the WCN to work with staff to write to Crown Lands requesting a change to the Trust Manager for the Wootton Reserve Trust, plus an expansion of that Trust to include Lots 144 and 148;
2. a commitment to conduct a site review with WCN and s355 Committee members and a commitment from Council to rectify any current maintenance issues; and
3. initial financial support for the Wootton Reserve Trust to ensure a smooth transition to the WCN becoming Trust Manager.

Yours sincerely



President, Wootton Community Network

- C: 'Attachment 1 - History of the Wootton Community Facilities'. Provided by the Crown Lands Working Group, as distributed to all attendees at the 13 March 2017 meeting.

Attachment 1 - History of the Wootton Community Facilities

August 1978	Wootton public school, site of the current Wootton facilities, closed. Land came under the authority of the then Public Works Department
1980s	The then Roads and Traffic Authority (RTA) purchased the land and demolished the original Wootton Hall (eastern side of Wootton Way opposite Worth St) to make way for the widening of the Pacific Highway (now Wootton Way). The RTA gave the purchase price to the local community through the then Wootton Tennis and Community Club Inc (WT&CC) who used the money to erect two tennis courts on the school site. The RTA and the then Department of Public Works agreed to provide the old school building as a replacement for the hall and the rent from the teacher's residence would go to the WT&CC for upkeep. By the late 1980s the tennis courts were completed with extensive contributions of equipment, materials and labour from the local community. The WT&CC also funded the concrete water tank and installation and plumbing of the pump supplying dam water to the teacher's residence and toilet block.
Late 1990s	At the instigation of the Public Works Department, Great Lakes Council agreed to take over the management of the site and Lot 1 was placed under a Trust. Lots 144 and 148 remained Crown Land. The Tennis Club retained control of the tennis courts, the rent from the teacher's residence went directly to Council and the management of the school building (hall) was to be undertaken by a new section 355 committee of the Council. The original s355 committee, with Council and volunteer support and labour, concentrated on making the two class rooms function as a hall. Grant funding was obtained through the Hunter Area Assistance scheme for purchase and installation of the play-ground equipment. A substantial Sport and Recreation grant facilitated the refurbishment of the kitchen, created the servery in the hall and had the tennis courts painted. Community volunteers also built the tennis shed. By the late 1990s discussion had started to create the Wootton Community Network as a lobby group for community improvements for the Wootton Community Facilities more broadly.
1999 - 2004	The Wootton Community Network decided to build the Resource Centre because the hall was available for hire and could not be made into a permanent commercial facility for the sale of arts and crafts and other local produce. The Council agreed to the building of the centre on Lot 1 and assisted in the successful bid for a grant of over \$30,000. After much fund raising and the seeking out of second hand material volunteers were able to construct the centre over a period of 5 years with it opening in 2004.
2004	At this time Wootton had three major community groups: the Wootton Hall Committee managing the hall, the Wootton Tennis Club managing the tennis courts and the Wootton Community Network managing the Resource Centre.
2004 – Present	WCN continues to manage the resource centre including the Brush Turkey café, hold regular community events and manage the supporting infrastructure
September 2009	Aboriginal Land Claim at both the state and national levels. In October 2013 Great Lakes Council (GLC) resolved to formally object to the claim. As far as we are aware, the land claim remains outstanding.
December 2010	Council informed the s355 committee that as no nominations for the hall committee had been received "We will be locking the building up in January and sealing the building to prevent unauthorised access or vandalism...". A call went out for new s355 Committee volunteers in Feb/March 2011.

May 2011	A new s355 Committee held their first meeting
2013	s355 Committee clarified boundaries of land covered by committee and adjoining land. It determined that: <ul style="list-style-type: none"> • Lot 1 - Wootton Community Reserve Trust (with hall, toilets, tennis courts, school house, resource centre) • Lot 144 – Crown land designated as Reserve for Public Recreation (access road to the house and community facilities and part of the dam used by the facilities) • Lot 148 – Crown land designated as Reserve for Future Public Recreation (part of the dam used by the facilities) The Wootton Tennis club was formally disbanded.
Early 2014	GLC Public Hall Service Level Review undertaken
March 2014	GLC Strategic Committee Meeting – a resolution is passed to “support the proposal that responsibility for the management and maintenance of the following facilities be handed back to the Crown... Wootton Hall, school residence, tennis courts and resource centre”
June 2014	GLC ordinary general meeting where a resolution is passed to defer until September 2014 the implementation of the “resolution in relation to transfer of management and maintenance responsibilities to the Crown of certain Public Halls and community facilities so as to allow for a report to be presented to Council addressing the submissions received.”
December 2014	The s355 Committee officially invited the Wootton Community Network to participate in a working group to jointly investigate options for the future community management of the facilities. Members of both organisations formed the Crown Lands Working Group.
Jan 2015 – 2017	Crown Lands Working Group activity varied in response to differing information about the likely timeframe of any handover. During this period, the group obtained financial statements from GLC and prepared a business plan to determine the financial viability of the site without Council support. Decided that the Trust would be financially viable with the income from the school house, hall hires, community functions and grants. The Group investigated various options for community management of the site and decided to hold a community meeting to seek the support of the broader community for the Wootton Community Network to become Trust Manager.
March 2017	Community meeting to decide the structure of future community management of the Crown lands area.

D: 'Attachment 2 - Minutes of the community meeting held at the Wootton Community Centre 13 March 2017'. Provided by the Wootton Community Network.

Attachment 2 – Minutes of the community meeting 13 March 2017

Wootton Community Meeting
3pm, 13 March 2017
Wootton Hall

Present:

Apologies: It was noted that a number of community members were not able to attend but that all homes had been letterboxed to allow community members to vote on the proposal at the meeting and the votes received would be counted at the conclusion of the meeting.

Welcome and Introductions

- Participants were welcomed and introduced to Crown Land Working Group members who had developed the proposals under consideration, and Andrew Braybrook who was attending the meeting on behalf of Mid Coast Council as the current Trustee for Lot 1.

Explanation of why we are meeting and what we need to achieve

- Current discussions triggered by Council decision to return Crown Land to the Crown and community wanting to have control of our facilities.
- Provided a brief history of the site.
- Discussed current situation with 3 Lots each containing various facilities/rental properties. Indicated that the new Trust should seek to cover Lots 1, 144 and 148 to ensure integrated management of the site.
- Discussed the financial risks and opportunities for the community in taking over management of the Crown Land. Confirmed that if rental of the Schoolmaster's House was included as income, managing the facilities should be sustainable. Noted there would also be an opportunity to seek grant funding for big ticket items as required.
- Discussed the three future management options being proposed, namely:
 1. Do Nothing
 - Hall will be boarded up as soon as the Council relinquishes management of the Wootton Community Trust and will no longer be available for community use.
 - Risk that the land will be sold by Crown Lands.
 - Cost of the leases will rise dramatically
 - Risk that the leases will not be renewed
 2. Wootton Community Network (WCN) becomes the Trust manager
 - Unified management of facilities.
 - Additional volunteer hours available from combination of all existing management committees.
 - Existing legal and management structure that could immediately become the Trust manager.
 - Proposal to Crown Land is supported by an organisation that can demonstrate years of success in managing community facilities.
 - Ability to maintain the WCN identity and support community activities outside of Crown Land while using Trust income to maintain and improve facilities on Crown Land.

170403 attachment 2

1

- Ability to market the joint use of the facilities such as the hall and the cafe
3. Create a new independent community association as Trust:
- Additional volunteers will be required for new management committee.
 - Increased challenge in convincing Crown Lands that the new association could successfully manage the site including the facilities.
 - WCN remains a lessee of the Trust.
 - Ability to maintain the WCN identity and support community activities outside of Crown Land while using Trust income to maintain and improve facilities on Crown Land.
 - Facilities will continue to be managed by different organisations with the potential for confusion as to who to contact for hiring purposes and competition to host events etc.

Situation from Council's perspective

- Andrew Braybrook explained the previous Council decision to hand land back to the Crown.
- Indicated that Council would be supportive of a community organisation taking management of the Crown area and willing to assist in a smooth transition process.
- Council would likely find it easier to support WCN becoming the new Trust manager, rather than a new organisation, as WCN has a demonstrated history of responsible facility and financial management.

Situation from the s355 committee perspective

- Caro Badcock explained that the current s355 Committee was formed in 2011 and had been working to better integrate s355 and other community activities.
- Major achievements in that time include obtaining copies of all the school history available in the archives, Wootton 101 Day, tidied up tennis courts, maintain back paddock, quarterly dinners, food swaps, library, bush dances.
- Committee has voted to support a community organisation becoming the new Trust manager and believes there are significant advantages in the WCN becoming that organisation.

Situation from the WCN perspective

- Noted that WCN members had been asked and had agreed to become the new Trust Manager for Lots 1, 144 and 148 if there is community support for this approach.
- WCN is ideally placed to take on this role as it has a 12 year history, ABN, and relevant expertise.
- Believes that consolidating management will be good for progressing Community activities and provide an opportunity to generate enthusiasm for more participation.

Q&A

Key issues raised include:

- Will management of the facilities be integrated? Yes, but will still need a broad range of volunteers to take responsibility for different tasks and facilities – management shouldn't fall onto the existing WCN committee.

- What is the status of the current aboriginal land claim? Current status is unknown but Council previously wrote to the Department of Lands indicating that Lot 144 provided important community facilities that should be maintained. This issue may need to be resolved as part of any transfer.
- Would the WCN status as a not-for-profit be affected by becoming the Trust manager? No.
- Would the income from the site be integrated? Not entirely, Trust income needs to be spent on maintaining Trust facilities whereas broader WCN income can be spent supporting the broader community. This distinction would need to be maintained.

Voting

- The meeting had a break while people cast their votes and votes were counted.
- There were 76 votes in total including people in the room and absentee votes.
- 75 votes were for Option 2, 1 vote was for Option 1.

Next Steps

- WCN Trust Manager - Crown Lands Working Group to work with WCN Management Committee and Council to support the WCN application to become the Trust Manager.

E: 'Attachment 3 - Letter of support from S355 Committee'. Provided by the Wootton Community Network.

Attachment 3 – Letter of support from s355 Committee

3 April 2017

General Manager
Mid Coast Council
Breese Parade
PO Box 450
Forster NSW 2428

Att: Andrew Braybrook, Leonie Cooke

Dear Sir,

Re: Wootton Community Reserve Trust

As you are aware, in March 2014, the then Great Lakes Council resolved to hand management of the Wootton Community Reserve Trust back to the NSW Crown. In response to this decision, members of the Council Section 355 Committee responsible for this area and the Wootton Community Network (WCN) formed the Crown Lands Working Group to investigate options to ensure the Wootton community facilities are maintained for future community use.

With support from Council staff members, the Crown Lands Working Group considered a number of different options for future management of the area. These discussions culminated in three options being put to the community for their consideration, namely a Do Nothing option, the WCN becoming the Trust Manager or creating a new independent community association to become the Trust Manager. Each of these options envisaged that a new Trust would include all three lots of Crown Land in the Wootton village (namely Lot 1, Lot 144 and Lot 148).

At its meeting on 12 March 2017, the s355 Committee voted to support the WCN becoming the new Trust manager, subject to this option being supported by the broader community. We therefore request that Council support a transition from Council being the Trust Manager to the WCN being the Trust Manager with the Trust broadened to include all three lots of Crown Land within the Wootton village.

If you would like to discuss this request further, please contact the Convenor of the s355 Committee Caro Badcock, on 0408415420, email caro_badcock@bigpond.com

Yours sincerely,



Caro Badcock
Convenor

170403 Attachment 3

1

7 DISABILITY INCLUSION ACTION PLAN

Report Author Lyndie Hepple, Community Development Coordinator

File No. / ECM Index Community Services - Disability Inclusion

Date of Meeting 24 May 2017

SUMMARY OF REPORT

The NSW Disability Inclusion Act 2014 (the Act) introduced a new approach to enhance inclusion and access for people with disability, and requires Councils to have Disability Inclusion Action Plans (DIAP) in place by 30 June 2017. A draft Plan has been developed for MidCoast Council and this report seeks to endorse the draft Plan for public exhibition.

SUMMARY OF RECOMMENDATION

That the Draft Disability Inclusion Action Plan be placed on exhibition for 28 days from 24 May 2017 to 21 June 2017.

FINANCIAL/RESOURCE IMPLICATIONS

The Act requires Councils to allocate resources to the implementation of the Plan. Some strategies in the plan may require funding, and in such cases the strategies to secure funding are outlined in the action plan.

LEGAL IMPLICATIONS

The MidCoast Council Disability Inclusion Plan has been developed in compliance with the NSW Disability Inclusion Act 2014.

BACKGROUND

The NSW Disability Inclusion Act 2014 (the Act) introduced a new approach to enhance inclusion and access for people with a disability, and requires Councils to have Disability Inclusion Action Plans in place by 30 June 2017.

The Act also requires that:

- Strategies are developed as a result of consultation with people with disability and their carers
 - Consultation with stakeholders is ongoing
 - Council map its activities to identify gaps and opportunities
 - Disability Inclusion Action Planning is positioned as core business and integrated into the integrated planning and reporting (IP&R) cycle, so that elected members and Council staff at every level consider inclusion of people with disability into their business
 - Councils identify how they will provide a multi-disciplinary, cross-organisation approach to support the disability inclusion action planning
 - resources are allocated for disability inclusion planning development and implementation
 - Governance and accountability structures link disability inclusion planning, implementation and reporting directly to the executive level of Council and to people with a disability in the community
-

- The following four key focus areas be considered in the plan:
 - Positive community attitudes and behaviours
 - Liveable communities
 - Supporting access to meaningful employment
 - Improving access to services through better systems and processes

In developing the draft MidCoast Council Disability Inclusion Plan (the Plan) (see **Attachment A**), community consultation occurred through a number of workshops and feedback options with service providers, carers and people with a disability. The consultations focused on what was and was not working in each of the four focus areas.

Stakeholder feedback was collated and analysed to develop a number of strategies which are outlined in the draft Plan. Apart from strategies for Council, there are a number of ways that others in the community (service providers, community members) can get involved to make a difference.

Council staff members also discussed the activities of their section and identified gaps and opportunities for improvement to the way they work to improve the inclusiveness for people with disability.

The Act provides for a four-year lifespan of the draft Plan. Consultation will continue during the next four years to provide input to the next iteration of the Plan, and to ensure that the strategies outlined remain on track.

It is proposed that the draft Plan be placed on public exhibition for 28 days. Feedback will be collated and the draft Plan will be amended where appropriate to reflect the feedback.

Once adopted, Council is required to:

- Lodge a copy of the Plan with the Disability Council of NSW (by 30 June 2017);
- Include reporting on disability inclusion action planning in our Annual Reports; and
- Forward a copy of the relevant part of the Annual Report to the Minister.

RECOMMENDATION

That the draft Disability Inclusion Action Plan provided in **Attachment A** be placed on public exhibition for 28 days from 24 May to 21 June 2017.

ATTACHMENT

A: Draft Disability Inclusion Action Plan, 2017 to 2021.

Due to its large size Attachment A has been circulated in hard copy only to the Administrator only as a paper conservation measure. However, the Attachment is publicly available on Council's website, copies are available at Council offices and copies are available on request.

8 DONATIONS TO COMMUNITY GROUPS

Report Author Lyndie Hepple, Community Development Coordinator

File No. / ECM Index Community Relations/Donations to Community Associations

Date of Meeting 24 May 2017

SUMMARY OF REPORT

Prior to amalgamation, each of the former Councils delivered community donations/community grants programs in varying forms. These programs provided non-discretionary/fixed donations to a number of community groups, as well as discretionary donations through competitive funding rounds.

Following amalgamation, Council's donations/community grants programs will be harmonised during the 17/18 financial year. In the interim, Council approval is sought to allocate non-discretionary/fixed donations for 2017/18, so that this component of the program is not delayed by the ongoing harmonisation work.

SUMMARY OF RECOMMENDATION

1. That non-discretionary/fixed donations be made to those community groups outlined in this report, for the amounts listed, with payment to be made from the 2017/18 budget; and
2. That \$35,750 of unexpended community grants funding in the former Great Lakes 2016/17 budget be revoted for distribution in 2017/18.

FINANCIAL/RESOURCE IMPLICATIONS

Nil – All donations outlined appear in the draft 2017/18 budget. No additional funding is requested.

LEGAL IMPLICATIONS

Nil

The former Gloucester Shire, Great Lakes and Greater Taree City Councils managed community grants/donations programs in varying forms. These programs included two main components:

- non-discretionary/fixed donations to a number of specific community groups; and
- discretionary donations allocated through competitive funding rounds.

The non-discretionary/fixed donations are outlined below:

Gloucester area:

Barrington & District Progress Association	\$1,000
Westpac Rescue Helicopter	\$2,000
Men's Shed	\$1,000
Gloucester Historical Society	\$2,300
Gloucester Museum	\$3,000
Gloucester Arts and Cultural Council Inc	\$10,000
Rates (subject to outcome of SRV application)	\$1,933

Great Lakes area:

Great Lakes Band	\$3,000
Great Lakes Historical Society support	\$3,000
Bulahdelah Historical Society support	\$1,000
Forster Local Aboriginal Land Council (NAIDOC celebrations)	\$1,000
Surf Club Funding	\$20,000
Forster, Cape Hawke, Pacific Palms, Tea Gardens - \$5,000 per club	
Rates (subject to outcome of SRV application)	\$7,739.94

Taree area:

Surf Life Saving Clubs	\$15,000
Black Head, Crowdy Head, Taree/Old Bar - \$5,000 per club	
Taree Volunteer Rescue Association	\$3,000
GTC Band	\$6,400
Rates (subject to outcome of SRV application)	\$33,127.59

Council's community grants/donations program is scheduled for harmonisation in the 2017/18 financial year in order to align aims, desired outcomes and processes. In the interim, it is proposed that the non-discretionary/fixed components of 2017/18 funds be approved for payment, while the competitive discretionary component of funds be released following harmonisation in the 2017/18 financial year.

Finally, while the 2016/17 budget for discretionary donations in the Taree region were expended as per MIN 16 96, funding in the Great Lakes budget was not fully expended as a result of the merger. It is proposed that this budget be revoted to 2017/18 so that community groups may access these funds in 2017/18 to deliver valuable community projects under the newly-harmonised program.

RECOMMENDATION

1. That non-discretionary/fixed donations be made to those community groups outlined in this report, for the amounts listed, with payment to be made from the 2017/18 budget; and
2. That \$35,750 of unexpended community grants funding in the former Great Lakes 2016/17 budget be revoted for distribution in 2017/18.

9 NAIDOC WEEK 2017

Report Author Lyndie Hepple, Community Development Coordinator

File No. / ECM Index Aboriginal Liaison

Date of Meeting 24 May 2017

SUMMARY OF REPORT

The former Great Lakes Council supported the Forster Aboriginal community's NAIDOC Week celebrations each year with a donation of \$1,000. This report details plans for the 2017 celebrations and seeks approval for the donation of funds from the 2016/17 budget to support delivery of these activities.

SUMMARY OF RECOMMENDATION

That a donation of \$1,000 be given to the Forster Local Aboriginal Land Council towards the 2017 NAIDOC Week celebrations, with funds to be expended from the 2016/17 budget.

FINANCIAL/RESOURCE IMPLICATIONS

Each year \$1,000 is included in Council's budget for this purpose, pending Council's approval of the donation.

LEGAL IMPLICATIONS

Nil

The former Great Lakes Council provided a donation of \$1,000 to the Forster Aboriginal community's NAIDOC Week celebrations on an annual basis, pending Council's annual approval of the funds.

This year, NAIDOC Week runs from 2 to 9 July, and the theme is "*Our languages matter*".

NAIDOC Week celebrations are coordinated by the NAIDOC Interagency Group, comprising members of Tobwabba Aboriginal Medical Service, Forster Local Aboriginal Land Council, Forster Neighbourhood Centre, local Aboriginal elders, and others. In 2017 planned local celebrations are as follows:

Monday 3 July, 9.30am	Flag-raising ceremony at Council's Forster offices, followed by morning tea hosted by the Administrator. The event will include a smoking ceremony and children dancing, with community members explaining the significance of the smoking and dance to those attending
Tuesday 4 July	Community Day at Tobwabba Oval, including activities for children, stalls from service providers and language activities for children
Wednesday 5 July	Community Games - touch footy with Police and children, Elders' games
Friday 7 July	NAIDOC golf challenge (morning) Inaugural Debutants' Ball (evening)

The NAIDOC Week Committee has indicated that the annual donation from Council enhances their planned NAIDOC Week activities and is greatly appreciated.

The CEO of Karuah Local Aboriginal Land Council has previously indicated that there is no need for Council to provide a similar donation to NAIDOC Week activities in the southern region as Port Stephens Council provides this support.

A review of donations across the MidCoast Council area is under way, and a Council-wide approach to NAIDOC week will be developed prior to the 2018 event.

RECOMMENDATION

That a donation of \$1,000 be given to the Forster Local Aboriginal Land Council towards the 2017 NAIDOC Week celebrations, with funds to be expended from the 2016/17 budget.

10 STRONGER COMMUNITIES FUNDING PROGRESS REPORT

Report Author Lyndie Hepple, Community Development Coordinator

File No. / ECM Index Stronger Communities Funding

Date of Meeting 24 May 2017

SUMMARY OF REPORT

The “*Stronger Communities Fund*” was established by the NSW Government to provide merged Councils with funding to kick start the delivery of projects that improve community infrastructure and services. Funding of \$15 million was provided to MidCoast Council by the NSW Government, with \$1 million specifically allocated to a community grants program.

This report outlines the progress of projects funded through Round 1 of the community grants funding program.

SUMMARY OF RECOMMENDATION

That the information in this report be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

The “*Stronger Communities Fund*” was established by the NSW Government to provide merged Councils with funding to kick start the delivery of projects that improve community infrastructure and services. The “*Stronger Communities Fund*” will allow local residents, community groups and MidCoast Council to work together to deliver infrastructure and services that will make a real and lasting difference to our local communities.

MidCoast Council decided to run two separate grant funding rounds of \$500,000 each.

Round 1 of the funding program occurred during 2016 and allocation of funds was approved by Council on 23 November 2016.

Successful applicants are required to complete their projects within 12 months of receiving funding, and are required to report progress to Council.

The spreadsheet provided in **Attachment A** details progress made by round 1 funding recipients, as provided by each of the recipients during April 2017.

Of the 17 funding recipients, 13 remain on track for completion by November 2017. However, there are four projects that are experiencing difficulties:

- Friends of Browns Creek are experiencing difficulty obtaining the necessary Crown Lands Licences and Native Title clearances required before their board walk project can commence. Meetings have been held with Local Member and with Council staff, who are providing assistance.
-

- Great Lakes United Football Club - additional funding from the Asia Cup is required to complete the project. Funding has been applied for and it is anticipated the project will be completed during June/July.
- Hawks Nest Bridge Club. The funding from Stronger Communities was the final funding required to construct a multi-purpose club house. Construction has been delayed by the need to apply for a variation to the DA to amend the hours of operation and the need to notify neighbours. Construction is expected to commence soon.
- Manning Valley Neighbourhood Services (MVNS) - structural and staffing changes at the Taree Court House mean that MVNS have to renegotiate for permission for the project to locate a coffee cart on the premises. Negotiations and planning continues.

Council staff will continue to monitor progress of these projects and provide assistance where possible.

RECOMMENDATION

That the information in this report be noted.

ATTACHMENT

A: Stronger Communities funding - Round 1 progress report.

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.

11 PRIVATE MEMORIALS ON PARK FURNITURE

Report Author Kris Koch, Parks Asset Officer

File No. / ECM Index Parks & Reserves - Memorials Inc War Memorials

Date of Meeting 24 May 2017

SUMMARY OF REPORT

In January 2004, the former Great Lakes Council adopted a Policy, which permitted private memorials to be installed on park furniture. The basis of the policy was to allow the sponsorship of park benches, where in return sponsors could include a small plaque which contained information about who the seat was dedicated too.

To date 143 seats that have been installed in 41 Council reserves in the former Great Lakes area. 'Opportunities' to install further seating are now however all exhausted. This report provides further details in relation to private memorials on parks furniture and indicates the reasons why this program should now cease.

SUMMARY OF RECOMMENDATION

1. That the Private Memorials on Parks Furniture Policy - PRK-009 (former Great Lakes Policy) be rescinded.
2. That Council close the program for private memorials on park furniture and not approve any further applications for memorial plaques on community infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The Private Memorial on Parks Furniture Policy - PRK-009 will need to be rescinded in order to close the program for private memorials on park furniture.

BACKGROUND

In November 2012 a report was presented to the former Great Lakes Council to rescind the Memorial Seat Policy with the following resolution

1. *A further report be presented to Council dealing with policy and procedures directing future sponsorship of public infrastructure with investigations into public art being included, in the report.*
2. *That the Private memorial on Parks Furniture Policy be reviewed on receipt of the above report.*

DISCUSSION

In January 2004, Council adopted a Policy, which permitted private memorials to be installed on park furniture. The basis of the policy was to allow the sponsorship of park benches, where in return sponsors could include a small plaque which contained information about who the seat was dedicated too. There were also strict protocols developed on wording to ensure consistency. A fee was attached to sponsoring the seat, which included all costs of the initial installation and future replacements as funds permitted.

As a means of having seats appropriately located a plan of 'opportunities' was created to highlight areas where seats could be installed. These 'opportunities' are now all exhausted. To date 143 seats that have been installed in 41 council reserves in the former Great Lakes area. Of these, 86 are made from recycled plastic products that require very limited maintenance and 57 are timber. Many of the timber seats have reached the end of their lifecycle and are in need of replacement. These seats will be replaced on an as necessary basis with recycled plastic products.

Under the current policy it states:

"...Private memorial benches and other park furniture covered under this policy are to remain the property of Great Lakes Council and will be reasonably maintained by Council when it is viable to do so. Council retains the right to remove or modify a private memorial bench or other park furniture, or portion thereof, if it is deemed necessary in order to effectively preserve and/or maintain the said memorial" and "Council reserves the right to remove the memorial if the long term management of the item is financially unachievable..."

As the memorial seats are placed on Community Land, Council needs to maintain a balance between memorial and non-memorial infrastructure. Whilst overall the program has been well received there have also been negative comments, particularly in relation to the impact of multiple memorials on the amenity of public areas around the lake and on the break wall and the potential emotional impact on people who may be grieving.

The parks section has looked into other options for private memorials in public spaces such as trees and memorial gardens; however these are not viable alternatives.

As a consequence of the issues raised above it is recommended that Council rescind its current policy Private Memorials on Park Furniture PRK-009 and not allow any further installation of memorial plaques on community infrastructure.

RECOMMENDATION

1. That the Private Memorials on Parks Furniture Policy - PRK-009 (former Great Lakes Policy) be rescinded.
 2. That Council close the program for private memorials on park furniture and not approve any further applications for memorial plaques on community infrastructure.
-

12 MIDCOAST COUNCIL BRANDING

Report Author Jane Ree, Manager Engagement & Communication
File No. / ECM Index s1637
Date of Meeting 24 May 2017

SUMMARY OF REPORT

This report provides an overview of the branding project “What is MidCoast?” that was initiated following the proclamation of MidCoast Council. It provides a summary of engagement activity with community and identifies the brand to be used for MidCoast Council moving forward.

SUMMARY OF RECOMMENDATION

That the new brand for MidCoast Council be noted.

FINANCIAL/RESOURCE IMPLICATIONS

There is no specific budget for the large scale roll out of the new brand, consequently rollout in the first phase will be primarily digital.

It is noted however that several grants have been secured for outdoor signage projects that will incorporate the new brand across a range of outdoor media (eg: environmental signage, heritage signage, outdoor waste projects & safe schools campaign funding) which must be acquitted prior to June 2017.

The second phase of rollout will involve Council plant and signage as it is replaced on an as needs basis.

LEGAL IMPLICATIONS

The introduction of a new logo for MidCoast Council is a key requirement of the Department of Premier & Cabinet for all newly merged Councils.

BACKGROUND

In accordance with the Department of Premier and Cabinet’s requirements for newly amalgamated Councils, a “Request for Quotation” (RFQ) by MidCoast Council was issued for a ‘Branding Strategy’ in August 2016.

MidCoast Council’s Branding Strategy RFQ had two main criteria: (1) a community engagement methodology; and (2) development of a Council brand as an outcome (together with subsequent applications considered for implementation). It is noted that immediately after proclamation, an interim Council logo was put into effect.

For a successful community engagement process to occur, it was determined that a Council brand option could not be the only outcome. Of primary importance was the need to collect community feedback about our new MidCoast identity in order to develop a clear understanding of what is important to, and what is valued by the community about the place they live (ie place qualities and community values). This was considered particularly important given the large geographic size of the Council and the need to bring diverse communities together.

Consequently, the desire to understand MidCoast as a 'place' was the underlying premise of the strategy, where the outcome sort, was a comprehensive unifying brand and branding strategy for MidCoast that would provide a baseline framework for the future development of a Community Strategic Plan for the MidCoast region as well as a new logo for MidCoast Council.

DISCUSSION

The formation of a new region is not an everyday occurrence. It is a complex process that presents a unique opportunity to bring the residents of an area together to identify common themes of identity and place them in order to unify the community to support the direction of the new Council.

As such, the identity project was considered a critical element in generating a whole of region focus on what each of the residents and organisations throughout the region had in common.

The project sought to put out a call to action that focused staff, former Councillors and community organisations on the possibilities and opportunities presented by the newly merged Council. The project presented a meaningful and tangible way for community members to refocus their sense of "loss" on opportunities and the potential for a new future that resulted from the merger.

Engaging the community

Community engagement is a crucial and deeply valued process which gives a voice to those that feel intimately connected to the places in their lives (and the issues which impact those places).

The "What is MidCoast?" campaign was designed to observe, ask questions of, and listen to the community about their perceptions of MidCoast in order to understand their needs and aspirations for MidCoast Council and for the community as a whole, in order to:

- a) Integrate diverse perceptions into a unifying cohesive vision
- b) Translate that vision into an identity and brand for MidCoast Council
- c) Ensure sustainable implementation of the MidCoast Council brand strategy
- d) Provide baseline information from which a new Community plan could be developed.

The alignment of the Community Plan with the brand process was perceived as an efficient way to also capture information from the community about future directions for their region.

All communications regarding the initial "What is MidCoast?" promotion featured the call to action: 'What represents our diverse communities, brings us together and will carry us into the future? TELL US what you value.

The community engagement methodology included:

- A communications strategy and timeline that supported the "What is MidCoast?" community engagement (identity) process through a range of channels including online, email, social media, print (posters, newsletters, local newspapers) and radio broadcast;
- 12 focus groups held with staff and community members throughout the region (each one was over subscribed due to community interest resulting in over 150 participants);

- 6 community meetings;
- The establishment of a steering group (comprised of representatives from each of the focus groups);
- Two online surveys (the first which sought information about identity and generated over 430 responses, the second which sought to determine if the two brand concepts resonated with the community's original feedback and with the brand attributes that had been developed which generated 390 separate responses). The second survey was supported by a video which featured two concepts representing the community determined brand values and attributes.

Community outputs

Outputs from the community engagement undertaken included:

- Key community messages and prioritisation of community goals;
- Perceptions of place from the three former Local Government Areas unified for the new region;
- Identification, clarification and refinement of personality characteristics for MidCoast (brand attributes);
- Identification, clarification and refinement of MidCoast values (brand values);
- Source document of responses to the qualitative online (identity) survey (serving as a reference for Council executive and management – with the recommendation the survey outputs be further analysed for key themes to inform development of the Community Plan and Vision, and future collection of quantitative data);
- Visual design preferences and creative direction (brand essence/promise/creative platform);
- Consolidation of the brand values proposition (brand attributes, values and essence).

Key learnings

- The MidCoast community wants to be consulted, heard and involved in as many ways as possible on all topics and issues considered by the new Council;
- Where local government is unable to meet community expectation or need (eg: MidCoast Council is unable to provide direct funding for community projects involving local places) support in other ways such as partnership should be undertaken with Council;
- Many participants at the initial focus group workshops offered the optimistic feedback that "MidCoast Council could be the shining light of amalgamations";
- The community place high value on the natural environment. The region has many areas of unspoilt nature and incredible natural beauty and the community passionately identifies with the region being a special place, naturally;
- Water is seen as especially important - the coast, Great Lakes, Manning River and Ellenborough Falls - are all held dear for the MidCoast community;
- The World Heritage listed Barrington Tops; Cattai Wetlands, Great Lakes Marine Park, Wingham Brush and the many National Parks are unique environs the community aim and seek to protect, preserve and enjoy for many generations to come;
- 'Where the leaves touch the water' was identified as aptly capturing and metaphorically describing the harmony of nature and the essence of natural connection by local Aboriginal representatives.

The community engagement process revealed the MidCoast community to be characterised by a strong 'sense of community', with some localities having a large number of community groups in proportion to population size. Isolated community hubs exist, with some networking connecting these hubs. Many of these community hubs enjoy their small size and are wary of increased development. Development is welcome, so long as it does not negatively impact the 'unspoilt' nature of the environment and townships. Investment in the region is needed, but any investment should be carefully balanced and managed. Roads and other infrastructure are tired, but 'rural and coastal charm' should be maintained. When a place has not experienced fast investment and development what is nurtured is a preservation of the natural environment, including natural resources and assets. MidCoast's residents see their place as a haven and an escape from the chaotic lifestyles of city living with close proximity to large cities of Newcastle and Sydney.

Brand strategy

MidCoast is a spatial phenomenon encompassing landscapes, waterscapes, townships and everything in between. Giving an identity to this lived concept is very powerful and empowering for its residents and community groups, and will organically grow over time, generating greater loyalty and attachment.

Therefore, it was imperative that development of the brand attributes and brand values authentically arose from engagement with all stakeholders, especially MidCoast's residents and community groups as they demonstrated a high level of local pride for their town or local area.

The Brand

In tandem with the refinement of the brand value proposition (brand attributes, values and essence), the design process for the MidCoast Council brand and logo symbol unfolded. One of the unique characteristics of the MidCoast identity is that an organic style of design was deemed to be the most appropriate approach. Conventionally place brands and government logos or icons are both brightly-coloured and bold – however the final results are deliberately understated. The organic approach is fresh and contemporary and is highly suitable for and reflective of MidCoast's brand essence of 'a natural connection'. The environmental colour palette, resonates with and enhances awareness of MidCoast region's natural flavour.

One of the challenges for the development of the MidCoast brand was to avoid clichéd representations of nature - for example, leaves and water drops which are found at every turn of product and service branding, from handwash to oysters to strata management. To maintain a light, fresh and organic approach for the MidCoast brand, clean lines and simple forms were created. Contemporary, unique approaches to the symbol and designs were explored. Uncomplicated figurative shapes which represented 'natural connection' in some way were preferred as most appropriate.

'A natural connection' encompasses the brand essence of nature/natural/naturally - yet transforms this idea from purely an ecological/environmental reference and expands the scope to include people, social and community connections.

Two brand concepts were developed (**see below**) and presented to community. It is important to note that both options were presented to community via a community survey which sought to only seek feedback surrounding whether either concept reflected the findings of the engagement undertaken around identity.

COMMUNITY IMPACTS

The new brand for MidCoast Council has potential to be more widely extended to usage as a place brand for use by community groups.

Brand Concept 1



Brand Concept 2



ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The findings from the community engagement undertaken will be used to develop and inform the framework of the Community Plan to be adopted by the newly elected Council in late 2017.

TIMEFRAME

The new Council brand will be rolled out as required.

RISK CONSIDERATION

Nil

RECOMMENDATION

That the new MidCoast Council brand as outlined in **Attachment 1** to this report be noted.

ATTACHMENT

A: New MidCoast Council brand.

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 CORPORATE & BUSINESS SYSTEMS

13 ELECTION CANDIDATE CAMPAIGN SIGNAGE POLICY

Report Author Rob Griffiths, Manager, Governance

File No. / ECM Index Governance/Policy Registers

Date of Meeting 24 May 2017

SUMMARY OF REPORT

An Election Candidate Campaign Signage Policy .has been developed for consideration by Council. This Policy has been developed following a review of the former three Council policies in effect prior to the amalgamation of 12th May 2016. It represents a harmonised version of those policies.

The Policy has been prepared to provide guidance to Council Officials, Candidates and political parties to define Council's expectations regarding the erection of election signage in Council road reserve during Federal, State and Local Government elections. It defines the requirement to lodge of a bond and other conditions of compliance.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Election Candidate Campaign Signage Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

There are no legal implications..

BACKGROUND

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a new Policy for the requirements for election candidate campaign signage has been developed.

CONSULTATION

MANEX and the Managers of MidCoast Council have been consulted.

TIMEFRAME

Immediate effect.

RISK CONSIDERATION

This Policy will provide clear guidance which will minimise Council's exposure to the risk of a loss suffered by Council or members of the public by campaign signage erected by election candidates.

RECOMMENDATION

That the attached Election Candidate Campaign Signage Policy be adopted.

ANNEXURES

A: Draft Election Candidate Campaign Signage Policy

Policy

Name of Policy:	Election Candidate Campaign Signage Policy		
Policy code:			
Adoption by Council:		Minute number:	
Last review date:	May 2017		
Review timeframe:	Every 4 years		
Next schedules review date:	May 2021		
Related legislation:	Local Government Act 1993 Local Government Act 1993 Local Government (General) Regulations 2005 Parliamentary Electorates and Elections Act 1912 Election Funding, Expenditure and Disclosures Act 1981		
Associated policies / documents:	State Environment Planning Policy Erection of Election Candidate Campaign Signage Application		
Responsible division:	Corporate & Business Systems Engineering & Infrastructure Services		

Policy Objective

To control the erection of election signage in Council during Federal, State and Local Government elections road reserve areas subject to lodgment of a bond and other conditions of compliance.

Policy Statement

Election posters are permitted in road reserves during election campaign periods if:

- an application is made to do so, accompanied by the payment of a refundable bond
- the signage conforms with the principles outlined in this policy and any guidelines issued by the NSW and Australian Electoral Commissions.

Coverage of the Policy

Candidates and political parties contesting State, Federal or Local Government seats that fall within the boundaries of the MidCoast Council Government Area.

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

Signage shall not be permitted to be erected within:

- Council's managed parks and reserves;
- dividing strip (median strips traffic islands, roundabouts);
- within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or road users ;
- on trees, shrubs or plants;
- on street signs, traffic control signs, parking signs; and
- any place that causes sight obstructions.

Signage must:

- be fastened securely to suitably durable supporting frame so that they cannot become detached in high winds and endanger safety;
- be in good repair and condition at all times; and
- be removed within seven (7) days of the election. Failure to do so will result in removal by Council at a cost to the candidate.

Signage is limited to one sign per candidate or party on private fences, including those adjoining Council land.

Council reserves the right to request the immediate removal of any posters that are considered unacceptable or in an unsuitable location. Failure to comply with the request will result in the removal by Council and charged against the bond amount.

Bond

As specified in Council's adopted Fees & Charges.

Definitions

Election period - four weeks immediately before the date set for polling day and ending at the close of voting on polling day for Local Government elections.

Responsible Officer

Manager Governance

Attachments

Election Candidate Campaign Signage Application

Version 1
Election Candidate Campaign Signage Policy

Page 2 of 2

14 STATEMENT OF BUSINESS ETHICS

Report Author Rob Griffiths, Manager, Governance

File No. / ECM Index Governance/Policy Registers

Date of Meeting 24 May 2017

SUMMARY OF REPORT

A Statement of Business Ethics has been developed for consideration by Council. This Policy has been developed following a review of the former three Council policies in effect prior to the amalgamation of 12th May 2016. It represents a harmonised version of those policies.

The Statement has been prepared to provide guidance to Council Officials and the private sector as to the standard of behaviour that Council expects when conducting business, in accordance with the Code of Conduct,

SUMMARY OF RECOMMENDATION

That Council adopts the attached Statement of Business Ethics.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

There are no legal implications. The Statement will provide guidance and set a minimum standard which will minimise Council's exposure to risk which can occur during business with of the private sector.

BACKGROUND

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a new Statement of Business Ethics has been developed.

CONSULTATION

MANEX and the Managers of MidCoast Council have been consulted.

TIMEFRAME

Immediate effect.

RISK CONSIDERATION

The Statement has been prepared to provide guidance to Council Officials and the private sector as to the standard of behaviour that Council expects when conducting business, and aims to minimise any reputational or financial risks to Council.

RECOMMENDATION

That the attached Statement of Business Ethics be adopted.

ANNEXURES

A: Draft Statement of Business Ethics

Policy

MidCoast
Council

Name of Policy:	Statement of Business Ethics		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:	May 2017		
Review Timeframe:	2 Years		
Next Scheduled Review Date:	May 2019		
Related Legislation:	Local Government Act 1993		
Associated Policies/Documents:	Code of Conduct Gifts and Benefits Policy Secondary Employment Policy		
Responsible Department:	Corporate & Business Services		

Policy Objective

Mid-Coast Council is committed to conducting its business in a professional and ethical manner. This Statement of Business Ethics sets out the standard of behaviour that Council expects from the private sector when conducting business. It is essential that all Council officials (elected members and employees), suppliers, consultants, contractors and their employees, and other business associates work together to maintain and enhance our reputation.

Policy Statement

The Local Government Act 1993 requires every council to adopt a Code of Conduct. The standards within this Statement are based on the standards in Council's Code of Conduct, which applies to all Councillors, administrators, council employees, independent conduct reviewers, members of council committees and delegates who may exercise a Council function.

In dealing with Council you are responsible for maintaining our high ethical standards in all business transactions. These transactions include procurement of goods and services, engagement of contractors and consultants, dealings with development and business applicants and objectors, interaction with political lobbyists and other business partnerships. Council expects all parties to perform their duties with integrity, honesty and fairness.

If, after reading this Statement, you have any questions or are unsure about any matter relating to this Statement, please contact Council's Manager Governance.

Coverage of the Policy

Councillors, administrators, council employees, independent conduct reviewers, members of council committees and delegates who may exercise a Council function

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

This Statement of Business Ethics sets out the standard of behaviour that Council will exhibit and expects from the private sector when conducting business.

What you can expect from Council

As a local government body, MidCoast has a commitment to ensure community funds are expended efficiently, effectively and economically and aims to attain "best value for money" in its business dealings with the private sector.

"Best value for money" is determined by considering all the factors, which are relevant to a particular purpose, for example:

- Experience;
- Quality;
- Reliability;
- Timeliness;
- Service;
- Initial & ongoing costs.

It is important to note that "Best value for money" does not automatically mean the "lowest price". It means the offer that is most advantageous to Council after considering the above factors.

Staff and Councillors are expected to act in accordance with this Code of Conduct and to maintain the highest standards of ethical behaviour consistent with the positions they hold. Equally, suppliers and business partners are expected to demonstrate the equivalent behavioural standards.

You can expect that Councillors and Council staff will:

- Act honestly, openly, fairly and ethically in all their dealings with you;
- Use public resources effectively and efficiently;
- Respect confidentiality of commercial information and privacy of individuals;
- Prevent actual, potential or perceived conflicts of interest;

- Be accountable and act in the public interest;
- Comply with the law including legislation and regulations;
- Comply with Council's policies and procedures including the Code of Conduct and purchasing policies;
- Exercise authority appropriately, lawfully and transparently;
- Not solicit or accept any benefit from a provider for the discharge of official duties;
- Make objective decisions based on merit considering reasonable criteria and only relevant and material facts;
- Promote fair and open competition while seeking best value for money;
- Respond promptly to reasonable requests for advice and information'
- Promote a safe and healthy workplace;
- Fully and clearly document all procurement activities and decisions to provide an effective audit trail to allow for effective performance review of contracts;
- Treat all potential suppliers with impartiality and fairness and give equal access to information and opportunities;
- Not call tenders unless Council has a firm intention to proceed to contract; and
- Report corruption, maladministration and wastage.

What we expect from you

We expect that you will:

- Act professionally, ethically, fairly and honestly in all dealings with Council and in all your dealings on behalf of Council;
- Respect confidentiality of commercial and Council information and privacy of individuals;
- Prevent actual, potential or perceived conflicts of interest and declare such conflicts of interest as soon as you become aware of them;
- Comply with the law including legislation and regulations;
- Comply with this Statement and Council's other policies and procedures;
- Respect the fact that Councillors and Council's staff must comply with Council's Code of Conduct and Council's other policies and procedures;
- Respect the conditions set out in documents supplied by Council;
- Provide us with a quality product or service on time that gives us value for money;
- Be economically, socially and environmentally responsible in the provision of all goods and services;

- Communicate clearly and provide accurate and reliable advice or information in a prompt manner when required;
- Refrain from engaging in any form of collusive practice, including offering Councillors or staff inducements or incentives designed to improperly influence the conduct of their duties;
- Ensure that you do not lobby or seek to influence or pressure Councillors or Council staff during the tender process or consideration of business proposals;
- Talk directly to us about any problems with our relationship and not discuss anything publicly or with the media;
- Respect Council's "Secondary Employment" policy and avoid offering Council employees secondary employment which conflicts with this policy;
- At all times, be courteous towards the public, elected members and employees and not bring the council into disrepute;
- Not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public;
- Ensure that all sub-contractors and other people employed by the supplier are aware of this Statement and the consequences of breaching it;
- Ensure that safety is paramount and that all persons doing work with or for Council will protect their own safety and the safety of others in the work environment and the public arena; and
- Assist Council to prevent unethical practices in our business relationships.

Why you should comply

Council requires all providers of goods and services to comply with this Statement of Business Ethics. The principles of this Statement are consistent with the ethical requirements of other public sector agencies.

This will advance the business objectives and interests of private sector providers in a fair and ethical manner, and will enhance providers' capacity to undertake public sector work with similar compliance requirements in the future.

You should be aware of the consequences of not complying with this Statement of Business Ethics when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts;
- Loss of future work;
- Loss of reputation;
- Investigation for corruption;
- Matter being referred for criminal investigation; and
- Disqualification of tender.

Additional information

Alcohol and Drugs

No one should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their work or cause danger to the safety of themselves or others.

Confidential and personal information

- You must take care to maintain the security of any confidential or personal information you become aware of in your work with Council.
- You must abide by privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with Council.
- Personal information is any information about a person where you know who the person is or you can guess who the person is.
- No one should access, use or remove from Council premises any Council information or personal information, unless they need it for their work with Council and have authorisation to use or disclose the information.
- Any breach of the security, or misuse of Council's confidential or personal information must be reported to Council's Manager Governance (Privacy Contact Officer).

Conflicts of Interest

Council's Code of Conduct defines a conflict of interests as existing "*where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty*". You must avoid or appropriately manage any conflict of interests should they exist or arise in your work with Council.

A conflict would exist where you have a personal interest, or your relative, company, employer or other person known to you has an interest that could lead you to be influenced in the way you carry out your duties for the Council.

Councillors, staff, delegates, consultants, contractors and customers doing business with Council are required to disclose in writing any perceived or actual conflicts of interest and have that recorded on the relevant Council files.

Council Resources

Council resources including materials, equipment, vehicles, documents, records, data and information, are only be used to do work for Council with Council's approval.

Gifts and Benefits

Gifts or benefits should not be offered to any Council official as any such offer may reasonably give perception by the public that the Council official may depart from his or her proper course of duty. Councils Gifts and Benefits Policy discourages the acceptance of any gifts unless the circumstance are such that they cannot be reasonably refused and that they are of token value only. Council officials are required to make a written disclosure of any offers of gifts and/or benefits, whether accepted or refused which will be kept in Council's Gifts and Benefits Register in accordance with Council's Gifts and Benefits Policy.

Cash **must** not be, in any circumstances, offered to a Council official.

Intellectual Property

In business relationships with Council, all parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

Offers of Secondary Employment to Council Staff

If you offer a Council staff member a second job or contract work, whilst they are still employed with Council, the Council staff member will need to seek approval from Council's General Manager in accordance with Council's Secondary Employment Policy.

Approval will not be given if the second job, or contract work, could conflict with their official duties with Council.

Public Comment

You must not make any public comment or statement that would lead anyone to believe that you are representing Council, or expressing its views or policies. This includes comments or statements made at public and community meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

Reporting Corruption Maladministration and Wastage

When contracted to Council you are considered to be a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act and subject to the ICAC's jurisdiction.

When doing work for Council you have a responsibility to report any suspected instances of corruption, maladministration or serious and substantial waste to Council's General Manager or Manager Governance. In some instances this report may constitute a Protected Disclosure under the Protected Disclosures Act 1994 which offers protection to public officials who disclose corruption related matters from reprisal or detrimental action and ensures that disclosures are properly investigated and dealt with.

Alternatively you can report any suspected instances of corruption to the ICAC or maladministration to the Ombudsman.

They can be contacted as follows:

Independent Commission Against Corruption	(02) 8281 5999
NSW Ombudsman	(02) 9286 1000
NSW Department of Local Government	(02) 4428 4100

Corruption occurs when a public official carries out public duties dishonestly or unfairly or anyone does something that could result in a public official carrying out public duties dishonestly or unfairly.

Maladministration is conduct that involves action or inaction of a serious nature that is:

- Contrary to law
- Unreasonable, unjust, oppressive or improperly discriminatory; or
- Based wholly or partly on improper motives.

If you are aware of an elected member, Council staff member or Council contractor breaching the code of conduct, which may not involve corruption, maladministration or waste, you should report this to Council's General Manager, preferably in writing.

Breaches of the Code

Failure to comply with this Statement of Business Ethics may cause penalty clauses in the contract to be invoked and/or civil or criminal proceedings to be brought or other action considered appropriate by Council.

References and Related Documents

Local Government Act 1993
MidCoast Council's Code of Conduct
MidCoast Council's Gifts and Benefits Policy
MidCoast Council's Secondary Employment Policy

Responsible Officer (Position)

Manager Governance

Attachments

Statement of Business Ethics Statutory Declaration

STATUTORY DECLARATION ON

STATEMENT OF BUSINESS ETHICS DECLARATION

The Tenderer must complete and submit this form with tender. All submitted information will be treated as confidential

I, _____ (Print name),

Of _____ (Tendering Organisation),

Do hereby solemnly declare and affirm the following:

1. I hold the position of _____, and am duly authorised by the tendering organisation to lawfully proclaim the following and, after having made due inquiry believe the following to be accurate to the best of my knowledge.
2. The Tenderer and the Tenderer's representatives have read and fully understand the contents and meaning of the Mid-Coast Council Statement of Business Ethics as included as part of these Tender documents.
3. The Tenderer and the Tenderer's representatives agree to be bound by the standards of ethical behaviour as detailed in the Mid-Coast Council Statement of Business Ethics and will not exert pressure nor influence Council staff that may cause them to waiver from Council's *Code of Conduct*.
4. The Tenderer agrees not to directly or indirectly canvass support from an elected Councillor or Council staff member during the formal tender period, or be disqualified.
5. The Tenderer and the Tenderer's representatives agree to have respect for the obligation of Council Staff to act in accordance with the Statement of Business Ethics.

I make this solemn declaration as to the matter aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Signature of Tenderer: _____

Subscribed and declared at: _____

This: _____ **Day of** _____ **(Year)** _____

Before me: _____ (Print name)

Witness: _____ (Signature)

(Justice of the Peace)

15 THIRD PARTY RISK MANAGEMENT AND INSURANCE REQUIREMENTS POLICY

Report Author Rob Griffiths, Manager, Governance

File No. / ECM Index Governance/Policy Registers

Date of Meeting 24 May 2017

SUMMARY OF REPORT

A Third Party Risk Management and Insurance Requirements Policy .has been developed for consideration by Council. This Policy has been developed following a review of the former three Council policies in effect prior to the amalgamation of 12th May 2016. It represents a harmonised version of those policies.

The Policy has been prepared to provide guidance to Council Officials to assess and prescribe the risk management and insurance requirements applicable to third parties based on the type and scope of the proposed activity or service and in line with the requirements specified in this policy.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Third Party Risk Management and Insurance Requirements Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

There are no legal implications. The Policy will provide guidelines which will minimise Council's exposure to risk which can occur in the event of inadequate third party risk management and insurance coverage.

BACKGROUND

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a new Policy for the requirements for third party risk management and Insurance has been developed.

CONSULTATION

MANEX and the Managers of MidCoast Council have been consulted.

TIMEFRAME

Immediate effect.

RISK CONSIDERATION

This Policy will provide clear guidance which will minimise Council's exposure to the risk of a loss suffered by Council or members of the public by third parties conducting activities on Council controlled property or contracted to provide services to or on behalf of Council.

RECOMMENDATION

That the attached Third Party Risk Management and Insurance Requirements Policy be adopted.

ANNEXURES

A: Draft Third Party Risk Management and Insurance Requirements Policy

Policy



Name of Policy:	Third Party Risk Management and Insurance Requirements		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:	May 2017		
Review Timeframe:	4 Years		
Next Scheduled Review Date:	May 2021		
Related Legislation:	Local Government Act 1993 Roads Act 1993		
Associated Policies/Documents:	MCC Risk Management Policy and Framework		
Responsible Division:	Corporate & Business Systems		

Policy Objective

To ensure that third parties conducting activities on Council controlled property or providing services to or on behalf of Council demonstrate sound risk management practices and hold and maintain appropriate insurance so as to protect Council and members of the public in the event that a loss is suffered.

Policy Statement

Council will assess and prescribe the risk management and insurance requirements applicable to third parties based on the type and scope of the proposed activity or service and in line with the requirements specified in this policy.

Council will not issue an approval or enter into a contract unless the third party has satisfied Council's requirements.

Coverage of the Policy

This policy applies to all third parties:

- Conducting activities on Council controlled property; and
- Contracted to provide services to or on behalf of Council.

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

Risk management requirements

Council requires third parties to:

- Undertake adequate risk management practices to mitigate hazards associated with the proposed activity or service to ensure the safety of members of the public and protection of third party and Council owned property.
- As deemed necessary by Council depending on the type and scope of activity, such as for major events, contract works and high risk activities and services, submit a formal risk management plan to Council prior to Council issuing approval for the proposed activity or entering into a contract.

Insurance requirements

Council requires third parties to:

- Provide adequate insurance documentation in a timely manner to evidence that satisfactory insurance is held with a reputable insurer. Insurance documents required may include a Certificate of Currency, Policy Schedule, Policy Wording or Policy Disclosure Statement, details of exclusions to cover and any other relevant documentation requested by Council.

Where documentation cannot be provided by the third party due to confidentiality, the third party's insurer will be required to provide confirmation in writing to Council that adequate insurance is held.

- Where possible and as required, arrange for Council's interests to be noted on relevant insurance policies, for the purpose of indemnifying Council against any claim arising out of the third party's negligence.
- Ensure that their insurance remains effective for the duration of the activity or service so as no gap exists between the expiration date and renewal date and provide updated documentation to Council as soon as practicably possible.
- Ensure that any sub-contractors undertaking works or activities on behalf of the third party also hold the required insurance and provide evidence of such insurance to Council upon request.

Contractor Insurance Management System (CIMS)

As directed by Council and prior to engagement, contractors may be required to register on the web-based Statewide Contractor Insurance Management System (CIMS) and comply with associated processes, procedures and requirements.

Insurance requirements

The following details Council's minimum insurance requirements and does not limit the liability of the third party. Depending on the type and scope of the proposed activity or service and the level of associated risk, Council may require third parties to hold a higher level of insurance than prescribed below.

The insurance required to be held by the third party will be confirmed prior to approval or engagement for the proposed activity or service.

Public Liability Insurance

All third parties conducting activities on Council controlled property or providing services to or on behalf of Council must hold and maintain Public Liability Insurance against the death or injury to any third party or parties or loss of or damage to any property with a limit of indemnity of not less than \$20 million for any one occurrence.

Note: private hirers of facilities owned by Council (not being a sporting body, club, association, corporation or incorporated body), who hire a Council facility for non-commercial or non-profit making purposes, may be afforded cover under Council's Casual & Regular Hirers Liability Insurance Policy. Approval for this cover shall be granted in consultation with Council's Risk & Insurance Co-ordinator and if required with Council's Insurance Advisors.

Other Types of Insurance

Depending on the type and scope of activities or services to be conducted, Council may require third parties to hold and maintain additional insurance, including but not limited to the following:

Type of Insurance	Where insurance may be required	Minimum level of cover
Professional Indemnity	Where the activity or service involves the provision of professional advice, instruction or training	Not less than \$10 million. Service Providers must ensure insurance cover is maintained for a period of 7 years following completion of their contract with Council
Products Liability	Where the activity involves the sale or distribution of products	Not less than \$20 million for any one occurrence
Workers Compensation	Where the third party providing the service has employees	As required by the Workers Compensation Act 1987
Personal Accident Insurance	Where the third party providing the service has no employees and in lieu of Workers Compensation	Minimum weekly benefits of at least 75% of weekly income, death and capital benefits of at least \$250,000 and minimum benefit period of 104 weeks
Motor Vehicle & Plant (registered & unregistered)	Where the activity or service involves the use of motor vehicles or plant	As below
Comprehensively insure all motor vehicles and plant to be used in the performance of the contract against damage to it or loss by theft. The policy shall be for a sum not less than the full market value of the vehicle. In addition, where such vehicles are: <i>Registered Vehicles / Plant</i> <ol style="list-style-type: none">1. Insurance against any injury to any third party or parties under a Compulsory Third Party Insurance as required by the NSW Motor Accidents Act 1988; and2. Insurance against loss of or damage to any property whatsoever caused by the use of the vehicle when being driven by the Service Provider, its employees or any person not employed by the Service Provider. Any damage arising as a result of the plant being used as a "tool of trade" is to be covered by either an extension of the Service Provider's Comprehensive Motor Vehicle Insurance or an endorsement to the Service Provider's Public Liability Insurance.3. The policy shall have a limit of indemnity of not less than \$20million, shall be extended to include "CTP Gap		

Type of Insurance	Where insurance may be required	Minimum level of cover
Coverage Endorsement" cover and shall note the interest of the Principal where possible. <i>Unregistered Vehicles (Plant)</i> All unregistered plant shall be insured either on the Service Provider's Motor Vehicle or general Property insurance for replacement cost for partial or total loss or damage and meet requirements 2. and 3. above for registered vehicles / plant.		
Marine	Where the activity or service involves the use of watercraft	Cover for replacement cost of the boat hull and with a limit for protection and indemnity against the death or injury to any third party of not less than \$10 million for any one occurrence. Provisions for this insurance may be included in a general Public Liability Insurance Policy, but this must be confirmed by the insurance policy holder.
Contract Works	Where construction works are being undertaken for or on behalf of Council	The full contract sum + 20% escalation and/or as determined in accordance with the type and scope of contract works proposed to be undertaken. Council may choose to hold Contract Works Insurance

Requests to vary insurance requirements

Should a third party wish to vary the insurance required by Council, a written request must be submitted to Council for consideration which includes the following:

- A detailed risk assessment in relation to the proposed activity or service to be provided; and
- Valid reasons as to why the level of insurance required by Council is inappropriate or excessive.

Council will not agree to limit the level of third party indemnity to the value of a contract.

Definitions

Activities are defined as including events, commercial hire activities, markets, sporting activities/events, s138 activities within the road reserve (such as road under-boring or hoarding), construction works and the like proposed to be conducted on Council controlled property.

Service is defined as any service or works supplied to or on behalf of Council, including but not limited to the supply of goods, services and equipment, consultancy services, construction works or the like.

Approval is defined as any type of consent issued or agreement or contract entered into by Council for an activity or service to be conducted on Council controlled property, including but not limited to approvals for activities or events, permits, licences, leases for occupation, contract arrangements, s138 activity approvals, hirer and user agreements and the like.

Member of the public is defined to include ratepayers, general community members as well as event spectators and participants.

Council controlled property is defined as any land, facility or infrastructure owned and/or managed by Council, including but not limited to, parks, reserves, beaches, pools, roads, footpaths, public halls and buildings.

Third Party is defined as including, but not limited to, the following:

- All users and hirers of Council owned / managed facilities and controlled property that are not considered 'Casual Hirers', including sporting bodies, clubs, associations, corporations, incorporated bodies, hirers for commercial activities and organisers of events;
- Lessees and licensees of Council controlled property;
- Developers or contractors requesting to undertake activities within the road reserve, eg. s138 Activities such as hoarding, construction or private driveways within the road reserve or the like;
- Service authorities, such as energy and telecommunication providers, requesting to undertake s138 activities within the road reserve, such as under-boring or any service related works;
- Service Providers engaged to provide services to or on behalf of Council such as contractors, consultants and suppliers; and
- Any other person/entity where it is deemed that insurance should be held due to the nature of the proposed activity.

Casual Hirer is defined as a private hirer of facilities owned by Council (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve times per calendar year.

Risk Management is defined as the identification and assessment of risks associated with an activity or service followed by the implementation of controls, such as processes, strategies and systems, to minimise, monitor and manage the probability and/or impact of an unfortunate event occurring and to maximise the realisation of opportunities.

References and Related Documents

Nil

Responsible Officer

Responsibilities in relation to the application and administration of this policy are specified below.

All Council staff responsible for issuing approvals to third parties to conduct activities on Council controlled property or for engaging third parties to provide services to or on behalf of Council are responsible to:

- Undertake an assessment of the type and scope of activity and associated level of risk, and with consideration of the requirements detailed in this policy, determine the relevant risk management and insurance requirements to be met by the third party prior to approval or engagement.
- Ensure determined risk management and insurance requirements, as well as indemnity clauses, are included in relevant application forms, agreements and procurement documentation.
- Ensure the third party has satisfied Council's risk management and insurance requirements prior to approval or engagement.
- Ensure documentation to evidence Council's requirements have been met are provided by the third party and recorded appropriately in Council's electronic records system.

- Monitor the ongoing currency of third party insurance policies to ensure cover does not expire during the course of the activity or engagement and if it does, ensure updated documentation is provided by the third party, reviewed for adequacy and recorded appropriately.

Council's Risk & Insurance Co-ordinator is responsible to:

- Review the risk management and insurance requirements detailed in this policy in line with the established review timeframe and as deemed necessary based on industry standards and local government practices and requirements.
- Provide assistance and advice to Council staff to ensure third parties satisfy the requirements of this policy, including co-ordinating a thorough review of insurance related documentation with special consideration of policy limits and exclusions.

Attachments

Nil

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

Risk management requirements

Council requires third parties to:

- Undertake adequate risk management practices to mitigate hazards associated with the proposed activity or service to ensure the safety of members of the public and protection of third party and Council owned property.
- As deemed necessary by Council depending on the type and scope of activity, such as for major events, contract works and high risk activities and services, submit a formal risk management plan to Council prior to Council issuing approval for the proposed activity or entering into a contract.

Insurance requirements

Council requires third parties to:

- Provide adequate insurance documentation in a timely manner to evidence that satisfactory insurance is held with a reputable insurer. Insurance documents required may include a Certificate of Currency, Policy Schedule, Policy Wording or Policy Disclosure Statement, details of exclusions to cover and any other relevant documentation requested by Council.

Where documentation cannot be provided by the third party due to confidentiality, the third party's insurer will be required to provide confirmation in writing to Council that adequate insurance is held.

- Where possible and as required, arrange for Council's interests to be noted on relevant insurance policies, for the purpose of indemnifying Council against any claim arising out of the third party's negligence.
- Ensure that their insurance remains effective for the duration of the activity or service so as no gap exists between the expiration date and renewal date and provide updated documentation to Council as soon as practicably possible.
- Ensure that any sub-contractors undertaking works or activities on behalf of the third party also hold the required insurance and provide evidence of such insurance to Council upon request.

Contractor Insurance Management System (CIMS)

As directed by Council and prior to engagement, contractors may be required to register on the web-based Statewide Contractor Insurance Management System (CIMS) and comply with associated processes, procedures and requirements.

Insurance requirements

The following details Council's minimum insurance requirements and does not limit the liability of the third party. Depending on the type and scope of the proposed activity or service and the level of associated risk, Council may require third parties to hold a higher level of insurance than prescribed below.

The insurance required to be held by the third party will be confirmed prior to approval or engagement for the proposed activity or service.

Public Liability Insurance

All third parties conducting activities on Council controlled property or providing services to or on behalf of Council must hold and maintain Public Liability Insurance against the death or injury to any third party or parties or loss of or damage to any property with a limit of indemnity of not less than \$20 million for any one occurrence.

It is noted that private hirers ('Casual Hirers') of facilities owned by Council (not being a sporting body, club, association, corporation or incorporated body), who hire a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve times per calendar year may be afforded Public Liability Insurance cover under Council's Casual Hirers Liability Insurance Policy. Approval for this cover shall be granted in consultation with Council's Risk & Insurance Co-ordinator.

Other Types of Insurance

Depending on the type and scope of activities or services to be conducted, Council may require third parties to hold and maintain additional insurance, including but not limited to the following:

Type of Insurance	Where insurance may be required	Minimum level of cover
Professional Indemnity	Where the activity or service involves the provision of professional advice, instruction or training	Not less than \$10 million. Service Providers must ensure insurance cover is maintained for a period of 7 years following completion of their contract with Council
Products Liability	Where the activity involves the sale or distribution of products	Not less than \$20 million for any one occurrence
Workers Compensation	Where the third party providing the service has employees	As required by the Workers Compensation Act 1987
Personal Accident Insurance	Where the third party providing the service has no employees and in lieu of Workers Compensation	Minimum weekly benefits of at least 75% of weekly income, death and capital benefits of at least \$250,000 and minimum benefit period of 104 weeks
Motor Vehicle & Plant (registered & unregistered)	Where the activity or service involves the use of motor vehicles or plant	As below
Comprehensively insure all motor vehicles and plant to be used in the performance of the contract against damage to it or loss by theft. The policy shall be for a sum not less than the full market value of the vehicle. In addition, where such vehicles are: <i>Registered Vehicles / Plant</i> <ol style="list-style-type: none">1. Insurance against any injury to any third party or parties under a Compulsory Third Party Insurance as required by the NSW Motor Accidents Act 1988; and2. Insurance against loss of or damage to any property whatsoever caused by the use of the vehicle when being driven by the Service Provider, its employees or any person not employed by the Service Provider. Any damage arising as a result of the plant being used as a "tool of trade" is to be covered by either an extension of the Service Provider's Comprehensive Motor Vehicle Insurance or an endorsement to the Service Provider's Public Liability Insurance.		

Type of Insurance	Where insurance may be required	Minimum level of cover
3. The policy shall have a limit of indemnity of not less than \$20million, shall be extended to include "CTP Gap Coverage Endorsement" cover and shall note the interest of the Principal where possible. <i>Unregistered Vehicles (Plant)</i> All unregistered plant shall be insured either on the Service Provider's Motor Vehicle or general Property insurance for replacement cost for partial or total loss or damage and meet requirements 2. and 3. above for registered vehicles / plant.		
Marine	Where the activity or service involves the use of watercraft	Cover for replacement cost of the boat hull and with a limit for protection and indemnity against the death or injury to any third party of not less than \$10 million for any one occurrence. Provisions for this insurance may be included in a general Public Liability Insurance Policy, but this must be confirmed by the insurance policy holder.
Contract Works	Where construction works are being undertaken for or on behalf of Council	The full contract sum + 20% escalation and/or as determined in accordance with the type and scope of contract works proposed to be undertaken. Council may choose to hold Contract Works Insurance

Requests to vary insurance requirements

Should a third party wish to vary the insurance required by Council, a written request must be submitted to Council for consideration which includes the following:

- A detailed risk assessment in relation to the proposed activity or service to be provided; and
- Valid reasons as to why the level of insurance required by Council is inappropriate or excessive.

Council will not agree to limit the level of third party indemnity to the value of a contract.

Definitions

Activities are defined as including events, commercial hire activities, markets, sporting activities/events, s138 activities within the road reserve (such as road under-boring or hoarding), construction works and the like proposed to be conducted on Council controlled property.

Service is defined as any service or works supplied to or on behalf of Council, including but not limited to the supply of goods, services and equipment, consultancy services, construction works or the like.

Approval is defined as any type of consent issued or agreement or contract entered into by Council for an activity or service to be conducted on Council controlled property, including but not limited to approvals for activities or events, permits, licences, leases for occupation, contract arrangements, s138 activity approvals, hirer and user agreements and the like.

Member of the public is defined to include ratepayers, general community members as well as event spectators and participants.

Council controlled property is defined as any land, facility or infrastructure owned and/or managed by Council, including but not limited to, parks, reserves, beaches, pools, roads, footpaths, public halls and buildings.

Third Party is defined as including, but not limited to, the following:

- All users and hirers of Council owned / managed facilities and controlled property that are not considered 'Casual Hirers', including sporting bodies, clubs, associations, corporations, incorporated bodies, hirers for commercial activities and organisers of events;
- Lessees and licensees of Council controlled property;
- Developers or contractors requesting to undertake activities within the road reserve, eg. s138 Activities such as hoarding, construction or private driveways within the road reserve or the like;
- Service authorities, such as energy and telecommunication providers, requesting to undertake s138 activities within the road reserve, such as under-boring or any service related works;
- Service Providers engaged to provide services to or on behalf of Council such as contractors, consultants and suppliers; and
- Any other person/entity where it is deemed that insurance should be held due to the nature of the proposed activity.

Casual Hirer is defined as a private hirer of facilities owned by Council (not being a sporting body, club, association, corporation or incorporated body), who hires a Council facility for non-commercial or non-profit making purposes, less frequently than once per calendar month or twelve times per calendar year.

Risk Management is defined as the identification and assessment of risks associated with an activity or service followed by the implementation of controls, such as processes, strategies and systems, to minimise, monitor and manage the probability and/or impact of an unfortunate event occurring and to maximise the realisation of opportunities.

References and Related Documents

Nil

Responsible Officer

Responsibilities in relation to the application and administration of this policy are specified below.

All Council staff responsible for issuing approvals to third parties to conduct activities on Council controlled property or for engaging third parties to provide services to or on behalf of Council are responsible to:

- Undertake an assessment of the type and scope of activity and associated level of risk, and with consideration of the requirements detailed in this policy, determine the relevant risk management and insurance requirements to be met by the third party prior to approval or engagement.
- Ensure determined risk management and insurance requirements, as well as indemnity clauses, are included in relevant application forms, agreements and procurement documentation.
- Ensure the third party has satisfied Council's risk management and insurance requirements prior to approval or engagement.
- Ensure documentation to evidence Council's requirements have been met are provided by the third party and recorded appropriately in Council's electronic records system.

- Monitor the ongoing currency of third party insurance policies to ensure cover does not expire during the course of the activity or engagement and if it does, ensure updated documentation is provided by the third party, reviewed for adequacy and recorded appropriately.

Council's Risk & Insurance Co-ordinator is responsible to:

- Review the risk management and insurance requirements detailed in this policy in line with the established review timeframe and as deemed necessary based on industry standards and local government practices and requirements.
- Provide assistance and advice to Council staff to ensure third parties satisfy the requirements of this policy, including co-ordinating a thorough review of insurance related documentation with special consideration of policy limits and exclusions.

Attachments

Nil

16 ALCOHOL FREE ZONES - ESTABLISHMENT & RENEWAL

Report Author Yvette Ellis, Admin Officer

File No. / ECM Index Alcohol Free Zones

Date of Meeting 24 May 2017

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, and 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, and the necessary statutory requirements be undertaken.
2. Areas to be included in the AFZs to be those on the diagrams at Annexures A, B and C.

FINANCIAL/RESOURCE IMPLICATIONS

Updating signage.

LEGAL IMPLICATIONS

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

DISCUSSION

Council at its meeting on 19 April 2017 resolved to propose the establishment of an AFZ in Tea Gardens, and 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.

CONSULTATION

Following the above resolution the appropriate public consultation process was undertaken as required by the Ministerial Guidelines for the establishment and re-establishment of AFZs, including advertising in newspapers circulating in the local area inviting submissions. No submissions have been received.

With completion of this public consultation process, Council may, by resolution, adopt a proposal to establish an AFZ in Tea Gardens and re-establish AFZs in Hawks Nest, and adjacent to Palmgrove and Collendina Parks in Forster. The resolution itself will establish the zones.

COMMUNITY IMPACTS

Provision has been made in the Local Government Act for the establishment and re-establishment of AFZs which prohibit the consumption of alcohol in public roads, carparks and footpaths within the AFZs. Such a proposal 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 Council must advertise the establishment and re-establishment of AFZs in newspapers circulating in the area. The AFZs may not operate until seven (7) days after publication of this notice and until the signage has been updated.

RECOMMENDATION

That:

1. Council resolve to establish an AFZ in Tea Gardens, and 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, and the necessary statutory requirements be undertaken.
 2. Areas to be included in the AFZs to be those on the diagrams at Annexures A, B and C.
-

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

17 INVESTMENTS REPORT - APRIL 2017
Report Author Phil Brennan, Manager Finance
File No. / ECM Index Investments - Monthly Reports
Date of Meeting 24 May 2017

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.

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 30 April 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 30 April 2017 amounted to **\$5,559,643.19**. The average return on invested funds was 2.09%. It should be noted that this is not a weighted average return.

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

Per rating	Policy Limit	Actual
A1+ or above	100%	50%
A1 or below	65%	50%
Unrated (max. of \$250k)	34%	4%
Per Single Institution		
A1+ or above	80%	37%
A1 or below	34%	21%
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 30 April 2017 was as follows:

	Balance
	(\$'000)
Cash on Hand and at Bank (Ledger balance)	\$1,188
Investment Portfolio (Attachment A)	\$42,608
Total Funds	\$43,796

Investment movements during the month were:

Opening Balance	\$44,508
New Investments	\$3,800
Withdrawn Investments	(\$5,700)
Net Movement Cash at Call	\$0
Closing Balance	\$42,608

The weighted average return on the Taree Office investment portfolio at the end of January 2017 was 2.57%.

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 30 April 2017 amounted \$75,895,486. 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 April 2017.

Investment Type	Opening Balance 01/04/2017	Movement	Closing Balance 30/04/2017	Portfolio %
Term Deposits	\$47,000,000	-\$3,000,000	\$44,000,000	57.97%
Managed FRNs & FTDs	\$28,800,000	\$0	\$28,800,000	37.95%
On Call Deposits	\$3,090,682	\$4,804	\$3,095,486	4.08%
Total	\$78,890,682	-\$2,995,196	\$75,895,486	100.00%

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	\$3,095,486	4.08%	Cash Rate (1.74%)	2.10%	On Call Accounts
0-3 Months	\$23,750,000	31.29	BBSW +20-40 (1.94%)	2.80%	Term Deposits, FRNs, FTFDs
3-6 Months	\$20,250,000	26.68%	BBSW +30-50 (2.04%)	2.86%	Term Deposits, FRNs, FTDs
6-12 Months	\$5,300,000	6.98%	BBSW +40-60 (2.14%)	2.81%	Term Deposits, FRNs, FTDs
1-2 Years	\$1,000,000	1.32%	BBSW +80-100 (2.54%)	3.04%	Term Deposits, FRNs, FTDs
Greater	\$22,500,000	29.65%	BBSW +100 (2.74%)	3.12%	Term Deposits, FRNs, FTDs
Total	\$75,895,486	100.00%			

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.

Long Term Credit Rating	% of Portfolio	Short Term Credit Rating	% of Portfolio
AA	13.18%	A1	26.48%
A	8.89%	A2	37.28%
BBB & Unrated	7.58%	Unrated	6.59%
Total	29.65%	Total	70.35%

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.

Office	Amount Invested
Gloucester Office	\$5,559,643
Taree Office	\$42,608,729
Forster Office	\$75,895,486
Total	\$124,063,858

RECOMMENDATION

That the report be received and noted.

ANNEXURES

A: Mid-Coast Council Investments at 30 April 2017

Investment Date	Interest Rate	Security Type	Duration	Amount Invested	Maturity Date	Held With	Credit Rating
Financial Securities as at 30 April 2017							
FORSTER OFFICE INVESTMENTS							
Floating Rate Notes							
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+
				\$22,800,000.00			
Floating Rate Notes							
Floating Term Deposits							
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
				\$4,000,000.00			
Floating Term Deposits							

<u>On Call Bank Accounts</u>										
30/04/2017	1.4000%	On call							A1/AA+	
30/04/2017	2.1100%	On call				\$52,714.83			A1/AA+	
		On Call				\$3,042,771.00			A1/AAA	
						\$3,095,485.83				
Term Deposits										
14/11/2016	2.7000%	Term Deposit	185			\$1,750,000.00	18/05/2017	AMP	A1/A+	
16/03/2017	2.9500%	Term Deposit	189			\$1,250,000.00	21/09/2017	AMP	A1/A+	
16/02/2017	2.8000%	Term Deposit	182			\$1,000,000.00	17/08/2017	Bananacoast CU	NR	
5/01/2017	2.7500%	Term Deposit	182			\$1,000,000.00	6/07/2017	Bank of Queensland	A1/AA	
20/07/2017	2.7000%	Term Deposit	182			\$1,000,000.00	19/10/2017	Beyond Bank	A2/BBB+	
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+	
9/03/2017	2.6700%	Term Deposit	203			\$1,000,000.00	28/09/2017	Greater Bank	A2/BBB	
12/01/2017	2.8000%	Term Deposit	189			\$1,000,000.00	20/07/2017	ING	A1/AA	
23/10/2014	5.5400%	Term Deposit	1096			\$1,000,000.00	23/10/2017	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+	
27/04/2017	2.7000%	Term Deposit	189			\$1,000,000.00	21/11/2017	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	
25/11/2016	2.7400%	Term Deposit	182			\$1,000,000.00	26/05/2017	My State Bank	A2/BBB	
25/11/2016	2.7400%	Term Deposit	188			\$1,000,000.00	1/06/2017	NAB	A1/AA	
7/10/2016	2.8000%	Term Deposit	300			\$1,000,000.00	3/08/2017	NAB	A1/AA	
9/01/2017	2.8000%	Term Deposit	185			\$1,000,000.00	13/07/2017	NAB	A1/AA	
3/03/2017	2.7500%	Term Deposit	195			\$1,000,000.00	14/09/2017	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	2.6000%	Term Deposit	196			\$1,000,000.00	7/09/2017	Police Credit Union SA	NR	
13/10/2016	2.6500%	Term Deposit	203			\$1,000,000.00	4/05/2017	Rural Bank	A2/BBB+	
6/12/2016	2.8000%	Term Deposit	212			\$1,000,000.00	6/07/2017	St George	A1/AA-	
		Term Deposits				\$27,000,000.00		Suncorp	A1/A+	

<u>Stronger Communities Investments</u>									
20/04/2017	2.7000%	Term Deposit	175	\$1,000,000.00	12/10/2017	Beyond Bank	A2/BBB+		
20/04/2017	2.5500%	Term Deposit	154	\$1,000,000.00	21/09/2017	ME Bank	A2/BBB+		
20/04/2017	2.5500%	Term Deposit	161	\$1,000,000.00	28/09/2017	NAB	A1/AA		
20/04/2017	2.6000%	Term Deposit	147	\$1,000,000.00	14/09/2017	Queensland Police Credit Union	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+		
25/11/2016	2.7600%	Term Deposit	195	\$1,000,000.00	8/06/2017	Suncorp	A1/A+		
22/12/2016	2.8000%	Term Deposit	182	\$2,000,000.00	22/06/2017	AMP	A1/A+		
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+		
23/12/2016	2.8500%	Term Deposit	188	\$2,000,000.00	29/06/2017	My State Bank	A2/BBB		
27/06/2016	BBSW+148	FRN		\$1,000,000.00	18/05/2021	Bank of Queensland	A1/AA		
				\$15,000,000.00					

<u>Implementation Funds Investments</u>									
27/10/2016	2.7500%	Term Deposit	365	\$1,000,000.00	27/10/2017	Bananacoast 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		
				\$4,000,000.00					
				\$75,695,485.83					

<u>GLoucester Office Investments</u>									
TOTAL FORSTER OFFICE INVESTMENTS									
<u>Term Deposits</u>									
14/03/2017	2.6100%	Term Deposit	210	\$1,000,000.00	10/10/2017	Bankwest	A1+		
17/01/2017	2.5500%	Term Deposit	126	\$250,000.00	23/05/2017	NAB	A1+		
24/01/2017	2.5500%	Term Deposit	147	\$500,000.00	20/06/2017	Bankwest	A1+		
31/10/2017	2.8500%	Term Deposit	126	\$250,000.00	6/06/2017	Bank of Sydney	unrated		
21/02/2017	2.6500%	Term Deposit	140	\$500,000.00	11/07/2017	ME Bank	A2		
21/03/2017	2.5900%	Term Deposit	182	\$506,482.19	19/09/2017	People's Choice Credit Union	A2		
4/04/2017	2.5000%	Term Deposit	112	\$500,000.00	25/07/2017	ME Bank	A2		
11/04/2017	2.7000%	Term Deposit	197	\$500,000.00	25/10/2017	Beyond Bank Australia	A2		
20/12/2016	2.5500%	Term Deposit	140	\$250,000.00	9/05/2017	Bankwest	A1+		
6/12/2016	2.8000%	Term Deposit	210	\$500,000.00	4/07/2017	Suncorp	A2		
				\$4,756,482.19					

On Call Bank Accounts
31/03/2017

1.6500%	On Call	\$803,161.00
	On Call Deposits	\$803,161.00

TOTAL GLOUCESTER OFFICE INVESTMENTS

\$5,559,643.19

TAREE OFFICE INVESTMENTS

Term Deposits									
2/5/2017	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+		
23/02/2017	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	118	\$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-		
22/03/2017	2.5000%	Term Deposit	112	\$1,100,000.00	12/07/2017	Newcastle Permanent	A2/BBB+		
30/03/2017	2.5000%	Term Deposit	97	\$1,208,729.12	5/07/2017	Newcastle Permanent	A2/BBB+		
6/04/2017	2.5300%	Term Deposit	97	\$1,500,000.00	12/07/2017	NAB	A1+/AA-		
12/04/2017	2.5500%	Term Deposit	98	\$2,300,000.00	19/07/2017	Members Equity Bank Pty Ltd	A2/BBB+		
19/04/2017	2.6500%	Term Deposit	91	\$2,000,000.00	19/07/2017	Beyond Bank	A2/BBB+		
21/04/2017	2.5300%	Term Deposit	96	\$1,000,000.00	26/07/2017	NAB	A1+/AA-		
27/04/2017	2.6500%	Term Deposit	90	\$1,300,000.00	26/07/2017	Beyond Bank	A2/BBB+		
		Term Deposits		\$42,608,729.12					
TOTAL TAREE OFFICE INVESTMENTS				\$42,608,729.12					

TOTAL MID-COAST COUNCIL INVESTMENTS

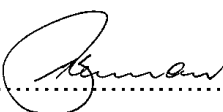
\$124,063,858.14

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 April 2017.



.....

Phil Brennan
Responsible Accounting Officer
10 May 2017

18 2016-17 LOAN BORROWINGS

Report Author Colin McKillop-Davies, Financial Accountant

File No. / ECM Index 2016-2017 Loan Borrowings

Date of Meeting 24 May 2017

SUMMARY OF REPORT

This report seeks approval from Council to borrow from a financial institution to fund works undertaken by MidCoast Council during 2016-17.

Requests have been submitted to TCorp and the major lending authorities inviting them to submit proposals to provide the funds to Council. The objective of this is to obtain the most attractive interest rate available.

In the current economic climate interest rates offered in respect to loan borrowings are only valid for a few days and as such the indicative offers will not be received until the 22 May 2017.

Additional information regarding the most attractive actual offer received will be tabled at the meeting.

SUMMARY OF RECOMMENDATION

1. That this initial information be noted and following the tabling of actual offers that Council accept the most advantageous offer.
2. That the Common Seal of Council be affixed to the necessary loan documentation

FINANCIAL/RESOURCE IMPLICATIONS

These borrowings are required to fund works undertaken during the 2016-17 financial year. Failure to undertake these borrowings will have a significant impact on Council's financial position. The budget for MidCoast Council was prepared on the basis that these borrowings would occur.

LEGAL IMPLICATIONS

Council approval is required to borrow funds. Council will be required to authorise the fixing of the Common Seal to the necessary documents and advise the Office of Local Government when loan funds have been received.

BACKGROUND

MidCoast Council's 2016-17 budget includes loan borrowings of \$9,435,771. These proposed borrowings were included in the relevant Operational Plan, advertised and adopted.

Council's original budget included proposed borrowings of \$3,000,000 in regard to the civic precinct however such are not required as additional external funding has been obtained reducing the total loan borrowings to \$6,435,771.

The \$6,435,771 is to fund the following capital works:

Waste Services	\$3,500,000
Urban Roads	\$820,000
Rural Roads	\$318,356
Rural Bridges	\$300,000
Regional Roads	\$750,000
Cycleways	\$250,000
Stormwater	\$332,350
Traffic Management	\$165,065

Requests have been submitted to TCorp and the major lending authorities inviting them to submit proposals to provide the funds to Council. The objective of this is to obtain the most attractive interest rate available.

In the current economic climate interest rates offered in respect to loan borrowings are only valid for a few days and as such the indicative offers will not be received until the 22 May 2017.

Additional information regarding the most attractive actual offer received will be tabled at the meeting.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The intention to borrow these funds was advertised and adopted as part of the 2016-17 Operational Plan for MidCoast Council (former Great Lakes and Greater Taree Councils).

RECOMMENDATION

1. That this initial information be noted and following the tabling of actual offers that Council accept the most advantageous offer.
 2. That the Common Seal of Council be affixed to the necessary loan documentation
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19 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Financial Management - Management Plan Quarterly Reports

Date of Meeting 24 May 2017

SUMMARY OF REPORT

This report presents the Quarterly Budget Review Statement (QBR) for the period to 31 March 2017 to Council for consideration, as required by Clause 203(1) of the Local Government (General) Regulation 2005.

SUMMARY OF RECOMMENDATION

That the Quarterly Budget Review Statement for the period to 31 March 2017 be noted and the budget variations proposed, including transfers to and from reserves be approved.

FINANCIAL/RESOURCE IMPLICATIONS

After the completion of the March 2017 QBR Council's projected budget result is a surplus of \$625,266. There are variations across the budget and the material variations are outlined in the report.

LEGAL IMPLICATIONS

Council is required by legislation to prepare quarterly budget review statements including an opinion by the Responsible Accounting Officer as to whether the financial position of the Council is considered to be satisfactory.

BACKGROUND

This report presents the Quarterly Budget Review Statement (QBR) for the period to 31 March 2017 to Council for consideration, as required by Clause 203(1) of the Local Government (General) Regulation 2005.

The Quarterly Budget Review Statements (Annexures A and B) for the quarter ended 31 March 2017 provides information on Council's projected financial position for the year ending 30 June 2017.

As Council is aware the 2016/2017 budget consists of the 3 separate budgets that were prepared and relate to the former Councils. Following the amalgamation on 12 May 2016 guidance from the Department of Premier and Cabinet was that the Operational Plan and budget of the new Council was to be a composite of the former Councils. Council is still operating 3 separate financial computer systems, so this review has been conducted by reviewing each of those budgets and combining the results to provide a consolidated report.

The adopted budget position was as follows:

Office	Original Budget Result
Forster	\$0 (Balanced)
Gloucester	\$4,417 (surplus)
Taree	\$258,149 (surplus)
Combined	\$262,566 (surplus)

This gave a combined projected budget result of a surplus of \$262,566. It should be noted that this was an operational budget position and did not include the impact of non-cash items such as depreciation.

The September QBRS (previously reported) also included the impact of the 2015/2016 re-votes which were approved by Council at its October 2016 Ordinary meeting. A total of \$27,570,451 of operating and capital expenditure was added into the adopted 2016/2017 budget. These expenditures were funded by a variety of sources including unexpended revenue, environmental levy, section 94 contributions, grant funding and restricted assets.

DISCUSSION

The adjustments proposed to the 3 office budgets following the completion of the March Review are set out in the table below. These are for the material items, there are some smaller offsetting adjustments between line items and small income and expenditure items with a value under \$500 that have not been separately identified.

Reduced Costs / Increased Revenue	\$
<i>Taree Office</i>	
LRC Professional Development Expenses - Budget saving projected to year end. No further expenditure required on this item as LRC cease operation at 30 June 2017.	(11,017)
Interest on Investments - Additional interest projected to be earned on invested funds for financial year	(100,000)
Audit Fees - Budget consolidated in Forster Office - saving on 16/17 expense.	(32,725)
RFS Expenses - Budget removed from Taree system and consolidated in Forster system.	(411,900)
Diesel Fuel Rebate - Additional income received in excess of original budget.	(40,000)
Staff Expenses - Mechanical Services - increase allocation of staff wages to jobs and plant.	(100,000)
Fleet - Motor Vehicles - Decrease expenditure for fuel and insurance on motor vehicles following review of current trends.	(70,000)
Fleet - Light Trucks / Vans - increase plant hire income arising from additional allocation of plant usage to works.	(30,000)
SES Building Expenses - Reduction of budget from Taree system following consolidation of SES budget in Forster system.	(15,900)
Fees & Charges - Asset Planning - Net Additional income received for Development Application & Construction Certificates with decrease in Subdivision Fees.	(50,000)
Fees & Charges - Building Services - Net increase in Building Services income.	(7,000)
Fees & Charges - OSSM - Increase in fees projected from On-Site Sewage Management.	(23,600)
Fees & Charges - Beach Permits - Additional Income projected to year end.	(30,000)
Staff Costs - Aboriginal Program - Reduction of budget following vacancy in position	(48,600)
<i>Gloucester Office</i>	
Corporate Support Salaries - reduce salaries budgets for vacancies including in IT - transfer to Merger Savings Reserve.	(117,758)
Engineering Support Salaries - reduce salaries budget for vacancies - transfer to Merger Savings Reserve	(48,000)
Human Resources Expenses - Savings in expenditure votes from decrease in external activity.	(8,000)

Reduced Costs / Increased Revenue	\$
<i>Forster Office</i>	
Tuncurry Depot Lease Income - Additional income from continuation of lease of part of Tuncurry depot site to MCW.	(25,000)
Beach Vehicle Licence Fees - Additional income projected to be received by 30 June 2017 based on current trends.	(65,000)
Compliance Section Staff - Budget saving in operating budget due to vacancy in this area.	(87,200)
Fees & Charges - OSSM - Additional income projected to be received by 30 June 2017 based on current trends.	(5,000)
Income - Development Assessment - increase in projected income based on current trends.	(41,000)
Human Resources - Recruitment - Savings in operational budgets - due to minimal external recruitment of staff due to amalgamation.	(5,637)
Insurance Rebates / Refunds - income received from Council's insurers being premium adjustments and incentive payments for performance.	(152,721)
Nabiac Showground - Fess & Charges - additional income to be received from regular cattle sales conducted at facility.	(18,000)
Transfer from Legal Expenses Reserve - to cover additional development planning legal expenditure.	(50,000)
Additional Costs / Decreased Revenue	
<i>Taree Office</i>	
Rates Income - Decrease income from interest on overdue rates due to lower outstanding amounts.	5,000
Recruitment Costs - reinstatement of part of previous budget. External recruitment for staff has commenced earlier than expected with subsequent need for budget to 30 June 2017.	6,390
Staff Costs - Trade Services - internal reallocation of apprentice wages.	60,000
Staff Costs - Community Spaces & Services - adjust salary votes following filling of positions within structure	40,000
Grant Income - Youth Programs - reduce grant income to cater for refund of unexpended grant from previous years following reconciliation of program.	9,900
<i>Gloucester Office</i>	
Transfer to Merger Savings Reserve - savings from merger	165,758
<i>Forster Office</i>	
Staff Salaries - Various Cost Centres - net increase in salary budgets arising from filling of new structures during 2016/2017 including transfer of staff from other offices into Forster budget.	82,500
Traffic Management Facilities Program - Introduce expenditure program with off-setting 50% grant funding.	18,000
State Emergency Services - Consolidate SES expenditure from Taree and Gloucester offices into Forster budget.	118,557
Rural Fire Service - consolidate expenditure and grant funding from Taree and Gloucester budgets within Forster budget.	358,091
Development Assessment Legal Expenses - Increase budget to meet legal expenses associated with action taken in respect of illegal activity.	53,600
Cemetery Income - Net decrease in cemetery income anticipated across council cemeteries based on current trends.	21,763
Superannuation - additional expenditure projected based on changes to staff structures arising from amalgamation during 2016/2017.	78,000
Consultative Committee Expenses - additional budget required to cover costs of extra meetings necessary while progressing through merger activities.	12,000

Reduced Costs / Increased Revenue	\$
Coolonglook Sporting Fields - Additional funds required for completion of toilet block - contract variation.	17,000
Nabiac Showground - Additional funding proposed to be allocated to renewal works associated with cattle yards at facility	50,000
Adjustments which do not impact on projected result	
Taree Office	
Economic Development Projects - transfer 2016/2017 budget to reserve to provide funding for projects and matching funding for grant opportunities in 2017/2018.	410,000
Taree War Memorial Clock - Include project expenditure and grant funding in budget	7,582
Wingham Town Hall - Include project expenditure and grant funding in budget	8,955
Wingham Library - include project expenditure and funding from OEH in budget.	64,168
Australian Technical College - include budget for urgent roof repairs and funding from sale of goods at Australian Technical College.	55,200
Landstock - remove expected income from sale of land from budget and corresponding transfer to reserve of the sale proceeds.	600,000
Art Gallery - transfer occupancy expenses not required this year to building maintenance for urgent works.	10,000
Gloucester Office	
Bucketts Way Road Program - Bring additional works not originally planned for 2016/2017 into budget including corresponding grant funds.	906,474
Forster Office	
Land Development - Civic Precinct - Legal Costs - transfer of funds from capital expenditure to legal fees associated with advice and services provided on Civic Precinct project.	100,000
Economic Development Grant Projects - bring grant income and expenditure into budget.	100,000
Merger Implementation Costs - Decrease budget in 2016/2017 to reflect actual current year expenditure. Balance placed in reserve and will be utilised in 2017/2018 budget.	2,500,000
Stronger Communities Fund - Decrease budget in 2016/2017 to reflect actual current year expenditure. Balance placed in Reserve and will be utilised in 2017/2018 and 2018/2019 budgets in accordance with expenditure plans.	14,628,136

The budget result for the 3 offices following the completion of the March Quarterly Budget Review is as set out below. It shows the original budget position, September result, December result, March result and projected 30 June year end result.

Office	Original Budget	September Result	December Result	March Result	Projected 30 June Result
Forster	\$0	\$323,779 (deficit)	\$129,960 (surplus)	\$415,481 (deficit)	\$609,300 (deficit)
Gloucester	\$4,418 (surplus)	\$39,368 (deficit)	\$23,360 (surplus)	\$26,574 (deficit)	\$38,164 (deficit)
Taree	\$258,149(surplus)	\$44,147 (surplus)	\$119,382 (surplus)	\$851,052 (surplus)	\$1,272,730 (surplus)
Combined	\$262,567(surplus)	\$319,000 (deficit)	\$272,702 (surplus)	\$408,997 (surplus)	\$625,266 (surplus)

This projected result is considered to be reasonable given that the major savings have been transferred into a Merger Savings Reserve. Further information on the balance of this Reserve is provided later in this report.

Merger Savings Reserve

As mentioned above, savings resulting from the merger have been transferred into a Merger Savings Reserve. This is a way of capturing the hard dollar savings which can then be reallocated into projects or to merger implementation costs should the initial \$5 million State Government Implementation Fund be fully expended.

A decision was also taken that redundancy expenditure should be expensed against the Implementation Fund rather than against the salary budget provided within each of the offices budgets.

At the completion of the March Review the following amounts had been transferred into the Merger Savings Reserve.

Office	\$
Forster	581,137
Gloucester	772,685
Taree	1,148,759
Combined	2,502,581

Responsible Accounting Officer's Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the Quarterly Budget Review Statement for Mid-Coast Council for the quarter ended 31 March 2017 indicates that Council's projected financial position at 30 June 2017 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

SIGNED:

DATE: 16 May 2017



**Phil Brennan
Responsible Accounting Officer
Mid-Coast Council**

RECOMMENDATION

That the Quarterly Budget Review Statement for the period to 31 March 2017 be noted and the budget variations proposed, including the transfers to and from reserves be approved.

ANNEXURE:

A: Quarterly Budget Review Statements

Mid-Coast Council		Quarterly Budget Review Statement for the period 01/01/17 to 31/03/17						
Income & Expenses Budget Review Statement								
Budget review for the quarter ended 31 March 2017								
Income & Expenses - General Fund								
(\$000's)	Original Budget 2016/17 000'	Changes Revised 000'	Sep QBRs 000'	Dec QBRs 000'	Revised Budget 2016/17 000'	Variations for this Mar Qtr 000'	Projected Year End Result 000'	Actual YTD figures 000'
Income								
Rates and Annual Charges	86,526		11	268	86,805	218	87,023	87,004
User Charges and Fees	12,976		(731)	(326)	11,919	258	12,177	9,848
Interest and Investment Revenues	3,294		10	464	3,768	87	3,855	2,583
Other Revenues	12,412		(87)	344	12,669	98	12,767	11,364
Grants & Contributions - Operating	28,428	1,455	4,399	105	34,387	442	34,829	28,887
Grants & Contributions - Capital	12,922	3,939	11,224	1,441	29,526	1,788	31,314	13,181
Net gain from disposal of assets	2,117			350	2,467	(600)	1,867	1,416
Total Income from Continuing Operations	158,675	5,394	14,826	2,646	181,541	2,291	183,832	154,283
Expenses								
Employee Costs	49,816	451	(1,045)	189	49,411	(339)	49,072	38,511
Borrowing Costs	3,657		6	16	3,679	(253)	3,426	2,390
Materials & Contracts	46,744	7,907	4,056	5,123	63,830	(3,943)	59,887	49,580
Depreciation	41,050			2,620	43,670		43,670	20,451
Other Expenses	17,010	165	(1,414)	930	16,691	115	16,806	8,081
Net Loss from disposal of assets								
Total Expenses from Continuing Operations	158,277	8,523	1,603	8,878	177,281	(4,420)	172,861	119,013
Net Operating Result from Continuing Operation	398	(3,129)	13,223	(6,232)	4,260	6,711	10,971	35,270
Discontinued Operations - Surplus/(Deficit)								
Net Operating Result from All Operations	398	(3,129)	13,223	(6,232)	4,260	6,711	10,971	35,270
Net Operating Result before Capital Items	(12,524)	(7,068)	1,999	(7,673)	(25,266)	4,923	(20,343)	22,089

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2017 and should be read in conjunction with the total QBRs report

B: Quarterly Budget Review Statements

Mid-Coast Council		Quarterly Budget Review Statement for the period 01/01/17 to 31/03/17						
Capital Budget Review Statement								
Capital Budget - General Fund								
Budget review for the quarter ended 31 March 2017								
(\$000's)	Original Budget 2016/17 000'	Approved Changes Revoted 000'	Sep QBRs	Dec QBRs	Revised Budget 2016/17 000'	Variations for this Mar Qtr 000'	Projected Year End Result 000'	Actual YTD figures 000'
Capital Expenditure								
New Assets								
- Plant & Equipment	250	1,444		(100)	1,594	30	1,624	60
- Land & Buildings	3,214	3,217	5,866	(120)	12,177	(57)	12,120	5
- Roads, Cycleway & Other Infrastructure	872	215		733	1,820	156	1,976	1,400
- Landfills	4,725	2,533		(598)	6,660		6,660	2,983
- Cemeteries	100				100		100	
Renewal Assets (Replacement)								
- Plant & Equipment	3,759	301			4,060	(4)	4,056	1,964
- Land & Buildings	676	662	16	19	1,373	11	1,384	8,291
- Roads, Cycleway & Other Infrastructure	23,206	7,576	6,992	19,566	57,340	(11,655)	45,685	10,273
- SRV Gloucester Renewal	1,143		(271)		872		872	445
- Library Books, Office equipment etc	290	140	(10)		420	(1)	419	81
- Computer Upgrades	235	4	5		244		244	186
- Tuncurry CDD Improvements								
- Cemeteries								
Loan Repayments (Principal)	10,041		17		10,058	16	10,074	7,734
Transfer To Reserves	4,478		539	458	5,475	78	5,553	1,510
Other Expenditure	885	2,931	3	90	3,909	114	4,023	1,536
Other Expenditure Waste								
Total Capital Expenditure	53,874	19,023	13,157	20,048	106,102	(11,312)	94,790	36,468
Capital Funding								
Rates & Other United Funding	25,428		668	85	26,181	513	26,694	26,694
Capital Grants & Contributions	14,571	4,403	11,100	1,157	31,231	1,788	33,019	12,833
Reserves:								
- External Restrictions/Reserves	79	2,045		484	2,608	(40)	2,568	2,568
- Internal Restrictions/Reserves	2,243	9,370	1,389	18,972	31,974	(12,973)	19,001	19,001
Loans	9,436	3,205		(1,000)	11,641		11,641	2,205
Receipts from Sale of Assets								
- Plant & Equipment & Land & Buildings	2,117			350	2,467	(600)	1,867	1,066
Total Capital Funding	53,874	19,023	13,157	20,048	106,102	(11,312)	94,790	64,367
Net Capital Funding - Surplus/(Deficit)								
								27,899

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31 March 2017 and should be read in conjunction with the total QBRs report

CLOSED COUNCIL

20 REPLACEMENT OF PLANT - P386 BITUMAN PATCHING TRUCK

Report Author Paul Langley, Coordinator Mechanical Services

File No. / ECM Index Purchasing Major Plant

Date of Meeting 24 May 2017

REASON FOR CONFIDENTIALITY

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

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

Quotation details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by suppliers 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 quotations or the assessment process. Suppliers 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 suppliers could result in the withholding of such information by suppliers and reduction in the provision of information relevant to Council's decision.

21 TENDER FOR SUPPLY, DELIVER & PLACEMENT OF ASPHALT CONCRETE AS A PANEL CONTRACT

Report Author Stuart Small, Senior Project Manager

File No. / ECM Index Summaries of Tenders; TEN-OP-ASPHALT-17A

Date of Meeting 24 May 2017

REASON FOR CONFIDENTIALITY

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

- (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
GENERAL MANAGER
