

NOTICE OF ORDINARY MEETING

Notice is hereby given that a meeting of

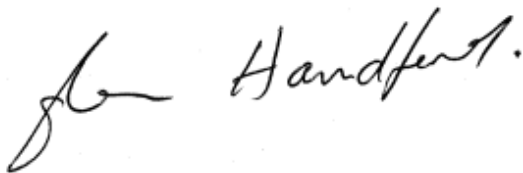
MidCoastCouncil

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

26 JULY 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
GENERAL MANAGER**

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CONSIDERATION OF OFFICERS' REPORTS:

DIRECTOR PLANNING & NATURAL SYSTEMS

1 MANNING HEALTH-TAREE CBD PRECINCT STRATEGY - COMMENCEMENT REPORT

Report Author Richard Pamplin, Project Manager Planning and Natural Systems

File No. / ECM Index S1657

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The Manning Health/Taree CBD Precinct Strategy is a priority strategic project on the endorsed Strategic Planning Work Program. The Strategy is a significant body of work required to provide a planning framework for the future expansion of medical and support services to the Manning Rural Referral Hospital and the adjoining Taree Central Business District (CBD).

This report seeks the commencement of this project.

SUMMARY OF RECOMMENDATION

That Council resolve to endorse the engagement of consultants to prepare the Manning Health/Taree CBD Precinct Strategy.

FINANCIAL/RESOURCE IMPLICATIONS

There is an allocation in the 2017/18 Strategic Planning budget for this project.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

At the Ordinary Meeting of Council on 22 March 2017 the Strategic Planning work program was endorsed. Within the report it was noted that the main priority agreed to between Council and the Department of Planning & Environment (DPE) at a meeting shortly after the merger proclamation was the undertaking of a Local Strategy based on the framework set by the Hunter Regional Plan (Hunter Plan) 2036.

Due to the scale and complexity of the Local Strategy agreement was reached with DPE to undertake this work in stages through the following documents:

- Rural Economic Diversity Strategy;
- Housing Diversity and Affordability Strategy; and
- Economic and Employment Strategy

Council's Strategic Planning Section will be leading the Rural and Housing Strategies, while the Economic Development Section will be leading the Economic Strategy.

In addition to requiring each council to prepare a Local Strategy, the Hunter Plan nominated specific priority actions for strategic centres for each council to undertake. MidCoast Council has two Strategic Centres identified in the Hunter Plan, being Taree and Forster-Tuncurry. There is only one priority action for Forster-Tuncurry that will need to be undertaken as a stand-alone project in the future, being:

- Manage environmental values and residential growth in North Tuncurry.

There are two priority actions for Taree that will require specific strategies to provide a strategic planning framework:

- Maintain the retail and commercial role of the CBD, centred on Victoria Street; and
- Support the Manning Rural Referral Hospital by developing a health precinct cluster.

The above priority actions are related due to the close proximity of the hospital and CBD to each other (adjoining), and as a result are being combined into the one strategy.

It was acknowledged in the report to 28 June 2017 Ordinary Meeting to commence the Housing Diversity and Affordability Strategy that there will be a cross-over between this and other strategies such as the Manning Health/Taree CBD Precinct Strategy, particularly in relation to recommendations for any increase in densities in centres and the zones proposed to achieve this.

DISCUSSION

In addition to identifying the Manning health precinct and Taree CBD as priority actions, the Hunter Plan provides the following broader strategic context for each project:

- *Direction 6: Grow the economy of MidCoast and Port Stephens* states that the ‘clustering of allied health around the Manning Base Hospital [now known as the Manning Rural Referral Hospital] at Taree, and other health facilities will support continuing economic and population growth’. Action 8.5 requires councils to ‘establish a health precinct around Metford and other hospitals in the region, including Manning Base Hospital at Taree’.
- *Direction 17: Create healthy built environments through good design* states that ‘councils should consider precinct planning.....to achieve more intensified housing in certain places, attracting new housing development or creating mixed use economic investment through renewal’.
- *Direction 24: Protect the economic functions of employment land* recognises that there are opportunities to grow the significant employment precincts at Taree.

These two precincts were previously identified in the *draft Manning Valley Local Strategy 2016* as areas that warrant specific planning to permit intensification of use through planning changes. The *Taree Medical Precinct* was identified as requiring a zone change from residential to one that provides for a range of medical and support services and business (including accommodation) with a likely height increase up to 4 storeys. The *Taree Central Business Precinct* was identified as being suitable for an increase in height up to 6 storeys, requiring zoning changes to permit residential accommodation within the core commercial area, requiring activation of river-front land and an increase in density and height for surrounding lands to better support the core of the CBD.

The Manning Health/Taree CBD Precinct Strategy will build on the work identified in the above documents, with the project scope being to:

- Review:
 - current and likely future health needs of the wider Taree area;

- current medical businesses within the precincts and those that directly support the Manning Rural Referral Hospital;
 - current businesses within the CBD;
 - residential accommodation within the precincts;
 - demographic trends within the precincts;
 - planning controls applying to the precincts;
 - current levels of public parking and parking provided by all businesses within both precincts;
 - the orientation of businesses and residential accommodation to the Manning River;
 - current pedestrian/cycle paths within and providing access to the precincts;
 - streetscapes within the precincts;
 - medical and commercial floor area within the precincts;
- Determine:
 - potential educational health opportunities that could support the Manning Rural Referral Hospital;
 - any business/health facilities gaps in comparison to other similar medical precincts and rural/coastal town centres;
 - the catchment area for use of medical and support services within the Manning health precinct;
 - the catchment area for businesses found in the CBD precinct;
 - the type of accommodation required to support the health and CBD precincts;
 - the scope for attracting additional businesses and further investment in these precincts;
 - whether the use of multi-level car parking stations within the precincts could free-up land for business expansion or improved building design;
 - appropriate heights and densities within the precincts based on a view analysis and economic feasibility;
 - practical means of achieving a greater density of housing within the precincts;
 - how better usage and orientation of buildings to the river can be achieved;
 - whether current SEPP65 Design Quality of Residential Apartment Development provisions are sufficient for new development within the precincts or whether additional local controls are needed;
 - desired urban form and densities for both precincts;
 - new and additional pedestrian/cycle paths required within and providing access to the precincts;
 - Recommend:
 - strategies Council can implement in order to promote the establishment of additional medical businesses and health education opportunities in the Manning health precinct;
 - appropriate mechanisms for providing adequate parking for the future needs of the precincts;
 - appropriate planning controls to promote economic development within the precincts;
 - modifications to Council's planning instruments to better achieve affordable housing in the CBD (e.g. less car spaces or greater densities for the provision of affordable housing);
 - strategies and infrastructure required to support better usage and orientation of buildings and businesses to the river;
 - Streetscape changes to improve amenity and facilitate development; and
 - Section 94 developer contribution plan changes or alternate methods to provide for provision of additional infrastructure.

Anticipated outcomes of the Manning Health/Taree CBD Strategy are:

- a written strategy that documents the outcomes of the project scope identified above;
- identification of zones that should be used within the precincts to facilitate development and justification as to why these were chosen and how they will better suit the future needs of the precincts;
- proposed zoning maps for the precincts;
- proposed landuse table for uses permitted and prohibited in each zone identified for use in the precincts;
- proposed height maps for land in the precincts;
- proposed floor space ratio maps for land in the precincts;
- proposed lot size maps for land in the precincts;
- proposed provisions for inclusion in a DCP for development within the precincts;
- strategies (including LEP provisions) to promote and encourage affordable housing within the precincts, particularly to disadvantaged groups within our community;
- maps showing the location and tables providing details of new public infrastructure (both hard and soft e.g. a new multi-storey carpark versus landscaping) required for better usage of public spaces in the precincts as well as those required as a consequence of additional development (including costs); and
- a computer model that can be used for exhibition purposes for the draft Strategy as well as being capable of being used for changes based on specific development proposals within the precincts.

The scope and outcomes of the project is extensive and the cost to undertake this work by consultants may exceed the project budget. If this is the case negotiations will be held with the preferred consultant as to what components could be deferred, removed or instead undertaken by staff to enable the project to match the available budget.

There is a potential for conflict between the recommendations for this strategy versus those in the Housing Diversity and Affordability Strategy and Economic and Employment Strategy, particularly in regard to uses permitted within zones proposed to be used in precincts to achieve a specific outcome versus the same zones being used elsewhere in the LGA to achieve a different outcome. Careful consideration of outcomes of the three strategies and consultation between the three consultants will be necessary to ensure that optimal outcomes are achieved from each project.

Following endorsement of the commencement of the Manning Health/Taree CBD Strategy a brief will be prepared and issued to relevant consulting firms and a project team established to manage the preparation of the strategy.

CONSULTATION

A community engagement plan for the Manning Health/Taree CBD Strategy will be negotiated with the preferred consultant. It is expected that there will be significant consultation with health professionals and businesses within the precincts, as well as a need to consult with industry bodies.

In identifying areas for changes in densities there will also need to be consultation with service providers (water/sewer, electricity and telecommunications) to ensure that development envisaged can be adequately serviced.

COMMUNITY IMPACTS

The Manning Health/Taree CBD Precinct Strategy is expected to positively impact the community by enabling an improved planning framework to apply within these precincts that will encourage investment to support the Manning health precinct and Taree CBD.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The former Greater Taree City Council was well advanced with the preparation of *draft Manning Valley Local Strategy* when the merger was proclaimed, which included recommendations for planning changes to the Manning health and Taree CBD precincts to promote increased investment in these areas. The two precincts subject to this report were subsequently included as priority actions within the Hunter Regional Plan 2036, making this strategy a requirement for Council to undertake.

The Manning Valley Community Plan 2010-2030 supports the development of this strategy, specifically:

- Strategy 6 under the *Key Direction: Looking after what we've got* states that Council should 'maintain a strategic land-use planning framework that will establish a clear balance between development and conservation, and accommodate economic investment and lifestyle change demands', with a specific action regarding creating urban renewal opportunities.
- Strategy 17 under the *Key Direction: A strong economy* states that Council should 'ensure adequate provision of appropriately zoned land that is suitable for the needs of all economic sectors of the local community', with a specific action around ensuring that planning strategies recognise, maintain and support economic growth.

TIMEFRAME

The Manning Health/Taree CBD Precinct Strategy is expected to take up to 12 months to complete.

BUDGET IMPLICATIONS

There is an allocation in the 2017/18 Strategic Planning budget which will be utilised to engage consultants to undertake this project.

RISK CONSIDERATION

There is a risk to Council in not having in place a strategic planning framework for the Manning health precinct and Taree CBD to guide the future growth of these areas. Continued investment in these areas will be contingent upon having the right planning controls in place that permit the types of development envisaged, together with the means to fund any infrastructure requirements.

There is also a reputational risk for Council with DPE should actions of the Hunter Regional Plan 2036 not be progressed within a reasonable timeframe.

RECOMMENDATION

That Council resolve to endorse the engagement of consultants to prepare the Manning Health/Taree CBD Precinct Strategy.

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2 ENVIRONMENTAL REZONING - CONSERVATION LOT - MINIMBAH

Report Author Mathew Bell, Senior Ecologist

File No. / ECM Index Conservation & Development Strategies

Date of Meeting 26 July 2017

SUMMARY OF REPORT

Lot 26 DP1120907 Warrina Circuit Minimbah is of recognised significant conservation value and must be actively protected and managed under the terms of development consent DA491/2005 as a conservation area.

The registered proprietor of the land has an obligation to care and protect, restore and nurture Lot 26 outside the area of a specified one (1) hectare designated building envelope.

Given the ecological values and recognised significance of the land, it is evident that Lot 26 is not appropriately zoned currently as R5 Large Lot Residential land. There is satisfactory planning and scientific evidence now documented that Lot 26 in its entirety should be zoned E2 Environmental Conservation land under the applying LEP. This would appropriately and adequately reflect the ecological values and character of the land.

As such, this report proposes that a future planning proposal be prepared at the first opportunity to zone all of Lot 26 DP1120907 to E2 Environmental Conservation.

SUMMARY OF RECOMMENDATION

That Council prepare a Planning Proposal at the first available opportunity to rezone Lot 26 DP1120907 Warrina Circuit Minimbah to E2 Environmental Conservation, and amend the Minimum Lot Size Map to increase the lot size to 40 hectares, due to its conservation significance and the need for the land to be managed as a conservation lot.

FINANCIAL/RESOURCE IMPLICATIONS

There would be some resource implications for Council staff in preparing the future planning proposal. This would be undertaken in-house and accommodated within existing staff work programs. There is satisfactory information available to support the planning proposal and new investigations are not deemed required. Consequently, financial and resourcing implications are minimal.

LEGAL IMPLICATIONS

There are no special legal implications.

DISCUSSION

The land that is the subject of this report is Lot 26 DP1120907 Warrina Circuit Minimbah (hereafter referred to as the "Lot 26"). Lot 26 is 71.16 hectares in size and is presently zoned R5 Large Lot Residential under the Great Lakes Local Environmental Plan 2014. A plan of Lot 26 is provided in Annexure A to this report.

Lot 26 has been consistently recognised by Council, state government authorities, the NSW Land and Environment Court and consultants acting for the landowner as an area of very high ecological significance.

It was referred to as a "*conservation area*" in the development consent that created Lot 26 (71 hectares) and which provided for the large lot residential subdivision that has been formed on land west of Lot 26.

Lot 26 has, by conditions of development consent DA491/2005, a one (1) hectare nominated dwelling footprint and bushfire asset protection zone area, with the residue of Lot 26 being required to be managed by the registered proprietor for conservation purposes, by avoiding clearing works and other damaging activities such as grazing and by implementing an approved Habitat Management Plan for the area. The dwelling envelope area on Lot 26 from the plan of subdivision is provided as Annexure B in this report.

Despite its high ecological value Lot 26 is still zoned R5 Large Lot Residential in the Great Lakes LEP 2014 (LEP 2014) and the zoning should be amended to E2 Environmental Conservation to reflect the high ecological values of the land. The Minimum Lot Size Map of LEP 2014 also currently indicates a minimum lot size of 1ha and this should also be increased to 40 hectares which is the standard for the E2 Environmental Conservation Zone.

The ecological values of Lot 26, combined with the registered proprietor's obligations to conserve and manage Lot 26, indicate that E2 Environmental Conservation is the appropriate zoning category that should be applied to the land. The ecological significance of Lot 26 precludes further development for the purpose of large lot residential development. DA491/2005 has resolved the appropriate development and conservation balance of the land. An aerial image of Lot 26 is provided in Annexure C to this report.

Despite the inherent significance of Lot 26, there has been a history of actual and alleged unlawful clearing and harm to threatened species, native vegetation and ecological values.

This history is detailed below:

- In 1996, the current landowner, Mr Ronald George Mr Wilkinson (Hockitt Pastoral Company Pty Ltd) commissioned Ecotone Ecological Consultants who prepared a report entitled "*Threatened Fauna Species Assessment for the Proposed Rural Residential Subdivision Lots 1, 2 & 3 DP259966 Minimbah Road*" for Degotardi, Smith & Partners Pty Ltd. They identified the presence of six (6) threatened fauna species (brush-tailed phascogale, koala, squirrel glider, little bentwing-bat, osprey and masked owl) and reported that the land contained habitats and features of high ecological significance, including:
 - many hollow-bearing trees,
 - inter-connectivity of habitat with proximal and adjoining lands,
 - poorly-conserved vegetation types and fauna habitats,
 - significant large tree resources,
 - relatively high faunal species diversity,
 - a significant, viable, breeding population of the threatened species, brush-tailed phascogale,
 - the presence of a breeding female koala,
 - a very diverse arboreal mammal faunal species assemblage including two (2) threatened species (koala and squirrel glider) and the locally-significant greater glider,
 - a good reptile and amphibian species diversity, and
 - a nest site for the threatened osprey.

- In 1999, the registered proprietor undertook activities on the land that cleared native vegetation and harmed threatened species habitats.
- The land on which these offences occurred was at the time described as Lot 22 DP871233. The current Lot 26 (the subject of this report) was part of that original Lot 22.
- In the Land and Environment Court prosecution that related to the clearing work, the relevant facts agreed to and discussions of the Court included:
 - In July 1996, Mr Wilkinson lodged an application with the Department of Land and Water Conservation under SEPP46 seeking consent for the clearing of 58 hectares of native vegetation on Lots 21 and 22. At the time of this application, approximately 10% of Lots 21 and 22 were cleared of native vegetation. The previously cleared land was not included in the SEPP46 application.
 - On 22 January 1997, Degotardi, Smith & Partners lodged a Development Application for Lot 22 and the adjoining Lot 21 871233 with Great Lakes Council on behalf of Mr Wilkinson for a 73 lot rural residential subdivision and inclusive of a central conservation area.
 - On 27 February 1997, Great Lakes Council requested that a Species Impact Statement be prepared to support the Development Application.
 - On 17 March 1997, Mr Wilkinson amended the SEPP46 clearing application.
 - On 28 October 1997, a Species Impact Statement was submitted to Great Lakes Council. The Species Impact Statement found:
 - two (2) broad vegetation community types occur on the land, namely mixed dry eucalypt forest and cleared/ modified areas,
 - large mature trees were well represented and large numbers of hollow-bearing trees occurred on the land,
 - the land provided habitat for a very well-developed native species assemblage from all fauna groups and particularly in relation to arboreal mammal diversity and abundance, and
 - the land contains populations of and habitat known to be used by six (6) threatened fauna species.
 - On 5 March 1998, the Development Application was amended seeking consent for a 64 lot rural residential subdivision and a conservation area.
 - Following further discussions with Great Lakes Council, the Development Application was further amended to create a 48 lot rural residential subdivision and 45 hectare conservation allotment.
 - On 17 June 1998, Mr Wilkinson further amended the SEPP46 clearing application so that it was consistent with the revised development application lodged with Great Lakes Council.
 - On 14 July 1998, Great Lakes Council granted deferred commencement consent for a further amended application to create a 47 lot rural residential subdivision and a conservation allotment. This consent never became operative because the deferred commencement conditions were not fulfilled.

- On 17 July 1998, the Department issued a Notice of Determination in respect of the application to clear native vegetation subject to conditions. Consent was granted to clear approximately 15 hectares of land for the purpose of the rural residential subdivision. An area of approximately 70 hectares was required to be retained in an undisturbed state to conserve habitat and mitigate impacts on threatened species including the brush-tailed phascogale, squirrel glider and koala, as well as other resident and seasonal fauna. A 100 metre protection zone was established around the osprey nest tree. Under the consent granted by the Department, approximately 27 rural residential lots could have been created on Lots 21 and 22.
- Between January 1999 and November 1999, Mr Wilkinson with two (2) other people acting under Mr Wilkinson's instructions, cleared native vegetation from 34.3 hectares of the land, of which 25.6 hectares was on land that was required to be retained as conservation within the Department's consent, 6.9 hectares that was cleared contrary to the conditions of the consent and 1.8 hectares cleared outside the area included in the application.
- The clearing referred to above was undertaken by removing ground cover, understorey vegetation and canopy trees and involved the use of bulldozers. The felled vegetation was pushed into windrows using a rake and some of it was burnt. In general, larger trees were not harmed. The clearing generally was restricted to ridges and adjoining slopes and it avoided drainage lines.
- Departmental investigations into the clearing activity were undertaken and which described the change to the vegetation of the land in the period between October 1996 and October 2000. The investigation identified:
 - a loss of native vegetation that would have been greater than 10 years of age being Eucalyptus and Corymbia canopy trees, including hollow-bearing and roost trees,
 - a loss of almost all of the Allocasuarina understorey trees,
 - a loss of Eucalyptus species in the understorey, some of which would have been older than 10 years of age,
 - a change in vegetative structure from open forest in 1996 to tall woodland in 2000,
 - a loss of ground refugia, including native vegetation ground cover, hollow logs and leaf litter,
 - evidence of a fire after the clearing,
 - an increase in the occurrence and number of exotic species,
 - an increase in floristic diversity of the groundcover and shrub layer,
 - an increase in shrub cover, primarily of coloniser species, and
 - disturbance of the surface soil by bulldozer tracks and an increase in the percentage of bare ground
 - the native vegetation of the land prior to clearing was of conservation significance and biodiversity value and the clearing activities had *"removed a sizeable area of Spotted Gum/ Ironbark forest community which was of good condition and integrity" and had "significantly reduced fauna diversity, biodiversity and conservation values"*.
- In April 2001 and May 2001, the land was inspected by independent witnesses with expertise relating to various threatened species. These witnesses identified a range of serious, negative consequences on the little bentwing-bat, brush-tailed phascogale and squirrel glider as a consequence of the effects of the clearing activities.

- The parties' respective expert witnesses discussed and made comment on the time-frame over which habitat equivalent to that which existed on the land prior to the clearing would be achieved.
- Mr Wilkinson provided full and frank cooperation with prosecutors and made certain admissions in relation to the matter in that:
 - the land had been purchased for the purpose of rural residential subdivision development (which was permitted with approval under the land's zoning) but the Department's consent for 24 lots was less than the 106 lots he sought and was *"not a viable proposition for development"*, and
 - he *"took the matter into his own hands to clear vegetation from the land regardless of the Department's conditions"*
- Mr Wilkinson entered into a 10 year Conservation Property Agreement under Part 5 of the Native Vegetation Conservation Act 1997 over the area of land to be retained for conservation purposes as identified in the Department's clearing consent conditions. The Property Agreement expiry date was 27 September 2012. The Property Agreement established certain obligations pertaining to the management and protection of the conservation area. This included the provision of habitat restoration works and annual weed inspection and removal as well as the active preclusion of any damaging activities. The Agreement provided for one (1) single house site, with the conservation area to be fenced with plain wire, stock-proof fencing.
- On 27 September 2002, the NSW Land and Environment Court of New South Wales issued a judgment in the matter Director General of National Parks and Wildlife v Mr Wilkinson & Anor and Director General of the Department of Land and Water Conservation v Mr Wilkinson & Anor [2002]; NSWLEC 171.
- The defendant was charged with *"knowingly causing damage to the habitat of threatened species between 25 March 1999 and 30 November 1999, contrary to s118D(1) of the National Parks and Wildlife Act 1974"*. The charges related to separately-affected species, brush-tailed phascogale, squirrel glider and little bentwing-bat.
- The defendant was also charged with clearing native vegetation between 1 January 1999 and about 14 November 1999 contrary to s21(2) of the Native Vegetation Conservation Act 1997.
- The offences were considered to be significant and serious and had affected important and sizeable area including habitat for threatened fauna species, with the effects of the impact to be ongoing (over a long-term) until the habitat is fully re-established. Adding to the seriousness of the impact of the clearing, was the fact that clearing had been caused by bulldozing and which resulted in a *"large change"* including to the extent of bare soil and tree density in the canopy layer. Further, the clearing was carried out *"wilfully, in the full knowledge that it was unlawful" and "motivated by a desire for commercial profit"*.
- Mr Wilkinson was convicted of various offences and ordered to pay fines totalling \$43,500 and costs of \$50,000.

- After the resolution of the Court matter, a development consent (DA464/2004) was issued by Great Lakes Council to subdivide Lot 22 into eight (8) rural residential lots and one (1) residue lot (Lot 8). Lot 8 contained the area of conservation (and the area that was unlawfully cleared - including the current Lot 26).
- Two ecological reports were submitted as part of the development application:
 - Anne Clements & Associates, 2003, Flora Assessment (attached as Document 4), and
 - Ambrose Ecological Services, 2003, Fauna Survey and Assessment (attached as Document 5).
- On 29 November 2004, Great Lakes Council received a further development application to further subdivide Lot 8 (part of Lot 22 DP871233) into eighteen (19) rural residential lots and one residue lot (Lot 26). The residue lot was proposed as a conservation lot and totalled approximately 70 hectares. According to the Statement of Environmental Effects (Coastplan Consulting), *"the central southern and eastern parts of the site, encompassing an area of approximately 70-hectares is a 'conservation area' which is the subject of a property agreement that arose from legal proceedings instituted by the former NSW Department of Land and Water Conservation for the clearing of land... The Land and Environment Court, in its judgment ... noted that the landowner had entered into a property agreement with the Director-General of DLWC under Part 5 of the Native Vegetation Conservation Act in relation to land to be retained for conservation purposes. The Court subsequently made orders pursuant to s118E of the NP&W Act 1974 requiring the restoration of threatened species habitat. Those orders incorporated the property agreement... The creation of an allotment is proposed which is in keeping with that agreement.*

It should be noted that the property agreement sets aside an area (dwelling-site) of approximately one (1) hectare that may be developed for the purposes of a single dwelling with the relevant approvals...

This development application does not include any proposal for the development or use of that part of the one hectare area of proposed Lot 26 that is set aside by the property agreement for development for the purposes of a single dwelling with the relevant approvals".

- At Council's request, the Applicant provided a new Flora and Fauna Assessment for the proposed subdivision. This was prepared by Conacher Travers (July 2005). The Conacher Travers study detected the presence of the brush-tailed phascogale and the squirrel glider on the Land. It also detected Varied Sitella, which was not listed as threatened at the time of that report, but is currently listed as a threatened species in New South Wales.
- Following comments from Great Lakes Council, the proposed subdivision plan was amended to include a 1.0 hectare dwelling area inclusive of a dwelling envelope and bushfire asset protection zone, which was located to in the west of proposed Lot 26, to the north of the battle-axe access handle. The Statement of Environmental Effects was also amended.
- Great Lakes Council considered that the detection during the Ambrose Ecological Surveys (2003) field surveys of only two (2) of the six (6) threatened fauna species that had been identified by Ecotone Ecological Consultants in 1996 as well as the failure to detect the greater glider on the land was evidence of the *"true ecological implications of the illegal clearing event"* on the land (memo of Bell to May, dated 25 October 2005).

- The aforementioned memo noted that the development application could be approved subject to conditions that *"effectively and meaningfully conserved and managed in perpetuity following the completion of the current 10 year Registered Property Agreement. This land has demonstrated ecological significance for threatened species and hence should not be subjected to any ability to modify or clear habitat outside the 1-hectare dwelling envelope"*. A Restriction as to Use/ Public Positive Covenant under s88B and s88E of the Conveyancing Act 1919 was put forward as the appropriate condition to protect the significant threatened species habitats.
- Notice of determination granting consent subject to conditions for DA491/2005 was issued by Great Lakes Council on 17 November 2005. The consent was granted with a condition (Condition 19b) that required the establishment of a Public Positive Covenant under s88E of the Conveyancing Act 1919 to protect the habitats on Lot 26 outside the 1 hectare development area. This condition stated:
 19. The following Restrictions as to User are to be entered onto the title of the specified Lots (s88B or s88E Instrument, where appropriate), with Great Lakes Council nominated as the body empowered to modify or waive such requirements:
 - c) s88E Instrument restricting the clearing, removal, modification of or damage to native vegetation from any vegetative strata (trees, shrubs, groundcovers, wetland plants or vines) and excluding development (as defined by the EP&A Act) except for the establishment and maintenance of boundary fencing, from all of Lot 26 outside the 1-ha development area and from the 50m Pacific Highway buffer zone on Lot 8. These areas shall be allowed to naturally regenerate and mature. The provisions of the Instrument shall not preclude the removal of invasive noxious or environmental weeds from the lands, provided that such weeds are removed in accordance with best practice management and do not negatively impact upon natural vegetation. On Lot 26, this shall be in addition to the current Registered Property Agreement that applies to part of this land, but which expires in September 2012.
- Other conditions were adopted that established a dwelling envelope on Lot 26 (Condition 19a), restricted the keeping of cats and control of dogs on Lot 26 (Condition 19d) and required that, at the time of lodgement of a development application for the purpose of the establishment of a dwelling, shed or other structure on Lot 26, that a Habitat Management Plan be prepared for the conservation area (Condition 19e). Condition 21 required that trees and shrubs removed from the land be used in landscaping in log form or as mulch and that no such material was to be burnt.
- Great Lakes Council received correspondence from Low Doherty & Stratford Lawyers dated 13 March 2006 representing Hockitt Pastoral Company (Mr Wilkinson) which sought a s82A review of the consent for DA491/2005 and specifically seeking that Conditions 19c and 19e be deleted from the consent.
- On 11 April 2006, an application to modify the consent for DA491/2005 such that Conditions 19c and 19e be deleted from that consent was lodged with Great Lakes Council.
- The modification application was forwarded to Council's Solicitor, Mr Peter Rees for legal advice (dated 22 May 2006). A response to the seeking of legal advice in the matter was received in correspondence from Peter Rees to Great Lakes Council dated 9 August 2006. This refuted the deletion of Conditions 19c and 19e and proposed revised wording and maintenance of those conditions.

- The Department of Natural Resources provided correspondence to Council dated 27 July 2006, which supported Council's legal ability to apply Conditions 19c and 19e.
- Hockitt Pastoral Company Pty Ltd commenced Class 1 proceedings in the NSW Land and Environment Court on the 17 October 2006 against Great Lakes Council in which it appealed against or objected to Conditions 19c and 19e of the development approval.
- A memo of Bell to May dated 8 November 2006 was prepared which recommended that Conditions 19c and 19e not be deleted, but be replaced with amended wording as advised by Council's Solicitor, Mr Peter Rees.
- A report was on the application to modify consent for DA491/2005 was considered by Great Lakes Council at its meeting on the 28 November 2006. Council resolved:
 - That the application to modify Development Consent No 491/2005 to delete Conditions 19c and 19e be refused for the reasons as contained in the report.
 - That Development Consent No 491/2005 be modified by substituting Conditions 19c and 19e with the conditions as outlined in the report.
- The Applicant and the Respondent in the Court matter appointed expert witnesses, being Dr Andrew Smith for the Respondent and Dr David Robertson for the Applicant. A joint statement was prepared and filed with the Court on 14 May 2007. The matter was heard by the Court on the 5 July 2007. A judgment was issued on the 17 August 2007 (Document 13). Pertinent findings of the judgment are presented below:
 - The experts agreed that the site had high ecological significance before it was cleared and the land has habitat for threatened fauna species, which is possible to conserve in the long term (paagraph 23).
 - I consider it a separate matter that other reasonable conditions of consent should be imposed on the subdivision development, which protect the ecological qualities of the designated "*conservation*" Lot 26, so as to satisfy the planning controls, particularly the environmental protection objectives in DCP 31. This is consistent with the approach that the development consent for the subdivision provides certain benefits in the form of additional allotments for residential use, but there is an associated burden that the conservation status of the adjoining Lot 26 be protected (paragraph 30).
 - I rely on the details submitted by the applicant in the various Statements of Environmental Effects, which identify the conservation status of Lot 26 as part of the overall development of the subject land. This proposition was then confirmed in the Conacher Travers 'Flora and Fauna Assessment - July 2005', which recommended remedial conditions that would obviate the necessity for a Species Impact Statement (paragraph 31).
 - I am satisfied that there is a direct connection between the approved subdivision, which contains the designated 'conservation' Lot 26 and the reasonableness of conditions of consent that protect the ecological features of this lot, in addition to the provisions of the Registered Property Agreement. Accordingly, I do not accept ... that the original conditions 19c and 19e should be deleted (paragraph 33).
 - Insofar as Council prefers the imposition of an s88E covenant on the land... I consider that this intention can be adequately covered by appropriate conditions of consent (paragraph 34).
 - It seems to me that the ecological evidence requires the implementation of additional management strategies to aid in the minimisation of impact of the development upon the habitats of threatened species. I am satisfied that such a condition is reasonable to impose to comply with the provisions of the LEP and DCP 31, on the basis that it will run with the land (paragraph 37).

- The Court ordered that the conditions of consent 19c and 19e be varied in accordance with court-approved wording. This essentially amended the conditions from an s88 requirement to conditions of the consent. Development consent for DA491/2005 was therefore modified by the Court Orders.
- Council received copies of a Habitat Management Plan for Lot 26 Minimbah Road Nabiac during September 2007. The Habitat Management Plan was prepared by Conacher Travers. Great Lakes Council did not accept the September 2007 version of the Habitat Management Plan and sought certain amendments. Council subsequently approved the Conacher Travers Habitat Management Plan of November 2007.
- The approved Habitat Management Plan addressed Conditions 19c and 19e of the consent for DA491/2005. In summary, it required a range of protective and restorative actions on the area of Lot 26, including prohibition of certain activities (clearing/ harming of native vegetation or habitat, modification of watercourses, entry of any livestock, disturbance of rocks or soil, removal of timber including fallen timber), access by unauthorised persons, etc), weed control, bushfire management, signage and fencing, control of pest animals, protection of threatened species habitat and monitoring. The conditions required that the Habitat Management Plan be fully implemented on Lot 26.
- Great Lakes Council notated the file that Conditions 19a - f, as well as Conditions 20, 21, 22 and 23 had been appropriately satisfied by the date of 19 November 2007.
- On 13 February 2014, I prepared a memo (Mat Bell to Lisa Schiff, dated 13 February 2014), which sought to identify whether there had been *"compliance with proactive ecological conditions associated with DA491/ 2005"* (Document 15). I concluded that:
 - *"The HMP commenced on the date it was accepted by Council, namely 15 November 2007".*
 - *"There is no evidence anywhere within Council files or the personal knowledge of relevant Council staff that any of the requirements of the approved HMP have been implemented by the Registered Proprietor of Lot 26".*
 - *"Mr Wilkinson is responsible for the implementation of the stated requirements of the HMP."*

Thus, it is evident that Mr Wilkinson has a responsibility under development consent to actively protect, restore and care for the land of Lot 26 and deliver the Habitat Management Plan for that land.

In 2017, MidCoast Council Regulatory Officers received reports that Lot 26 had been further cleared and harmed by the use of machinery and there had been significant pile burning occurring. Council has referred the matter to the NSW Office of Environment and Heritage and has commenced investigations in respect of contravention of the requirements of the development consent DA491/2005 and further alleged clearing of native vegetation and harming of threatened species habitats on Lot 26. These investigations are currently ongoing.

CONSULTATION

This matter has been discussed with officers from the NSW Office of Environment and Heritage who have expressed verbal support for the proposed planning proposal and rezoning. Community engagement will be undertaken when a planning proposal to amend the Land Use Zone and Minimum Lot Size of Lot 26 is prepared.

COMMUNITY IMPACTS

The future planning proposal would benefit the community by zoning the subject land in accordance with its conservation significance and ecological values and thus ensuring that the land is recognised and protected by the planning framework into the future.

The proposed rezoning does not burden the registered proprietor of the land because the land is regarded as a conservation lot in conditions of consent in DA491/2005 and has no further development potential. The proposed E2 zoning reflects the current and future use of the land for conservation purposes.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The Great Lakes Community Strategic Plan Key Direction 1 Our Environment includes the following objectives: protect and maintain the natural environment so it is healthy and diverse, and ensure that development is sensitive to our natural environment.

The rezoning of land of high conservation significance to E2 Environmental Conservation (such as is proposed in this report) assists Council meet these objectives.

TIMEFRAME

The recommendation seeks that at the first opportunity, a planning proposal be prepared that rezones the subject land to E2 Environmental Conservation under the Great Lakes Local Environmental Plan 2014. As such, the timing of the action is responsive to Council staff work programs and will realise efficiencies by being timed with other planning proposals in preparation at that time.

BUDGET IMPLICATIONS

The planning proposal will be prepared internally by Council staff from the Natural Systems and the Strategic Planning Branches of the Planning and Natural Systems Division.

Relevant officers will schedule appropriate time into their work programs.

The funding requirements are minimal and confined to costs associated with advertising as all pertinent information justifying the planning proposal have been previously published and have been collated.

RISK CONSIDERATION

There are no special legal or risk considerations for this matter.

CONCLUSION

Lot 26 is of recognised significant conservation value and must be actively protected and managed under the terms of development consent DA491/2005 as a conservation area.

Given the ecological values and recognised significance of the land, it is evident that Lot 26 is not appropriately zoned as R5 Large Lot Residential land. There is satisfactory planning and scientific evidence now documented to demonstrate that Lot 26 in its entirety should be zoned E2 Environmental Conservation land under the applying LEP.

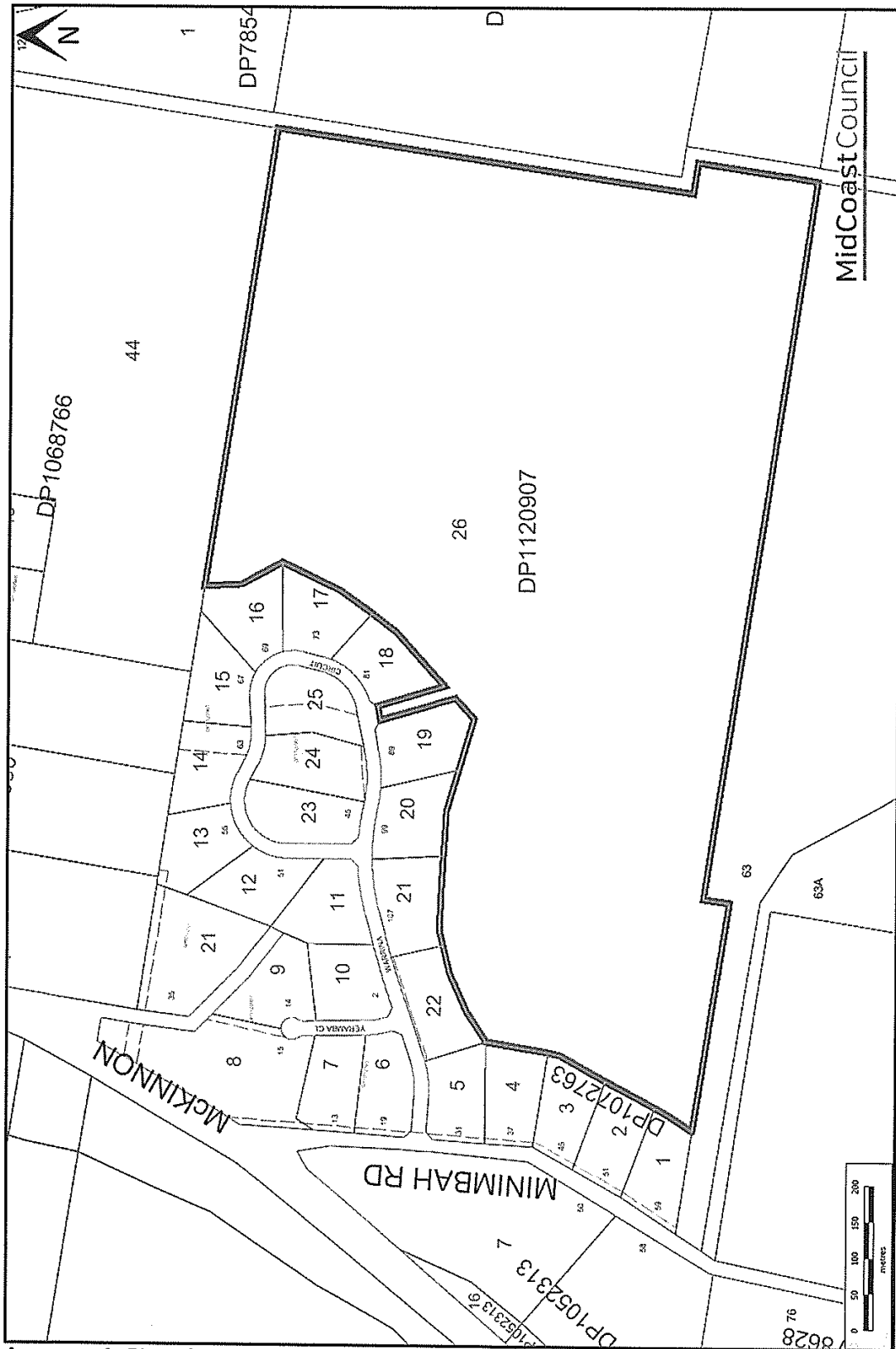
Also, given the history of attempts to undertake further development on this conservation area and its' clear ecological value as recognised by Council, ecological consultants, NSW government agencies and the NSW Land and Environment Court, the zoning should be amended to reflect these values.

RECOMMENDATION

That Council prepare a Planning Proposal at the first available opportunity to rezone Lot 26 DP1120907, Warrina Circuit, Minimbah to E2 Environmental Conservation, and to amend the Minimum Lot Size Map to increase the lot size to 40 hectares, so as to reflect its conservation significance and the need for the land to be managed as a conservation area.

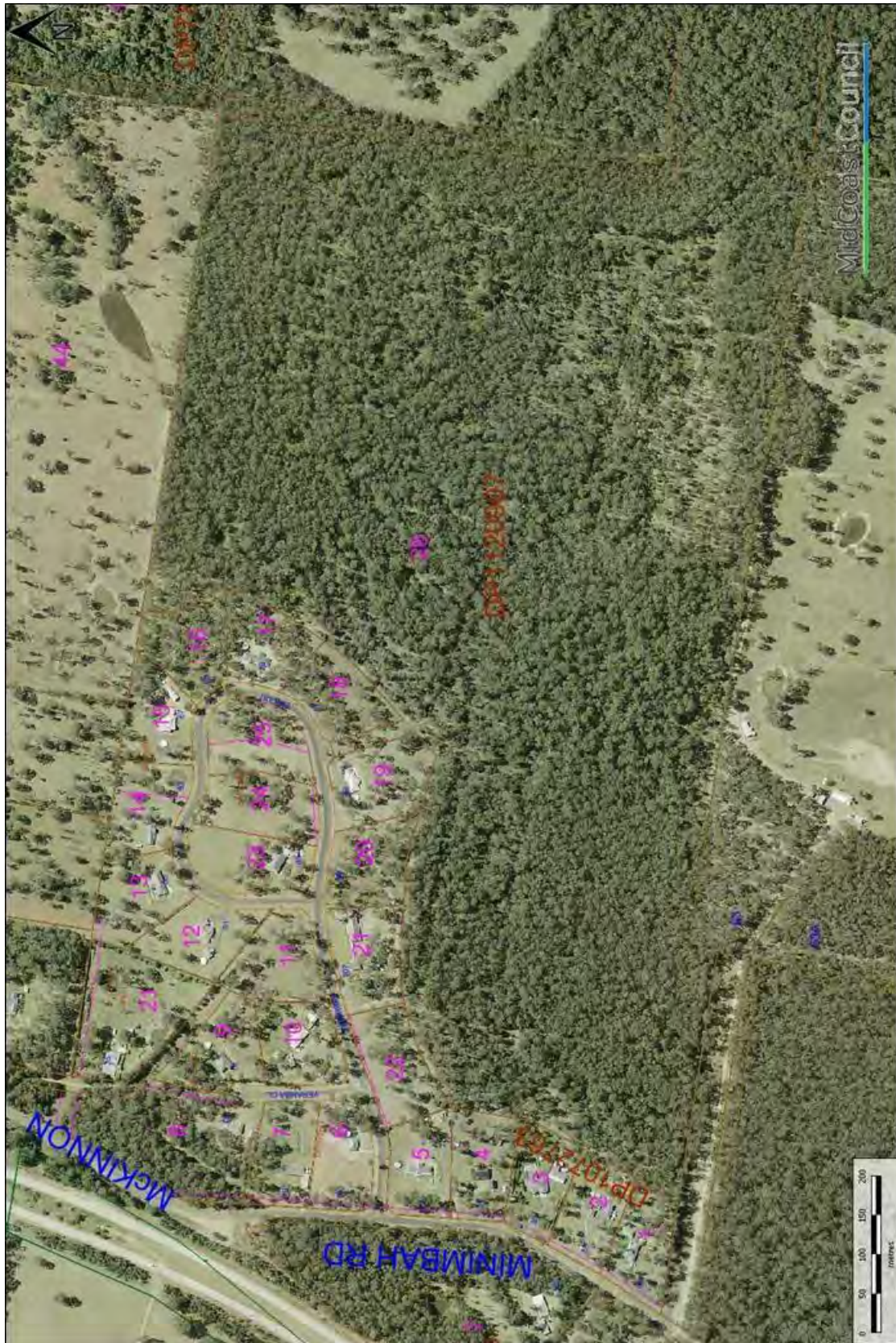
ANNEXURES:

A: Plan of Lot 26 DP1120907.



Annexure A: Plan of Lot 26 DP1120907

C: Aerial imagery of Lot 26 DP1120907.



3 GLOUCESTER SHIRE COUNCIL DCP 2010 - INDUSTRIAL DEVELOPMENT GUIDELINES

Report Author Aaron Kelly, Strategic Planner

File No. / ECM Index Land Use and Planning - Consolidated DCP

Date of Meeting 26 July 2017

SUMMARY OF REPORT

At meetings with the Gloucester community shortly after the merger, issues were raised with some of the requirements for industrial development in the Gloucester Development Control Plan (DCP).

This Report summarises the results of a comparison of the requirements of the Gloucester DCP with the requirements for industrial development in the Taree and Great Lakes DCP's.

The aim of comparing the Industrial Development Controls is to determine if the Gloucester DCP requires amendments due to constraints to industrial development.

SUMMARY OF RECOMMENDATION

That:

- A. Council undertake no immediate amendments to the Industrial Development Controls contained within the Gloucester Shire Council Development Control Plan 2010.
- B. That Council note that a comprehensive review of the Industrial Development Controls within the Gloucester Shire Council Development Control Plan 2010 will be undertaken when a consolidated DCP is prepared for MidCoast Council.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial and/or resource implications as a result of this recommendation. There will be no additional work required.

LEGAL IMPLICATIONS

There are no legal implications as a result of this recommendation.

DISCUSSION

Prior to the MidCoast Council amalgamation of the Greater Taree, Great Lakes and Gloucester Shire Local Government areas, Gloucester Shire Council was developing a new comprehensive Development Control Plan. The new DCP was to include, but not be limited to, a re-structuring of the DCP format with the addition of new primary and ancillary DCP chapters.

During earlier phases of community consultation regarding the intention of the new DCP, Gloucester Shire Council encountered concerns from within the community that the Gloucester DCP 2010 and new proposed DCP chapters were too onerous, and as a result discouraged development and economic growth.

During the early phases of the MidCoast Council amalgamation, the Executive Management of Council held a number of drop-in sessions for the community aimed at determining immediate priorities of the community for the new Council. During these community sessions the community raised concerns regarding the requirements of the Gloucester Shire Council Development Control Plan 2010, and it was requested that a review of the Industrial Development Guidelines in the Gloucester Shire Council DCP 2010 be undertaken.

The review would specifically compare the Gloucester Industrial Development Guidelines with the Greater Taree and Great Lakes areas to ascertain whether the requirements of the Gloucester DCP were too onerous for the development industry.

A review and comparison of the Development Control Plan for industrial development across the three (3) former LGA's has been undertaken (refer to Annexure A).

It has been determined that the Industrial Guidelines within the Gloucester Shire Council Development Control Plan 2010 are not too onerous and that, in fact, some of the existing Gloucester DCP 2010 provisions provide more flexibility toward industrial development. It is recommended that no immediate specific Gloucester DCP changes take place that remove specific guidelines.

Of note, the Gloucester DCP 2010 also has provisions, in the Building Line Setback Guidelines for example, that allow Council to consider variations for front and side building setbacks upon receipt of a formal Development Application submission and payment of fees.

CONSULTATION

This Report is the direct result of consultation with the Gloucester community via drop-in sessions held by Executive Management during the early phases of the MidCoast Council amalgamation.

COMMUNITY IMPACTS

There will be minimal community impacts as a result of this recommendation.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

MidCoast Council 2017-2018 Operational Plan

Key Direction Environmental Focus

Objective 4 Ensure that development is ecologically sustainable and appropriate

Strategy 4.1 Implement appropriate land use planning tools and controls that are based on ecologically sustainable principles

2017/2018 Actions

4.1.5 Ensure the three existing DCPs remain current and deliver on community expectations for sustainable outcomes through preparation of high priority amendments

TIMEFRAME

Nil.

BUDGET IMPLICATIONS

There are no perceived budgetary considerations resulting from this Recommendation.

RISK CONSIDERATION

There are minimal risks associated with this Recommendation.

RECOMMENDATION

- A. That Council make no immediate amendments to the Industrial Development Controls contained within the Gloucester Shire Council Development Control Plan 2010.
 - B. That Council note that a comprehensive review of the Industrial Development Controls within the Gloucester Shire Council Development Control Plan 2010 will be undertaken when a consolidated DCP is prepared for MidCoast Council.
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ANNEXURES

A: Industrial Development Control Plan Comparisons - Greater Taree / Great Lakes / Gloucester.

Industrial Development Control Plan Comparisons – Greater Taree / Great Lakes / Gloucester

	Greater Taree Development Control Plan Part K1 Industrial Development	Great Lakes Development Control Plan 7 Industrial Development	Gloucester Development Control Plan Section 4.2 Industrial Development Guidelines
DCP Applicable to	All industrial land and buildings	IN1 General Industrial IN2 Light Industrial IN4 Working Waterfront RU2 Rural Landscape RU5 Village B5 Business Development	IN1 General Industrial IN3 Heavy Industrial
Objectives	<ul style="list-style-type: none"> Satisfy the needs of industry in Greater Taree. Limit the impact of industrial development on the environment. Ensure that industrial development is sympathetically related to the streetscape and landscape of the locality. Ensure that industrial development is attractive and functional to enhance the appearance and viability of the development. Ensure that industrial development retains existing vegetation, wherever possible and practicable, eg within a landscaped buffer. Ensure that industrial development is landscaped to soften and enhance the appearance of the development as viewed from the street and surrounding vantage points. Ensure that industrial development has adequate onsite parking and manoeuvring areas for the needs of customers, service vehicles and persons associated with the industry; and Ensure that industrial development is located so as to be convenient and accessible while not detracting from the 	<p>There are separate objectives for each control.</p>	<ul style="list-style-type: none"> To ensure that industrial development: <ul style="list-style-type: none"> (a) is generally related to the scale, bulk and height of existing development, the streetscape and landscape in its locality; (b) is attractive and functional; (c) retains existing worthwhile vegetation wherever possible; (d) is landscaped to improve the appearance of the development from the street, adjoining properties and from vantage points in the Shire; and (e) has adequate on-site parking; and To provide guidelines for retailing of goods in industrial areas and related servicing uses without unduly detracting from the retail strength of the central business districts.

	<p>appearance or amenity of the surrounding development.</p> <ul style="list-style-type: none"> Facilitate the economic and orderly development of industrial areas for a wide range of uses including industrial, recreational and community uses, and limited business and retail uses that serve the day-to-day needs of those working in the immediate locality. Create high-quality industrial areas which embrace innovative and imaginative building design that is both functional and aesthetically pleasing, along with appropriate landscaping and open space areas within each site. Minimise the visual and environmental impact of development on the adjoining residential, rural residential and other sensitive land uses. 		
Notes	<p>Great Lakes and Gloucester DCP very similar. The format of the Great Lakes DCP has objectives stated for each provision rather than overall industrial development. <i>Recommendation:</i> No changes.</p>		
Building Setbacks Objectives	<ul style="list-style-type: none"> Ensure that adequate area is available at the front of the buildings to accommodate satisfactory landscaping, access, parking and manoeuvring of vehicles; Reduce the visual impact of industrial development on the streetscape. 	<p>To enhance the streetscape consistent with the characteristics of the street and ensure that adequate space is available to accommodate landscaping, water sensitive design elements, access, parking and manoeuvring of vehicles.</p>	<p>The siting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely external appearance will be satisfactory having regard for the type of development proposed. <i>Additional objectives contained in Building Setback Guidelines</i></p>
Guidelines	<ol style="list-style-type: none"> Setback to the main street frontage is a minimum of 9m. Setback to the frontage on Main Road 112 (Comboyne Road), Wingham Industrial subdivision is 5m. Rear boundary setback is a minimum of 5m. 	<ol style="list-style-type: none"> A building is to be setback a minimum of 7.5m from the primary street frontage. Single storey elements, with a maximum height of 4m may be permitted with a 4.5m setback from the primary street frontage. Where a single storey element is setback 4.5m from the primary street frontage, the 	<ol style="list-style-type: none"> Buildings shall be setback a minimum of 10 metres from the front boundary. A concession may be allowed in the case of corner allotments, where the setback to one street frontage may be less than 10 metres, provided that: <ul style="list-style-type: none"> adequate site distances at the

	<p>4. Side boundary setback is 6m to an access side or 3m where no side access.</p> <p>5. Stairways shall not encroach into the minimum setback.</p> <p>6. Concession to the following setbacks will only be considered under the following conditions:</p> <ul style="list-style-type: none"> • Awnings over openings or eaves may encroach within the setback. • Cantilevered balconies may encroach within the setback to the following extent: <ul style="list-style-type: none"> o Front setback: 1m o Side setback: 0.7m <p>Provided that such balconies shall not be enclosed above a height of 1.2m above the deck level at any time.</p> <p>7. Subject to the requirements of the BCA and satisfactory provision on the site for emergency vehicles access, the side and rear boundary setback, where driveway access is not required, may be reduced to zero if such wall has no openings and is satisfactorily fire rated. Council will not grant this concession if it would result in the removal of significant vegetation or result in other adverse effects on the subject land or adjoining property.</p> <p>8. Where the site is bounded by more than one street, the building setback may be reduced to 5m for one street frontage only, provided that traffic sightlines are not impaired. With the exception of the setback referred to in number 1 or 2 above this concession shall not apply to a Main Road or Trunk Road frontage.</p>	<p>remainder of the area between the building and the front boundary is to be landscaped (other than an access driveway).</p> <p>3. Car parking, access driveway's and water sensitive design elements are permitted in the front setback area, provided adequate landscape screening is provided to the street and sightlines are maintained for pedestrians and vehicle movement. A larger front building setback may be necessary to provide a suitable space for car parking, stormwater systems etc.</p> <p>4. Where a site has frontage to two streets, a building is to be setback a minimum of 4.5m from the secondary street frontage and the areas between the building and the street boundary are to be adequately landscaped. Water sensitive design elements are permitted in this area.</p>	<p>road junction and access to the site are maintained;</p> <p>ii) the setback provides adequate space for site landscaping of a type which is consistent with landscape principles specified in Section 7.</p> <p>2. Buildings shall be setback a minimum of 3 metres from the side and rear boundaries. A concession may be allowed where external walls have no windows and have a fire rating complying with the Building Code of Australia. In these circumstances, the building may be located up to the side and/or rear boundary of the site.</p> <p>3. Council may not grant this concession if it would result in the removal of significant vegetation.</p> <p><i>Building Setback Guidelines outlines building setback provisions in addition to requesting variations.</i></p>
Notes	<p>Gloucester DCP setback of 10 metres to the front property boundary is more than other DCP's. However, the Building Line Setback Guidelines allow flexibility where development is proven to be consistent with surrounding development and contributes to the streetscape. Side and rear boundary setbacks are consistent with BCA provisions except for Great Taree DCP whereby a 5 metre rear boundary setback is observed.</p>		

	<p><i>Recommendation:</i> No changes. There are adequate provisions in the Gloucester DCP to allow concessions where necessary. Existing industrial development generally observes a 10 metre setback and it is considered all future industrial development should be consistent. It is not considered this provision to too onerous.</p>	
<p>Building Design and Materials</p>	<p>Objectives</p> <ul style="list-style-type: none"> • Encourage industrial development that is functional, well designed and visually compatible and integrated with the local context. 	<ul style="list-style-type: none"> • To ensure industrial development is suitable for its purpose and function. • To ensure the appearance of industrial development is complementary to adjoining development. • To ensure industrial development contributes to a safe and activated streetscape.
<p>Guidelines</p>	<ol style="list-style-type: none"> 1. The front facade of the building shall be constructed in brickwork or approved masonry construction to the height of any office section, with returns on side walls to that height, for a distance of 3m. 2. The elevation of a building/s facade facing a public road, reserve, railway or adjoining residential areas are encouraged to be of a high quality design to contribute positively to the built form and landscaped character of the streetscape. 3. Building mass is to be suitably articulated to avoid large and blank expanses of walls. 4. Industrial buildings should be designed so as to create a variety of presentation forms in an industrial area in preference to continuous duplication of styles. 5. Display areas, ancillary offices, staff amenities and other low-scale building elements should be, wherever practicable, located at the front of the premises and integrated into the overall design and street address of the development. 6. Building materials that are highly reflective or less durable should be avoided. 	<ul style="list-style-type: none"> • Appropriate use should be made of materials, colours and variety of building form to ensure that the development would be appropriate in its surroundings. <ol style="list-style-type: none"> 1. Elevations of buildings which are visible from a public road, public reserve, adjacent to or adjoining a residential area are to be constructed of: <ol style="list-style-type: none"> (a) Brick, masonry, pre-coloured profiled metal cladding; or (b) Appropriately finished concrete panel; or (c) Other light-weight cladding that is appropriately finished; or (d) A combination of these materials. 2. Building entries should be prominently located, clearly demarcated and positioned to maximise casual surveillance. 3. External materials and colours are to be sympathetic to the existing streetscape. Highly reflective materials are not acceptable. 4. All driveways, car parking and manoeuvring areas shall be bitumen sealed or concrete paved. 5. Where a single building is to be divided to provide a number of industrial factory units for separate occupation, the following
		<ol style="list-style-type: none"> 1. Industrial development should be designed so as to comply with the requirements for the Building Code of Australia and energy efficiency requirements under this DCP and BASIX. 2. Council permits facades to be of metal and unless otherwise approved should have a facade facing the street of colour bonded material, masonry or a suitable treatment that enhances the overall appearance of the building and street.

	<p>7. Colours and textures of all external finishes are to be compatible with surrounding development.</p> <p>8. The application of awnings and other articulation to building facades, particularly with appropriate colours, can enhance the overall appearance of a development, especially when shadow effects are combined with landscaping to soften otherwise harsh building materials.</p> <p>9. All elevations and roof surfaces are to be constructed predominantly in masonry, textured pre-cast concrete panels or colorbond metal cladding. Non-reflective roof surfaces are mandatory. Reflective materials such as mirror glass, colorbond white or off-white metal colours will not be permitted. The reflectivity index for glass used externally in the construction of a building (as a curtain wall or the like) shall not exceed 20%.</p> <p>10. Development, which is free standing or abutting adjoining buildings, must avoid large, blank wall surfaces when viewed from a public place or a residential area. Substantial elevations must be articulated by either structural variation and/or a blend of external finishes and colours and decorative elements.</p> <p>11. Colonnades, verandahs and awnings shall be provided along pedestrian areas, particularly for buildings that will experience high volumes of pedestrian movement.</p> <p>12. While a variety of building designs and materials is encouraged, some continuity of style should be maintained.</p> <p>13. Proposed buildings on site adjoining land zoned for open space and/or riparian areas shall have regard to the visual and functional opportunities of the location.</p>	<p>additional requirements will apply.</p> <p>(a) the maximum number of factory units permissible is one unit for every 400m² of site area;</p> <p>(b) each factory unit should have a minimum floor area of 100m²;</p> <p>(c) internal walls separating the various factory units are to be of brick or concrete masonry construction;</p> <p>(d) each unit is to have its own male and female toilet.</p>	
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	14.All roof mounted plant/equipment shall be designed and screened in a manner that complements the parent buildings.		
Notes	All DCP's contain provisions of construction materials for the front facing façade of industrial buildings to enhance the streetscape. The guidelines of the Gloucester DCP allow for more flexibility as it relates to colour-bonded material being acceptable for such front facing facades whereas The Great Lakes and Greater Taree DCP's are more prescriptive. <i>Recommendation:</i> No changes.		
Safety, Security and Entrances			
Objectives	<ol style="list-style-type: none"> 1. Ensure a safe physical environment by promoting crime prevention through design; 2. Ensure that siting and design of buildings and spaces contributes to the actual and perceived personal and property safety of residents and visitors; 3. Ensure that the front entrance of each industrial development is clearly defined and visible to pedestrians and emergency services personnel from the street that it faces. 	<ul style="list-style-type: none"> • To ensure adequate provision is made for site security and to minimise the impact of fencing on the visual amenity of the locality. 	None stated.
Guidelines	<ol style="list-style-type: none"> 1. The site layout should ensure that the front entrance to an industrial development is easily identified by visitors and emergency services through design and conspicuous numbering. 2. Front fences and landscaping elements are to be designed not to obstruct casual surveillance to and from the industrial development. 3. Lighting to the exterior is to be provided to enhance the amenity and security around the building, however, light spill must not adversely impact on adjoining properties. 	<ol style="list-style-type: none"> 1. All fencing must be located behind the building line. 2. Security fencing may be permitted forward of the building line where it is constructed as an open style fence with a high quality finish such hollow-section steel vertical pickets, pre-finished metal palisade or black chain-mesh and where screen landscaping is provided in the front setback. Solid fencing, such as masonry, timber paling or colorbond is not permitted forward of the building line. 	<ol style="list-style-type: none"> 1. Fencing for security or privacy may be erected between the building line and the front boundary of a site where it is incorporated with the landscaping. 2. Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place. Fencing and landscaping shall not restrict the view of road users when fully developed or grown.
Notes:	The DCP provisions for all three (3) DCP's relating to Security and Fencing are similar. <i>Recommendation:</i> No changes		
Landscaping			
Objectives	<ul style="list-style-type: none"> • Retain existing vegetation where possible; 	<ul style="list-style-type: none"> • To improve the visual quality and amenity of 	The following landscaping requirements aim

	<ul style="list-style-type: none"> Integrate landscaping into the design of industrial development to soften the visual impact of the development; Provide safe environments for users by avoiding or minimising the risks in landscaped areas, and providing landscaping which assists in crime prevention. 	<p>industrial areas through the provision of low maintenance landscaping.</p>	<p>to ensure a high standard of environmental quality of individual developments, whilst enhancing the general streetscape and amenity of the area.</p>
<p>Guidelines</p>	<ol style="list-style-type: none"> Landscaping should be aimed at enhancing the visual amenity of the development as viewed from the street and surrounding vantage points. Selection of plant material should consist of low dense planting to 2m in height to screen car parks and storage areas, plus a canopy of trees to provide shade and soften the impact of larger buildings. Plants should be used on site boundaries to control dust. Plantings adjacent to car parking, driveways and vehicle manoeuvring areas should be protected by physical barriers such as kerbs, to prevent vehicular overrun. Council may defer the requirement for completion of landscaping for a period not exceeding twelve (12) months from the notified date of occupation provided prior written notification is given to Council of the intended date of occupation of the premises. Front fencing shall be designed to complement the development and form an important security role taking into account safer by design principles. The maximum height of fencing is 2.1m. The location of the front fencing will be dependent upon the type of fencing. Decorative metal or a combination of decorative metal and masonry fences shall be setback a minimum of 1m from the 	<ol style="list-style-type: none"> All areas within setbacks which adjoin public areas are to be landscaped, except for approved access driveways and car parking spaces. A landscaped garden bed with a minimum width of 2.5m is to be provided between any car parking spaces and the front boundary. Landscape design must be integral with water sensitive design elements, car parking and access driveway design. Landscape works are to provide adequate screening from the street whilst maintaining good pedestrian sightlines through a combination of low planting and trees. Landscape design should use low maintenance plant species. Council recommends the use of predominantly local indigenous species. A landscape plan showing the location of trees, shrubs and other groundcovers, including the species name and pot size is to be submitted with the development application. 	<ul style="list-style-type: none"> The following principles shall apply to the landscaping treatment of the site: <ol style="list-style-type: none"> That part of the site not occupied by the building or traffic areas should be landscaped. As little as possible of the unbuild upon areas should be used for access ways, driveways, parking and storage areas, etc. These areas should be screened by vegetation from public and neighbouring areas, and integrated into the overall landscape plan. Site landscaping should enhance the visual environment, create usable areas of active and passive open space around the building, be useful in shading walls, windows and open spaces, and assist with transitions of scale between adjoining buildings. Landscaping should be used to soften the appearance of development, both for ground areas, as well as within the building and on balconies, terraces and roofs as appropriate for the particular development. All existing live trees should be preserved where not located close to the external walls of a proposed building. Applicants will be required to maintain as many trees as possible

	<p>property boundary.</p> <p>10.A combination decorative metal and masonry fence with a landscape screening buffer planted in front must comply with the following;</p> <ol style="list-style-type: none"> the ratio of the masonry component to decorative metal component must fall within the range of between 1 part masonry to 6.5 – 7 parts metal panels; the metal panels must not exceed 3m in length nor be less than 1.8m in length; any masonry plinth established along the bottom of the fence must be not more than 600mm high; green or black plastic coated chain wire fencing may be erected behind the designated landscape area; galvanised chain wire, untreated metal, colourbond, wooden or barbed wire fencing will not be permitted as fencing in front of the building line or where visible from a public place. 		<p>on the site and approval is to be obtained before any tree is lopped or destroyed.</p> <ol style="list-style-type: none"> Selection of species for planting should relate to the natural vegetation in the locality, the scale of the surrounding development and the function of the landscaping (eg, providing shade or screening effect). Trees and shrubs should be used to divide and screen open parking areas. Pedestrian access to all entry points and to open areas around the building should be adequately provided.
<p>Notes:</p>	<p>Landscaping guidelines very similar. Gloucester DCP landscaping principles are more flexible than those in Greater Taree and Great Lakes DCP's.</p> <p><u>Recommendation:</u> No changes.</p>		
<p>Ancillary Requirements/Signage Objectives</p>	<ul style="list-style-type: none"> Ensure that industrial estate signage provides clear and business identification and directions; Ensure that signage is in keeping with the development in scale, quantity and overall design; Ensure that industrial areas are not adversely affected by signage in terms of appearance, size, illumination, overshadowing or visual clutter through a proliferation of signs. 	<ul style="list-style-type: none"> Controls are generally aimed at reducing the unattractive appearance resulting from too many signs or ill-placed advertising. 	<ol style="list-style-type: none"> ensuring adequate identification of all industrial premises while preventing the proliferation of advertisements; and ensuring that advertising is related to the scale and size of premises.

<p>Guidelines</p>	<ol style="list-style-type: none"> 1. Signage must relate to the uses or activities carried out on the same land on which the advertising sign is to be erected. 2. Signage shall not project over the roadway or footpath. 3. Ensure that signage does not dominate the architecture or cover a large portion of the building. 4. Signage is to be integrated into the design of the building 5. One advertising sign with is a maximum of 5m² may be permitted on the building for each street frontage. This sign may be no higher than the wall on which it is mounted. 6. One logo of a scale appropriate to the building façade may be permitted in addition to (5). 7. One (1) freestanding advertising structure shall be permitted for each street frontage, with a maximum area of 3m². 8. A maximum of two (2) pole or pylon signs per street frontage shall be permitted where: <ul style="list-style-type: none"> • A maximum of 6m² advertising space • A maximum overall height of 7m, and • The bottom of the pole or pylon is at least 3m above ground level. 9. Multi-unit industrial estates are to provide gateway directional signage for the units, industries and their layout at the entry to the estate. A maximum of one (1) such sign shall be permitted to a maximum of 8m² at the intersection of the entry road and the major through road past the industrial complex. The sign will allow for the general name of the industrial complex, the name of each business, and if appropriate a directional map. 	<p><i>In Section 15 – Advertising and Signage</i></p> <p><i>15.3 Design Guidelines for Advertising Signage in Various Zones</i></p> <p><i>15.3.3 Industrial Zones</i></p> <ol style="list-style-type: none"> 1. A maximum of four (4) signs are permissible per industrial premises, which do not exceed a total 10m² in area. 2. Directory boards should be provided at the entrance to self contained industrial estates, identifying the name of the estate and various occupants. 3. The number of signs must be limited to be four (4) per property. 4. The advertisement area of each sign must not exceed 10m². 5. Signs in multiple occupancy buildings should be of a uniform shape and size and should be located as close as possible to the occupancy to which they apply. 6. Where buildings are set back from the street frontage, pole signs or free-standing signs may be used close to the street frontage. 7. Off-site promotional signage on main roads should be limited to one sign which identifies and directs the travelling public to the industrial estate, rather than individual businesses. 8. 'Free-Standing' signs shall only be permitted where it can be demonstrated that the sign will not be visually intrusive or contribute to sign clutter. 	<ol style="list-style-type: none"> 1. Pole or pylon sign <ul style="list-style-type: none"> • As industrial premises are required to be set back 10.0 m from the street alignment, the premises may be identified by a pole or pylon sign located forward of that building line, and not overhanging the street alignment. • Where there are two or more businesses within the property, the sign should be a business directory sign. • Additional signs may be permitted on the basis of: <ul style="list-style-type: none"> o the adequacy of the signs, and/or o additional entries on that frontage. 2. Other signs <ul style="list-style-type: none"> • Each business within a property can have an identifying sign. Preferred signs (in order) are: <ol style="list-style-type: none"> a) top hamper signs; b) fascia signs; c) under-awning signs; and d) flush wall signs. 3. In addition to the requirements above, the size, shape and location must be appropriate for the appearance of the locality. 4. The content of the advertisement must name or characterise the building (or land use) or advertise the purpose (or any proposed purpose) for which the building is used.
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		5. Up to one-third of the advertising area may be used for a sponsor's product or other approved message.	
Notes:	Signage Guidelines in all three (3) DCP's very similar. <u>Recommendation:</u> No changes		
Storage			
Objectives	<ul style="list-style-type: none"> • Minimise the visibility of outdoor storage areas when viewed from a public road, reserve, railway or adjoining residential areas; • Ensure outdoor storage areas are contained and minimise adverse impact on the environment. 		
Guidelines	<ol style="list-style-type: none"> 1. Storage and or work areas are to be located to the rear of the building and screened from view of adjoining streets, public places or residential areas. 2. Chemicals are to be bundled and stored according to the requirements and approval of WorkCover NSW. 3. Designated car parking spaces are not to be used for storage or for industrial garbage receptacles. 4. Pallet storage and the like are to be elevated 	<ul style="list-style-type: none"> • To minimise the impact of open storage and work areas on the visual amenity of the locality. 	<p>None stated</p>
	<ol style="list-style-type: none"> 1. Open work and storage areas are to be located behind the primary building line and screened from public view by the use of landscaping and/or screen fencing. 2. The storage or display of materials or goods will only be permitted forward of the primary building line where it is an integral component of the proposed use and Council is satisfied that the outcome will not detract from the visual amenity of the locality. 	<ol style="list-style-type: none"> 1. Where any materials are to be stored outside the buildings, full details of the parts of the site to be so used and of the specific materials to be stored should be provided by the applicant. 2. Open storage areas are to be effectively screened. Such areas are to be located behind the building line. 3. In the case of applications which do not include buildings, screen walls or other approved screen devices are to be erected in order to effectively prevent 	

	to prevent the harborage of vermin.		the use of the land being viewed from a public road or nearby public reserve.
5.	Full details of the storage screening are to be submitted with the development application.		4.
6.	Council does not encourage external storage. Where such storage is proposed, Council requires applicants to have regard to the following provisions:		Screening devices are to be designed to harmonise with any existing or proposed landscaping.
a.	Where any materials or products are to be stored outside buildings, detail must be provided with the development application.		
b.	External storage areas are to be effectively screened and must not be visible from any public areas.		
c.	In the case of development applications which do not include buildings, screen walls and/ or landscaping or other approved screen devices are to be erected in order to effectively prevent the use of the land being viewed from a public road, nearby public reserve, or dwelling.		
d.	Screening devices are to be designed to harmonise with any existing or proposed landscaping. Landscaping should be used to break up large expanses of screen walls.		
e.	In the case of development applications for the repair and/or wrecking of motor vehicles, the operation of junk yards, or recycling of metal and other waste materials, Council may impose special conditions on outdoor storage. In such cases, early consultation with Council (before the development application is lodged) is advisable.		
f.	Screen walls are to incorporate finishes which match or are compatible with		

	external finishes of the industrial building elsewhere on site. g. Any materials to be stored that can impact water quality must be covered or runoff water must be treated.		
Notes:	DCP provisions very similar. <u>Recommendation:</u> No changes.		
Caretakers Residences			
Objectives	<ul style="list-style-type: none"> Ensure that appropriate accommodation is available for caretakers of industrial developments; Ensure the security of industrial premises through on-site surveillance. 	No guidelines/controls prescribed.	No guidelines/controls prescribed.
Guidelines	<ol style="list-style-type: none"> Demonstrated need for the full-time surveillance of the industrial use. Adequate car parking provision for the occupants of the dwelling Allocated clothes drying area and private open space allocation for residents of the dwelling. The design of the dwelling must be compatible and consistent with the existing or proposed industrial building. Where necessary the dwelling is to be insulated from any existing or proposed noise generating activities in the vicinity. Any approval is to be conditioned such that the approval for the caretaker's residence lapses when the industrial use is no longer in operation. 		
Notes:	The Greater Taree DCP is the only DCP that provides for guidelines for Caretaker's Residences associated with industrial uses. Caretaker's residences are sub-ordinate to the primary industrial uses and as ancillary to industry uses are permitted with development consent across all three (3) LEP's. <u>Recommendation:</u> No changes.		
Car Parking and Access			
Objectives	<ul style="list-style-type: none"> To ensure that adequate area is available to accommodate satisfactory landscaping. 	In Section 10 – Car Parking, Access, Alternative and Active Transport	The development proposal should be designed so that:

	<p>access, parking and manoeuvring of vehicles;</p> <ul style="list-style-type: none"> To reduce the visual impact of industrial development on the streetscape. 	<ul style="list-style-type: none"> To ensure that there is adequate and safe provision for access, manoeuvring and parking within the development. To restrict vehicular access to buildings in a manner that is compatible with pedestrian movements and safety. To integrate vehicle access and parking facilities without compromising street character, active street frontages or landscape. To promote alternative and active transport for both commuting and recreational transport. To provide an adequate level of on-site parking based upon anticipated occupancy rates and proximity to alternate and active transport, such as walking and bicycling. To ensure that parking requirements are met without imposing an undue burden on developers or an additional liability on the present and future ratepayers. To ensure adequate space is provided in non-residential development for safe vehicle manoeuvring so that vehicles enter and exit the site in a forward direction. <p><i>Further Objectives in 10.3.2.3 Industrial Development Car Parking design Controls</i></p> <ul style="list-style-type: none"> To reduce on-street parking pressure in industrial areas and promote the use of alternative transport for employees. To ensure adequate space is provided for safe vehicle manoeuvring so that vehicles enter and exit the site in a forward direction. <p><i>Further Objectives in 10.3.3 Vehicle Access and Driveways</i></p> <ul style="list-style-type: none"> To restrict vehicular access to buildings in a manner that is compatible with pedestrian 	<ul style="list-style-type: none"> parking space is sufficient for the needs of patrons including any ancillary uses; parking is located in such a way as to be evident, convenient and accessible; parking space and driveways do not detract unnecessarily from the appearance or amenity of a development; and parking areas for staff and patrons and loading areas are at least to some extent separate so as to assist with movement function of the development.
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Guidelines/Controls	<p>1. Space shall be provided for the safe manoeuvring and access of cars and heavy vehicles.</p> <p>2. The application plan shall demonstrate that such manoeuvring area sufficient for the likely traffic requirements and operation, including the large vehicles.</p> <p>3. All vehicles are to enter and exit the site in a forward direction.</p> <p>4. Parking for disabled access is to be provided at the rate of 1 space per 50 car parking spaces.</p> <p>5. Visitor parking spaces are generally to be provided behind the building line, but may be located between the building line and the street, up to a minimum of 6m from the street property boundary provided that all such parking and access areas in front of the building line are screened from direct view of the street by low earth mounding and or landscaping, which provides visual amenity and meets safety and security requirements.</p> <p>6. Loading areas are to be sealed and shall be located to the side or rear of the site.</p> <p>7. Vehicle wash down areas are to be constructed with a waste disposal system to capture water and silt.</p> <p>8. Development must meet the car parking and access requirements as identified in Part G of the DCP.</p> <p>9. The car parking requirements are to comply with the controls as set out in Part G of the DCP.</p>	<p>movements and safety.</p> <ul style="list-style-type: none"> To integrate vehicle access without compromising street character, active street frontages, landscape of pedestrian amenity and safety. <p><i>In Section 10.3 Car Parking</i> <i>10.3.1 Car Parking Rates</i> <i>10.3.1.3 All Development Excluding Residential</i></p> <p>1. The minimum parking requirements outlined in the table below should be used when minimum parking rates:</p> <p>(a) are not provided by relevant legislation; or</p> <p>(b) are not determined by a detailed parking demand survey in accordance with the Austroad publication Guide to Traffic Management Part 11 - Parking (2008).</p> <p><i>In Section 10.3 Car Parking</i> <i>10.3.2 Car Parking Design Controls</i> <i>10.3.2.3 Industrial Development</i></p> <p>1. Car parking that is located in front of the building is to be screened from the street by a landscaped garden bed with a minimum width of 2.5m.</p> <p>2. All car parking spaces are to be adequately sealed, drained and line-marked.</p> <p>3. Vehicles (especially trucks) should not be reversed onto any site from a public street nor onto a public street from any site.</p> <p><i>In Section 10.3 Vehicle Access and Driveways</i> <i>10.3.3.3 Industrial Development</i></p> <p>1. Developments which generate truck movements are to be designed to facilitate the movement, loading and unloading of those vehicles wholly within the site.</p> <p>2. Loading docks must be located behind the</p>	<p>1. On-site parking, loading and turning areas should be constructed with an approved sealed material. In exceptional circumstances an approved consolidated gravel pavement may be acceptable. Measures are to be taken to ensure that any graveled areas on site are as dust free as possible. Council may require dust suppression as a condition of development consent depending on the nature of adjoining land uses. Development applications shall indicate paving materials to be used.</p> <p>2. All roads, parking and turning areas shall be suitably drained to ensure that no contaminated water leaves the site.</p> <p>3. The following table indicates the requirements of car parking spaces for particular development. These requirements are extracted from the RTA Guide to Traffic Generating Developments. Requirements for other land uses, may be found in the RTA Guide to Traffic Generating Developments.</p>
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	<p>10. All parking shall be provided off-street and shall be appropriately line marked. A sign indicating customer parking shall be displayed at the entrance to the development. The number of parking spaces shall be in accordance with the car parking requirements referred to in Part G of the DCP.</p>	<p>primary building line.</p> <ol style="list-style-type: none"> 3. Access driveways, car parking and loading docks are to be designed and constructed in accordance with the current version of Australian Standard AS 2890.1 – Off-street car parking and Australian Standard 2890.2 – Off-street commercial vehicle facilities. 4. Access driveways are to be of a width that is consistent with the nature and needs of the development to avoid the obstruction of public roads by vehicles waiting for access to a site and which enables vehicles to be able to enter and leave the site in a forward direction. 5. Access driveways and car parking areas are to be constructed with a suitable impervious finish such as concrete or bitumen. 6. Driveways should be designed to avoid the obstruction of public roads by vehicles waiting for access to a site. On large sites (over 1.5ha) or sites likely to generate significant traffic, separate entrance and exit driveways should be provided; 7. Driveways should not be closer than 1.5m to the side boundary at the street alignment (to allow for landscaping) and not closer than 6m to an intersecting street; 8. Driveways must enter the site at right angles and be located so that vehicles turning from the street into the driveway can be readily seen by the driver of an approaching vehicle. 	
<p>Notes:</p>	<p>The Gloucester and Greater Taree DCP provide more flexibility towards industrial development by considering consolidated gravel/unsealed car parking and manoeuvring areas whereas the Great Lakes DCP does not. The Gloucester DCP does not provide for vehicles ie. trucks, being required to enter and leave the site in a forward gear. All three (3) DCP's rely on similar details for car parking rates.</p> <p><u>Recommendation:</u> No changes.</p>		

Waste Management	None stated. Separate DCP Objectives contained in <i>Part M – Site waste minimisation & management</i>	None stated. Separate DCP Objectives contained in <i>Section 14 – Waste Management</i> .	None stated. Objectives contained in <i>Part 4.13 – Waste Not DCP NSW Department of Environment and Climate Change</i>
Objectives	None stated. Separate DCP Objectives contained in <i>Part M – Site waste minimisation & management</i>	None stated. Separate DCP Objectives contained in <i>Section 14 – Waste Management</i> .	1. The garbage area shall be screened where the receptacle is visible from a public place or where more than one receptacle, from within the development. 2. Garbage disposal units discharging to the sewer will not be permitted. <i>Additional Guidelines in Part 4.13 – Waste Not DCP NSW Department of Environment and Climate Change</i>
Guidelines/Controls	None stated. Separate DCP guidelines contained in <i>Part M – Site waste minimisation & management</i>	None stated. Separate DCP Guidelines in <i>Section 14 – Waste Management</i> .	
Notes:	DCP provisions very similar. Generally adopted form model DCP provisions, provided by the NSW Department of Environment and Climate Change 2008 "Waste Not DCP". <i>Recommendation:</i> No changes.		
Additional Considerations			
Objectives			
Guidelines/Controls	Part 11 Water Sensitive Urban Design Part 12 Tree and Vegetation Preservation		<i>Design for Energy Conservation</i> 1. The design and siting of the building and the landscape design should ensure that heat gain into the building is minimised, in order to reduce the load on or need for air conditioning systems. The penetration of sunlight into neighbouring property for solar collectors shall also be considered. 2. Design techniques for the control of sun penetration include: - orientation (suitable control of sunlight is most easily obtained on walls facing north); - use of horizontal projecting screens such as overhead balconies, awnings, wide eaves or pergolas (to allow warm winter sun to penetrate rooms while excluding the hot summer sun); - use of deciduous trees on the

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<p>retardation of stormwater. This may be undertaken in conjunction with landscaping. Where possible, stormwater retained on site should be re-used for the irrigation of landscaping.</p>	<p>5. Where possible, drains should be open surface drains or accessible on the premises. This enables tracking of pollutant discharges and/or early interception of accidental spills.</p>	<p>6. Prior approval shall be required for the disposal of trade wastes to the sewerage system, and shall comply with the Local Water and Sewerage Authority trade waste policy as appropriate.</p>	<p><i>Vehicle washing facilities</i></p> <p>1. Consideration should be given for provision of vehicle washing facilities, constructed with consideration given to the disposal of water and silt with a hose cock fitted nearby. Car washing areas shall require approval under the Local Water and Sewerage Authority Trade Waste Policy.</p>	<p><i>Trade waste</i></p> <p>1. Industries, shops or other premises that are discharging waste to the sewerage system shall be required to obtain an approval for the discharge of trade waste. Applicants are advised to contact the Local Water and Sewerage Authority for advice on the required systems to be installed.</p>	<p><i>Access for the disabled</i></p> <p>1. Attention is drawn to the requirements of the Building Code of Australia regarding the provision of access for the disabled, which may affect the design of the building in some cases.</p>
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<p>Notes:</p>	<p>Gloucester DCP provisions included that are standard BCA provisions or otherwise, ie. BASIX or disabled access. Other provisions pertaining to trade waste relate to DCP provisions before the formation of Midcoast Water. The Gloucester DCP 2010 stormwater provisions for industrial sites relate to similar provisions in the Great Lakes DCP for Water Sensitive Urban Design. It is considered generally energy efficiency of industrial buildings, investigations for water sensitive urban design and/or stormwater controls and tree preservation should be considered as part of future DCP provisions. <u>Recommendation:</u> No changes.</p>
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4 DEDICATION OF ENVIRONMENTAL OFFSET - BLUEY'S ESTATE, CHARLOTTE BAY

Report Author Alexandra Macvean, Senior Strategic Planner
File No. / ECM Index SP-PP-09; Rezoning Land at Bluey's Estate Charlotte Bay
Date of Meeting 26 July 2017

SUMMARY OF REPORT

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

SUMMARY OF RECOMMENDATION

- A. That Council advise the land owner that the dedication of ecologically significant land associated with the rezoning of Bluey's Estate The Lakes Way, Charlotte Bay to Council can be considered as an option along with other protection mechanisms provided suitable funding arrangements are made for ongoing management obligations.
- B. The proponents of the rezoning be advised that should the ecologically significant land at Bluey's Estate The Lakes Way Charlotte Bay be dedicated to MidCoast Council:
- a Planning Agreement is to be drafted to transfer the land at no cost and to cover the full cost of maintenance of the land for a reasonable period; and
 - a Plan of Management for the land in accordance with the Local Government Act, 1993 shall also be prepared on Council's behalf and at their cost.

FINANCIAL/RESOURCE IMPLICATIONS

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

LEGAL IMPLICATIONS

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

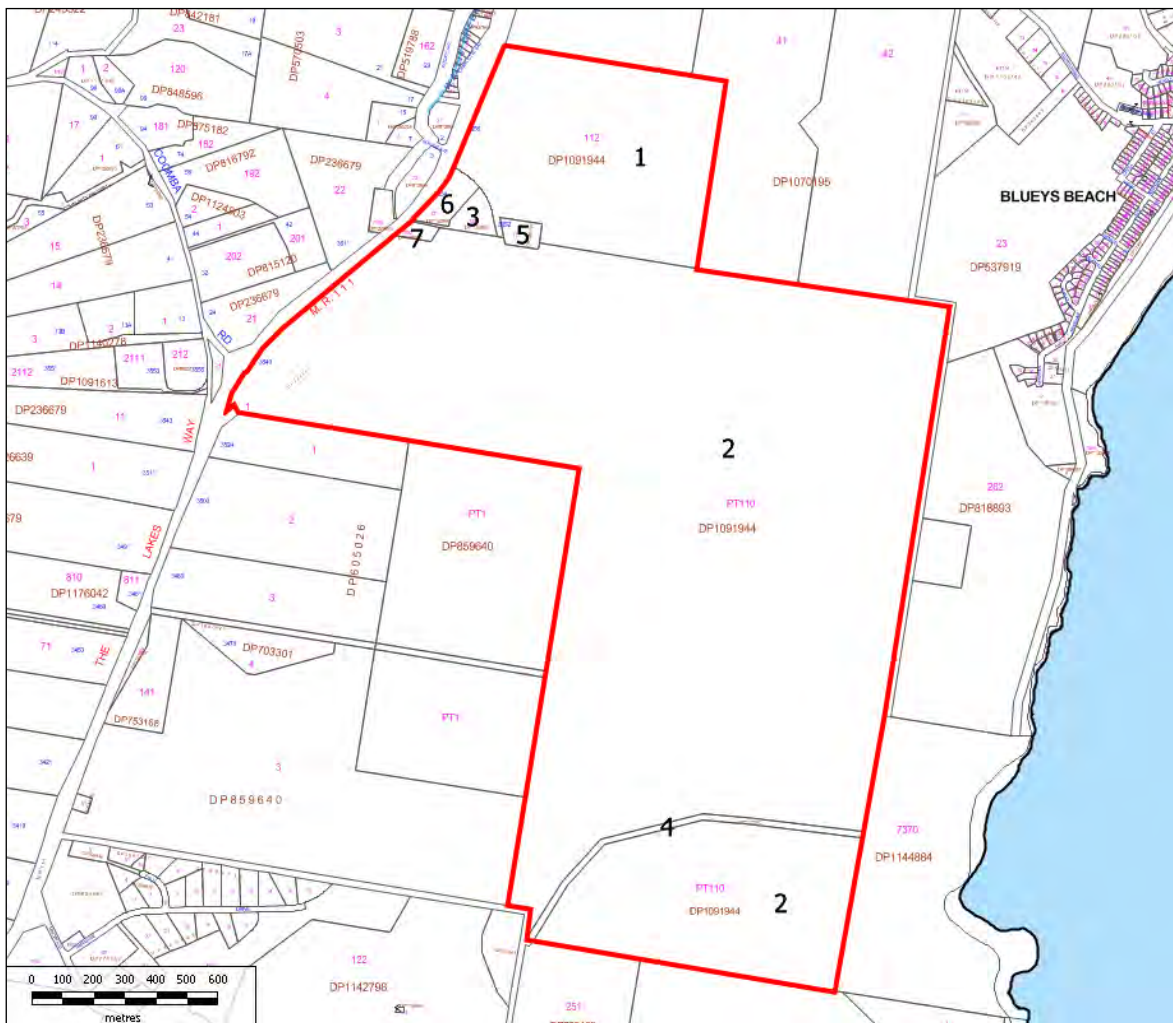
BACKGROUND

A Planning Proposal based on a land-owner application to rezone two properties, Lots 110 & 112 DP 1091944, The Lakes Way Charlotte's Bay and five adjoining allotments is being prepared as part of a strategic approach to the rezoning of land in this location. The Planning Proposal was endorsed by Council on 10 March 2015. The land subject of the Proposal is commonly referred to as Bluey's Estate and is located to the east of The Lakes Way, between the villages of Pacific Palms and Smith Lakes.

The application to rezone Lots 110 and 112 was prepared on the basis of preliminary environmental, flooding and water quality management investigations and anticipates that the land which is currently zoned RU2 Rural Landscape, may be rezoned primarily for residential development and environmental conservation purposes.

In conjunction with the application to rezone Lots 110 and 112, Council is proposing to rezone five adjoining allotments which would otherwise represent isolated areas of land zoned RU2 Rural Landscape. These areas are included so as to give a long term strategic outcome for the land generally between Smiths Lake and Pacific Palms and because they are unsuitable for agricultural purposes due to the size of the allotments and site constraints.

The total land area of the seven allotments affected by the Proposal is approximately 357 hectares.



1. Lot 112 DP 1091944 forms part of Bluey's Estate and represents approximately 45 hectares of the Proposal site.
2. Lot 110 DP 1091944 forms part of Bluey's Estate and represents approximately 306 hectares of the Proposal site.
3. Lot 122 DP 1163892 is an undeveloped 1.5 hectare battle-axe allotment off The Lakes Way Charlotte Bay held in ownership with Bluey's Estate.
4. Lot 1 DP 1172370 held in ownership with Bluey's Estate is a closed road and has an area of approximately 2.7 hectares.

5. Lot 111 DP 1091944 has an area of approximately 1 hectare and is held in separate ownership. Access to the site from The Lakes Way is provided by a Right of Carriageway over Lot 112.
6. Lot 121 DP 1163892 has an area of approximately 1.8 hectares with direct frontage to The Lakes Way Charlotte Bay and is held in separate ownership.
7. Lot 7050 DP 1074972 is owned by NSW Trade and Investment with an adjacent property on the western side of The Lakes Way. The 1 hectare property is reserved for Water Rights.

The Proposal outlines a clear intention to dedicate approximately 257 hectares of high value ecological land over the eastern portion of the site, in order to protect these lands into perpetuity and to deliver an environmental off-set for the future development. The mechanisms for permanent protection would either be dedication to a public authority such as the National Park Wildlife Service via a Planning Agreement, or another suitable legal mechanism for protection.

In this regard, a letter from the land owner was submitted with the Planning Proposal offering to enter into a planning agreement to facilitate the dedication of the land.

The original portion of the site identified as having high ecological value and a potentially suitable development off-set, is shown in a draft land use zoning plan within the Planning Proposal as having an E2 Environmental Conservation zone, as shown in Attachment A to this report.

The Department of Planning & Environment's Gateway Determination cover letter identified that dedication to the National Park estate was the preferred mechanism of protection:

"It is noted that the planning proposal is to be progressed in conjunction with a voluntary planning agreement (VPA) between landowners and Council to provide for the dedication of high value ecological land in order to protect these lands into perpetuity. Council is advised to also liaise closely with the Office of Environment and Heritage and the Department to assess the potential for the land to be dedicated for addition to the National Parks estate."

Furthermore, the dedication is the subject of specific conditions of the Gateway Determination:

1. *The Proposal should be amended, prior to exhibition, to incorporate the:*
 - *use of E1 National Parks zone, if land is to be dedicated to National Parks estate.*
4. *Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s 117 Directions:*
 - *Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and the associated VPA. Council should also liaise closely with the NSW National Parks and Wildlife Service about the potential for these lands to be dedicated for addition to the National Park estate;*

A copy of the Gateway Determination documents from the Department of Planning & Environment are contained within Annexure A to this report.

A locality map illustrating the location of the Planning Proposal site relative to the Booti Booti, Wallingat and Myall Lakes National Parks is provided in Attachment B to this report.

DISCUSSION

Council adopted the current Planning Proposal and endorsed its submission to the Department of Planning & Environment (the Department) for a Gateway Determination on 10 March 2015.

The Planning Proposal was submitted to the Department and a conditional Gateway Determination issued on 28 April 2015 recommending consultation with the NSW Office of Environment & Heritage and Department of Planning & Environment to assess the potential for environmentally sensitive land to be dedicated to the National Parks estate.

Despite lengthy consultation with the land owners, their representatives, officers of the Department of Planning & Environment and NSW Office of Environment & Heritage, Council has recently received the following advice from NSW OEH:

"OEH has received formal confirmation from the NPWS that they are not in a position to accept the environmental offset land.

As such, given the high conservation values associated with the offset lands as part of a regionally significant corridor linking Myall Lakes and Booti Booti National Parks, OEH recommends Council investigates alternative mechanisms for the in-perpetuity protection and management of the land."

A copy of the NSW Office of Environment & Heritage correspondence is provided in Annexure B to this report.

Therefore, in lieu of the dedication of the land to the National Park estate, there are two preferred options for permanent protection of the ecologically sensitive lands: dedication of this land to MidCoast Council via a Planning Agreement; or the establishment of a bio-banking agreement over the lands.

Therefore, to provide certainty to the land owner and agencies involved in the project, Council's in-principle support for dedication of the environmentally significant land on Blueys Estate to MidCoast Council as one permanent protection mechanism that may be given further consideration and investigation, is sought at this critical stage of the program.

CONSULTATION

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

Given the unique nature of this proposal, the Gateway Determination requires significant additional study and investigation, but also a high level of inter-agency consultation and negotiation to ensure the intended outcomes are achieved.

Therefore, in seeking in-principle support for the potential dedication of environmentally sensitive areas of the site to MidCoast Council as a development off-set, officers are looking for confirmation that despite the National Park declining to take the land, consultation regarding alternative protect mechanisms and the project as a whole, can continue.

COMMUNITY IMPACTS

The Planning Proposal has the potential to have positive economic affects within the Pacific Palms and broader Great Lakes region of the MidCoast Council local government area.

The MidCoast is recognised as a significant tourism location because of the high quality of the natural environment - terrestrial and aquatic, within the region. The protection into perpetuity of the nominated 257 hectares would create a significant local and regional environmental corridor between Booti Booti, Wallingat and Myall Lakes National Parks.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The Proposal has been prepared in a manner that is consistent with the relevant Key Directions, Objectives and Strategies of the Great Lakes Community Strategic Plan 2030.

In particular, the permanent protection of an environmentally and visually significant area of the Pacific Palms by way of dedication to a public authority such as Council is consistent with the objectives and strategies of Key Direction No.1 Our Environment:

Objectives

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

Strategies

- Base strategic land use planning on ecologically sustainable principles

The permanent protection of this key wildlife corridor is also consistent with the MidCoast Council Great Lakes Region Delivery program 2013-2017. The site could provide recreational linkages between National Parks and form part of the Great Walks Tracks and Trails project, reported to Council in November 2015 and documented in the objectives and strategies of Key Direction No.2 - Strong local economies:

Objective 7 - Provide transport infrastructure that meets current and future needs

Strategy 7.3 - Develop facilities that provide for safe pedestrian and cycle traffic

7.3.2 Provide walking and cycling paths that link the area's foreshores, parks and reserves

- Continue to develop the 'Great Walks' program that aims to connect and expand on existing walking trails across the Great Lakes

Furthermore, the Great Walks project as an extension of the Great Northern Walk and the protection of natural areas are also identified as a future action within the MidCoast Council area in the Department of Planning & Environment's Hunter Regional Plan 2036 under Goal 2 - A biodiversity-rich natural environment and Goal 3 - Thriving communities:

"Goal 2 Direction 14 - Protect and connect natural areas

Investing in conservation (including biodiversity offsets) that protects, and where possible, enhances habitat connections will deliver multiple benefits to the environment and the community. Investments have already been made in the Green Corridor (identified in the 2006 Lower Hunter Regional Strategy), which is an important link in the Great Eastern Ranges initiative. Identifying other priority conservation areas is also important.

Modelling that identifies habitat connectivity is the first step to identifying and protecting existing habitat links and then establishing new links to support the movement of animals across the landscape.

Many of the region's natural features are already subject to a high level of regulation to protect their environmental values. Strategic land use planning should identify and take account of the location and extent of these areas of high environmental value.

Actions

- 14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.*

- 14.2 *Identify and strengthen biodiversity corridors as places for priority biodiversity offsets.*
- 14.3 *Improve the quality of, and access to, information relating to high environmental values.*
- 14.4 *Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts.*
- 14.5 *Secure the long term protection of regionally significant biodiversity corridors.*

Goal 3 Direction 18 - Enhance access to recreational facilities and connect open spaces

Expanding on the recreational walking and cycling trails that already exist in the region will allow more people to experience the region's wonderful natural areas. This includes extending the Great North Walk – a 250-kilometre bushwalking track that already links Sydney to the Hunter Valley and Newcastle – along the coast to Forster and inland. Investigations are under way on the Richmond Vale Rail Trail, which will provide a recreation link between Newcastle and Kurri Kurri.

The Hunter has an extensive network of open space spread across 9,775 hectares of land that provides many opportunities for people to experience the environment. By 2036, the network of recreation facilities, open space and bushland will extend to form a 'green grid' across the region. Within Greater Newcastle, this means there will be connections between Glenrock State Conservation Area, Blue Gum Hills Regional Park and Blackbutt Reserve.

The waterways in the region, such as Lake Macquarie, Port Stephens and Manning River, support important water-based recreational activities including both powered and non-powered boating activities.

Actions

- 18.1 *Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway.*
- 18.2 *Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.*
- 18.3 *Enhance public access to natural areas, including coastal and lake foreshores.*
- 18.4 *Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.*
- 18.5 *Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access."*

TIMEFRAME

The Gateway Determination for this project has been extended. The anticipated project completion date is now 5 May 2018.

BUDGET IMPLICATIONS

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

RISK CONSIDERATION

The preparation of a Planning Agreement to facilitate the dedication of land, preparation of a Plan of Management and funding of the restoration and ongoing management of the land limits the risks associated with the potential dedication of the development off-set land to Council.

RECOMMENDATION

- A. That Council advise the land owner that the dedication of ecologically significant land associated with the rezoning of Bluey's Estate The Lakes Way, Charlotte Bay to Council can be considered as an option along with other protection mechanisms provided suitable funding arrangements are made for ongoing management obligations.
- B. The proponents of the rezoning be advised that should the ecologically significant land at Bluey's Estate The Lakes Way Charlotte Bay be dedicated to MidCoast Council:
 - a Planning Agreement is to be drafted to transfer the land at no cost and to cover the full cost of maintenance of the land for a reasonable period; and
 - a Plan of Management for the land in accordance with the Local Government Act, 1993 shall also be prepared on Council's behalf and at their cost.

ATTACHMENTS

- A: Draft Land Use Zoning Plan, Bluey's Estate Planning Proposal
B: Locality map of Planning Proposal site relative to National Parks

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

ANNEXURES

A: Department of Planning & Environment Gateway Determination documents



Planning &
Environment



Mr Glenn Handford
Interim General Manager
MidCoast Council
PO Box 450
Forster NSW 2428

Our ref: 15/05237
Your ref: SP-PP-09

Att: Alexandra Macvean

Dear Mr Handford,

Planning Proposal PP_2015_GLAKE_002_00 – Alteration of Gateway determination

I refer to your letter of 20 February 2017 in relation to seeking an extension of time to complete Planning Proposal PP_2015_GLAKE_002_00 to rezone rural land at Charlotte Bay to R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE2 Private Recreation.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 28 April 2015.

The Gateway determination has been altered to extend the time to complete the proposal. The Proposal is now due for completion on 5 May 2018.

The Gateway determination has also been amended to correct a minor error in the description of the existing RU2 Rural Landscape Zone - the Gateway determination was issued with the existing zone incorrectly described as RU2 Primary Production Zone rather than RU2 Rural Landscape Zone.

If you have any questions in relation to this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on (02) 4904 2719.

Yours sincerely,

12/5/2017
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW
2300 Phone 02 4904 2700 Fax 02 4904 2701 Website planning.nsw.gov.au



Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
Forster NSW 2428

Our ref: PP_2015_GLAKE_002_00 (15/05237)
Your ref: SP-PP-09

Att: Ms Alexandra Macvean

Dear Mr Handford

Planning proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to Council's letter dated 13 March 2015, requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone approximately 351 hectares of rural land at Charlotte Bay for large environmental protection, residential and private recreation purposes. This is to facilitate the protection and enhanced management of a significant area of environmentally sensitive land, providing habitat and corridor linkages between the Booti Booti, Myall Lakes and Wallingat National Parks and to grow and support the existing Charlotte Bay, Pacific Palms and Smiths Lake communities.

It is noted that the planning proposal is to be progressed in conjunction with a voluntary planning agreement (VPA) between landowners and Council to provide for the dedication of high value ecological land in order to protect these lands into perpetuity. Council is advised to also liaise closely with the Office of Environment and Heritage and the Department to assess the potential for the land to be dedicated for addition to the National Parks estate.

Given the potential for broader public benefits, the Proposal has been supported and as delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. Council are encouraged to progress work on their Growth Management Strategy and adopt a strategic approach to growth in their LGA in the future.

Because a number of studies and investigations need to be undertaken and the planning proposal amended and sent to the Department and the Office and Environment and Heritage for comment, prior to exhibition, I have elected not to issue Council with delegations to finalise this plan. Council may need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the amended planning proposal as soon as possible after the completion of the necessary studies and investigations. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Brian Murphy from the Hunter office to assist you. He can be contacted on (02) 4904 2712.

Yours sincerely,

28 April 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2015_GLAKE_002_00): to rezone land at Charlotte Bay in Great Lakes LGA.

I, the General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to rezone land at Charlotte Bay from RU2 Primary Production to part R2 Low Density Residential, E2 Environmental Conservation, E3 Environmental Management and RE2 Private Recreation as described in Council's Proposal, should proceed subject to the following conditions:

1. The Proposal should be amended, prior to exhibition, to incorporate the:
 - recommendations of the required additional studies / investigations (see below);
 - recommendations of relevant government agencies and to update consideration of relevant s117 directions - 1.3 Mining Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and SEPP 44 Koala Habitat Protection and SEPP 55 Remediation of Land;
 - draft LEP Land Zoning, Lot Size and Height of Buildings maps consistent with the Department's mapping requirements for LEPs; and
 - the use of E1 National Parks zone, if land is to be dedicated to National Parks estate.

Copies of the amended Proposal should be provided to the Department and OEH for information and comment prior to exhibition.

2. The following studies / investigations are to be undertaken prior to exhibition:
 - Ecological assessment, including an assessment of potential Koala habitat and the need for a Koala plan of management to be prepared, prior to any development being approved;
 - Cultural Heritage assessment;
 - Preliminary contamination assessment, consistent with the requirements of SEPP 55.
 - Bushfire hazard assessment;
 - Flood Assessment;
 - Access Transport Strategy;
 - Integrated water management strategy; and
 - Utility Services Assessment (water /sewer, electricity and telecommunications).

Council should consider the findings of these investigations in amending the Proposal and preparing the draft LEP maps, prior to public exhibition and submitting the final Proposal for approval.

3. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:
 - (a) the Proposal must be made publicly available for a minimum 28 days. A 28 day exhibition is supported because the local significance of the proposal.
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available

along with planning proposals as identified in section 5.5.2 of *A guide to preparing LEPs (Department of Planning & Infrastructure 2013)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and / or to comply with the requirements of relevant s117 Directions:
 - Office of Environment and Heritage regarding the zone boundaries for environmental protection lands and the associated VPA. Council should also liaise closely with the NSW National Parks and Wildlife Service about the potential for these lands to be dedicated for addition to the National Park estate;
 - Office of Environment and Heritage regarding the assessment of Aboriginal Heritage;
 - Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection;
 - DPI regarding s117 direction 1.3 Mining Petroleum Production and Extractive Industries;
 - Roads and Maritime Services regarding the access transport strategy;
 - Roads and Maritime Services, Department of Education, Fire and Rescue, NSW Police and Ambulance Service of NSW regarding State infrastructure requirements; and
 - Mid Coast Water, Essential Energy and Telstra regarding Utility Services Assessment.

Each public authority is to be provided with a copy of the Proposal and any relevant supporting material, and given at least 21 days to comment on the Proposal. Council should, following receipt of advice from the public authorities, update its consideration of s117 Directions and SEPPs in the Proposal, as required.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The Proposal is not to be finalised until an agreement is in place for the in perpetuity protection of the environmental land.
7. The time-frame for completing the LEP is to be **24 months** from the week following Gateway Determination. A 24 month time-frame has been provided because of the need for Council to undertake the identified studies / investigations, amend the Proposal and resolve and exhibit the planning agreement.

Dated 28th day of April 2015.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

B: Correspondence from NSW Office of Environment & Heritage



DOC17/229150-2

Ms Alexandra Macvean
Senior Strategic Planner
MidCoast Council
alexandra.macvean@midcoast.nsw.gov.au

Dear Ms Macvean

Environmental offset land associated with Blueys Estate Planning Proposal

I refer to your email dated 13 April 2017 seeking advice from the Office of Environment and Heritage (OEH) in relation to the above mentioned planning proposal. In particular you requested advice from the National Parks and Wildlife Service (NPWS) confirming or otherwise their willingness to accept environmental offset land associated with the Blueys Estate planning proposal.

OEH has received formal confirmation from the NPWS that they are not in a position to accept the environmental offset land. As such, given the high conservation values associated with the offset lands as part of a regionally significant corridor linking Myall Lakes and Booti Booti National Parks, OEH recommends Council investigate alternative mechanisms for the in-perpetuity protection and management of the land.

If you require any further information regarding this matter please contact Anne Browett, Conservation Planning Officer, on 4927 3160.

Yours sincerely

11 MAY 2017

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast
Regional Operations

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5 PLANNING PROPOSAL & PLANNING AGREEMENT - LAND ON MURRAY ROAD WINGHAM

Report Author Michael Griffith, Strategic Planner

File No. / ECM Index S321

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This planning proposal seeks to alter the zone of land bounded by Murray Road, Richardson, Mortimer and Lambert Streets, Wingham from Primary Production (RU1) and Neighbourhood Centre (B1) to a combination of General Residential (R1) and Environmental Conservation (E2) zones. The planning proposal was exhibited with a draft planning agreement to enable the dedication and enhancement of environmental lands. Based on a submission, further investigations were undertaken with regard to the protection of significant vegetation on the site. Investigations resulted in the land to be included in the Environmental Conservation (E2) zone and the extent of the proposed planning agreement being increased to protect the significant vegetation. This report outlines these changes.

SUMMARY OF RECOMMENDATION

That the planning proposal and planning agreement be amended to reflect the increase of land to be included in the Environmental Conservation (E2) zone and subsequently enhanced and dedicated to Council. When the amended planning agreement is signed by all parties, the amended planning proposal will be forwarded to the NSW Department of Planning and Environment for the plan to be made. The Interim General Manager and Administrator will be delegated the authority to sign the amended planning agreement.

FINANCIAL/RESOURCE IMPLICATIONS

The application was assessed on a user-pays basis. All required fees in association with the planning proposal and planning agreement are incurred wholly by the applicant.

The proposed planning agreement commits Council to the future ownership of the Environmental Conservation (E2) zoned land. The dedication is to be undertaken in accordance with the *Dedication of Land to Council Policy*. This policy requires the owner of the land to provide a monetary contribution to enable Council to manage the land in perpetuity. Given the proposed planning agreement is linked to this policy, there is a mechanism in place to provide for the future management of the proposed Environmental Conservation (E2) zoned land.

LEGAL IMPLICATIONS

The planning proposal and proposed planning agreement have been developed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the associated *Environmental Planning and Assessment Regulation 2000*.

BACKGROUND

The planning proposal aims to alter the zoning of Lot 4 DP 114687 and Lots 246, 265, 266, 267, 268, 269, 270 and 310 DP 754454 from Primary Production (RU1) and Neighbourhood Centre (B1) to a combination of General Residential (R1) and Environmental Conservation (E2) zones to enable residential development and protect the vegetation on the site. The location of the site is shown in Attachment A. The site is approximately 7.95ha and has a drainage line running from west to east through the centre of the site.

The proposed planning agreement requires the dedication and enhancement of important environmental lands on the site.

As indicated in the table below, the planning proposal and proposed planning agreement are in the later stages of the process. During the exhibition, one submission was received that required further investigation and has taken some time to resolve. This report provides the background to this further assessment.

PLANNING PROPOSAL						
✓	✓	✓	✓	✓		
Application lodged	Council refer to Minister	Gateway determination	Exhibit planning proposal	Consider submissions. Report to Council	Consult with Parliamentary Counsel to make the plan	Minister approves the rezoning
(Feb 2014)	(July 2014)	(Sept 2014)	(Feb-Mar 2016)	(July 2017)		

PLANNING AGREEMENT (PA)			
✓	✓	✓	
Develop draft planning agreement	Exhibit draft planning agreement	Consider submissions. Report to Council	Sign and register planning agreement
(Nov-Dec 2015)	(Feb-Mar 2016)	(July 2017)	

DISCUSSION

A number of consultations have occurred since the planning proposal was considered by Council in July 2014, as outlined below.

Agency consultation:

The Gateway determination issued by the Department of Planning and Environment required consultation be undertaken with the following agencies:

- Purfleet Taree Local Aboriginal Lands Council - being an adjoining property owner, they highlighted the need for long term weed management and controlled access to the proposed Environmental Conservation (E2) zoned land. They suggested that the area should be fenced and a weed management plan prepared.
- Office of Environment and Heritage (OEH) - raised the environmental significance of the drainage line that runs through the site and suggested an environmental zoning be applied. OEH also identified the need for vegetation management in this area to achieve an 'improve or maintain' outcome.

In response to these agencies, Council drafted a planning agreement (including an explanatory note) which required the dedication and enhancement of the land included in the drainage line and adjoined the land owned by the Purfleet Taree Local Aboriginal Lands Council. The planning proposal was also amended to include the drainage line in the Environmental Conservation (E2) zone. The planning proposal and draft planning agreement were exhibited concurrently from 12 February to 11 March 2016.

Community consultation:

One submission was received during the community consultation from Koalas In Care Inc. The submission suggested that there had been the misidentification of the Slaty Red Gum (*Eucalyptus glaucina*) population on the site and the presence of Koalas in this area was incorrectly reported. Slaty Red Gum is listed as Vulnerable on both the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The following investigations were undertaken in response to this submission:

- specimens were collected and sent to the Royal Botanic Gardens who confirmed the Slaty Red Gum (*Eucalyptus glaucina*) population in the site;
- the applicant undertook an additional ecological assessment to identify the extent of this species on the site. This was reviewed by Council's Ecologist to confirm the extent of the vegetation and protection measures;
- a meeting was held on the 5 June 2017 with staff from the NSW Department of Planning and Environment and the Office of Environment and Heritage to seek agreement to the preferred approach to protect and conserve the Slaty Red Gum (*Eucalyptus glaucina*) population on the site. There was agreement that an extension of the Environmental Conservation (E2) zone and the area covered by the proposed planning agreement would address the concerns raised by Koalas In Care Inc. It was also agreed that these changes were a result of the community consultation and that re-exhibition was not necessary; and
- Council officers met with representatives from Koalas In Care Inc. on 15 June 2017 to ensure that the revised proposal adequately addressed the points raised in their submission. Koalas In Care Inc. were satisfied with this outcome.

Proposed amendments:

It is proposed to amend the **planning proposal** to:

- increase the extent of land to be included in the Environmental Conservation (E2) zone as shown in Attachment B and update the relevant environmental considerations to reflect the environmental values of the land;
- update the consultation section and timeframes; and
- insertion of a revised zoning map as contained in Attachment B.

The **proposed planning agreement** will be amended to reflect the extent of the proposed Environmental Conservation (E2) zone. Other proposed amendments include:

- updating references to Council (from Greater Taree City to MidCoast) and dates etc.;
- updating references to the extent of the Contribution Land (land proposed to be zoned Environmental Conservation (E2) and which is to be dedicated to Council), which is to cover the drainage line and the northern parts of the site (as per Attachment B);
- inclusion of a statement in the background information that the land will act as a vegetation reserve;
- insertion of a revised rezoning map;
- updating the Contribution Land area (ha);
- amending the Schedule 4 wording to include a higher ratio for re-planting of Slaty Red Gum and Red Gum at a ratio of 4:1 which is to be propagated from local plant stock and a ratio of 2:1 for any other native tree with a trunk diameter >150mm;
- inclusion of wording to encourage re-planting in the Contribution Land and not planting offset vegetation as street trees;
- inclusion of a street planting schedule for the development land;
- inclusion of a list of target weed species for priority control, including, Privet, Ground asparagus, Lantana, Camphor laurel, Cadagi, African boxthorn, Cassia, Tobacco bush, Elephant ear, Fishbone fern and Crofton weed; and
- any amendments required to legally enact this planning agreement.

CONSULTATION

Community consultation was undertaken from 12 February to 11 March 2016 and involved:

- letters being sent to neighbouring landowners;
- placing a notice in the Manning News section of the Manning River Times and Wingham Chronicle on 12, 19 and 26 February 2016, and the 4 March 2016; and
- making the documents available on Council's website, in the Taree Administration Building, and the Taree and Wingham Libraries.

One submission was received from Koalas in Care Inc.

COMMUNITY IMPACTS

Based on the community feedback, the proposed amendments to the planning proposal and proposed planning agreement will provide a positive impact for the community by protecting the important vegetation on the site, while making it possible for future residential infill development in Wingham.

The proposed planning agreement also provides certainty to the developer, community and Council in regard to the proposed dedication of land and restoration works.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The rezoning of land and the proposed planning agreement are consistent with a number of strategies in the *Manning Valley Community Plan 2010-30*, with key strategies being:

"Maintain and enhance biodiversity, in accordance with the principles of ecologically sustainable development" (Strategy 7)

"Ensure a wide choice of housing styles and locations, with consideration of accessibility, adaptability and affordability" (Strategy 21).

The Manning Region Operational Plan 2016/2017 identified the processing of planning proposals as a key initiative.

TIMEFRAME

The Gateway determination requires this amendment process be completed by 25 September 2017. The project is on target to meet this timeframe.

BUDGET IMPLICATIONS

The application is assessed on a user-pays basis. All required studies and fees in association with the planning proposal and planning agreement are incurred by the applicant.

The proposed planning agreement commits Council to the future ownership of the Environmental Conservation (E2) zoned land (approximately 2.51ha). Prior to dedication, the landowner will prepare a vegetation management plan for the ongoing management of the land and complete rehabilitation works. The dedication is to be undertaken in accordance with the *Dedication of Land to Council Policy*, which requires the owner of the land to provide a monetary contribution to enable Council to manage the land in perpetuity. Given the proposed planning agreement is linked to this policy, there is a mechanism in place to provide for the future management of the proposed Environmental Conservation (E2) zoned land.

RECOMMENDATION

- A. That the planning proposal and the proposed planning agreement between MidCoast Council and Duncan's Holdings Ltd be amended in accordance with this report.
 - B. That upon agreement being reached on the content of a revised planning agreement, the Interim General Manager and Administrator be delegated the authority to sign the amended planning agreement.
 - C. That following signing of the planning agreement, the planning proposal be submitted to the NSW Department of Planning and Environment and Parliamentary Counsel's Office for the plan to be made.
-

ATTACHMENTS

- A: Location of the site.
- B: Plan showing the proposed zones.

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6 DRAFT GREAT LAKES DCP AMENDMENTS - WATER SENSITIVE DESIGN

Report Author Rebecca Underwood, Strategic Planner

File No. / ECM Index SP-DCP-DRAFT 3

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report provides a summary of the submissions received during the public exhibition of the draft amendment to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design.

SUMMARY OF RECOMMENDATION

That Council endorse amendments to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design, as contained in Attachment A.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The final draft of Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design, as contained within Attachment A, will replace the current provisions within the Development Control Plan.

BACKGROUND

At its Strategic Committee Meeting of 11 August 2011, Council endorsed a review of the Great Lakes Development Control Plan (Great Lakes DCP).

The objectives of the review were generally to reduce the complexity of the Great Lakes DCP by simplifying the structure, intent, controls and language. It was also proposed to amend the document to ensure it would be more compatible for use with the online planning enquiry tool.

Council had received feedback that Chapter 11 - Water Sensitive Design of the Great Lakes DCP, hereafter referred to as 'WSD DCP', was difficult to understand and that applicants were having trouble using the document. For this reason the review of the WSD DCP provisions was given a higher priority.

WSD DCP Review

The objectives of the WSD DCP review were as follows:

- To simplify development controls for applicants and assessors and set-out a clear process for users;
 - To clarify how water quality objectives should be applied based on scale, type and location of development; and
 - To ensure that development controls are targeted at delivering the greatest water quality improvements.
-

At its Strategic Committee Meeting of 10 May 2016 a workshop was held with the former Great Lakes Councillors. The aim of the workshop was to gather general feedback on the planning controls within the existing WSD DCP; and to provide an overview of the intended approach for the review of these existing provisions.

During the workshop the Councillors raised a number of general questions regarding Water Sensitive Design (WSD). These questions along with responses from Council officers were included in the report to Council's Ordinary Meeting of 14 December 2016. At this meeting the draft amended WSD DCP was adopted for public exhibition.

Prior to the formal public exhibition process, extensive consultations were undertaken with internal stakeholders including the following Council Divisions:

- Natural Systems
- Development Assessment
- Building Services; and
- Engineering

Targeted consultations were also undertaken with industry professionals.

Additional amendments to the publicly exhibited version of the WSD DCP have been developed as a direct result of the feedback received from former Great Lakes Councillors, internal stakeholders, industry professionals and the community.

DISCUSSION

The draft amended WSD DCP and relevant supporting information was placed on public exhibition for thirty one (31) days from 1 March until Friday 31 March 2017 inclusive. Hard copies of the information were also made available at the following MidCoast Council Customer Service Centres: Forster, Tea Gardens and Stroud; and the Bulahdelah Rural Transaction Centre.

Drop-In Information Sessions were held during the exhibition period to provide the community and industry professionals with an opportunity to ask questions or provide feedback on the proposed changes to the draft amendments.

Workshops were also held with internal stakeholders including development assessment officers to canvass further feedback.

Submissions

During the exhibition period a total of two (2) submissions were received from internal stakeholders. Council did not receive any submissions from the community or industry professionals, however a number of comments received during the Drop-In Information Sessions have been considered as part of this process.

Submissions were received from Council's Natural Systems and Building Services Divisions. As a result of the feedback, a number of changes have been made to the draft WSD DCP provisions. These changes are summarised below.

Alterations and additions

Council received feedback that including WSD provisions for additions and alterations to residential development would be complex, result in high costs to owners and be difficult to assess.

Outcome - WSD requirements for alterations and additions to residential development have been removed, as documented in the final draft WSD DCP provided in Attachment B.

Exemptions

Where development will have negligible or no impact on water quality, this development should be identified in the WSD DCP as being exempt i.e. not required to include WSD provisions.

Outcome - A number of additional development exemptions have been included in the draft WSD DCP. For example 'secondary dwellings' which have a small development footprint (60m² or less) will have minimal impact on water quality. Therefore 'secondary dwellings' have been added to the list of exempt development that will not require assessment under the WSD DCP as documented in Attachment B.

Editorial changes

Throughout the draft WSD DCP editorial changes have been made to clarify and assist with interpretation of the provisions. These amendments do not represent changes to proposed controls in the draft WSD DCP or the application of these controls to relevant development.

Outcome - For example in section 11.3 (General Objectives and Controls for Water Sensitive Design) the word 'area' was deleted (strikethrough text below) and the text 'lot size' (underlined text below) was added to the following statement, to ensure consistency with terminology in *Great Lakes Local Environmental Plan 2014*:

'Properties that have an ~~area~~ lot size of 2,500m² or less (as defined by the legal property description) are generally assessed using the Small Scale Stormwater Quality Model (S3QM).'

Editorial changes such as the example provided above, have been incorporated into the draft WSD DCP, contained in Attachment B to this report. To assist with identifying the amendments proposed in response to submissions, the following key is provided:

- Red text – denotes where text has been added.
- Black 'strikethrough' text denotes where text has been deleted/removed.

For full details of the issues raised in submissions along with the Council officer's response please refer to the Submission Summary Table as contained in Annexure A.

CONSULTATION

Consultation has been undertaken in accordance with the relevant sections of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Council officers also held Drop-In Information Sessions for interested community members and targeted industry consultations during the exhibition period.

COMMUNITY IMPACTS

Amendments to the WSD DCP only apply to the former Great Lakes Council Local Government Area. Proposed changes are designed to clarify and simplify the requirements around the existing WSD provisions of Great Lakes DCP.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The relevant plans in this instance are the Great Lakes Community Strategic Plan 2030 (Great Lakes 2030) and the 2015-2016 Operational Plan (Great Lakes region).

Great Lakes Community Strategic Plan - Great Lakes 2030

The draft WSD DCP aligns with Great Lakes 2030 and is consistent with the following Key Directions:

Key Direction 1: Our Environment.

The objectives of this direction are '...to protect and maintain the natural environment so that it is healthy, diverse and to ensure that development is sensitive to our natural environment.'

The draft WSD DCP is consistent with this Key Direction as it will reduce the impact of stormwater on the waterways in the MidCoast Council (Great Lakes region) and improve water quality in our lakes and catchments. It will also ensure an integrated approach to water quality management, targeting water volumes leaving a development, thus reducing the overall demand on water sources and minimising pollution entering our waterways.

2015-2016 Operational Plan

The draft WSD Chapter of the Great Lakes DCP aligns with the 2015-2016 Operational Plan and is consistent with the following Key Directions from the 2015-2016 Operational Plan:

Key Direction 1: Our Environment

The relevant objectives of this Key Direction are to 'Base strategic land use planning on ecologically sustainable principles and to undertake an active management program to support a healthy environment that also provides for economic, recreational and cultural opportunities.'

The draft WSD DCP is consistent with this Key Direction as it will improve water quality in our lakes and catchments which have been identified as key economic assets within the MidCoast Local Government area for both recreational tourism and the aquaculture industry.

TIMEFRAME

If Council adopts the final draft WSD DCP, the amended provisions could become effective at such time as notice is given in the local newspapers in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

BUDGET IMPLICATIONS

Nil. This work has been included in the Strategic Planning Operational Plan.

RECOMMENDATION

That Council:

- A. Note the issues raised as a result of the public exhibition of the draft amendments to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design as contained in the Submission Summary Table (Annexure A).
- B. Adopt the draft amendments to Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design, as contained within Attachment A.
- C. Give public notice in the manner prescribed under the *Environmental Planning and Assessment Regulation 2000* of Council's adoption of the amended Great Lakes Development Control Plan Chapter 11 - Water Sensitive Design.

- D. Forward the amended Great Lakes Development Control Plan to the Department of Planning and Environment within 28 days of the amendments to the Development Control Plan being adopted by Council.
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ATTACHMENTS

- A: Draft Chapter 11 - Water Sensitive Design of the Great Lakes Development Control Plan clean version.
- B: Draft Chapter 11 - Water Sensitive Design of the Great Lakes Development Control Plan showing markups (exhibited and amended as a result of public exhibition).

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

ANNEXURES

A. Submission Summary Table.

Who	Issue	Comment including suggested change (where applicable)
Natural Systems	In the future, Council will be developing MUSIC guidelines to assist consultants to set up their model to suit the local area. Reference needs to be made to this in the DCP.	Noted. The following text added to the sentence in section 11.4.2.3 under point 11a 'MUSIC Water Quality Model': '..... and any specific MidCoast Council Guidelines'
	'Granny flats' as defined in Great Lakes Local Environmental Plan 2014 as 'Secondary dwellings' have a small footprint (60m ²). It is considered that these developments will have minimal impact on water quality and should be exempt from complying with this chapter of the DCP.	Agreed. 'Secondary dwellings' added to section 11.2 'Exemptions to Water Sensitive Design'.
	It is not likely that lots greater than 1ha are not going to be able to be drained. Minor subdivisions where the resultant lots are greater than 1ha should be added to the exemptions.	Agreed. Added the following text to 'Exemptions to Water Sensitive Design': 'where the resultant lots in a minor subdivision (subdivision that results in a total of 3 lots) are greater than 1ha.'
	Developments over water such as 'boat sheds' should be exempt.	Agreed. Added the following text to 'Exemptions to Water Sensitive Design': 'Where the proposed development is over water e.g. boat shed.'
	There are locations where physical site constraints prevent water quality targets from being met and/or there are significant water quantity management issues that could affect neighbouring properties. For example steep sites sloping to the back where there is no inter-allotment drainage. Council may accept variations to water quality targets in these instances. Applicants are advised to discuss these sites with Council staff.	Noted. The following note added at the end of section 11.3 'General Objectives and Controls for Water Sensitive Design': 'Where physical site constraints impact on the ability to connect to Council's drainage system or inter allotment drainage and there are there are potential water quantity impacts on neighbouring properties a variation to the water quality targets in this DCP may be accepted. The applicant should contact Council in these instances.'
	It is unclear how the Deemed to Comply Solution (Figure 1) for un-serviced sites should be used if the applicant has a dual occupancy.	Noted and agreed. The following point added to section 11.4.1.2 under the heading 'Deemed to Comply Solution (un-serviced sites)': 'For dual occupancies, the roof area and tank size in the diagram below refers to the total roof area and tank size of both dwellings.'
	Controlling hydrological impacts of a development on receiving waters is mentioned in the objectives of the DCP (section 11.3). This also needs	Agreed.

<p>The following point was added to section 11.4.2.3 and 11.4.4.3:</p> <p><i>'Assessment of the frequency of discharge from the site pre and post development taking into consideration the sensitivities of the receiving surface or ground water systems and the acceptable limits for altering the hydrological regime.'</i></p>	<p>to be mentioned as a requirement of the Water Sensitive Design Strategy in the following sections:</p> <ul style="list-style-type: none"> • 11.4.2.3 (Subdivisions: Major – results in over 3 Lots; and • 11.4.4.3 (Other Development – excluding Single Dwelling, Dual Occupancy, Subdivision and Intensive Livestock Agriculture or Intensive Plant Agriculture: Lots over 2,500m in size)
<p>Agreed.</p> <p>The following text added to section 11.3 'General Objectives and Controls for Water Sensitive Design under 'Controls':</p> <p><i>'Water quality treatments and associated stormwater infrastructure which service more than one dwelling should be constructed on common property.'</i></p>	<p>For dual occupancies and above, water quality treatments that service more than one dwelling need to be located on common property.</p>
<p>Noted.</p> <p>The following note added at the end of section 11.4.4.2 'Lots less than 2,500m² in size:</p> <p><i>'Where Council considers the development density, complexity of the site, site constraints or location which may result in an increased risk to the environment, the applicant may be requested to submit a Water Sensitive Design Strategy based on MUSIC modelling regardless of lot size.'</i></p>	<p>The simple approach for sizing water quality treatments for other development less than 2,500m² does not always suit complex development. Complex development with multiple constraints such as easements, slope, detention and/or which propose high densities may require more detailed consideration such as using a MUSIC model to identify the treatments required.</p>
<p>Noted.</p> <p>Reference to the 'deemed to comply solver tool' removed from section 11.4.1.2 Un-serviced Sites (not connected to reticulated water).</p>	<p>Remove reference to 'solver tool' in DCP as it may not be the most effective tool to use.</p>
<p>Agreed.</p> <p>The following point added to section 11.4.1.3 'Serviced Sites (connected to reticulated water)' under point 2 'The Deemed to Comply Solution (serviced sites)':</p> <p><i>'Rainwater re-use within in the development must be connected to toilet, laundry and outdoor taps.'</i></p>	<p>Needs to be made clearer that laundry, toilet and outdoor taps need to be connected to the rainwater tank when using Table 2. Deemed to Comply Solution – Single Dwellings and Dual Occupancies (Serviced Sites).</p>
<p>Agreed.</p> <p>The following point was added to 'General Controls' in section 11.3:</p> <p><i>'Water Quality Treatments ... cannot be constructed above services e.g. electricity'</i></p>	<p>Needs to be made clear that water quality treatments cannot be constructed above services such as electricity.</p>

<p>Noted and agreed.</p> <p>In section 11.4.1.3 (Single Dwellings and Dual Occupancies - Serviced Sites (connected to reticulated water)) under point 2 'The Deemed to Comply Solution (serviced sites)' the text 'tank size' was added to the following statement for clarification:</p> <p><i>'Where the lot size, tank size and roof size are not identical to the areas listed, use the next largest lot and/or roof size.'</i></p> <p>Table 2: Deemed to Comply Solution – Single Dwellings and Dual Occupancies (serviced sites) was updated to include additional tank sizes.</p>	<p>The range of tank sizes and roof sizes offered in Table 2: Deemed to Comply Solution – Single Dwellings and Dual Occupancies (serviced sites) should be increased to provide more options for applicants. Clarification on what tank size to select if the actual tank size is not identical to those listed is also required.</p>
<p>Noted.</p> <p>In section 11.4.3 (Intensive Livestock Agriculture or Intensive Plant Agriculture) under 'Application Requirements' reference has been made to the check list (to be developed) for this type of development.</p>	<p>A specific checklist outlining the information that needs to be submitted with the development application for Intensive Livestock Agriculture or Intensive Plant Agriculture will be developed by Council. This should be referred to in the DCP.</p>
<p>Noted.</p> <p>In section 11.4.3 (Intensive Livestock Agriculture or Intensive Plant Agriculture) under 'Application Requirements' reference to Council's 'examples' on how to apply development requirements have been removed.</p>	<p>Reference is made in section 11.4.3 (Intensive Livestock Agriculture or Intensive Plant Agriculture) under 'Application Requirements' to specific 'examples' on how to apply the development requirements from this section to large scale developments. These 'examples' will not be developed and therefore reference to them should be removed from the DCP.</p>
<p>Noted.</p> <p>Removed reference to using the Deemed to Comply Table (Table 2) from section 11.4.4.2 (Other Development – excluding Single Dwelling, Dual Occupancy, Subdivision and Intensive Livestock Agriculture or Intensive Plant Agriculture: Lots less than 2,500m² in size).</p>	<p>The Deemed to Comply Table for Single Dwellings on un-serviced sites (Figure 1) cannot be used to size treatments for 'Other Development'.</p>
<p>Agreed.</p> <p>Reference to the requirements for commercial and industrial development has been removed in Section 11.4.1.4</p>	<p>In section 11.4.1.4 where there is reference to the application requirements for single dwellings, remove the reference to commercial and industrial development</p>
<p>Noted</p> <p>Text deleted in sections 11.5.2 (Raingardens – Clay Soils) and 11.5.3 (Infiltrating Raingarden – Sandy Soils) referencing the requirement that a minimum of 75% of the roof area must be directed to the raingarden... etc.</p> <p>The following text added for clarification in both sections:</p>	<p>Applicants are not always required to direct a minimum of 75% of the roof water to the tank providing that they meet the water quality targets and direct 100% of the roof water to the raingarden.</p>

		<p>'100% of the roof area is to be directed to the raingarden. The proportion of the roof area directed to the tank is to be calculated either in S3QM or using a deemed to comply solution'</p>
	<p>Since the draft DCP chapter was adopted for exhibition staff have developed further guidance on managing stormwater quantity issues where there is no inter allotment drainage. Reference to a single solution (infiltration trench) in section 11.5.2 should be removed.</p>	<p>Noted</p> <p>Text reworded in sections 11.5.2 (Raingardens – Clay Soils) and 11.5.3 (Infiltrating Raingarden – Sandy Soils)</p> <p>The following text has been adapted in both sections</p> <p><i>' Raingardens are required to be connected to the existing stormwater network. Where this cannot be achieved, for example if the property has no inter-allotment drainage, an alternative approach to disposing of the stormwater that has no negative impacts on current or future infrastructure is required (refer to Council's website for further guidance)'</i></p>
	<p>Labelling of the 'Priority Area Maps' needs to be amended from 'WSUD' to 'WSD' to be consistent with the DCP.</p>	<p>Noted.</p> <p>Labels changed on Priority Area Maps for consistency.</p>
	<p>Tables and flow diagrams throughout the document should be clearly labelled.</p>	<p>Tables and diagrams within the DCP clearly labelled.</p>
	<p>'Bushland Hydrology' is included in the Appendices however it not referred to in the body of the DCP. Needs to be included in the DCP so that provisions can be included minimise the impact of stormwater from discharge points on bushland areas.</p>	<p>Noted.</p> <p>In section 11.3 (General Objectives and Controls for Water Sensitive Design) the text 'bushland area' was added to the following statement: <u>'To protect and restore aquatic, estuarine, and riparian ecosystems and bushland areas.'</u></p>
	<p>General editorial changes and changes to the location of text for clarification and to assist in interpretation.</p>	<p>Throughout the document the location of some text has been changed. This does not represent a change to the provisions.</p>
Community Drop-In Session	<p>Clarify at what stage WSD treatments are constructed in a subdivision.</p>	<p>This is a general question regarding conditions of consent for a development application. No additions to the DCP are required in this regard.</p> <p>For information purposes, generally, WSD treatments need to be constructed when 80% of the lots are developed.</p>
	<p>Including additions and alterations for residential development would be complex, result in high cost to owners and there would be practical difficulties implementing this new provision in the DCP.</p>	<p>Agreed.</p> <p>'additions and alterations' for 'residential development' added to section 11.2 'Exemptions to Water Sensitive Design'.</p>

<p>Large lot rural subdivisions will not have a major impact on water quality due to the area of land available for filtering stormwater. These sites are typically not on town water so the majority of the stormwater generated is used within the future dwelling.</p>	<p>Noted and agreed. The following point added to section 11.2 'Exemptions to Water Sensitive Design': 'Subdivisions where resulting lots are greater than 40ha.'</p>
<p>Should not have to produce designs for WSD treatments at the DA stage.</p>	<p>Detailed designs are not required at the DA stage, they are required prior to issue of a Construction Certificate.</p>
<p>Paper subdivisions which have boundary adjustments may not end up needing to comply with the WSD DCP.</p>	<p>Boundary adjustments are exempt from WSD requirements however; WSD would be required at the Development Application stage.</p>
<p>Requiring a soil and water management plan for erosion and sediment control at the Development Application stage is a large imposition on applicants as the development may change as a result of the DA comments.</p>	<p>Noted and agreed. 80% of the sediment impacts from development occur at the construction stage. For this reason it is considered important for the applicant to demonstrate, at the DA stage, how sediment and erosion will be managed during construction. However, it is agreed that detailed plans do not need to be provided at the DA stage and that a 'Conceptual Soil and Water Management Plan' will be sufficient. To reflect this the following strikethrough text has been deleted from both sections 11.4.2.3 (Subdivision: Major – results in over 3 Lots) and 11.4.4.3 (Other Development – excluding Single Dwelling, Dual Occupancy, Subdivision and Intensive Livestock Agriculture or Intensive Plant Agriculture: Lots over 2,500m in size) as it relates to requirements for a Water Sensitive Design Strategy at the DA stage: 'A conceptual Soil and Water Management Plan (SWMP) for the construction stage prepared in accordance with the 'Blue Book Volume 1' (Landcom 2004) and the 'Blue Book Volume 2' (DECC 2008). As a minimum the plan must contain; a. Detailed calculations to determine the soil loss and the size of any sediment basins that may be required; b. Design standard for drainage control; c. Location, size, timing and diagrams of all erosion control and sediment control measures; d. Locations, calculations and engineering details of any sediment basins; e. Design to achieve the construction phase water quality objectives; f. Site maintenance and monitoring; g. Audit reporting; and</p>

<p><i>h. Responsibilities:</i></p> <p>However, these details will be required prior to the issuing of a construction certificate.</p>		
<p>Outside the scope of the DCP review. However this is currently being investigated as part of the process improvement for MidCoast Council.</p>	<p>Need to consider the option of utilising Section 68 of the <i>Local Government Act</i> to assess stormwater quality and quantity treatment design on all developments (including privately certified jobs). This could be used as a mechanism for inspection of WSD.</p>	<p>Building Surveyors</p>
<p>This is outside the scope of the DCP, however the following text will be incorporated into background fact sheets for the WSD DCP:</p> <p><i>'Coastal drainage areas need to address WSD requirements as stormwater pollution (nutrients, sediments, gross pollutants and faecal coliforms) can impact on sensitive water bodies that drain to the ocean such as coastal creeks, lagoons and ICOL (intermittently closed and opened lagoons). WSD treatments improve localised water quality of the ocean reducing the health risk of swimming particularly near stormwater outfalls. Reducing stormwater impacts on the ocean is of particular importance where it discharges into a Marine Park.'</i></p>	<p>Why do coastal drainage areas require WSD? It would be helpful to have an explanation in the DCP.</p>	
<p>Noted.</p> <p>This exception has been applied for the past 3 years and was introduced based on community feedback. Our WSD expert advised Council staff that a 50:50 split of plants from Council's water quality plant species list and the owner's selection would achieve both water quality outcomes and allow residents to take ownership of their raingardens.</p>	<p>By including the option for owners to choose 50% of the plants in their raingarden it will be difficult to ensure the plants selected are appropriate.</p>	
<p>Noted.</p> <p>The applicant has the choice on how much water is directed to the tanks from the roof water (unless using the deemed to comply table for single dwellings and then they are required to direct a minimum of 75% of the roof water to the tank). Tanks and associated plumbing should be designed to cope with these high volume storms, the conditions of consent for the development application require that all drainage works are installed by a qualified person to Australian plumbing and drainage standards.</p>	<p>When applicants direct 100% of the roof water to the tank this can result in overflow from the rainwater tanks during high volume storms.</p>	

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7 ADOPTION OF THE MANNING VALLEY CZMP AND DCP

Report Author Richard Pamplin, Project Manager, Planning & Natural Systems

File No. / ECM Index S374/08 & S925; Coastal Development

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report addresses the six submissions that were made during the joint public exhibition of the Draft Manning Valley Coastal Zone Management Plan (CZMP) and the Draft Greater Taree Development Control Plan (DCP) 2010 – Part D Environmental Requirements, D1 Coastline Management. The issues raised in these submissions have been detailed in Annexure A to this report, which also includes responses and the detail of changes to the documents in response to the submissions.

The joint public exhibition period was held over 29 days from Friday 26 May to Friday 23 June 2017. This completes the public exhibition period for these documents, which are now presented for Council's consideration and formal adoption.

SUMMARY OF RECOMMENDATION

The report recommends adoption of the DCP as exhibited (with minor administrative amendments) and adoption of the amended CZMP, revised following exhibition in accordance with this report. The report also recommends seeking Certification of the CZMP by the Minister for the Environment.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Adoption and Certification of the CZMP occurs under the *Coastal Protection Act 1979* while adoption of the DCP occurs under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

BACKGROUND

At its 26 October 2016 Ordinary Meeting Council resolved:

- That a revised Manning Region Coastal Zone Management Plan (CZMP) be prepared in consultation with the NSW Office of Environment and Heritage excluding Old Bar and Manning Point Beaches.
- That the revised Manning Region Coastal Zone Management Plan be forwarded to the Minister for Planning for Certification.
- That a plan be developed under the new Coastal Management Program (CMP) framework for Old Bar and Manning Point Beaches.

Due to the number of changes and altered format of the new CZMP prepared for the Manning coastline (now called the Manning Valley CZMP) it was determined to exhibit and seek Council's adoption of the amended plan, prior to seeking Certification by the NSW Minister for the Environment.

In adopting a new CZMP it is appropriate to include the associated development controls in the relevant DCP.

The draft Greater Taree Development Control Plan (DCP) 2010 – Part D Environmental Requirements, D1 Coastline management (hereafter referred to as the draft DCP amendment) was reported to Council's 19 April 2017 Ordinary Meeting where it was resolved to exhibit the draft DCP amendment for a minimum period of 28 days.

Although the new CZMP excludes the beaches of Old Bar and Manning Point (which will have their own separate plan) the draft DCP amendment includes the development controls for these beaches.

The development controls for Old Bar and Manning Point Beaches are the same as currently exist within the Greater Taree CZMP (no change), as these will be revisited as part of the new separate Coastal Management Program.

The development controls for the other Manning Valley Beaches are changing to be consistent with those of the Great Lakes DCP, as an initial step in harmonising controls across the former council areas.

DISCUSSION

The draft DCP amendment was exhibited concurrently with the draft Manning Valley Coastal Zone Management Plan from Friday 26 May to Friday 23 June 2017 (29 days).

Six submissions were received to the joint exhibition and the issues raised in the submissions are addressed in detail in Annexure A and include:

- a request to include the Crowdy Head Surf Life Saving Club and the new toilet block on the maps and having an action around formalising the adjacent public carpark;
- request for protection management measures for Old Bar and Manning Point Beaches (these beaches are not included in this CZMP and will be subject to a separate Plan in the future);
- a request for the proposed Harrington to Crowdy Head cycleway to be 'off-road';
- accurate identification of MidCoast Water assets at Wallabi Point;
- inadequate time for a Manning Point landowner to understand the impacts of the proposed changes (Manning Point is not covered by the CZMP and the DCP amendment does not propose a change to controls, only moving these from one document to another);
- questioning why no drop-in session were held at Manning Point;
- the potential de-valuing of property and increased insurance costs for landowners at Manning Point (see above point on no change to this area);
- a request for a second breakwall at Manning Point (this area is excluded from this CZMP); and
- questioning the modelling methodology used to derive the hazard lines shown within the CZMP.

A staff training session held on the draft DCP amendments during exhibition established that there are some minor administrative formatting changes that could be made to make the document easier to read, including: better linking of the notes and terms used in the development controls; and better usage of paragraph numbering and clearer maps.

Separate discussions held with staff from the NSW Office of Environment and Heritage (OEH) during and following exhibition centred on better identification of the hazard lines used in the draft CZMP mapping. In particular it was identified that the 2100 hazard line in the CZMP did not reflect the high-range sea level rise scenario of a rise in ocean levels from the year 1990 to 2100 of 0.9m, as it was shown in the original Worley Parsons study and the existing Greater Taree CZMP adopted by Council.

The area up to the 2100 high-range hazard line is a matter for consideration for development with a longer term construction life (over 50 years) such as public buildings and infrastructure (for example, hospitals, schools, roads and pump stations). It was agreed that the 2100 high-range hazard line would be re-instated in the CZMP prior to adoption to ensure the need for long-term adaptation and management in these areas is recognised.

OEH also requested that the 2060 year hazard line be shown for the high-range sea level rise scenario, not the mid-range as exhibited.

The proposed change from using high-range 2060 and 2100 hazard lines from the mid-range lines exhibited has no impact as the current Greater Taree CZMP September 2015 uses the high-range 2100 hazard line. Hence, no additional properties are affected.

OEH supported the draft DCP amendment using the year 2060 high-range hazard line, with the Zone of Reduced Foundation Capacity (ZRFC) as exhibited. The identification of this area is consistent with the approach taken in the Great Lakes LEP 2014 and Great Lakes DCP, providing development objectives and controls for development with a 50 year design life under the Building Code of Australia.

Furthermore, during the consultation with OEH it was confirmed that all coastal management provisions in the CZMP, local environmental plans and development control plans will have a limited life, given all coastal Councils will be required to transition to new Coastal Management Programs by 2021. This transition will require the review (and updating where necessary) of existing coastal hazard studies, coastal management plans, local or state environmental planning instruments and local development control plans, in accordance with the NSW Coastal Reform requirements.

Proposed changes to CZMP following exhibition (included in the revised CZMP in Attachment A)

- Specific changes to the CZMP from submissions are detailed in Annexure A.
- Mapping changes:
 - inclusion of the Crowdy Head SLSC and adjacent toilet block on the relevant maps;
 - tying-in of the hazard lines from Harrington Beach to the Crowdy Head headland;
 - removal of the hazard lines from the northern tip of the Manning Point spit from the Harrington map (as this area is excluded from the CZMP); and
 - replacing mid-range 2060 and 2100 hazard line with high-range sea level rise 2060 and 2100 year hazard line.
- Updating of affected assets in tables to reflect the area up to the high-range 2100 year hazard line.
- Making it clear that the Manning Valley CZMP rescinds the September 2015 Greater Taree CZMP.
- Clarification of the high-range sea level rise scenario and how this relates to the hazard lines on the maps.

Proposed changes to DCP following exhibition (included in the revised DCP amendment in Attachment B)

- Clarifying the 'coastal planning area' explanation and how it relates to the CZMP hazard lines.
- Inserting footnote identification next to the terms included in the performance criteria.
- Clarifying that if land is not included within the 'coastal planning area' the controls do not apply to the land or development.
- Making it clear (via appropriate use of numbering of controls included in the exhibited draft) that developing in a manner that is relocatable or easily removed is an alternate to developing in a traditional manner that requires certification by a coastal engineer and lodgement of a Coastal Risk Management Report.

CONSULTATION

Over 5,700 letters were sent to landowners within Manning Valley coastal settlements and farmland near the coast advising of the exhibition and the opportunities to meet with staff and lodge a submission.

Approximately 150 people attended the drop-in centres during the exhibition period held at the following venues and times:

- Harrington Multi-purpose Centre
 - Tuesday 30 May – 10am to 2pm
- Old Bar Surf Life Saving Club
 - Wednesday 31 May – 10am to 1pm
 - Tuesday 6 June – 4pm to 6pm
- Black Head Surf Life Saving Club
 - Thursday 1 June – 10am to 1pm
 - Wednesday 7 June – 4pm-6pm

Additionally, staff received many phone enquiries, particularly from absentee landowners, as well as counter enquiries.

The draft documents were well received and community support was provided for using development provisions from the Great Lakes DCP for inclusion in the Greater Taree DCP 2010 for areas outside Old Bar and Manning Point Beaches.

There was also significant interest in future management actions for Old Bar and Manning Point Beaches which will be reassessed with the community in the separate Coastal Management Program for these beaches.

A briefing was provided to Council's Local Representative Committee on the exhibition and community feedback on 14 June 2017, which was well received.

A staff training session was held on 29 May 2017 which provided constructive feedback for administrative changes to the draft DCP amendment to make the proposed controls clearer to both the public and staff.

COMMUNITY IMPACTS

The Manning Valley CZMP provides the community with a clear indication of the coastal hazards identified for the Manning coastline and of the management actions proposed to be undertaken during the life of the plan.

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

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

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

TIMEFRAME

Public exhibition of amendments to a DCP must be undertaken for a minimum period of 28 days (in accordance with the *Environmental Planning and Assessment Regulation 2000*) while exhibition of a CZMP must be undertaken for a minimum period of 21 days (in accordance with the *Coastal Protection Act 1979*). The documents were concurrently exhibited for 29 days.

The amendments to Greater Taree DCP 2010 will become effective from the date of the public notice following adoption.

There are saving provisions under the new (pending) Coastal Management Act 2016 enabling CZMPs lodged under the current Act to be Certified by the NSW Minister for the Environment within 6 months of the new Act coming into effect. It is therefore essential that the Manning Valley CZMP be adopted by Council now as the new Act is expected to come into force shortly.

BUDGET IMPLICATIONS

The work associated with the CZMP and DCP was undertaken using existing staff resources. Implementation of the plans will be through the standard Development Application process for DCP measures and via future operational plans, grants and budget bids for CZMP actions (i.e. business as usual).

RISK CONSIDERATION

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

The hazard lines shown in the CZMP will be recorded on section 149 Property Certificates, as currently occurs, to make future purchasers aware of land that may be subject to coastal hazards. It should be noted that no additional properties are affected as the current CZMP uses the high-range 2100 year hazard line.

RECOMMENDATION

1. That the amended Manning Valley Coastal Zone Management Plan (as shown in Attachment A) be adopted.
2. That the NSW Minister for the Environment be asked to Certify the Manning Valley Coastal Zone Management Plan July 2017.
3. That the Greater Taree Development Control Plan 2010 - Part D Environmental Requirements, D1 Coastline management (as shown in Attachment B) be adopted and made effective from the date of a public notice in a local newspaper.

ATTACHMENTS

- A: Manning Valley Coastal Zone Management Plan as amended in accordance with this report.
B: Amendment to Greater Taree Development Control Plan 2010 – Part D Environmental Requirements, D1 Coastline management as amended in accordance with this report.

ANNEXURES:

A: Summary of submissions.

Summary of Submissions to Manning Valley Coastal Zone Management Plan (CZMP) and amendments to Greater Taree Development Control Plan 2010 – Part D Environmental Requirements, D1 Coastline management (DCP)

Submission 1 – CZMP

Issue

Assets adjacent to the Crowdy Head Surf Club were omitted from the draft Manning Valley CZMP. Request for inclusion of an action to upgrade/formalise carpark adjacent to the surf club and an upgrade to beach signage.

Response

The Manning Valley CZMP May 2017 will be amended to include assets surrounding the Crowdy Head Surf Life Saving Club.

Maps 12 and 13 will be updated to include the surf club and surrounding assets.

Table 9 “Management Actions Harrington entrance to Crowdy Head” will include the following action in the “Medium/Long term” column – “Seek funding to formalise surf club carpark – plan to accommodate sea level rise (*est. \$400,000 grant funding*).”

Submission 2 – CZMP

Issue

Request for 'protect' rather than 'retreat' policy for coastal management at Old Bar.

Response

This submission does not relate to the Manning Valley CZMP as Old Bar and Manning Point Beaches are excluded from this plan. These beaches will be addressed in a new separate Coastal Management Program which will have a strong community engagement process. This will include discussing various management options with the community and balance these with detailed economic cost benefit analysis of each management option.

Submission 3 - CZMP

Issue

Request that the proposed Harrington to Crowdy Head cycleway not be ‘on-road’ due to safety concerns.

Response

The Draft Manning Valley CZMP states in Table 9 “Management Actions Harrington entrance to Crowdy Head” within the “Immediate Actions” column – “Develop feasibility study for development of cycleway/walkway linking Crowdy Head to Harrington (grant funding to be confirmed).” Additional research on this issue revealed that the Greater Taree S94 Contributions Plan 2016 contains more details in relation to this future project.

In light of this the Manning Valley CZMP will be amended to replace the abovementioned action with– ‘Construction of an off-road shared pathway of 3m wide and 6km long between Harrington Big 4 Caravan Park to Crowdy Head Harbour (*est. \$2.3m S94 and grant funding* [this item is included in the Greater Taree S94 Contributions Plan 2016 - Greater Taree Works Schedule – GT4]).’

Submission 4 - CZMP

Issue

MidCoast Water advise that the draft Manning Valley CZMP incorrectly identifies a Sewer Pump Station at Wallabi Point as being an asset potentially affected from future coastal erosion.

Response

The Draft Manning Valley CZMP states in Table 7 “Management Actions Saltwater to Crowdy Wallabi Point” within the “Immediate Actions” column – “Liaise with Mid Coast Water in relation to future management of the water mains and sewerage pumping stations in Wallabi Point (*in-kind cost*) (*MidCoast Water*)”.

MidCoast Water has been advised that this action will be replaced with “Liaise with MidCoast Water in relation to future management of water and sewer mains in Wallabi Point (*in-kind cost*).”

Submission 5 – CZMP

Issue 1

The submission was from a coastal engineer and questioned the methodology used to develop the hazard lines contained with the draft Manning Valley CZMP. The submission felt that the lines developed were conservative and not representative of sea level rise. The submission specifically questioned the sea level rise projections used, the Bruun Rule, the Neilson method, the impact of change in river mouth morphology and the impacts of headlands and training walls.

Response

It should be noted that the hazard lines used in the draft Manning Valley CZMP are the same lines developed by Council's consultants, Worley Parsons, as depicted in the Blackhead to Crowdy Head Coastline Hazard Definition Study 2010.

In regard to the methodology used by Worley Parsons, the following response from Council's coastal engineer has been provided:

- The Worley Parsons Black Head to Crowdy Head Coastline Hazard Definition Study 2010 (from which the hazard lines for the Manning Valley CZMP are based) utilise both a high-range sea level rise scenario of an increase in sea levels of 0.9m from 1990 to 2100 and a medium-range increase of 0.6m for this period. This is consistent with the former NSW Sea Level Rise Policy (2010), and industry practice, subsequently judged as adequate by the NSW Chief Scientist and Engineer.
- The Bruun Rule is potentially conservative depending on a range of factors. It remains the best documented approach to projecting coastline responses to sea level rise and as such is a **de facto** industry standard across NSW. In spite of ongoing development of alternative coastline adjustment models, the Bruun Rule still constitutes a valid first pass methodology. Individual beach responses are strongly influenced by sediment fluxes within the specific compartment as well as rotational changes.
- Similarly, the Neilsen model still constitutes a conservative dune stability method and remains a valid first pass methodology within the industry.
- In the current CZMP, hazard (ZSA) lines have been revised around headlands to reflect depth to rock. Consideration of alternative methods and refinements will occur as Council transitions to the new Coastal Management Program format.

Issue 2

The submission proposed a possible solution to the erosion at Old Bar and Manning Point by the installation of a series of groynes and sand replenishment costing around \$10m.

Response

This submission does not relate to the Manning Valley CZMP as Old Bar and Manning Point Beaches are excluded from this plan.

These beaches will be addressed in a new separate Coastal Management Program which will have a strong community engagement process. This will include discussing various management options with the community and balance these with detailed economic cost benefit analysis of each management option.

Groynes and sand replenishment are possible management actions that were considered in previous studies and will be revisited as part of the CMP project.

Submission 6 – CZMP

Issue 1

Request that a second breakwall be constructed on the Manning Point side of the Manning River at the at the Harrington entrance. This point also discusses the effectiveness of a levy bank to protect the Manning Point township.

Response

This submission does not relate to the Manning Valley CZMP as Old Bar and Manning Point Beaches are excluded from this plan.

These beaches will be addressed in a new separate Coastal Management Program which will have a strong community engagement process. This will include discussing various management options with the community and balance these with detailed economic cost benefit analysis of each management option.

In relation to protection of the Manning Point village from flooding MidCoast Council have commissioned the *Manning River Flood Plain Risk Management Study and Plan*. Contained within this study is a review of the Manning River flood data and how this could impact on the village of Manning Point. Following this a risk assessment and management plan will be created to determine what actions Council and the community could undertake in regard to flooding in this area.

Issue 2

There was no community drop in session held at Manning Point as part of the community engagement for the draft Manning Valley CZMP and Draft Greater Taree DCP 2010 amendment. This has resulted in confusion within the community of Manning Point and the submitter believes that this has been misleading.

Response

As the draft Manning Valley CZMP excludes Manning Point and Old Bar Beaches and the Draft DCP amendment merely moves existing controls from one document to another, it was determined that a separate drop-in session at Manning Point may in itself be confusing for the community.

Council officers have been holding separate discussions once a month with the Manning Point Concerned Citizens Group (which will be expanded to include additional representatives from this community in the future) as part of initial consultation process, prior to the commencement of a separate Coastal Management Program (CMP) for Manning Point and Old Bar Beaches.

During the most recent meeting (27 June 2017) at Manning Point, staff ran a drop-in style session to address the difference between the draft Manning Valley CZMP and the proposed Old Bar/Manning Point CMP. The new CMP project will have a strong community engagement process with the Manning Point and Old Bar communities.

Submission 6 – DCP

Issue 1 (DCP)

Inadequate time has been provided for Manning Point landowners impacted by this proposed change.

Response

The exhibition complied with the legislative requirement for a 28 day minimum period, which is considered sufficient time to read the draft DCP, ask questions of staff and prepare a submission. The exhibited draft DCP controls applying to the Manning Point settlement are the same as currently exist. They are merely proposed to be moved from the *September 2015 Greater Taree CZMP* to the *Greater Taree DCP 2010* as this CZMP will be rescinded by the new Manning Valley CZMP when adopted by this report.

Issue 2 (DCP)

The current proposal will de-value houses in the risk zone and the whole township of Manning Point.

Staff response

As the proposed controls are the same as currently exist they will not impact upon the value of housing at Manning Point. To meet its Duty of Care obligations under the *Local Government Act 1993* (section 733) Council is required to impose development controls that enable effective consideration of coastal risks, regardless of whether they may impact upon the cost of housing.

Issue 3 (DCP)

This type of risk zone will be public knowledge and insurance companies will increase their levies for anyone in the area or indeed the whole town Of Manning Point.

Staff response

The risk was already publicly known and included on the constraints affecting these properties (included on the section 149 Property Certificates). This exhibition has not altered the area affected for Old Bar and Manning Point Beaches.

While the insurance industry may take Council's mapping of coastal hazards into consideration (it is understood that the insurance industry utilise their own separate mapping for setting insurance rates and decided upon what land to exclude from coverage for certain events), this is not a consideration for Council in meeting its legislative duty of care to the public.

8 WASTE STRATEGY, COLLECTION AND PROCESSING CONTRACT

Report Author John Cavanagh, Manager, Waste Health & Regulatory Service

File No. / ECM Index Waste Strategy; Waste Collection Contract

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The report provides progress on the development of a local waste strategy adopted by Council on 26 October 2016 and associated implications on the current waste collection and processing contract which is due to expire on 30 June 2019. The report addresses the option to extend this contract along with making changes to the Bulky Waste Clean Up Campaign. The recommended approach to the pending Container Deposit Scheme is also included.

SUMMARY OF RECOMMENDATION

- The MidCoast Waste Services contract for Collection and Processing Services be extended for 2 years in accordance with clause 2.1 Term of the contract,
- The Bulky Waste Service provided to the Manning and Great Lakes areas be terminated for 2017/18 and in the interim replaced with one free disposal voucher for all Rate payers (standard utility or 6x4 trailer),
- A 50/50 cost/revenue arrangement with JR Richards and Sons be adopted for the first 12 months following introduction of the Container Deposit Scheme,
- The review of the waste collection and processing contract, facilities review and strategic action plan proceed incorporating the above resolutions.

FINANCIAL/RESOURCE IMPLICATIONS

JR Richards and Sons have given notice that they are interested to continue providing collection and processing services for the duration of the contract extensions at the same unit rates which currently apply. The recommended changes to the Bulky Waste service should not have an adverse impact on the budget. The Container Deposit Scheme will have an impact on both resources and the budget however the recommendation will minimise that impact.

LEGAL IMPLICATIONS

The contract provides two annual extensions under the sections: Term; 2.1, 2.2, and 2.3. The existing contract clauses continue to apply to any extension including Rise and Fall clauses.

BACKGROUND

The MidCoast Waste Services contract (MWS) provided a range of waste collection and recycling services to the former Greater Taree City, Great Lakes and Gloucester Shire Councils under one contract. As a result, the changeover to the merged MidCoast Council was straightforward.

JR Richards and Sons have exercised their right under this contract to apply for an extension. They have requested the two annual extensions provided within the contract and a further 3 years which are outside the provisions of the contract. They cite the main reason for applying for these extensions is to recover the additional costs incurred to rebuild the Material Recovery Facility (MRF) recycling plant following the fire in June 2012.

DISCUSSION

There are three parts to the services specifications of the MidCoast Waste Services contract. They are:

- Part A Collection Services (which includes the kerbside collection of the red, yellow and green bins, the Bulky Waste Clean Up and Public Litter bin services)
- Part B Processing of Recyclables (which includes processing of recyclables collected in the yellow bin along with recyclable materials diverted at Landfills and Transfer Stations).
- Part C Bucketts Way Waste Management (which provides resources for the operations of the Taree Landfill and Transfer Station).

It is recommended to adopt the contract extension for Parts A and B only with some minor changes. Comments are listed below under each of the main components:

Collection Contract

The collection services have worked very well in all three former Council areas. It is intended to extend these services further into Gloucester rural areas subject to the contractors consent. There is a cost benefit for Council to extend the existing contract at current unit rates. This is mainly due to the competitive nature of current market rates.

Recycling Processing

The Material Recovery Facility is only 5 years old following the fire and rebuild in 2012. These facilities have a minimum design life of 10 years so there is no reason to not maximise the full life of the facility. The current processing cost is to remain unchanged.

Bulky Waste Clean Up

This service has been under review for some years due to a myriad of changes affecting its provision. Some of these are:

- Manning and Great Lakes areas both had one annual collection. Gloucester area has none. The recommendation addresses this inequity.
- When introduced, disposal fees were non-existent in some areas and very low at staffed facilities. The NSW Waste Levy did not apply. In 2009/10 the combined levy payments for this service was \$6,622 and in 2015/16 was \$101,500. In 2009/10 Landfill disposed costs were \$54,459 and in 2015/16 \$217,589. The contractor's costs have marginally increased over that time in keeping with the Rise and Fall formula.
- With the high cost of the levy and disposal fees all material that can possibly be recycled or processed will need to be diverted from Landfill therefore reducing the above charges. The Bulky Waste Clean Up Campaign in its current form does not allow cost effective separation of materials nor does it send the 'true cost' message to residents.
- There is a safety and liability risk with Council approving residents to place waste out on the public footpath area. This is exacerbated by uncontrolled scavenging.
- There have been recurrent concerns and complaints on the visual impact on the area while the service is provided. It is unfortunate that it is unavoidable to not run Tourism initiatives and events while the campaign is underway. It is not uncommon for the service to run beyond 3 months at a time.

Over the past 10 years many Councils have withdrawn this service due to the above reasons and:

- Not replace it with any alternative (many city and country Councils now operate this way)
- Replaced it with a free tipping voucher system (a number of country Councils operate this way)
- Provide an 'on call' service (which can be very costly and mainly operates in the larger cities)

Impact Environmental Consulting who is undertaking a review of the waste collection and processing contract have recommended pursuing other option.

At this time it is recommended to terminate the service and provide an interim option for rate payers to be given one free voucher for a standard utility or 6x4 trailer size annually. As this service is under review along with the Facilities Review and development of a Strategic Action Plan, Council will be able to make a more informed decision as to the most suitable service when the above studies are completed which is expected early next year.

It is likely that there will be some complaints should the recommendation be adopted. This is due to the following factors:

- the voucher option is not as convenient i.e. not provided to the kerbside
- residents may not have a trailer however these are available for hire and there are numerous Home Maintenance contractors available in the area.

It is considered the advantages for Council to reduce levy payments, Landfill disposal costs and divert more material away from Landfill while reducing risk of litigation leaves the imperative to make this change at this time.

Bucketts Way Landfill

The operations of this facility are also included in the MWS contract. As this facility is also under review as part of the Facilities Review and development of a Strategic Action Plan it is not recommended to provide any contract extensions at this stage.

Container Deposit Scheme

There may be some impact on the amount of recycled product received at the MRF facility due to the impending Container Deposit Scheme. Council has been working with the Environment Protection Authority and LGNSW to determine likely impacts on kerbside collection services and also Councils involvement with being a receiver of the bottles and containers.

Council and JR Richards and Sons Directors have met on a number of occasions and it is agreeable to both parties to have a 50/50 cost/revenue arrangement for the first 12 months following introduction of the Container Deposit Scheme. This allows sufficient time for the actual impacts of costs and revenue to be known. Following that time an addendum can be drawn up for the current MWS contract incorporating the CDS arrangements. Council will be kept informed of any major changes associated with the CDS implementation.

CONCLUSION

There are considerable benefits in adopting the recommendation. Some of those are:

- There is a significant benefit to wait for the consultants final report on this contract, the Facilities Review and the Strategic Action Plan. Council will need to have a clear understanding on its waste services and facilities and have clear strategic direction prior to preparing the tender documents for the next waste collection and processing contract.
- There is a benefit to delay preparing tender documents and undergoing that process at this time due to its heavy resource requirements and lengthy lead in period (minimum 3 years) while Council is aligning its waste policies, procedures etc.
- The MRF processing equipment and bins (replacement cost of \$3M) are all in relatively good condition. Collection trucks will be requiring maintenance however the contractor has factored that into their submission.
- It is opportune now to address the Bulky Waste collection service issues.
- The CDS may have considerable impact both in revenue and on services so delaying those decisions would be prudent.

RECOMMENDATION

- The MidCoast Waste Services contract for Collection and Processing Services be extended for 2 years in accordance with clause 2.1 Term of the contract,
 - The Bulky Waste Service provided to the Manning and Great Lakes areas be terminated for 2017/18 and in the interim replaced with one free disposal voucher for all Rate payers (standard utility or 6x4 trailer),
 - A 50/50 cost/revenue arrangement with JR Richards and Sons be adopted for the first 12 months following introduction of the Container Deposit Scheme
 - The review of the waste collection and processing contract, facilities review and strategic action plan proceed incorporating the above resolutions.
-

9 REVIEW OF PLANNING AND NATURAL SYSTEMS POLICIES

Report Author Lisa Schiff, Director Planning and Natural Systems

File No. / ECM Index Planning and Natural Systems/Policy Registers

Date of Meeting 26 July 2017

SUMMARY OF REPORT

A review of the Planning and Natural Systems policies contained in Council's Policy Register which is a compilation of the former three councils being Gloucester Shire Council, Great Lakes Council and Greater Taree City Council has been undertaken by the Director and Managers of the Planning and Natural Systems Department.

This review has considered where existing policies are operational matters, are covered by legislation or are available to Council via alternative instruments.

SUMMARY OF RECOMMENDATION

That the following 8 policies as attached to this report be rescinded because they are not required, are covered by legislation or alternate instruments available or adopted by Council:

1. Advertising Signs
2. Applications Lodged by Employee of Council
3. Breaches of the Environmental Planning and Assessment Act
4. Bushfire Assessment
5. Fees for the Assessment of Amended Development Applications
6. Handling of Development Applications
7. Rainwater Tanks - Domestic
8. Swimming Pools New and Existing

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

MidCoast Council's policy register following the merger of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council on 12th May 2016 contains policies from the former three councils that require review. Existing policies have been recently reviewed by Planning and Natural Systems with regard to current legislation, existing operations, operational policy and procedure with reference also made to alternate instruments available to Council that govern decision making as discussed below.

DISCUSSION

The following eight policies are recommended to be rescinded because there is legislation in place that governs the activity addressed or alternate instruments that are available to Council. Rescinding these policies does not remove accountability or transparency for related decisions.

In order to be consistent with other operational policies that are reviewed and updated by the General Manager or delegate, these policies are required to be formally rescinded by Council.

Policy Title	ADOPTED BY COUNCIL	Summary Comment
Advertising Signs	GREAT LAKES COUNCIL 13 SEPTEMBER 1988 (MINUTE NO 507) REVIEWED 31 OCTOBER 2000 (MINUTE NUMBER 364)	Is covered under Council's adopted Fees and Charges
Applications Logged by Employee of Council	GREAT LAKES COUNCIL ADOPTED 11 MARCH 1997 (MINUTE NO 542) LAST AMENDED 23 JUNE 2009 (MINUTE NO 317)	This is covered by Council's Code of Conduct
Breaches of the Environmental Planning and Assessment Act	GREAT LAKES COUNCIL ADOPTED 14 NOVEMBER 1995 (MINUTE NO 33) REVIEWED 31 OCTOBER 2000 (MINUTE NUMBER 364)	Is covered by Council's Compliance Policy
Bushfire Assessment	GREAT LAKES COUNCIL ADOPTED 23 AUGUST 2011 (MINUTE NO 31)	This is covered by legislation
Fees for the Assessment of Amended Development Applications	GREAT LAKES COUNCIL ADOPTED 25 JUNE 2013 (MINUTE NO 339)	Is covered under Council's adopted Fees and Charges
Handling of Development Applications	GREAT LAKES COUNCIL ADOPTED 27 AUGUST 2013 (MINUTE NO 51)	Is covered in Council's Lodgement Guide

Rainwater Tanks - Domestic	GREAT LAKES COUNCIL ADOPTED 13 FEBRUARY 1996 (MINUTE NO 409) REVIEWED 28 MARCH 2000	Covered by Exempt / Complying Development and other policies
Swimming Pools New and Existing	GREAT LAKES COUNCIL ADOPTED 21 JANUARY 1997 (MINUTE NO 416) REVIEWED 28 MARCH 2000	This is covered by legislation

CONSULTATION

Director of Planning and Natural Systems
 Manager Strategic Planning
 Manager Natural Systems
 Manager Development Assessment
 Manager Building Services
 Manager Waste Health and Regulatory Services

COMMUNITY IMPACTS

Rescinding these policies does not remove accountability or transparency for related decisions.

TIMEFRAME

Immediate effect.

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

That the following 8 policies as per annexures A to H to this report be rescinded because they are not required, are covered by legislation or alternate instruments available or adopted by Council:

- A. Advertising Signs
- B. Applications Lodged by Employee of Council
- C. Breaches of the Environmental Planning and Assessment Act
- D. Bushfire Assessment
- E. Fees for the Assessment of Amended Development Applications
- F. Handling of Development Applications
- G. Rainwater Tanks - Domestic
- H. Swimming Pools New and Existing

ANNEXURES

A. Advertising Signs

POLICY ADVERTISING SIGNS

Objective :

To allow for effective outdoor advertising whilst at the same time ensuring the safety, convenience and amenity of the Great Lakes area.

Requirements :

1. That signs not projecting and either painted on/or fixed on awnings and above awnings on all shop frontages and businesses, ie. any signs that are in fact part of the building structure, will not be subject to a fee.

All advertising signs and structures must be approved in accordance with DCP6 "Control of Outdoor Advertising".

File No : S21/1
Date Adopted : 13 September 1988
Minute No : 507
Services
Date Reviewed: 31 October 2000
Minute No: 364
Procedures Manual Ref :

Delegations Reference :
Code Ref : A2
Contact Division : Planning & Environmental

Section: Regulatory Control

9.100

B. Applications Lodged by Employee of Council

Great Lakes Council – Policy Register

Name of Policy: Applications Lodged by Employees of Council

Policy Code: PL-DEV-004

Date Originally Adopted: 11/03/1997 **Minute No.:** 542

Date Last Reviewed: 22/02/2000 **Minute No.:** 517

Date Last Amended: 12/02/2008 **Minute No.:** 56

Date Last Amended: 23/06/2009 **Minute No.:** 317

Responsible Division: Planning & Environmental Services

Responsible Sections: Development Assessment
Building Assessment

Related Council Documents: Council's Code of Conduct

Relevant Legislation :

Policy – Applications by Employees of Council (PL-DEV-004)
Latest Revision: 23 June 2009, Minute no. 317)

1 of 2

Objectives:

To preserve the integrity of the application processes where a Council employee (or their partner/s) is the applicant and to highlight obligations under Council's Code of Conduct.

Scope:

This policy applies to all members of staff of the Council. It incorporates all applications that are lodged in which they have an interest.

Requirements:

Where a Council employee is an applicant, the partner of an applicant or has a financial interest in an application their attention is drawn to their obligations under Council's Code of Conduct, including Part 7 "Conflicts of Interest" and clauses 7.28 (Personal dealings with Council) and 8.7 and 8.8 (Improper and undue influence).

As part of the application process, staff members subject to this policy are to disclose their interest in the application, in writing, to the General Manager at the time of lodgment of the application.

In assessing and determining an application that has been lodged by an employee of Council:

- Where a proposal conforms to Council's policies in all respects, and there are no objections received, assessment and determination may proceed as for any other applicant.
- Where there are no objections but the proposal does not conform to Council's policies in all respects, it is to be submitted to Council for determination.
- Applications to which an objection has been received are to be referred to Council for determination.

C. Breaches of the Environmental Planning and Assessment Act

POLICY BREACHES OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

Objective:

This policy is intended to:

- 1) identify the various types of breaches that occur;
- 2) categorise these according to potential impact upon the environment and according to planning implications;
- 3) establish processes to be followed by Council and staff in responding to identified and alleged breaches; and
- 4) establish delegations to initiate appropriate action where necessary.

Requirements:

A flow diagram is contained in Annexure "A" which summarises a suggested course of action.

1. Internal Processes

This will include establishing a process for receipt and recording of breaches/complaints, advice to management, assessment of significance, investigation procedures, gaining evidence and reporting to Council where necessary.

2. Actions in Resolving Breaches

Action to resolve breaches is dependent upon the severity of the breach. In cases where there is potential for:

- a) significant impact upon the physical environment; and/or
- b) erosion of the visual quality of the locality; or
- c) undermining of an environmental planning instrument; or
- d) causing unreasonable distress or annoyance to surrounding persons,

procedures should be established for immediate action to be initiated. There should also be a demonstrated commitment to pursue the matter to finality, even if this means seeking injunctive relief in the Land and Environment Court.

Where it has been established that a breach has occurred, and sufficient evidence gained to ascertain that at least one of the above criteria applies, the offending party should be immediately advised

File No : T5/60
Date Adopted : 14 November 1995
Minute No : 33
Date Reviewed: 31 October 2000
Minute No: 364
Procedures Manual Ref :

Delegations Reference :
Code Ref :
Contact Division : Planning & Environmental
Services
Section: Assessment
13.200

**POLICY BREACHES OF ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT (Cont)**

verbally and in writing to either cease the action/work and, where necessary, take remedial action. Included should be advice that failure to comply will result in legal action. If this does not elicit the appropriate result, injunctive relief should be sought.

In other cases where the nature of the breach is less severe, the offending party should be advised of Councils awareness of the breach/non compliance and attempts made to resolve the issue. Where there is no satisfactory outcome, the matter should be reported to Council for appropriate action.

1. Where it has been established that a breach has occurred and that the breach, in the opinion of the Director Planning & Environmental Services has potential to cause significant environmental impact or erode the visual quality of the locality or undermine an environmental planning instrument or cause unreasonable distress or annoyance to surrounding persons, the offending party or their representative:
 - a) be requested verbally and in writing to immediately cease the activity, or in the case of non compliance with conditions, requested to implement the necessary actions and to take whatever remediation/rehabilitation work may be appropriate. Advice also be given that failure to do so may result in the initiation of legal action in the Land and Environment Court without further notice;
 - b) in the event that the request is not heeded, and the matter is considered urgent, the Mayor and General Manager be granted delegated authority to immediately initiate the necessary action in the Land and Environment Court and to report the matter to Council at the first available opportunity.
2. In cases where a breach has occurred, but there is unlikely to be a significant impact as identified in (1) above, appropriate action be taken to rectify the matter, but should this be unsuccessful, the matter be referred to Council for a decision.

13.201

D. Bushfire Assessment

Great Lakes Council – Policy Register

Name of Policy: Bushfire Assessment

Policy Code: PL-DEV-012

Date Originally Adopted: 23/08/2011 **Minute No.:** 31

Date Last Reviewed: **Minute No.:**

Date Last Amended: **Minute No.:**

Responsible Division: Planning and Environment

Responsible Section: Building Assessments,
Development Assessment

Related Council Documents:

Relevant Legislation : Environmental Planning and
Assessment Act 1979, Planning
for Bushfire Guidelines.

Objective: To provide a peer review system for bushfire assessments where consensus is not achieved between Council and the author of the report where the author is not an accredited bushfire consultant.

Definitions:

Accredited consultant

a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment.

Unaccredited Bushfire Consultant

A person who is not an **accredited consultant** recognized by the NSW Rural Fire Service, but has a level of experience and expertise in this field, that can be demonstrated through the past preparation and submission of bushfire reports to Council.

Council will, as soon as practical, and prior to the determination of the related development application, notify the author of a bushfire report, prepared by a person other than an accredited bushfire consultant, in circumstances where Council's assessment of the report, does not meet with the expectations or conclusions contained within the report,. The author of the report or applicant for the Development Application may, within two days of notification by Council, request that the report be referred by Council to the Rural Fire Service for consideration.

Council will adopt the recommendations of the Rural Fire Service and incorporate the recommendations in the form of appropriate conditions of Consent.

E. Fees for the Assessment of Amended Development Applications

Great Lakes Council – Policy Register

Name of Policy: Fees for the Assessment of Amended Development Applications

Policy Code: PL-DEV-008

Date Originally Adopted: 25 June 2013 **Minute No.:** 339

Date Last Reviewed: **Minute No.:**

Date Last Amended: **Minute No.:**

Responsible Division: Planning and Environmental Services

Responsible Section: Development Assessment
Building Assessment

Related Council Documents: Schedule of Fees and Charges
Notification Policy for Planning Matters
Delegation of Authority Register

Relevant Legislation : Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
Local Government Act 1993

Fees for the Assessment of Amended Development Applications Policy – (PL-DEV-008)
Last Revision: 25 June 2013, Minute No. 339

Page 1 of 2

Objective: To require an additional application fee for the assessment of amended plans lodged during the processing of development applications (DA). These fees are not for a Section 96 application to modify a consent. However, the additional fee will be charged if an applicant lodges amended plans during the processing of an application to modify a consent.

Requirements: The fee to be charged is a maximum of two thirds (66%) of the costs of the original DA fee or modification of consent fee and is chargeable at the discretion of the Director Planning and Environmental Services.

An additional fee for notification/advertising may also be charged if the amended proposal requires re-notification/advertising.

When determining a lesser charge than two thirds (2/3) of the original DA fee or modification of consent fee, the Director Planning and Environmental Services shall take into consideration whether the changes are substantial in relation to the original application, together with the stage of the assessment process that the amended plans are received.

Should an amended application be received involving substantial change, Council may reject the amended application and determine the original proposal.

Definitions: Development application means an application for consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development, but does not include an application for a complying development certificate.

F. Handling of Development Applications

Great Lakes Council – Policy Register

Name of Policy:	Handling of Development Applications		
Policy Code:	PL-DEV- 013.		
Date Originally Adopted:	27/08/2013	Minute No.:	51
Date Last Reviewed:		Minute No.:	
Date Last Amended:		Minute No.:	
Responsible Division:	Planning and Environmental Services.		
Responsible Section:	Development Assessments. Building Assessments.		
Related Council Documents:	Schedule of Fees and Charges. Notification Policy for Planning Matters. Delegation of Authority Register. Fees for the Assessment of Amended Development Applications.		
Relevant Legislation :	Environmental Planning and Assessment Act 1979. Environmental Planning and Assessment Regulation 2000. Local Government Act 1993.		

Objective:

To communicate the procedures Great Lakes Council will undertake to assess development applications that contain insufficient information, are illegible, unclear, non-compliant or substantially amended.

Great Lakes Council:

- Is committed to an efficient and effective development application service to achieve a built environment that reflects the desired character for the Great Lakes Council Area.
- Aims to deliver a consistent development application assessment service within reasonable timeframes, based on the provisions of Part Four of the Environmental Planning and Assessment Act 1979.
- Assesses development applications in accordance with statutory requirements and on merit in accordance with provisions of the Environmental Planning and Assessment Act 1979 and relevant environmental Council policies.

Principle:

Delivery of a consistent development application service within reasonable timeframes is only possible when applicants furnish appropriate information in accordance with the Environmental Planning and Assessment Act 1979, so that an informed, proper and timely assessment can be made of the application.

Services associated with Development Assessment

- (a) Providing checklists for applicants to complete before lodging the development application. This provides details to applicants on what information is required for Council to undertake an assessment of the application. Staff may not accept an inadequate application or if fees have not been paid.
- (b) A duty planner and a building surveyor are available for advice.
- (c) A preliminary meeting can be undertaken with Council's Development Assessment Panel. The Development Assessment Panel consists of senior staff, which will review the proposal and may provide advice to the applicant regarding potential issues to be addressed with the submission of a development application.
- (d) Ensuring the Great Lakes Local Environmental Plan, development control plans and Council policies are freely available on Council's website.
- (e) Providing information on Council's website regarding the development assessment process.
- (f) Providing fact sheets at Council's Customer Service Centre.

Processing of Development Applications, Modifications of Consent and Applications for a Review of Determination

Applications will be processed in accordance with the Environmental Planning and Assessment Act and Regulations, Great Lakes Local Environmental Plan and other appropriate planning requirements. Internal and external referrals are required for some applications and the assessing officer will take the comments received into consideration when determining the application.

Council will notify and/or advertise applications in accordance with statutory requirements and Council's "Notification Policy for Planning Matters".

Requests for further information

Additional information in relation to the proposed development may be required in accordance with Clause 54 of the Environmental Planning and Assessment Regulation 2000 in order for the proper consideration of the application be undertaken. Council will require any additional information to be provided within 30 days or a longer period if considered reasonable by the Assessment Officer.

Council will apply 'stop the clock' provisions where appropriate until:

- All necessary information is received, or
- The applicant notifies Council the information will not be provided.

If the requested information has not been received at Council within the period nominated on the request for information letter and no request for an extension has been received, a further letter will be sent to the applicant. This further letter will advise the applicant that if all necessary information is not provided within a further 14 days, the development application will be determined on the information available and may be formally refused. The Director of Planning and Environmental Services has delegated authority to refuse consent in these cases.

The Council will only agree to a further extension of time if it is satisfied that genuine extenuating circumstances have prevented the provision of additional information. For this to occur the applicant is required to submit in writing their reasons for seeking a further extension and provide a reasonable timeframe for the submission of the information. Senior staff will consider the request and the applicant may be provided with a further extension of time. Should the additional information not be provided after the expiry of that period, the application will then be determined on the information available, which may result in the refusal of the application.

Illegible or Unclear Development Applications

Clause 51 of the Environmental Planning and Assessment Regulation 2000 provides that Council may reject a development application within 14 days after receiving it if the application is illegible or unclear as to the development consent sought, or the application does not contain any information, or is not accompanied by a document, specified in Part 1 of Schedule 1, of the regulation.

Where a development application is illegible or unclear or does not contain the information specified in Part 1 of Schedule 1, the applicant will be notified in writing within 14 days of lodgement of the development application and advised the application is rejected. An application that is rejected is taken to have never been made, and Council will refund to the applicant all fees in relation to the application.

Development Applications Not Conforming with the Planning Controls

For development applications and modifications of consent that significantly breach the planning controls, a senior officer shall consider issuing a letter advising that should the application be withdrawn within seven (7) days, a full refund shall be issued (less administration fee).

If the application is not withdrawn the proposal will be notified.

At completion of the notification period Council will assess the development application on merit, taking into account the non-compliant nature of the application and any submissions received. This may result in a refusal.

Accepting Amended Applications

Should an amended application be received prior to determination, Council's Policy (PL-DEV-008) entitled 'Fees for the Assessment of Amended Development Applications' will apply.

Definitions:

- Development is defined in Section 4 of the Environmental Planning and Assessment Act 1979 to mean:
 - The use of land and
 - The subdivision of land and
 - The erection of a building and
 - The carrying out of work and
 - The demolition of a building or work and
 - Any other act or matter or thing referred to in section 26 of the Environmental Planning and Assessment Act 1979 that is controlled by an environmental planning instrument but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

- Development Application means an application for consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development, but does not include an application for a complying development certificate.

G. Rainwater Tanks

POLICY RAINWATER TANKS - DOMESTIC

Objectives:

To provide a policy that permits the installation of domestic water tanks within the Great Lakes Council area. The policy is intended to provide a guideline for both residents and Council officers that facilitates decision making and understanding of the problems associated with these installations.

Conditions:

Only two water tanks of up to 4,000 litres each, shall be permitted per urban residential property. A rainwater tank of any size will not be permitted where the overflow from the tank cannot be directed to a street gutter or to an approved alternative disposal system.

The following conditions shall apply in all cases:

- 1 The overflow from the tank is to be disposed of to the street gutter or a suitable alternative disposal system approved by Council.
- 2 Should the water be used for human consumption a "first flush" system should be installed.
- 3 All openings to be sealed to prevent ingress of animals/insects. Particular attention is to be given to conditions that could lead to potential mosquito breeding.
- 4 The base of the strainer is to be above the overflow.
- 5 The tank is to be maintained, so that a nuisance is not created.
- 6 The tank is to be drained, cleansed and disinfected every two years.
Procedure for cleaning is as follows:-
 - a) Inspect and repair tank, lid and all openings and connections to exclude birds, vermin and extraneous matter.
 - b) Remove water from tank to waste or to supplementary tanks for re-use in hosing or washing sludge from tank.
 - c) Drain or remove sludge, either through sludge outlet or by bucketing.
 - d) Hard-brush and hose down roof, walls and floor of tank. Mop or squeegee the last of the sludge from the tank.
 - e) Disinfect tank by scrubbing with chlorinated water solution containing 20mg of chlorine per litre of water (ie 30mg of calcium hyperchlorate or 150mg of sodium hyperchlorate). Scrub roof, walls and floor. Hose out and squeegee scrubblings.

File No : B9/A1
Date Reviewed: 13 February, 1996
Minute No : 409

Date Reviewed: 28 March 2000
Minute No:
Procedures Manual Ref :

Delegations Reference :
Code Ref :
Contact Division : Planning & Environmental
Services

Section: Health 1.525

POLICY RAINWATER TANKS - DOMESTIC (Cont)

- f) Flush and hose tank with clean water.
 - g) Add clean water to tank. Ensure water in tank has free chlorine residual of 1mg per litre.
 - h) Appropriate protective clothing and equipment should be worn when handling concentrated chlorinated solution and during cleansing and disinfection of water tanks. Minimum protection should include rubber boots and gloves and all exposed skin should be covered. A suitable face mask and/or respirator should be worn in places of restricted air movement.
- 7 No connection or cross connection between town water supply and tank water is permissible.
- 8 All tanks are to be located behind any building line and have a side boundary setback of 900mm.
- 9 If a building application is required, the following shall accompany the application -
- (a) two sets of plans (to scale)
 - (b) each plan to include a site plan showing the location of the setbacks of the tank and any pumping equipment and an elevation showing the height and length and specifications including capacity, materials of manufacture.
 - (c) any other details required by Planning & Environmental Services.
- 10 Tanks are to be constructed in accordance with the Australian Standard Code 2179 "Rainwater Storage Tanks-Metal (rainwater) Specifications".
- 11 No tanks shall be fixed to the wall of a building unless certified by a practising Structural Engineer.
- 12 All tanks are to be placed on a structurally adequate base, in accordance with the manufacturer's or engineer's details.
- 13 If a pump is required it must be located and operated so as not to cause a noise nuisance (as defined under the Noise Control Act 1975) to adjoining properties.

H. Swimming Pools New and Existing

POLICY SWIMMING POOLS - NEW AND EXISTING

Objective :

- 1 To ensure that private swimming pools comply with the Swimming Pool Act 1992.
- 2 To outline the procedure to be followed to ensure that all existing swimming pools constructed in the Great Lakes Council area comply with the requirements of the Swimming Pool Act 1992 in particular the erection of pool fencing.
- 3 To promote the awareness within the Great Lakes Council area of the requirements of the Swimming Pool Act in relation to swimming pools.

Requirements :

- 1 All new and existing swimming pools are to comply with the provisions of the Swimming Pool Act and Regulations 1992.
- 2 Exemptions (under section 22 of the Act) may be granted to compliance with the requirements of the Act where council is satisfied, in the particular circumstances of the case; that it is considered that the requirements are impractical or unreasonable (because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements: or that alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.
- 3 An application for an exemption under section 22 must be made in writing on the approved form and detail the circumstances why the regulations are impractical or unreasonable in the particular case.
- 4 The fee of \$50 must be paid with the submission of the application for an exemption under section 22 of the Swimming Pool Act.
- 5 An application for exemption under section 22 of the Swimming Pool Act may be determined by the Manager Building Assessment under delegated authority.
- 6 An appeal lies to the Land and Environment Court against the decision to refuse to grant an exemption under section 22 in accordance with the terms of the relevant application. Such an appeal must be made within 28 days after the date on which the decision was made or is taken to have been made.

Procedure

The procedure outlined below will be followed to ensure that all existing swimming pools comply with the requirements of the Swimming Pool Act 1992.

(needs updating)

File No : B9/25

Date Adopted : 21 January, 1997

Minute No : 416

Reviewed: 28 March 2000

Minute No:

Procedures Manual Ref :

Delegations Reference :

Code Ref :

Contact Division : Planning & Environmental Services

Section: Building

1.700

POLICY SWIMMING POOLS - NEW AND EXISTING (Cont)

- 1 A letter will be issued to the owners of all existing swimming pools indicating their obligations and requirements under the Act and advising that the swimming pool will be inspected to ensure compliance with the swimming Pool Act.
- 2 If inspection of the pool reveals that the pool complies with the Act a letter will be sent to the owner advising of their responsibility to ensure that the pool is fenced at all times in accordance with the Act and that any breach of the Act may result in the issue of an on-the-spot fine under the Environmental Penalties and Offences Act.
- 3 If inspection of the pool reveals that the swimming pool does not comply with the requirements of the Act the owner will be advised in writing of the areas of non compliance and the method and time frame for achieving compliance.
- 4 The time frame for compliance will be 30 days but may be extended if good cause is given.
- 5 Where the owner fails to comply with the requirements set out in the letter in the time specified and an extension of time has not been granted an order under the provisions of section 23 the Swimming Pool Act will be issued.
- 6 The time frame for compliance with the order will be 30 days but may be extended if good cause is given or the a longer period is considered reasonable because or the amount of work to be carried out or any other reason.
- 7 Where there is non compliance with the order a letter will be sent advising that legal proceedings will be instituted for non compliance with the order or an on-the-spot-fine will be issued if the order is not complied with in a period of 30 days.
- 8 Consideration will be given to applications to extend the time to comply with the notice.
- 9 Where an application has been submitted by the owner to extend the time period for compliance, and the extended period is considered to be reasonable, an action plan will be prepared to specify action to achieve compliance and time frame. The action plan is to be agreed to by all parties. Where agreement cannot be reached the application will be referred to council for determination.
- 10 If the notice is not complied with after in the time specified in the second letter or the action plan the matter will be referred to council with the recommendation that legal proceedings be instituted.
- 11 If it is considered that the failure to comply with the notice will cause a significant danger to the general public an on-the-spot fine will be issued under the Environmental Offences and Penalties Act 1989 by an authorised person.

1.701

10 LAND ACQUISITION GLOUCESTER LANDFILL

Report Author John Cavanagh, Manager Waste Health & Regulatory

File No. / ECM Index Waste Strategy

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The Gloucester Landfill has been operating on the current site for over 30 years. Some of the landfilling and in ground structures on site are within five (5) metres of the boundary of the landfill. Over 30 years, landfilling practices, environmental legislation and requirements have changed and tightened and there is now a requirement for an environmental buffer around the perimeter of the landfill. In order to secure suitable land for this buffer, it is recommended Council pursue acquisition of this land.

SUMMARY OF RECOMMENDATION

1. That Council pursue the acquisition of area of land as shown in Annexure A and report the outcome of these negotiations back to Council.
2. That necessary funding be provided from the Waste Management budget.

FINANCIAL/RESOURCE IMPLICATIONS

An independent valuer will be engaged to prepare a valuation for Council.

Funds to acquire the property are available from the Waste Management Reserve Fund.

LEGAL IMPLICATIONS

The resolution to undertake the compulsory acquisition is in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991.

REPORT

The Gloucester landfill has been operating for over 30 years on its present site. At present, parts of the landfill and one (1) of the leachate dams associated with the landfill are located within five (5) meters of the landfill boundary. The land adjacent to the landfill is privately owned by one (1) person.

Over the 30 years of landfilling, practices and environmental requirements and legislation have changed substantially. These changes in requirements and legislation include the need for an environmental buffer around the perimeter of the landfill. This buffer can be used to include a perimeter road and to ensure tree/shrub planting around the landfill to minimise impact of the site on the general public. It is considered that the acquisition of this land shown in Annexure A will ensure this buffer.

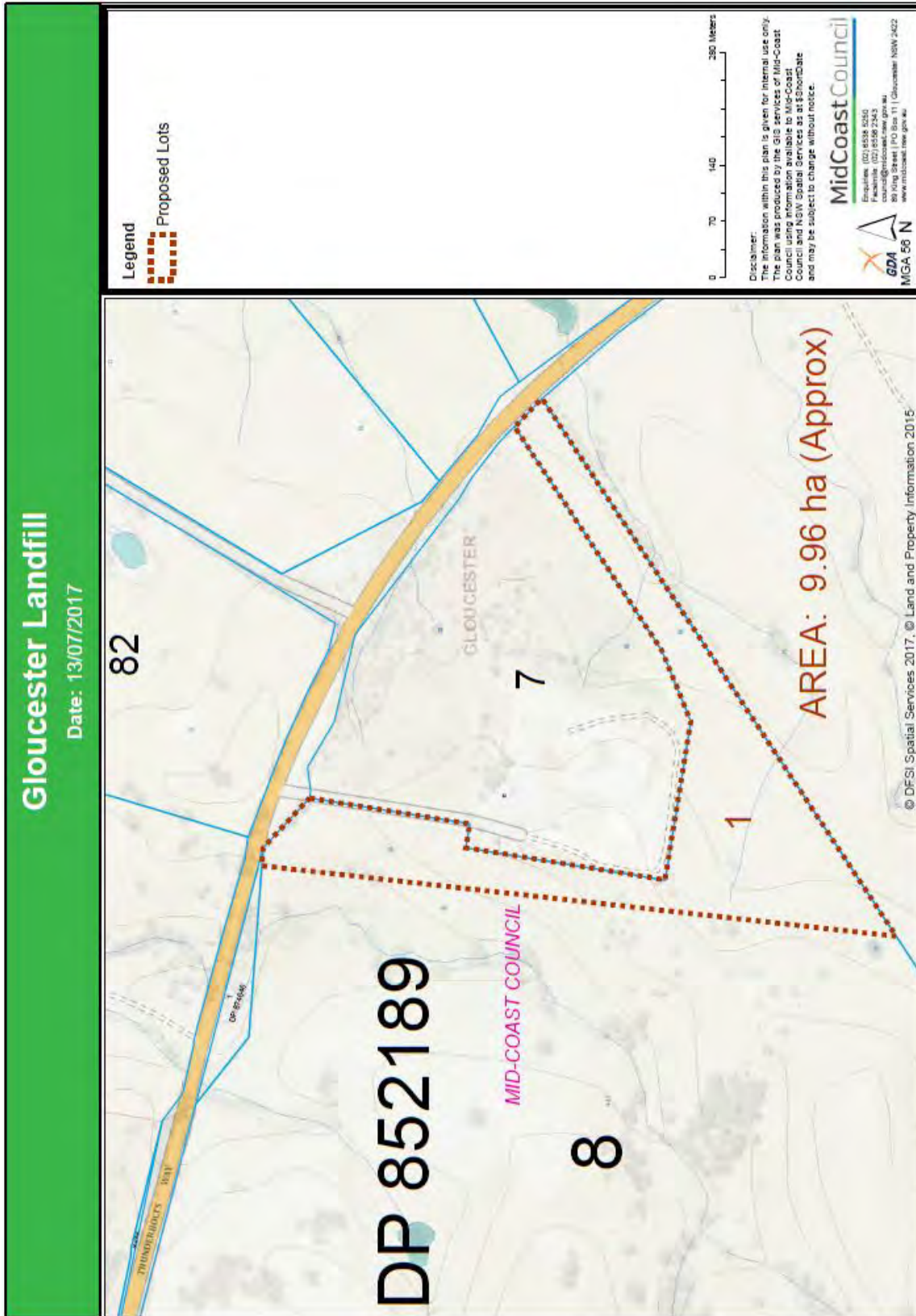
The author of this report has had discussions with the property owner of the subject Lot 8 DP852189 who is not adverse to Council acquiring the property. As a result, an independent property valuation will be undertaken. It is expected that agreement can be achieved on a sale price that is acceptable to both parties.

RECOMMENDATION

1. That Council pursue the acquisition of area of land as shown in Annexure A and report the outcome of these negotiations back to Council.
2. That necessary funding be provided from the Waste Management budget.

ANNEXURES

A: A map showing the subject site.



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11 DETERMINATION OF DEVELOPMENT APPLICATIONS POLICY

Report Author Bruce Moore, Manager Development Assessment

File No. / ECM Index Planning/Policy Register

Date of Meeting 26 July 2017

SUMMARY OF REPORT

A Determination of Development Application Policy has been developed for consideration by Council. This Policy has been developed following a review of the former three Council processes in effect prior to the amalgamation of 12 May 2016.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Determination of Development Applications Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a Policy for the determination of development applications has been developed.

The policy has been prepared to provide a consistent, transparent and efficient decision making process for development applications. It defines the type of applications that will be escalated above staff level for determination.

CONSULTATION

Senior Management and staff from Planning and Natural Systems and Governance.

TIMEFRAME

Immediate effect.

RECOMMENDATION

That the attached Determination of Development Applications Policy be adopted.

ANNEXURES

A: Draft Determination of Development Applications Policy.

Name of Policy:	Determination of Development Applications		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	4 Years		
Next Scheduled Review Date:			
Related Legislation:	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 Local Government Act 1993		
Associated Policies/Documents:	Procedure – Determination of Development Applications		
Responsible Department:	Development Assessment		

Policy Objective

The objectives of this policy are:

- To provide a consistent, transparent and efficient decision making process for development applications;
- To facilitate a decision making process that reflects the complexity of the development application;
- To ensure the decision upholds the integrity of the NSW planning system.
- To ensure legislative requirements are met; and
- To ensure that decisions are made in a timely manner.

Policy Statement

To achieve the objectives of this policy Council will:

- Establish a decision making process to identify applications that will be escalated above staff level for determination;
- Acknowledge the judgement of Council's professional staff, particularly in planning and environmental management; and
- Seek merit assessment at the appropriate level to provide efficiencies and to minimise politicisation of the decision making process.

Coverage of the Policy

This policy applies to all staff and Councillors of MidCoast Council.

Strategic Plan Link

Key Direction 4 - Civic Leadership

Policy Content

To achieve the objectives of this policy:

- Delegations to Planning staff are to be standardised and allow for development applications to be determined at staff level.
- Council will establish a Development Control Unit (DCU) for determination of Development Applications that are not determined by planning staff under delegation.
 - Membership of the DCU shall comprise one (1) elected Councillor (chairperson), the Director Planning and Natural Systems, Director Engineering, Manager Development Assessment and Manager Building Services.
 - The chairperson of the DCU is to be given the full delegation of Council for the determination of development applications.
 - DCU meetings will be held once a week. Meetings will not be held where there are no agenda items.
 - Matters will only be deferred by the DCU in exceptional circumstances where there is a significant risk of a sub-optimal outcome that has significant consequences for the community. There should be a maximum of two decision delays (decision delays comprise deferrals and site visits – a site visit and subsequent consideration at another meeting would equate to the maximum of two decision delays).

- Planning staff will determine applications in accordance with delegations. Applications will only be presented to the DCU in the following circumstances:
 - Where Council is proposing a development itself (and Council is the consent authority)
 - Where the development does not comply with the aims and objectives of an adopted council policy (including a development control plan), and the application is recommended for approval.
 - Where significant unresolved planning objections have been received from different households (a petition or pro-forma documents are counted as one objection).
 - Where the application proposes variation to a development standard in a Local Environmental Plan of more than 10% of the standard and where concurrence of the Secretary of the Department of Planning and Environment is taken to be assumed.
 - Where the development is of state or regional significance (and Council is the consent authority)
 - Where the application is for a review of determination (unless the review relates to:
 - a decision to refuse an application for failure to provide all necessary information to enable assessment of the application and the information has not been provided with the request for the review; or
 - where the review relates to an application was refused for failure to obtain the concurrence of another authority).
- Where the JRPP is the consent authority, applications will not go to the DCU for noting.

Definitions

For the purposes of this policy the following definitions apply:

DCU: Development Control Unit

JRPP: Joint Regional Planning Panel

References and Related Documents

NSW Department of Planning and Environment – Development Assessment Best Practice Guide – March 2017

Responsible Officer

Manager- Development Assessment

12 COMPLIANCE POLICY

Report Author John Cavanagh, Manager Waste, Health and Regulatory Services

File No. / ECM Index Local Laws; Policy Register General

Date of Meeting 26 July 2017

SUMMARY OF REPORT

To consider and adopt the draft Compliance Policy

SUMMARY OF RECOMMENDATION

That the draft Compliance Policy be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The policy underpins various legislation and regulations that Council Officers work under.

BACKGROUND

There has been an identified need for a single Council Compliance Policy to outline MidCoast Council's direction and position in regards to compliance activities.

DISCUSSION

This policy sets out the principals Council will adhere to when undertaking compliance activities. A framework, guidelines and procedures have been and will be developed in reference to the policy.

CONSULTATION

The draft policy was completed with consultation undertaken with staff who have involvement with or management of the various regulatory responsibilities of Council. The NSW Ombudsman's Enforcement Guidelines for Councils and Hunter Council's model Compliance Policy were referred to in drafting this policy.

RECOMMENDATION

That the draft Compliance Policy be adopted.

ANNEXURES

A: Draft Compliance Policy



Name of Policy:	Compliance		
Policy Code:			
Adoption by Council	July 2017	Minute No.	
Last Review Date:	July 2017		
Review Timeframe:	5 Years		
Next Scheduled Review Date:	November 2022		
Related Legislation:	Building Professionals Act 2005. Companion Animals Act 1998 & Regulations Contaminated Land Management Act 1997 Environmental Planning and Assessment Act 1979 & Regulation Food Act 2003, Regulations & Food Standards Code Noxious Weeds Act 1993 Impounding Act 1993 & Regulations Land and Environment Court Act 1979 Liquor Act 2007 & Regulations Local Government Act 1993 Protection of the Environment Operations Act 1997 & Regulations Public Health Act 2010 & Regulations Recreational Vehicles Act 1983 Roads Act 1993 & Regulations Road Transport (Safety & Traffic Management) Act 1999, Regulations and Australian Road Rules Rural Fires Act 1997 Swimming Pools Act 1992 & Regulations Waste Avoidance & Resource Recovery Act 2001 & Regulations		
Associated Policies/Documents:	Code of Conduct		
Responsible Department:	Waste Health and Regulatory Services		

Policy Objective

To ensure legislation and resources are applied to achieve positive environmental, health and safety outcomes for the community.

Policy Statement

To achieve the objectives and requirements of this Policy Council will implement an effective Compliance Assurance Framework that will:

- Ensure Council's compliance obligations and associated risks are appropriately and effectively identified, prioritised, evaluated, managed, reported on and monitored.
- Assist in directing the most efficient and effective use of Council's compliance resources by incorporating a risk based approach to the prioritisation of compliance and enforcement matters.
- Provide guidance to Council staff on identifying the most suitable tools to address compliance matters to achieve the best outcomes as efficiently as possible.
- Support effective communication with and education of the community in relation to compliance matters.
- Assist in guiding effective and efficient strategic decision making for compliance management throughout the organisation.
- Reinforce the adherence to Council's Code of Conduct and the principles of natural justice and procedural fairness in Council's approach to compliance matters.

Coverage of the Policy

This Policy relates to regulatory issues within Council's areas of responsibility including, but not limited to; development and building control, pollution, vegetation clearing, environmental health, public health and safety, noxious weeds, septic, parking and control over animals.

Policy Content

In meeting its compliance objectives, Council will:

- Act in the public interest.
- Act consistently, impartially and fairly according to law and in accordance with Council's Code of Conduct.
- Promote consistency through adherence to policies and procedures.
- Not discriminate or prioritise reports of non-compliance on the basis of race, religion, sex, position, national origin or political association.
- Ensure that all reports of non-compliance are managed and prioritised consistently without discrimination or partiality.
- Provide a level of customer service commensurate with Council's resources.
- Conduct compliance activities transparently in accordance with corporate values.
- Focus on environmental and public health benefits and outcomes.

- Make the regulated community aware of their legal obligations and how to comply, including provision of advice and tools to improve compliance.
- Ensure that where enforcement action is required, Council's response is proportionate to the severity of the non-compliance.
- Actively pursue partnerships with industry, the community and other government agencies which facilitate beneficial outcomes the community.
- Encourage voluntary disclosure and cooperation in the interests of minimising harm to the environment and human health.
- Provide incentives that encourage compliance and best practice.
- Ensure a risk based approach in accordance with Council's Risk Management Framework.

Definitions

Compliance is the act of adhering to, and demonstrating adherence to, laws, regulations or policies.

References and Related Documents

Compliance Assurance Framework

Procedure – Managing Reports of Non Compliance

Procedures to be developed – e.g. Developing Quality Conditions of Consent, Evidence Gathering, Compliance Inspection and Monitoring.

Responsible Officer

The Manager Waste Health and Regulatory Services is responsible for the overall administration and implementation of this Policy.

All Council staff and Councillors who have responsibilities for compliance as defined by this Policy are responsible for its implementation, however only staff with appropriate delegations from the General Manager are authorised to undertake investigation and enforcement activities associated with certain legislation.

Attachments

Nil

13 VEHICLES ON BEACHES POLICY

Report Author John Cavanagh, Manager Waste Health and Regulatory Services

File No. / ECM Index Beach Vehicle Licences

Date of Meeting 26 July 2017

SUMMARY OF REPORT

To consider and adopt the draft amended Vehicles on Beaches Policy.

SUMMARY OF RECOMMENDATION

That the draft Vehicles on Beaches Policy be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

There has been an identified need for the former Great Lakes and Greater Taree Vehicles on Beaches Policies to be merged to outline the Council's direction and position in regards to compliance activities.

DISCUSSION

The policy does not present any major changes to current protocol in the Great Lakes and Greater Taree areas. It is recommended to expand the 30 day permit from the Manning area to the whole MidCoast Council area. This policy is an interim measure before embarking on a more detailed analysis and report within 2 years.

This policy aims to protect the coastal environment, nesting shorebirds, flora, fauna and beach users. This policy is supported by guidelines that provide conditions of use for vehicle permits that enable access to beaches in MidCoast Council's region.

CONSULTATION

The draft policy was completed with consultation undertaken with Council's Governance section.

RECOMMENDATION

That the draft Vehicles on Beaches Policy be adopted.

ANNEXURES

A: Draft Vehicles on Beaches Policy.



Name of Policy:	Vehicles on Beaches
Policy Code:	
Adoption by Council	Minute No.
Last Review Date:	
Review Timeframe:	2 Years
Next Scheduled Review Date:	November 2019
Related Legislation:	Local Government Act 1993 Crown Lands Act 1989
Associated Policies/Documents:	
Responsible Department:	Waste Health & Regulatory Services

Policy Objective

This policy aims to protect the coastal environment, nesting shorebirds, flora, fauna and beach users. The policy is supported by guidelines that provide conditions of use for vehicle permits that enable access to beaches in Mid-Coast Council's region.

Decision

Policy Statement

Council has a shared responsibility with NSW Government agencies and community members to ensure preservation and protection of our coastal environments.

Council aims to ensure safe and responsible access to some beaches through an appropriately managed permit system.

Coverage of the Policy

This policy applies to all drivers and all motor vehicles other than those used by:

- (a) Emergency Services and other authorised activities
- (b) Authorised officers of Local, State and Commonwealth Governments in the performance of their duties.

The following persons are authorised to enforce this policy:

- Officers of the NSW Police Force;
- Authorised officers of council (Council Rangers).

Policy Content

As the coastline is subject to coastal erosion and access points are regularly affected by coastal erosion, access during these times cannot be guaranteed.

Vehicles are prohibited at all times on:

- (a) any other beach, or part thereof, not specifically identified as being accessible by vehicle under this policy as defined in schedule 1 to this policy
- (b) any dune or beach area that is vegetated
- (c) any dune or beach area undergoing restoration or a regeneration programme
- (d) areas where endangered shore bird habitat or nesting areas, as marked by National Parks and Wildlife Service or Crown Lands

(e) any closed beach.

Jimmys Beach at Tea Gardens is only open for Professional Fishers and Restricted Permit holders (Restricted Permit holders require a Doctors Certificate every two (2) years verifying limited mobility). Any breaches of this policy are an offence under the Local Government Act 1993 and subject to penalties, fines and withdrawal of permits.

Permits are available for purchase at council offices, tourism centres and local businesses.

The proceeds from permits and infringement notices are allocated towards improved signposting, board and chain access tracks for vehicles and pedestrians, dunal fencing and revegetation works.

Definitions

NSW Government Agencies means: Crown Lands, National Parks and Wildlife NSW (NSW Office of Environment & Heritage) who work together to help protect and ensure suitable year-round habitat for Endangered Shorebirds.

Restricted Area means: areas of beaches only accessible to a) Professional Beach Access Permit holders, and b) valid Beach Access Vehicle Permit holders approved for “Restricted” access.

References and Related Documents

Schedule 1 – list of beach access points and permitted areas

Responsible Officer

Manager Waste Health and Regulatory Services

Schedule 1: MidCoast Council beach vehicle access

Beach	Access points	Prohibited areas
Crowdy Beach	14 km accessible Access Points: <ul style="list-style-type: none"> • North of Surf Club • Kylies Beach 	Southern Corner 250m (at Surf Club) 0.25 km School Holidays: Closed to all Vehicles 8:00 am to 6:00 pm (June/July break excepted)
Harrington Beach	5km accessible Access Points: <ul style="list-style-type: none"> ▪ Rutile Road, Crowdy Head ▪ Via Rainforest road, Harrington. 	Northern Corner 300m Closed to all Vehicles at all times.
Manning Point	Total Length 10.1 km Access Point: through Manning Point reserve	Sign-posted nesting areas
Old Bar Beach	North on Mudbishops Rd (left turn only)	Sign-posted nesting areas
Wallabi Point Beach	Access point – through Manning Point Reserve	Total length 1.25 km (with exception of boat launching, which is restricted to Southern corner)
Black Head Beach Front Beach	Boat launching access point is adjacent surf club	Total Length 1.30 km (with exception of boat launching, which is restricted to Southern corner)

Tuncurry Beach (also known as Nine Mile Beach)	10.5 km accessible Access points <ul style="list-style-type: none"> • 0.2 km from north end at Blackhead (right hand turn only) • end of Beach street Tuncurry 	200m Northern corner at Blackhead (Back Beach) 800m at the southern end of Tuncurry Beach
Sandbar	1.6 km accessible Access point – via Sandbar Caravan Park	1.2 km northern end to Cellito Headland closed to all vehicles at all times.
Seal Rocks (also known as No.1 Beach)	Restricted area Access point – Eastern End	Total length 1.1km prohibited (with exception of licensed professional fishermen hauling mullet)
Seal Rocks Boat Beach	Boat launch only Centre of beach	Total length 0.4km prohibited (with exception of boat launching). No access to any vehicles 100m from Eastern end.
Hawks Nest Bennetts Beach	Access points: <ul style="list-style-type: none"> • North 3.7km accessible from North of Surf Club near Hawks nest Golf Club • Restricted area. South 1.7km accessible from South of Surf Club opposite Jimmy's Beach caravan Park is a Restricted area. 	1.1km from southern end adjacent to Surf Club prohibited to all unauthorised vehicles
Jimmys Beach	Restricted area Accessible Jimmy's Beach caravan Park then 0.9km East to South of Hawks Nest Beach	Total length 3.9km prohibited (with exception of licensed professional fishermen actively fishing).

14 CONTAMINATED LAND POLICY

Report Author John Cavanagh, Manager Waste Health & Regulatory Services

File No. / ECM Index Pollution/Contaminated Sites

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This proposed MidCoast Council Contaminated Land Policy forms the basis for the management of land, which is either contaminated or potentially contaminated, within MidCoast Council (MCC) local government area. The Policy outlines how land contamination issues are incorporated into and addressed by Council's planning and environmental decision making process. The Policy has been prepared with regard to guideline documents, *Managing Land Contamination: Planning Guidelines* (the guidelines) and SEPP 55- Remediation of Land, and applies to all land within MidCoast Councils local government area.

Councils who act substantially in accordance with the contaminated land planning guidelines when carrying out specified planning functions, are taken to have acted in good faith and receive statutory protection under sections 145B and 145C of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Under the provisions of the Policy, MidCoast Council has developed a framework to manage those sites which are contaminated or potentially contaminated and that do not pose an unacceptable risk to human health or the environment under its current approved process.

When carrying out planning functions under the provisions of the EP&A Act, Council must consider the possibility that a previous land use, or a current nearby land use, has caused contamination of the site, as well as the potential risk to human health or the environment from that contamination. The general principle of the guidelines for managing land contamination is that a precautionary approach be adopted when exercising a planning function, and that the identification of land contamination issues occur at an early stage in the planning process in order to prevent harm and reduce delays and costs.

SUMMARY OF RECOMMENDATION

That Council adopt the MidCoast Council Contaminated Land Policy.

FINANCIAL/RESOURCE IMPLICATIONS

All persons affected by the implementation of this Policy can choose to challenge the Policy. This can result in legal advice being sought and court proceedings.

LEGAL IMPLICATIONS

Schedule 4 of the Environmental Planning and Assessment Regulations 2000 prescribes matters that must be specified in a Planning Certificate. Clause 7 of this Schedule refers to Council and other public authority policies on hazard risk restrictions. Failure to specify known sites because of the absence of a Council Policy may result in litigation.

BACKGROUND

This proposed MidCoast Council Contaminated Land Policy (the Policy) forms the basis for the management of land, which is either contaminated or potentially contaminated, within the MidCoast Council local government area. The Policy outlines how land contamination issues are incorporated into and addressed by Council's planning and environmental decision making process. The Policy has been prepared under the *Managing Land Contamination: Planning Guidelines* (the guidelines) and SEPP 55- Remediation of Land, and applies to all land within MidCoast Council local government area.

Councils, who act substantially in accordance with the contaminated land planning guidelines when carrying out specified planning functions, are taken to have acted in good faith and receive statutory protection under sections 145B and 145C of the Environmental Planning and Assessment Act (EP&A Act) 1979.

This policy was developed and produced through MidCoast Council's (and former Great Lakes Council) involvement with the recently formed partnership with the Hunter Regional Council's under the NSW Government's 'Contaminated Land Management Regional Capacity Building Support Program' (the program). The program aims to provide assistance to Councils (through the employment of regional support staff) to manage and build local capacity in the management of contaminated land issues. The policy presented for adoption is considered a **regional model policy** and aims to ensure consistency throughout the Hunter Region. The nature of assistance provided by support staff under the program includes:

- Guidance and assistance to planning staff on proposals involving contaminated land.
- Assisting the development of contaminated sites, policies and registers.
- Preparing a risk matrix of known contaminated sites within the region.
- Overseeing remediation projects.
- Conducting / facilitating training and educational workshops for Council staff.
- Improving knowledge of Underground Petroleum Storage Systems (UPSS) management and compliance in Councils.
- Preparing support documentation and conducting training to Council staff to improve the long-term capacity of the region to manage contaminated land.

The planning and development control process under the EP&A Act is important in the management of land contamination. It aims to ensure that land is not allowed to be put to a use that is inappropriate because of the presence of contamination and incorporates mechanisms to ensure that:

- Planning authorities consider contamination issues when they are making rezoning and development decisions
- Local councils provide information about land contamination on planning certificates that they issue under section 149 of the EP&A Act.
- Land remediation is facilitated and controlled through State Environmental Planning Policy 55 - Remediation of Land (SEPP 55).

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)

Under SEPP 55, planning authorities are required to consider, at the development approval and rezoning stage, the potential for contamination to adversely affect the suitability of a site for its proposed use. The Policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. SEPP 55 enables:

- Makes remediation permissible across NSW.
- Defines when consent is required.
- Requires all remediation to comply with standards.
- Ensures land which is going through the development consent process is investigated if contamination is suspected (for instance, based on site history).
- Requires councils to be notified of all remediation proposals.

Guidelines

Managing Land Contamination: Planning Guidelines: SEPP 55 - Remediation of Land (Department of Urban Affairs and Planning and NSW EPA 1998) aims to establish 'best practice' for managing land contamination through the planning and development control process. The guidelines provide advice to planning authorities on the early identification of contaminated sites, consideration of contamination in rezoning and development applications, recording and use of information, and ways to prevent contamination and reduce the environmental impact of remediation activities.

A revised version of the guidelines is being finalised by the NSW Department of Planning and the NSW EPA to reflect the changes in the underlying regulatory framework since 1998 and clarify advice.

Section 149 Certificates

Section 5 of the above Land Contamination Planning Guidelines contains information on the use of section 149 certificates under the EP&A Act. In summary, s.149(2) planning certificates must record that:

- The land is declared significantly contaminated by the EPA under the CLM Act.
- The land is subject to management order issued by the EPA under the CLM Act.
- A voluntary management proposal for a site has been approved.
- The land is subject to an ongoing maintenance order.
- The land is the subject of a site audit statement if a copy of such a statement has been provided.

Where Councils have an adopted policy for contaminated land, the s.149(2) certificate must also state if the policy applies to the land the subject of the certificate.

Councils may also use s.149(5) certificates to record other information, particularly anything else of a factual nature about contamination which the local council deems appropriate.

COMMENT: MANAGER WASTE HEALTH & REGULATORY SERVICES

Consultation has been undertaken externally through the Hunter Councils group who prepared the policy. Consultation was also undertaken internally with Strategic Planning, Environmental Health and Governance staff. This policy will enable a clear and integrated approach to dealing with the highly sensitive issue of contaminated land in the MidCoast Council area.

RECOMMENDATION

That Council adopt the MidCoast Council Contaminated Land Policy.

ATTACHMENTS

A: MidCoast Council Contaminated Land Policy

Due to its large size, 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.

15 CARAVAN PARKS FOR LONG TERM RESIDENCE POLICY

Report Author Bruce Moore, Manager Development Assessment

File No. / ECM Index Planning/Policy Register

Date of Meeting 26 July 2017

SUMMARY OF REPORT

A Caravan Parks for Long Term Residence Policy has been developed for consideration by Council. This Policy has been developed to provide guidance as to where caravan parks for long term residence will be considered.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Caravan Parks for Long Term Residence Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil.

BACKGROUND

Caravan Parks are permitted in various zones throughout the MidCoast Council Local Government Area.

Legislation relating to caravan parks was established at a time when caravan parks were principally used as tourist facilities. Legislation permits sites within a caravan park to be used for long term occupation however places that are appropriate for tourist purposes are not always an ideal location for permanent residents.

Persons who reside long term in caravan parks often have greater need for access to services and facilities including shops, bank, community services and doctors. It is also recognised that the residents of long-term caravan parks are from a diverse demographic, requiring access to a broad range of facilities and services. It is therefore important that Caravan Parks for Long Term Residence be suitably located in areas which provide appropriate access to community facilities and services.

The Caravan Parks for Long Term Residence Policy seeks to identify suitable locations for caravan parks which are principally used for permanent residence.

CONSULTATION

Senior Management and staff from Planning and Natural Systems.

TIMEFRAME

Immediate effect.

RECOMMENDATION

That the attached Caravan Parks for Long Term Residence Policy be adopted.

ANNEXURES

A: Draft Caravan Parks for Long Term Residence Policy



Name of Policy:	Caravan Park for Long Term Residence		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	4 Years		
Next Scheduled Review Date:			
Related Legislation:	Environmental Planning and Assessment Act 1979 Local Government Act 1993 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 State Environmental Planning Policy No 21—Caravan Parks		
Associated Policies/Documents:	Nil		
Responsible Department:	Development Assessment		

Policy Objective

The objective of this policy is to identify locations where Caravan Parks for Long Term Residence may be considered.

Policy Statement

Legislation relating to caravan parks was established at a time when caravan parks were principally used as tourist facilities. MidCoast Council recognises that caravan parks can provide for longer term residential accommodation however places that are appropriate for tourist purposes are not always an ideal location for permanent residents.

Persons who reside long term in Caravan Parks include those who are unable to access other forms of housing either in the private, public or community housing sectors, people who do not wish to tie themselves to one form of residency and people who do so for lifestyle reasons. Manufactured housing within caravan parks is becoming increasingly popular for seniors and retirees.

Persons who reside long term in caravan parks often have greater need for access to services and facilities including shops, bank, community services and doctors. It is also recognised that the residents of long-term caravan parks are from a diverse demographic, requiring access to a broad range of facilities and services. It is therefore important that Caravan Parks for Long Term Residence be suitably located in areas which provide appropriate access to community facilities and services.

This policy sets out the location criteria for where Caravan Parks for Long Term Residence will be considered suitable.

Strategic Plan Link

The policy is consistent with the strategic plans of MidCoast Council.

Policy Content

Caravan Parks for Long Term Residence will be permitted:

- a) On land that is zoned or reserved under an environmental planning instrument for urban use, where Caravan Parks are identified as development permissible with consent;
- b) On land within a Rural or Environmental zone where the land is adjacent to or adjoining land zoned for urban use and where Caravan Parks are identified as development permissible with consent;
- c) Where the development will be connected to a reticulated water and sewerage system;
- d) Where Council is satisfied that residents of the Caravan Park will have access to
 - i) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - ii) community services and recreation facilities, and
 - iii) the practice of a general medical practitioner, and
 - iv) educational facilities.

The facilities and services referred to above are to be located at a distance of not more than 400 metres from the site of the caravan park or there is a public transport service available to the residents who will occupy the caravan park:

- that is located at a distance of not more than 200 metres from the site of the proposed development, and
- that will take those residents to a place that is located at a distance of not more than 200 metres from the facilities and services, and
- that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

Caravan Parks for Long Term Residence will be not be permitted:

- On land that is zoned for recreational use;
- On land which is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.
- On land which is identified in an environmental planning instrument, by words which are cognate with or a description consistent with any one or more of the following:
 - extractive resources,
 - services corridors,
 - airport/industry buffer area,
 - habitat corridor,
 - containing significant remnant vegetation,

Definitions

For the purposes of this policy the following definitions apply:

"Caravan Park" means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, placed or erected..

"Caravan Park for Long Term Residence" means a park where more than 25% of sites in a caravan park are licensed as long-term sites.

" Dwelling site" means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

"Long-term site" means a dwelling site that is occupied by the same resident for a period of 150 days or more in any 12 month period, and is specified in the approval for a caravan park as being a long-term site.

"Moveable dwelling" means:

- any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- a manufactured home

References and Related Documents

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

State Environmental Planning Policy No 21—Caravan Parks

State Environmental Planning Policy No 36—Manufactured Home Estates

NSW Department of Planning - Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds Discussion Paper - November 2015

Responsible Officer

Manager- Development Assessment

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16 STORMWATER MANAGEMENT POLICY

Report Author Peta Stimson, Multi-Disciplinary Assessment Planner

File No. / ECM Index Planning/policy Register

Date of Meeting 26 July 2017

SUMMARY OF REPORT

A Stormwater Management Policy has been developed for consideration following a review into the stormwater assessment processes and provisions of former Great Lakes, Greater Taree and Gloucester Shire Councils. This policy aims to harmonise the stormwater assessment process by providing objectives to ensure a consistent and adequate approach.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Stormwater Management Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

Following the amalgamation of Great Lakes, Greater Taree and Gloucester Shire Councils, the Director of Planning & Natural Resources identified a need to realign processes relating to the assessment of development proposals. The stormwater aspect of development proposals was a process identified as being of highest priority and significant value to the Directorate.

A review of processes was undertaken giving comprehensive consideration of the current planning provisions and policies of each of the former three Councils pertaining to stormwater assessment. The review also examined and mapped the current internal processes undertaken to assess water quality and quantity outcomes of development proposals against the objectives and provisions of the relevant planning controls.

The review involved significant consultation with staff from engineering, natural resources, planning, regulatory compliance and IT sections of Council.

The review recommended the following actions:

- I. Establishment of a MidCoast Council Stormwater Management Policy which adopts water quality and quantity objectives, and accompanying procedure to ensure a consistent approach to stormwater management;
 - II. Develop an Internal Process (interim and long term based on IT capabilities) which adequately and efficiently facilitates an integrated approach to the assessment of both water quality and water quantity for development proposals;
 - III. Develop standard conditions of consent which considers both stormwater quality and quantity;
-

A Stormwater Management Policy has now been prepared (See Annexure A). The policy will be supported by a Stormwater Management Procedure, which will provide detailed guidance on the application of Council's Stormwater management Policy to particular development types. This includes, but is not limited to subdivision, commercial developments, industrial developments, manufactured home estates, seniors living, intensive livestock and intensive agriculture proposals or other proposals identified by Council as having a potentially significant impact on water quality of receiving waters.

The Policy and supporting procedure resolves issues regarding target reductions loads, application requirements for certain development types and ownership of stormwater treatment and drainage infrastructure with public benefit. The Policy provides clarity to developers of Council's position on the appropriate level of design, installation and maintenance of stormwater systems which ensure water quality is maintained or improved and the risk to life or safety is not increased.

CONSULTATION

Senior Management and staff from engineering, natural resources, planning, regulatory compliance and IT sections of Council have been consulted on this Policy and supporting procedures.

TIMEFRAME

Immediate effect.

RECOMMENDATION

That the attached Stormwater Management Policy be adopted.

ANNEXURES

A: MidCoast Council Stormwater Management Policy



Name of Policy:	Stormwater Management Policy	
Policy Code:		
Adoption by Council	26 July 2017	Minute No.
Last Review Date:		
Review Timeframe:	2 Years	
Next Scheduled Review Date:	July 2020	
Related Legislation:	Environmental Planning & Assessment Act 1979	
Associated Policies/Documents:	Internal procedure for Stormwater Assessment of Development Applications	
Responsible Department:	Planning & Natural Systems	

Policy Objective

- To provide a framework to safeguard the environment by maintaining or improving the quality of stormwater run-off from development.
- Minimise the potential impacts of development and other associated activities on the aesthetic, recreational and ecological values of receiving water.
- Ensure stormwater systems and infrastructure associated with development is designed, installed and maintained so as not to increase the risk to life or safety of people.

Policy Statement

Council shall ensure all development with a potentially significant impact on stormwater, either quality and quantity, shall suitably demonstrate compliance with this policy prior to the issuing of development consent.

Coverage of the Policy

This policy realigns the stormwater assessment processes and provisions for development proposals of the former Gloucester Shire, Great Lakes and Greater Taree Councils to ensure a consistent approach.

This policy covers all development types identified in the *Stormwater Assessment Procedure*. This includes, but is not limited to subdivision, commercial developments, industrial developments, manufactured home estates, seniors living, intensive livestock and intensive agriculture proposals or other proposals identified by Council as having a potentially significant impact on water quality of receiving waters.

In the event of an inconsistency between this Policy and another policy of Council, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency. This Policy supersedes all requirements of the former Greater Taree City Council's *Dedication of Land to Council Policy* relating to the dedication of land for drainage purposes.

Strategic Plan Link

- The Manning Valley Community Plan 2010-2030:
This policy meets 3 Key Directions:
 1. Looking after what we've got
 2. Respecting the environment
 3. Getting things done

- Great Lakes Community Strategic Plan 2013-2030:
This policy meets 2 Key Directions:
 1. Our environment
 2. Vibrant and connected communities

- Growing Gloucester - Community Strategic Plan 2014-2024:
This policy is consistent with 2 Key Directions:
 1. Maintaining core infrastructure
 2. Protecting the environment

Policy Content

Stormwater is a generic term for rainfall that is concentrated after it runs off all urban surfaces such as roofs, pavements, carparks, roads, gardens, as well as vegetated open spaces, and includes water in stormwater pipes and channels. Stormwater represents a significant proportion of the natural water cycle.

To some degree, all development has an impact on the behaviour of stormwater through the addition of impervious surfaces, diversions and drainage and through changes to water quality. Sustainable stormwater management is the application of controls on stormwater to mitigate, manage and control changes to the natural water cycle, to protect environmental values and to protect human life and assets.

All development affected by this policy must suitably demonstrate how the proposal satisfies the following water quality objectives:

- To safeguard the environment by maintaining or improving the quality of stormwater runoff
- To protect and restore aquatic, estuarine and riparian ecosystems.
- To harvest rainwater and urban stormwater runoff for use on site where appropriate.
- To control the hydrological impacts of development on receiving surface and ground water systems by controlling the frequency, magnitude and duration of flows to preserve, as far as practicable, pre-development groundwater and surface water regimes and interactions.
- To control the impacts of development on channel bed and bank erosion by controlling the magnitude, nature and duration of sediment-transporting flows.
- To promote the treatment of impervious areas prior to discharging to the drainage system, by introducing appropriate measures to minimise the rate, frequency and volume of urban runoff events in order to improve water sensitive design performance.

Application requirement for development affected by this policy are provided in Council's *Stormwater Assessment Procedure*.

Ownership of Stormwater Infrastructure

Council requires land which supports significant stormwater treatment devices, bio-retention basins and drainage infrastructure with public benefit to be dedicated to Council. The effectiveness of such infrastructure is reliant on adequate long-term management, including adequate routine maintenance and upgrading of infrastructure to achieve the required water quality and quantity outcomes. Failure to undertake such maintenance is likely to result in the ineffective treatment and management of water. Dedication of land for stormwater drainage, detention and treatment purposes will only be accepted with the following:

- Maintenance Plan

A Maintenance Plan (often referred to as a Water Sensitive Urban Design Operations and Maintenance Manual) for the final approved stormwater management system, as detailed in the approved Water Sensitive Design Strategy (WSDS), is required to be prepared by the developer and approved by Council.

The Maintenance Plan must include but is not limited to the following:

- a) details of the location and nature of stormwater management structures such as pits, pipes, the bio-retention basin and other drainage works.
- b) identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures including the frequency of such activities including a reporting protocol and checklists (refer to Councils example maintenance plan for bio-retention systems).

- Maintenance Period and Bond

The developer is responsible for the maintenance of the infrastructure for a period of 3-5 years, as determined by Council. The maintenance period commences from the time the catchment has been substantially developed (i.e 80% of the lots within the subdivision have been built on).

To ensure all maintenance and repairs are undertaken during this period the developer must provide a bond, or bank guarantee if agreed to by Council, representing the value of 1.5 times the value of:

- conversion from the sacrificial turf layer including final planting of the bio-retention basin and batter landscaping
- establishment maintenance of the bio-retention plantings for 2 years
- Maintenance of the bio-retention basin for 3 years post the establishment period

- Land condition

Land to be dedicated to Council is required to have any work identified as a condition of development consent completed prior to dedication to Council

Definitions

***Intensive Livestock Agriculture or Intensive Plant Agriculture** as defined by the applicable LEP to which applies to the land.*

Water Sensitive Design Strategy (WSDS) is a written report detailing management of water quality during and after development. It also outlines the stormwater quantity and integrated water cycle management measures that are to be implemented on the development site.

References and Related Documents

Stormwater Management Procedure
South Eastern Water Quality Guidelines

Responsible Officer

Director, Planning & Natural Systems

DIRECTOR ENGINEERING & INFRASTRUCTURE

17 CIVIL CONSULTANTS PANEL

Report Author Stuart Small, Senior Project Manager

File No. / ECM Index Summaries of Tenders; TEN-PE-DESIGN-17A

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The report provides the outcomes of the tender process conducted to engage a panel of contractors to provide consultant services to Council under a Standing Offer Notice (SON) provision that guarantees no work. The period of the SON is nominally 27 July 2017 to 31 July 2020 with options for two 12 month extensions up to 31 July 2022

SUMMARY OF RECOMMENDATION

It is recommended that Council:

1. Offer a Standing Offer Notice to a panel of contractors for the period 27 July 2017 to 30 June 2019 with the following companies to be on the panel:
 - ACOR Consultants (NNSW) Pty Limited ATF the ACOR NNSW Unit Trust
 - Advitech Pty Limited
 - Alluvium Consulting Australia Pty Ltd
 - AT&L and Associates Pty Ltd
 - Australia Pacific Valuers Pty Ltd ATF The APV Unit Trust trading as APV Valuers & Asset Management
 - B A LIDBURY & ASSOCIATES PTY LTD & S.P. WHITEMAN & ASSOCIATES PTY LTD trading as Lidbury, Summers & Whiteman
 - BG&E Pty Limited
 - BMT WBM Pty Ltd
 - Bolwarra Environmental Services Pty Ltd
 - Bradley Farr trading as Midcoast Consulting Engineers
 - Bridge Design Pty Ltd
 - C2F Pty Ltd trading as 5QS Consulting Group
 - CALCO SURVEYORS PTY LTD
 - Cardno (NSW/ACT) Pty Ltd
 - CCHD Pty Ltd
 - CHRISP Consulting Pty Ltd
 - Consult.In Pty Ltd
 - Crossroads Civil Design Pty Ltd
 - Deleg8 Pty Ltd
 - Focus Bridge Engineering Pty Limited
 - G. Knight & S Viale trading as Alan Taylor & Associates

- GANDEN Pty Ltd ATF Nutt Unit Trust trading as GANDEN Engineers and Project Managers
 - GHD Pty Ltd
 - HACKETT LABORATORY SERVICES
 - Hunter H2O Holdings Pty Ltd
 - Integrity Testing Pty Ltd
 - ITS PipeTech Pty Ltd
 - Jones Nicholson Pty Limited
 - Local Government Engineering Services
 - LP Consulting Australia Pty Ltd
 - Marten Anthony Hilberts trading as A to Z Building Reports
 - Matrix Thornton Consulting Engineers a division of Matrix Industries Pty Ltd
 - McGlashan & Crisp Pty Ltd
 - Mepstead & Associates Pty Ltd
 - Mr Kristian William Samuel Brockmann trading as Brockmann Eco-Consulting
 - Northrop Consulting Engineers Pty Ltd
 - Opus International Consultants (Australia) Pty Limited
 - Pacific Blue Metal Pty Ltd ATF Possum Brush Quarry Unit Trust
 - Regional Geotechnical Solutions Pty Ltd
 - Robert Carr & Associates Pty Ltd trading as RCA Australia
 - RPS Australia East Pty Ltd
 - Salients Pty Limited
 - SMEC Australia Pty Ltd
 - Tattersall Lander Pty Ltd
 - Taylor Thomson Whiting (NSW) Pty Ltd
 - WMAwater Pty Ltd
2. Offer a Standing Offer Notice to Valley Civilab and Building and Construction research and Consulting (BCRC) Pty for the period 27 July 2017 to 30 June 2019 to be on the reserve panel.
 3. Allow provision for 2 x 12 month extensions to 31st July 2022 based on satisfactory performance.

FINANCIAL/RESOURCE IMPLICATIONS

The Panel established by this tender will supplement the capacity of Council's Project Development Team who are tasked with designing all projects in the Engineering & Infrastructure Services Capital Works Program. The capacity of the Project Development Team is not expected to meet the demands of an expected increase in Capital Works over the next 5 years. The services of the consultants will be funded by the Capital Works Program.

LEGAL IMPLICATIONS

This tender has been conducted in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005.

BACKGROUND

Council's expected forward expenditure on consultants is expected to exceed the tender limits specified in the Local Government Act 1993 and the Local Government (General) Regulation 2005. As such, tendering for consultancy services would be required to meet the requirements of the legislation.

Council is able to engage the services of consultants from a panel established by Local Government Procurement (LGP) that would comply with the legislation, however a number of local consultants utilised by MidCoast Council are not found on this panel. Council's past experience has clearly identified that where local consultants are suitably qualified for a project that their engagement can result in better outcomes for our local community. The establishment of the proposed panel provides Council the opportunity to engage local consultants.

Consultants placed upon the panel will be offered a Standing offer Notice (SON). The NSW State Government definition of a SON is:

A 'standing offer notice' or SON is a notice to advise the community, the government sector, industry and other interested parties of the establishment of a future arrangement between a Government entity and a private entity. A 'standing offer' is not a contract. A standing offer is an offer from a potential supplier or suppliers to provide goods and/or services within a pre-arranged pricing framework, under set terms and conditions, when and if required. No contract exists until the Government issues an order or "call-up" against the standing offer, and there is no actual obligation by Council to purchase until that time.

In recognition that new consultants may establish operations in the area during the operation of the panel, Council will advertise yearly to add additional consultants to the panel. Advertising is currently programmed to occur every May.

The panel will be predominantly utilised by Council's Project Development Team. The panel has two functions, the first is to compliment the capabilities of Council's Project Development Team and the second is to increase the capacity of Council's Project Development Team.

Tenderers have nominated their areas of expertise and provided unit rate prices for their services. Council, for small ad hoc works, will directly engage the consultants on these unit rates. For all other works a project brief will be prepared and distributed to the panel for quoting. Council will establish an AS4122 General Conditions of Contract for Consultants contract for each of these projects.

DISCUSSION

Tender Process

Tenders were advertised on Tenderlink (via Council's online tendering portal) and in the Sydney Morning Herald, Great Lakes Advocate, and Manning River Times.

Ninety seven (97) companies downloaded the tender documents. At the close of tenders on 29 June 2017, responses were received from the following forty six (46) companies listed in alphabetical order:

- ACOR Consultants (NNSW) Pty Limited ATF the ACOR NNSW Unit Trust
- Advitech Pty Limited
- Alluvium Consulting Australia Pty Ltd
- AT&L and Associates Pty Ltd

- Australia Pacific Valuers Pty Ltd ATF The APV Unit Trust trading as APV Valuers & Asset Management
- B A LIDBURY & ASSOCIATES PTY LTD & S.P. WHITEMAN & ASSOCIATES PTY LTD trading as Lidbury, Summers & Whiteman
- BG&E Pty Limited
- BMT WBM Pty Ltd
- Bolwarra Environmental Services Pty Ltd
- Bradley Farr trading as Midcoast Consulting Engineers
- Bridge Design Pty Ltd
- C2F Pty Ltd trading as 5QS Consulting Group
- CALCO SURVEYORS PTY LTD
- Cardno (NSW/ACT) Pty Ltd
- CCHD Pty Ltd
- CHRISP Consulting Pty Ltd
- Consult.In Pty Ltd
- Crossroads Civil Design Pty Ltd
- Deleg8 Pty Ltd
- Focus Bridge Engineering Pty Limited
- G. Knight & S Viale trading as Alan Taylor & Associates
- GANDEN Pty Ltd ATF Nutt Unit Trust trading as GANDEN Engineers and Project Managers
- GHD Pty Ltd
- HACKETT LABORATORY SERVICES
- Hunter H2O Holdings Pty Ltd
- Integrity Testing Pty Ltd
- ITS PipeTech Pty Ltd
- Jones Nicholson Pty Limited
- Local Government Engineering Services
- LP Consulting Australia Pty Ltd
- Marten Anthony Hilberts trading as A to Z Building Reports
- Matrix Thornton Consulting Engineers a division of Matrix Industries Pty Ltd
- McGlashan & Crisp Pty Ltd
- Mepstead & Associates Pty Ltd
- Mr Kristian William Samuel Brockmann trading as Brockmann Eco-Consulting
- Northrop Consulting Engineers Pty Ltd
- Opus International Consultants (Australia) Pty Limited
- Pacific Blue Metal Pty Ltd ATF Possum Brush Quarry Unit Trust
- Regional Geotechnical Solutions Pty Ltd
- Robert Carr & Associates Pty Ltd trading as RCA Australia
- RPS Australia East Pty Ltd
- Salients Pty Limited
- SMEC Australia Pty Ltd
- Tattersall Lander Pty Ltd

- Taylor Thomson Whiting (NSW) Pty Ltd
- WMAwater Pty Ltd

Two companies, Valley Civilab and Building and Construction research and Consulting (BCRC) Pty experienced issues submitting their tenders online. Their tenders were emailed to Council by 5pm on the closing day.

It is Council's intention to place all of these tenderers upon the panel, with the late tenderers to be placed upon a reserve panel as a backup.

COMMUNITY IMPACTS

This tender has been prepared to provide local consultants the opportunity to quote on council projects. Council believes this opportunity provides a greater sustainable outcome for the community.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The current capacity of Council's Project Development Team is not sufficient to ensure that the Engineering & Infrastructure Services Capital Works Program can be successfully delivered due to the anticipated increase in works over the next 5 years. The establishment of this panel of consultants shall resolve this issue.

TIMEFRAME

The period of the SON is nominally 27 July 2017 to 31 July 2020 with options for two 12 month extensions up to 31 July 2022.

RISK CONSIDERATION

In preparing each project brief, council will undertake a risk analysis and identify the requirements that panel members must meet. Consultants not meeting these requirements will not be engaged to undertake the project brief.

RECOMMENDATION

It is recommended that Council:

1. Offer a Standing Offer Notice to a panel of contractors for the period 27 July 2017 to 30 June 2019 with the following companies to be on the panel:
 - ACOR Consultants (NNSW) Pty Limited ATF the ACOR NNSW Unit Trust
 - Advitech Pty Limited
 - Alluvium Consulting Australia Pty Ltd
 - AT&L and Associates Pty Ltd
 - Australia Pacific Valuers Pty Ltd ATF The APV Unit Trust trading as APV Valuers & Asset Management
 - B A LIDBURY & ASSOCIATES PTY LTD & S.P. WHITEMAN & ASSOCIATES PTY LTD trading as Lidbury, Summers & Whiteman
 - BG&E Pty Limited
 - BMT WBM Pty Ltd
 - Bolwarra Environmental Services Pty Ltd
 - Bradley Farr trading as Midcoast Consulting Engineers

- Bridge Design Pty Ltd
 - C2F Pty Ltd trading as 5QS Consulting Group
 - CALCO SURVEYORS PTY LTD
 - Cardno (NSW/ACT) Pty Ltd
 - CCHD Pty Ltd
 - CHRISP Consulting Pty Ltd
 - Consult.In Pty Ltd
 - Crossroads Civil Design Pty Ltd
 - Deleg8 Pty Ltd
 - Focus Bridge Engineering Pty Limited
 - G. Knight & S Viale trading as Alan Taylor & Associates
 - GANDEN Pty Ltd ATF Nutt Unit Trust trading as GANDEN Engineers and Project Managers
 - GHD Pty Ltd
 - HACKETT LABORATORY SERVICES
 - Hunter H2O Holdings Pty Ltd
 - Integrity Testing Pty Ltd
 - ITS PipeTech Pty Ltd
 - Jones Nicholson Pty Limited
 - Local Government Engineering Services
 - LP Consulting Australia Pty Ltd
 - Marten Anthony Hilberts trading as A to Z Building Reports
 - Matrix Thornton Consulting Engineers a division of Matrix Industries Pty Ltd
 - McGlashan & Crisp Pty Ltd
 - Mepstead & Associates Pty Ltd
 - Mr Kristian William Samuel Brockmann trading as Brockmann Eco-Consulting
 - Northrop Consulting Engineers Pty Ltd
 - Opus International Consultants (Australia) Pty Limited
 - Pacific Blue Metal Pty Ltd ATF Possum Brush Quarry Unit Trust
 - Regional Geotechnical Solutions Pty Ltd
 - Robert Carr & Associates Pty Ltd trading as RCA Australia
 - RPS Australia East Pty Ltd
 - Salients Pty Limited
 - SMEC Australia Pty Ltd
 - Tattersall Lander Pty Ltd
 - Taylor Thomson Whiting (NSW) Pty Ltd
 - WMAwater Pty Ltd
2. Offer a Standing Offer Notice to Valley Civilab and Building and Construction research and Consulting (BCRC) Pty for the period 27 July 2017 to 30 June 2019 to be on the reserve panel.
 3. Allow provision for 2 x 12 month extensions to 31st July 2022 based on satisfactory performance.

18 CAPITAL WORKS REPORT - JUNE, JULY & AUGUST 2017

Report Author Rhett Pattison - Team Leader Project Delivery

File No. / ECM Index Corp Mgmt - Works Depot

Date of Meeting 26 July 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 2016/17 and the 2017/18 Operational Plans 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 2016/17 & 2017/18 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

Attachment 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. Attachment A outlines whether the work is being undertaken by day labour staff or contractors.

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

Manning Region

- Drainage improvement works in Wootton Crescent Taree are now complete with road restoration underway to complete the contract.
 - AC works in Victoria St and Crescent Ave Taree are complete pending line marking.
 - AC resurfacing of Endeavour Place car park was completed early July.
 - Diamond Beach Road reconstruction is progressing with current works between Pacific Drive and Diamond Drive.
-

- Kellys Bridge replacement including roadworks on The Bucketts Way Burrell Creek has commenced.

Great Lakes Region

- The reconstruction of Memorial Drive is progressing well. The conduits for underground power have been placed, the kerb and gutter on the water side has been completed and the first structural layer of asphalt has been placed. The final layer of asphalt is planned for after school holidays.
- Coomba Road shoulder widening is continuing. 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.

Bulahdelah

- Works has commenced on extending the seal on Willina Rd with seal planned for early July.
- Roundabout construction at Lee St and Stroud St intersection is in progress.

Stroud

- Works on the reconstruction of a section of Booral Washpool Rd has been completed.

Tea Gardens / Hawks Nest

- Road reconstruction on Marine Drive is progressing.
- Charles St Reconstruction has commenced. The kerb and gutter replacement is complete.
- The rehabilitation of a section of Toonang Dr between Petrel Place and Boondelbah Rd is complete.

Gloucester

- The Bucketts Way Upgrade - Project #84 reconstruction of the northern and southern approaches to the bridge over the Avon River at Stratford is now complete.
- Geales Bridge Deck Replacement is practically complete .
- Tate Street Reconstruction / Rehabilitation works are continuing.

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.

ATTACHMENTS

A: Summary of projects completed or to be completed June, July & August 2017

Due to its large size, Attachment A has been circulated in hard copy to the Administrator and Senior Staff only. However, this Attachment is publicly available on Council's Website, and copies are available on request.

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19 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 7 JUNE 2017

Report Author Richard Wheatley – Traffic Engineer

File No. / ECM Index Traffic Committee Agendas

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report presents the Minutes of the Local Traffic Committee meeting held on 7 June 2017 for adoption.

SUMMARY OF RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 7 June 2017 be noted and that Council endorse the recommendations made at the meeting.

FINANCIAL/RESOURCE IMPLICATIONS

For the items 1, 2, 3, 6, 7, 8, 9, 10, 11 and 13.4 Council will be responsible for the costs associated with the installation of signage and pavement markings.

LEGAL IMPLICATIONS

Nil

BACKGROUND

The Local Traffic Committee meeting was held on Wednesday 7 June 2017 at MidCoast Council's Taree 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 1, 2, 3, 6, 7, 8, 9, 10, 11 and 13.4 Council will be responsible for the costs associated with the installation of signage and pavement markings.

RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 7 June 2017 be noted and that Council endorse the recommendations made at the meeting.

ATTACHMENTS

A: Minutes of the Local Traffic Committee meeting held on 7 June 2017

DIRECTOR COMMUNITY SPACES & SERVICES

20 STRONGER COMMUNITIES FUNDING

Report Author Lyndie Hepple - Community Development Coordinator

File No. / ECM Index Stronger Communities Funding - MidCoast Council

Date of Meeting 26 July 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. 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. The funding was offered to the community in two rounds. This report details the process and outcomes of the second funding round.

SUMMARY OF RECOMMENDATION

That “*Stronger Communities Funding*” of \$499,480 be allocated to 19 organisations as detailed in the report.

FINANCIAL/RESOURCE IMPLICATIONS

The NSW Government has provided MidCoast Council with \$1 million to establish a “*Stronger Communities Fund*”. This fund has been distributed across MidCoast Council in two tranches of \$500,000.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

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.

The criteria for funding distribution and assessment panel composition was dictated by the NSW Government. This specified that all grants were required to be distributed to incorporated, not-for-profit community groups for projects identified and assessed using an open call for applications.

To be successful for grant funding, community projects had to meet the following criteria:

1. deliver social, cultural, economic or environmental benefits to local communities
 2. address an identified community priority
 3. be well defined with a clear budget
 4. demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed
 5. the organisation must demonstrate the capacity to manage the funds and deliver the project
-

A Stronger Communities Fund Assessment Panel was also established with the sole responsibility of assessing projects against the defined criteria and making recommendations to Council for funding. The panel consisted of:

- The Administrator, or his delegate
- State Member(s) of Parliament (4) or their representatives
- Regional Coordinator of the Department of Premier and Cabinet, or their delegate
- An independent probity advisor, appointed by the Administrator to advise the Panel of their deliberations and assessment process

After discussion by the Assessment Panel following Round 1 of funding distribution, another criteria related to the 'reach' of the project was added. That is, what proportion of the community would benefit from the project.

A number of ineligibility criteria as follows, also applied to grant applications:

- Individuals or sponsorship of cash prizes for individuals or teams
- Activities or events that are a core responsibility of state or federal government departments, although contribution to components/projects that expand on those core responsibilities may be considered
- Projects or events where the primary purpose is to promote political or religious beliefs or where people are excluded on political or religious grounds
- Money that has already been spent
- Payment of ongoing salaries (although one-off facilitator fees for the project may be paid from the grant)
- Recurrent operational costs (eg postage, telephone, stationery, electricity, cleaning costs)
- Fundraising via direct requests for donations. Programs that raise funds for charity may be considered, however if it is envisaged that the program will be an annual event, sufficient proceeds must be held back for the following year's running costs, since a subsequent application for running the same event will not be considered.
- Payment of refundable bonds required to be lodged in association with the hire of facilities or equipment.

The State Government guidelines indicated that applications up to \$50,000 should be called for. Council added a minimum limit of \$5,000 since there are other funding opportunities for small amounts.

Council decided to offer the funding in two rounds of \$500,000 each. Applications for Round 2 opened on 1 May and closed at 4.30pm on 9 June.

Seventy-five applications for \$1,927,696 in funding to contribute to \$2,933,846 worth of projects, were received.

The Assessment Panel convened on Monday 3 July 2017 to discuss and assess the applications, and has recommended the allocation of \$499,480 to 19 applicants to fund \$826,894 in project value, as follows:

Organisation	Name of project	Funding allocated	Total project value
1 st Bulahdelah Scouts	New Equipment Purchase	\$10,650	\$11,150

Organisation	Name of project	Funding allocated	Total project value
Bucketts Way Neighbourhood Group	Bitton Street Project	\$50,000	\$170,000
Combined Community Service Clubs of Taree	Manning Riverstage	\$50,000	\$108,450
Forster Surf Life Saving Club	Purchase of Beach Patrol Vehicle	\$35,910	\$35,910
Gloucester Bowling & Recreation Club	Accessability & Safety Project	\$9,135	\$9,135
Gloucester Senior Citizens Club	Kitchen Makeover	\$9,910	\$9,910
Hannam Vale P&C Tennis Club	Lighten Up	\$7,950	\$9,150
Lions Club of Hallidays Point	Lions Park Walkway/Cycleway	\$25,000	\$45,500
Lions Club of Harrington	Stage Structure in local function room	\$12,897	\$13,200
Marlee Hall & Progress Association	Monies for Dummies	\$16,650	\$18,750
Old Bar Barbarians Football Club Inc	EG Trads Fields All Weather Awning	\$50,000	\$78,480
Pacific Palms Surf Life Saving Club	Footpaths and Bike Racks at PP SLSC	\$12,000	\$14,195
Rotary Club of Gloucester	Disability Friendly Exercise Station at Gloucester Community Fitness Trail	\$35,686	\$35,686
Taree Athletic Club	Kitchen Fitout	\$20,000	\$40,000
Taree Motor Cycle Club	Environmentally Friendly Stormwater Filtration System	\$40,330	\$45,330
Tea Gardens Hawks Nest Men's Shed	Erection of prefabricated building Stage 1	\$23,650	\$73,150
Tea Gardens Soccer Club	Seating at Memorial Park	\$14,000	\$16,656
Tinonee Soccer Club	Clubhouse awning and sheltered grandstands	\$46,162	\$57,412
Wingham Junior Rugby League Football Club	Purchase 4 x 4 tier aluminium stands	\$29,550	\$34,830

In both funding rounds the Assessment Panel assessed all applications on merit, based on how well the applications addressed the criteria outlined in this report.

An assessment of funding distribution across the Council area based on the funds allocated in Round 1 and recommended for allocation in Round 2 is provided below:

Former Council area	Number of projects funded	Funding Received
Gloucester	6	\$148,731
Great Lakes	14	\$425,094
Greater Taree City Council	16	\$433,850

This can be further analysed as follows:

Community	Funding Received
Bulahdelah	\$10,650
Coomba Park	\$40,000
Cundletown	\$23,385
Forster/Tuncurry	\$140,110
Gloucester	\$143,731
Hallidays Point	\$25,000
Hannam Vale	\$7,950
Harrington	\$12,897
Hawks Nest/Tea Gardens	\$100,650
Marlee	\$34,450
North Arm Cove	\$47,940
Old Bar	\$50,000
Pacific Palms	\$35,744
Stroud	\$50,000
Taree	\$182,716
Tinonee	\$46,162
Waukivory	\$5,000
Wingham	\$51,290

RECOMMENDATION

That “*Stronger Communities Funding*” of \$499,480 be allocated to 19 organisations as detailed in the report.

21 DRAFT MIDCOAST DESTINATION MANAGEMENT PLAN

Report Author Deb Tuckerman - Manager Growth, Economic Development & Tourism

File No. / ECM Index Destination Management Plan

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report proposes to place the Draft MidCoast Destination Management Plan on public exhibition for a minimum period of 28 days.

SUMMARY OF RECOMMENDATION

That the Draft MidCoast Destination Management Plan be placed on public exhibition for a minimum period of 28 days.

FINANCIAL/RESOURCE IMPLICATIONS

The Destination Management Plan (DMP) has been funded by the former Great Lakes Council and (following the merger) merger funding was utilised to extend the brief for the project across the newly formed MidCoast Council.

Funding required to implement the actions contained in the draft Plan will be made available through Council's adopted budget or through other sources of funding to be identified by Council.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The former Great Lakes Council commenced development of a Destination Management Plan (DMP) in May 2016. This project was put on hold in July 2016 following the council amalgamation. A decision was made at this stage to leverage work done to date on the Great Lakes DMP together with reference to the regional priorities contained in the existing Plans for Greater Taree and Gloucester Shire Councils, to broaden the project remit to encompass the wider Mid-Coast Council (MCC) region.

PURPOSE

The destination management process is recognised as imperative to building a strong, resilient tourism industry. The DMP will further enable the MCC region as a destination to respond to the market, whilst growing the value and importance of tourism to our industry and local community.

The MidCoast Destination Management Plan provides both a long term vision (2030) and a short term (1-3yrs) action plan outlining the infrastructure, experiences and products required to meet the anticipated potential visitor needs for the region. The Plan also provides analysis of the net economic benefits arising from the development of these products and experiences.

PROCESS OF DEVELOPMENT

Stage 1 - Research

The first task for the consultants working on this project was to conduct a comprehensive Baseline Analysis for the region which provides a clear understanding of the current visitation landscape, together with financial modelling to forecast the potential growth of the MCC Visitor Economy to 2030.

A Product, Services and Experience Audit (including a gap analysis) was also completed.

Stage 2 - Stakeholder Consultation

Consultation has been undertaken across the MidCoast region with the tourism industry, business groups, event organisers, Local Aboriginal Land Councils and indigenous leaders, local producers, private landowners, other interest and community groups (eg. mountain biking, arts), National Parks, State Forests and other identified key stakeholders.

A Strategic Working Group with industry representation from all three former LGA's has provided ongoing input and feedback throughout this entire process.

Stage 3 - Draft DMP Framework

A draft framework document was developed outlining the major findings and recommendations. Feedback was provided by Council staff and the Strategic Working Group.

Stage 4 - Draft DMP

The draft plan is now presented to Council. During the exhibition period it is proposed to make the plan widely available to the public for comment. Following this period, comments will be considered and a further report and recommendation will be presented to Council for consideration.

COMMUNITY ENGAGEMENT

The planned consultation process to be undertaken during the exhibition period will build on the consultation undertaken to date in the development of the draft (see above). The planned public exhibition period will ensure broad community awareness of the document and opportunities for comment prior to finalisation. The following provides a summary of the specific activities:

Activity	Detail
Document availability	Hard copy draft documents to be available at all Council and Tourism Offices. Digital copies available via Council website.
Presentation of draft DMP by consultants at key locations	Local tourism industry, key stakeholders will be invited to attend presentation of draft by consultants at public sessions to be held at key locations across the MCC.
Briefing to be arranged with key stakeholders	One-on-one and small groups meetings to be arranged.
Close the feedback loop	A further report will be presented to Council following the exhibition period including a summary of feedback received and how these have been responded to.

Various communication channel will be utilised throughout the process to ensure awareness of the draft documents, how to obtain further information and how to have input. These will including:

- Council and Tourism website;
- Council and Tourism Facebook;
- Media releases to newspaper, radio and television;
- Radio posts;
- Local email networks including tourism networks.

COMMUNITY IMPACTS

The MidCoast already has a well-developed and significant tourism industry delivering social, economic and environmental value to the region. It is heavily reliant on domestic mainstream family tourism which is the main cause of the "hype-seasonality" experienced each year.

The Plan identifies a number of significant opportunities for the region that have the potential to grow the MidCoast Tourism Industry.

In exploring these various opportunities, a potential future for the MidCoast's Tourism Industry has emerged where tourism makes full use of the region's exceptional natural tourism assets much more effectively, the overall tourism mix is a much more balanced and sustainable one; and MidCoast is renowned both domestically and internationally as one of Australia's leading nature and adventure-based tourism regions.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The development of a Great Lakes Destination Management Plan (DMP) to provide strategic direction for Great Lakes Tourism was an action contained in the Great Lakes 2016-17 Operational Plan, under Key Direction 2 – 'Stronger local economies'. Support for tourism programs to help create strong local economies has been identified in all of the community strategic plans for the former councils.

TIMEFRAME

It is recommended the Draft MidCoast Destination Management Plan be exhibited for a minimum period of 28 days.

BUDGET IMPLICATIONS

Funding required to implement the actions contained in the draft Plan will be made available through Council's adopted budget or through other sources of funding to be identified by Council.

RECOMMENDATION

That the Draft MidCoast Destination Management Plan be placed on public exhibition for a minimum period of 28 days.

ATTACHMENTS

A: Draft MidCoast Destination Management Plan

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

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DIRECTOR CORPORATE & BUSINESS SYSTEMS

22 DELEGATIONS TO GENERAL MANAGER

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance/Delegations

Date of Meeting 26 July 2017

SUMMARY OF REPORT

Following a change in title from Interim General Manager to General Manager, the dissolution of MidCoast County Council as at 1 July 2017 and the Noxious Weeds Act 1993 being repealed as at 1 July 2017, this report is for the consideration of the amended delegation to the General Manager of the functions of Council pursuant to section 377 of the Local Government Act 1993.

SUMMARY OF RECOMMENDATION

That Council delegate to the General Manager pursuant to its powers under section 377 of the Local Government Act 1993 those functions as set out in the Instrument of Delegation included in the report at Annexure A.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

A formal resolution is required to ensure that a formal delegation of authority has been made.

BACKGROUND

Following the change in title from Interim General Manager to General Manager, the dissolution of MidCoast County Council as at 1 July 2017 and the Noxious Weeds Act 1993 being repealed as at 1 July 2017, it is appropriate that Council formally consider the delegation of authority to the General Manager, Glenn Handford, of the powers and functions of Council to allow for the continued smooth operation of Council. Council has the power under section 377 of the Local Government Act 1993 to delegate any of the functions of the council to the General Manager, another person or body subject to the exclusion of those functions set out in section 377 which are the reserved functions of Council.

RECOMMENDATION

That Council delegate to the General Manager pursuant to its powers under section 377 of the Local Government Act 1993 those functions as set out in the Instrument of Delegation included in the report at Annexure A.

ANNEXURES:

A: Instrument of Delegation to the General Manager



MID-COAST COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Wednesday, 26 July 2017 the Mid-Coast Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council ("**General Manager**"), being at the date of this instrument Glenn Handford, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council's Functions under all Legislation in force and as amended from time to time:
 - 2.a **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - 2.b **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2**, **excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that a person appointed by resolution to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.

7. These delegations and authorities are subject to, and are to be exercised in accordance with:
- a.a the requirements of the relevant Legislation;
 - a.b any conditions or limitations set out in **Schedule 1** and **Schedule 3**; and
 - a.c any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
- o **"Functions"** means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o **"Legislation"** means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o **"LG Act"** means the *Local Government Act 1993* as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
Legislation	Limitation (if any)
LG Reg cl. 178 - Acceptance of Tenders	Maximum value of \$2million unless prior approval is provided by resolution to accept a tender for a specific purpose.
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Minister for Planning and Environment	Instrument of Delegation under Section 59 of the Environmental Planning and Assessment Act.	14 October 2012
The plumbing regulator (NSW Fair Trading)	Instrument of delegation under section 21 of the Plumbing and Drainage Act 2011	19 February 2013

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
ADMINEXEA	Execute deeds of release to settle industrial disputes or claims on Council.	N/A
ADMINEXEB	To affix the common seal of the council as authority and execute any documents requiring the signature of the General Manager in the company of the Mayor, Deputy Mayor or other Councillor where Council has approved the documents' intent, and resolved to affix Council's seal.	N/A
ADMINEXEC	Execute agreements for establishment of private water lines on Council roads under Council seal.	N/A
ADMINEXED	Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.	N/A
ADMINEXEE	Sign any contract, lease, licence, deed, or legal or other document, where the execution of such document is necessary to meet legal or Council formalities when such relate to Council's normal business activities.	N/A

ADMINGENA	Authorised to carry out administrative actions, including written and oral communication, necessary to perform the duties and functions of this position.	N/A
ADMINGENG	Accept service of documents on behalf of Council.	N/A
CORRESB	Sign correspondence relating to the core position responsibilities and other correspondence as required.	N/A
DISMORA	Authority to discharge any mortgages held by Council on condition that all conditions of the mortgage have been met. The authority exercised under this delegation is to be reported to Council.	N/A
FINEXPB10	To authorise invoices for payment where expenditure has been appropriately authorised, an order placed with the supplier and works/services/goods are as requested. This delegation can be exercised irrespective of the amount of the invoice subject to appropriate certification of the works/services/goods received.	N/A
FINEXPB9	To authorise expenditure for works, services, facilities and goods on behalf of Council from the relevant budget up to a cost of \$150,000 provided that: i) Due provision has been made in the approved budget or the incurring of such expenditure is otherwise authorised. ii) An official order is placed in accordance with Council's policies and procedures.	N/A
FINEXPC	To authorise the payment of the salaries and wages of the staff of the Council within the sums voted by the Council for expenditure thereon.	N/A
FINEXPD	Approve the abandonment of debts in accordance with the provisions of Clause 213 of the Local Government (General) Regulation 2005. Debts over \$5000 are by Council resolution and under	N/A

	\$5000 by General Manager.	
FINEXPF	To procure goods or services for Council by means of an authorised Council purchasing card issued by Council's banking institution subject to the approved transaction limit, monthly limit and compliance with Council's Procurement Policy and Procedures.	N/A
GENMATA	Exercise the functions of the Council position to which the position-holder is appointed in accordance with the job description for that position, Council resolutions and policies, Council's Enterprise Agreement and management direction.	N/A
PUBRELA	Make media statements on all matters relating to the current Division of Council.	N/A
PUBRELB	Respond to media enquiries on all matters relating to the current division of Council.	N/A
PUBRELE	To upload content onto Council's website/s following approval of content by the relevant Manager/Director or General Manager.	N/A
STAFFA	To authorise timesheets for employees within the area of control of the position (referred hereafter as relevant staff)	N/A
STAFFB	Determine all leave applications relative to all relevant staff having due regard to the proper functioning of the Section and maintenance of appropriate levels of service to the public.	N/A
STAFFC	Authorise the attendance of relevant staff at technical seminars/conferences/residential schools and the like, subject to funding being available in the Council's budget.	N/A
STAFFD	To authorise the payment of travelling and subsistence expenses for relevant staff in accordance with Council's policy on travelling and subsistence expenses.	N/A

STAFFE	Approve overtime for relevant staff in accordance with approved budget.	N/A
STAFFF	Approve relevant staff members to act in higher grade positions during periods of absence of key staff members in the Division.	N/A

These Delegations are pursuant to a Resolution of the Council at its meeting of 26 July 2017.

The Delegation of powers for the Making of Local Environmental Plans is pursuant to a Resolution of the Council at its meeting of 28 September 2016.

The Delegation under the Plumbing and Drainage Act is pursuant to a Resolution of MidCoast County Council Meeting at its meeting 22 November 2016.

John Turner

Administrator

Date: Wednesday, 26 July 2017

Review date:

General Manager's acknowledgement of Delegations of Authority

I Glenn Handford, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

General Manager of Mid-Coast Council

Date:

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23 LEASING & LICENCING OF COUNCIL LAND & BUILDINGS POLICY

Report Author John Dougherty, Manager Property & Commercial Services

File No. / ECM Index Leasing General; Policy Register General

Date of Meeting 26 July 2017

SUMMARY OF REPORT

To consider and adopt the draft Leasing and Licencing of Council Land and Buildings Policy.

SUMMARY OF RECOMMENDATION

That the draft Leasing and Licencing of Council Land and Buildings Policy be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

The policy contains a framework to contribute to the long term financial sustainability of Councils built assets and vacant land.

LEGAL IMPLICATIONS

The policy provides guidelines for the provision of leases and licences in respect of Council owned and managed land and buildings.

BACKGROUND

There has been an identified need for a single Leasing and Licencing of Council Land and Buildings Policy to outline MidCoast Council's direction and position in regards to the various occupations of Council owned and managed land and buildings. Whilst a Policy and associated Procedure existed at the former Great Lakes Council neither the former Greater Taree or Gloucester Councils had adopted a formal policy position in respect of this matter.

The draft Policy and associated procedure have been developed to ensure that Council's dealings are transparent, consistent and in the public interest. In addition the Policy and procedure provides mechanisms to contribute to the long term sustainability of assets whilst at the same time recognising the community benefit that many occupants of Council facilities provide. The aim is to ensure that similar properties used for similar purposes and by similar organisations generate similar financial returns to Council and that the lease/licence terms and responsibilities are consistent.

DISCUSSION

This policy sets out the principals Council will adhere to when undertaking leasing and licencing of Council owned and managed land and buildings. An associated framework, guidelines and procedures have been and will be developed and regularly reviewed in reference to the policy.

To expedite the basic leases and licences, it is recommended that the General Manager (and the Mayor for Crown Land agreements) be delegated authority to execute the documents for routine lease/licence agreements under certain conditions, which are listed in the Policy. Any lease or licence that is not able to be dealt with by the stated conditions in the Policy must be reported to Council.

CONSULTATION

The draft policy proposed is the result of a review of the various practices, procedures and policies of the former Councils. In addition consultation has been undertaken with staff who have involvement with or management of Council land and buildings. It should be noted that the policy is largely derived from the former Great Lakes Councils policy and procedure which has been previously endorsed by the former Internal Audit Committee of that Council.

RECOMMENDATION

That the draft Leasing and Licencing of Council Land and Buildings Policy be adopted.

ANNEXURE - A - DRAFT POLICY

MidCoast
Council

Name of Policy:	Leasing/Licencing of Council Land & Buildings		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	4 Years		
Next Scheduled Review Date:			
Related Legislation:	Local Government Act 1993 Crown Lands Act 1989 Crown Lands Amendment (Multiple Land Use) Act 2013 Crown Land Management Act 2016 Retail Leases Act 1994 Residential Tenancy Act 2010 Roads Act 1993 Real Property Act 1900 Conveyancing Act 1919		
Associated Policies/Documents:	Procedure - Leasing/Licencing of Council Owned Land & Buildings. Application Form for Community Groups Evaluation Form for Community Groups		
Responsible Department:	Property & Commercial Services		

Policy Objective

The objectives of this policy are:

1. To provide a consistent, transparent and fair approach to the leasing or licencing of Council Property;
2. To allow Council to consider providing assistance to community groups in the form of rental relief or other subsidies related to their occupation of a Council owned or managed property;
3. To maximise the community benefit by encouraging the multiple use of community facilities;
4. To assist in maintaining the financial sustainability of Council's Building Assets which are leased or licensed in providing financial returns designed to adequately fund and responsibly maintain the assets;
5. To ensure legislative requirements are met;
6. To be consistent with Council's economic, social and environmental objectives;
7. Minimise vacancy periods by allowing the General Manager to enter into agreements.

Policy Statement

To achieve the objectives of this policy Council will:

- Require that any long term occupation of a Council facility (or part thereof) shall be subject to a formal "Agreement". For the purposes of this policy "long term" refers to any continuous occupation of a facility for a period in excess of 6 months. No arrangements/agreement for use of a facility shall merely rest on correspondence.
- Require that a market rental yield be obtained except where an application for subsidy/rebate is approved in accordance with the documented procedures in respect of Leasing/Licensing of Council Land and Buildings.
- Implements and maintains a system of undertaking regular review of rent yields at least on an annual basis which ensures that market rental yields are maintained and that the conditions for receiving any rent subsidy or rebate remain applicable.
- Ensure that all legislative provisions are adhered to which pertain to the leasing and licensing of land owned by MidCoast Council or Crown Land controlled and or managed by MidCoast Council on behalf of the Crown or a Trust.
- Ensure that all lease terms are in accordance with the relevant legislation - generally lease terms shall not exceed 5 years.
- Promote and advocate the multiple and/or shared use of facilities where possible.
- Maintain its facilities in accordance with adopted Asset Management Plans (AMPs) and where no AMP exists maintain all facilities in a manner that ensures their sustainable use for the purpose of any 'Agreement'.
- Act as a responsible landlord and conduct its landlord responsibilities in a professional, courteous and diligent manner.
- Ensure that the purpose of use of any facilities are consistent with any relevant Plans of Management in respect of the facility and are also consistent with Councils adopted Long Term Financial Plan, Delivery Program and Operational Plan.
- Delegate to the General Manager the authority to enter into "Agreements" which meet all legislative requirements (terms, purpose etc), are in accordance with Councils policy and procedures for leasing/licensing of council owned /controlled land, and achieve market rent yields or where a rebate /subsidy is granted in accordance with the documented procedure. This delegation is extended to the Mayor in conjunction with the General Manager in respect of agreements for Crown Land.

Coverage of the Policy

This policy applies to all staff, councillors, as well as any individual or organisation that occupies Council's land and or buildings for a period greater than six months.

Strategic Plan Link

Key Direction 2 - Economic Responsibility

Key Direction 3 - Social Commitment

Key Direction 4 - Civic Leadership

This policy links to Councils Community Strategic Plan by providing guidelines for financial sustainability, enhanced use of facilities to meet the needs of the community, and ensures sound governance.

Policy Content

Land Classification

Council is both a landowner and a land manager and must manage all facilities in accordance with the relevant legislation and Government policies. Under the Local Government Act, 1993

land under Council's control, other than roads and Crown Land (as defined being land under the Crown Lands Act) must be classified as either "operational land" or "community land" and hence land leased/licensed by Council falls into four types:

1. Council owned operational land;
2. Council owned community land;
3. Crown land covered by the Crown Lands Act, 1989; and
4. Roads.

Plans of Management

In accordance with the Local Government Act 1993 and the Crown Lands Act 1989, Plans of Management are required in respect of community land and Crown Land. Where Plans of Management are required they must be adopted by Council for the use and management of land and/or buildings. The Plan of Management sets out the purposes for usage and identifies any issues to be addressed. All agreements in respect of the facilities must be occupied in a manner that is consistent with the values and directions within Plans of Management for Community and Crown Land.

Types of Occupation & Agreements

Types of leases or licences, or purposes for which they may be granted, include:

1. major commercial developments
2. retail and other commercial businesses
3. residential
4. occupation of surplus road reserves
5. non-profit sporting or community groups or clubs.

Types of agreement documentation to formalise occupation include:

1. licence agreements
2. retail leases, where occupation is subject to the Retail Leases Act, 1994
3. residential leases, where occupation is subject to Residential Tenancy Act, 2010
4. all other occupations are leases subject to the provisions and formal requirements under the Real Property Act, 1900 and the Conveyancing Act, 1919.

Application of Policy

This policy covers all of the Mid-Coast Council Local Government Area and to any property assets or land owned by Mid-Coast Council or Crown Land controlled and or managed by Mid-Coast Council on behalf of the Crown or a Trust, where lease or licence agreements would normally apply, subject to the exclusions below:

1. Leases or other arrangements involving the use of Council owned or managed land or building assets that are occupied by emergency services. These arrangements are subject to specific legislative requirements e.g. State Emergency Services.
2. Short term temporary licence agreements
3. Casual hiring of Council's community halls
4. Council property (land and/or buildings) which is subject to a contractual arrangement for exclusive management rights, following a tender process.
5. Casual, seasonal and regular hiring of Council's sports facilities.

This policy will apply to all new leases and licences, including new leases and licences developed with existing tenants at the expiration of their current agreement

Definitions

For the purposes of this policy the following definitions apply:

Agreement: The contract between the user group and Council to reflect the agreed terms and conditions for the use of the land or facility. A lease or licence is referred to as an agreement.

Capital Contribution: An approved monetary or other contribution (e.g. donated labour and materials) which improves, enhances, or adds value to the facility based on the replacement/refurbishment costs assessed in line with industry accepted quantity surveying principles.

Community Group: An entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirm a commitment to meeting the cultural, social and/or recreational needs of the community. For the purposes of this policy Political parties are not deemed to be a Community Group.

Facility: Part or all of a Council owned or managed land and/or building asset and associated infrastructure.

Lease: A lease provides for exclusive and continuous right for the lessee to occupy and deems in the lessee a legal right to possession during the leased term and on the defined land.

Licence: A licence provides for an exclusive and continuous right for the licensee to use a facility within clearly defined dates, times and areas. The licence does not deem a legal right over land, but confers a legal right to use or occupy the land/facility for the specified period of time. Council is free to grant licences to other users outside the designated timeframes taken up in pre-existing licence agreements.

Market Rent: The annual rent that can be reasonably be expected to be paid in the open market for a property or space within a property. The market rent is determined by comparing premises of comparable use in which a valuation will be undertaken - comparing like for like, for example a community centre would be compared to a similar community centre which has similar activities.

References and Related Documents

Refer to relevant legislation and associated policies and documents listed above. The procedure related to this policy is Leasing/Licencing of Council Land & Buildings Procedure.

Responsible Officer (Position)

Manager- Property & Commercial Services

Attachments

Nil.

ANNEXURE - B - DRAFT PROCEDURE

Procedure Name: Leasing/Licensing of Council Land & Buildings

Procedure code:

Approval by MANEX / Manager **Date:** **By:**

Last review date:

Review timeframe: 4 years

Next schedules review date:

Related legislation: Local Government Act 1993
Crown Lands Act 1989
Crown Lands Amend (Multiple Land Use) Act 2013
Crown Land Management Act 2016
Retail Leases Act 1994
Residential Tenancy Act 2010
Roads Act 1993
Real Property Act 1900
Conveyancing Act 1919

Associated policies / documents: Policy - Leasing/Licensing of Council

Responsible department: Property and Commercial Services

Purpose

This procedure outlines the key elements of Council's management of leases and licences to provide Council with a framework to support the equitable, efficient and effective management of Council owned land and facilities and Crown properties managed by Council.

The objectives of this procedure are:

1. To provide a consistent, transparent and fair approach to the leasing or licensing of Council Property;
2. To allow Council to consider providing assistance to community groups in the form of rental relief or other subsidies related to their occupation of a Council owned or managed property;
3. To maximise the community benefit by encouraging the multiple use of community facilities;
4. To assist in maintaining the financial sustainability of Council's Building Assets which are leased or licenced in providing financial returns designed to adequately fund and responsibly maintain the assets;
5. To ensure legislative requirements are met;
6. To be consistent with Council's economic, social and environmental objectives;
7. To minimise vacancy periods by allowing the General Manager (or delegated officers) to enter into agreements.

Related Documents

This procedure should be read in conjunction with Council's Policy (INSERT POLICY NO) - Leasing / Licensing of Council Land & Buildings.

Also, refer to relevant legislation and associated policies and documents listed above.

Definitions & Interpretations:

For the purposes of this procedure the following definitions apply.

Agreement: The contract between the user group and Council to reflect the agreed terms and conditions for the use of the land or facility. A lease or licence is referred to as an agreement.

Capital Contribution: An approved monetary or other contribution (e.g. donated labour and materials) which improves, enhances, or adds value to the facility based on the replacement/refurbishment costs assessed in line with industry accepted quantity surveying principles.

Community Group: An entity which provides a benefit to the community on a non profit basis, has a constitution or charter and a program of services or activities which confirm a commitment to meeting the cultural, social and/or recreational needs of the community. For the purposes of this procedure, Political parties are not deemed to be a Community Group.

Facility: Part or all of a Council owned or managed land and/or building asset and associated infrastructure.

Lease: A lease provides for exclusive and continuous right for the lessee to occupy and deems in the lessee a legal right to possession during the leased term and on the defined land.

Licence: A licence provides for an exclusive and continuous right for the licensee to use a facility within clearly defined dates, times and areas. The licence does not deem a legal right over land, but confers a legal right to use or occupy the land/facility for the specified period of time. Council is free to grant licences to other users outside the designated timeframes taken up in pre-existing licence agreements.

Lease or Licence?

Generally, Council will not consider agreements providing exclusive access to a facility by one particular group to the exclusion of the general public. Thus, licences for shared use of a facility are the preferred agreement type instead of leases.

Market Rent: The annual rent that can be reasonably be expected to be paid in the open market for a property or space within a property. The market rent is determined by comparing premises of comparable use in which a valuation will be undertaken - comparing like for like, for example a community centre would be compared to a similar community centre which has similar activities.

Occupation Types:

Types of leases or licences, or purposes for which they may be granted, include:

1. major commercial developments
2. retail and other commercial businesses
3. residential
4. occupation of surplus road reserves
5. non-profit sporting groups or clubs
6. community groups.

Procedure Extent:

This procedure covers all of the MidCoast Local Government Area and to any property assets or land owned by MidCoast Council or Crown Land controlled and or managed by MidCoast

Council on behalf of the Crown or a Trust, where lease or licence agreements would normally apply, subject to the exclusions below:

1. Leases or other arrangements involving the use of Council owned or managed land or building assets that are occupied by emergency services. These arrangements are subject to specific legislative requirements e.g. State Emergency Services.
2. Short term temporary licence agreements i.e. less than six (6) months.
3. Casual hiring of Council's community halls
4. Council property (land and/or buildings) which is subject to a contractual arrangement for exclusive management rights, following a tender process.
5. Casual, seasonal and regular hiring of Council's sports facilities.
6. Special events that have approval under Section 68 of the Local Government Act 1993.

This procedure will apply to all new leases and licences, including new leases and licences developed with existing tenants at the expiration of their current agreement.

Process

1. General - Facility Available for Leasing/Licensing

Property can become available by expiry of an existing agreement, termination of an occupation or the opening of a new facility.

The following steps are required:

- An email is sent to all Managers and Directors to advise that the occupation of the facility is expiring (or for a new occupation/facility), providing the managers with at least two weeks to reply. This email requests comments regarding:-
 - Are there any future plans for that particular facility?
 - If a renewal, are there any relevant comments on the current occupant?
 - Is the facility suitable to be re-let?
 - Is the occupation lawful i.e. do they have or need development consent?
 - Does the occupation comply with any specific legislation e.g. pre-schools?
- If the response email highlights that there are any issues or outstanding matters (e.g. development consent required, certificates needed), these will need to be dealt with by the relevant manager or Section, prior to the Property Section processing the application.
- If facility is suitable to be re-let, then obtain a market rental from a Consulting Valuer or local Real Estate Agent, who will compare the facility with similar type of properties.

2. Expression of Interest or Application by Community Group

An Expression of Interest process is the usual method to select a suitable tenant/user group for all community properties and facilities which are vacant. Expressions of Interest allow Council to assess the benefits to Council and the community of potential user groups.

However, Council under the Local Government Act is not required to undertake an EOI for not for profit organisations.

The following steps are required for EOI:

- Preparation of EOI document with relevant details of facility, selection criteria, forms, closing date and responding details.
- Public notice in local paper and on facility.
- Submissions assessed by panel (including officers from Property & Commercial Services, the "Asset Manager" & Community Services) to select the most suitable applicant taking into account
 - Facility being fit for the proposed usage

- If Community Land, the proposed use complies with relevant Plan of Management, zoning or any other Council policy or
- if Crown Land, the proposed usage is consistent with its purpose and, if there is one, a relevant Plan of Management
- The rental offered
- Maintenance and utility obligations
- Financial viability of the applicant
- Community need for the service
- All applicants advised of outcome.

Note: Council is both a landowner and a land manager and must deal with facilities in accordance with the relevant legislation. Special procedures are detailed below for community and crown land. Also Retail and Residential leases must comply with their respective Acts.

3. Community Land

Leasing of community land is restricted by sections 45 to 47D of the Local Government Act, 1993. Leases must be consistent with the core objectives of the category of land, for a use prescribed by the Act or Regulations. Purposes prescribed by the Act are the provision of goods, services and facilities, and the carrying out of activities appropriate for the needs within the local community and of the wider public in relation to public recreation or the physical, cultural, social and intellectual welfare or development of persons.

Leases must be expressly authorised by a Plan of Management for the land. Thus, it must be established that a plan of management exists for the community land and that the plan expressly authorises the grant of a lease for the stated public purpose.

Leases of community land cannot exceed 30 years, inclusive of any option term(s).

The Act sets out the procedural requirements for the leasing/licensing of community land, as follows:

- Public notice must be given of the proposal including
 - Advertising in local newspaper
 - Notice on premises (A3 size)
 - Letters to specified owners and occupiers
- Notice must include
 - Description of facility or land
 - Purpose of the occupation
 - Term
 - Lessee/licensee
 - Statement that submissions objecting to the may be made within 28 days
- If submissions are received and
 - the lease is for five years or less, then a report is prepared for Council to determine if the occupation proceeds. The Minister may request for a proposal to be referred to him and then the procedure would be as if the term was greater than five years.
 - the lease is for more than five years, then Council cannot grant the lease/licence without the Minister's consent. When applying for Minister's consent, forward a copy of the plan of management for the land, details of each objection with a statement of Council's decision and reasoning, setting out all facts pertaining to the proposal, a copy of the newspaper notice, terms and conditions of the proposed lease/licence, and a statement advising the manner and extent that the public's interest would be served or adversely affected by the granting of the proposed lease/licence.

4. Crown Land

Land under the care, control and management of Council referred to as Reserve Trust Land is vested in the Crown Lands Division of Department of Primary Industries. The legislation governing the dealing of this land is the Crown Lands Act 1989 and Crown Lands Regulation 2005. When Council resolves to grant a lease or licence over Crown Land (Reserve Trusts), the dealing is subject to consent by the Minister administering the Crown Lands Act.

Prior to entering into a proposed agreement a letter is sent to the local office of the Crown Lands Division requesting in-principle consent for the proposed occupation. The letter should advise:

- Description of facility or land with Reserve No. and area to be occupied
- If public expressions of interest were sought
- Purpose of the occupation and its consistency with the dedication of the land or any Plan of Management
- Term, including option terms and commencement date
- Lessee/licensee
- Rent, market valuation and any rebate to be applied if the groups is a not for profit organisation.
- Any additional, amended or deleted clauses/conditions in the standard Crown Lands' lease/licence documents e.g. specific lease documentation for retail or residential tenancies.

For a lease of Crown Land longer than 5 years, the Crown Lands Division must first advertise that it intends to give consent to the agreement and allow 14 days for submissions to be made. Council (Or lessee?) will be responsible for the advertising costs.

For the execution of a Crown Lands lease by the Trust, either Council's seal or both the Mayor's and General Manager's signatures (as Trustees) are required.

5. Surplus Road

Council may consider the leasing to the adjoining property owner (or Lessee) of a portion of road reserve provided it is not required in the short term for widening, footpath construction or other Council infrastructure works. Sections 153 to 157 of the Roads Act, 1993 stipulate the procedure for leasing unused public roads, including

- public notification in a local newspaper and by letter to the owner of each parcel of land adjoining the length of the public road concerned
- notification must identify the road concerned, must state anyone can make submissions, and the notification period to be at least 28 days
- submissions are considered by Council who can grant the lease, amend the lease or refuse the lease
- if the lease is granted, it must be advertised in the local newspaper
- a maximum term of five years
- any structure on the land can only be a fence or a temporary structure easily removed.

A market rental will be obtained from a local Real Estate Agent.

It is recognised that grazing by domestic stock can severely affect native vegetation and, in particular, can prevent or impede regeneration of native species. Thus, prior to the granting of a lease or licence, a review of the environmental impacts under Council's Roadside Environmental Policy must be undertaken.

If there is any environmental impact these assessments will be reported to Council.

6. Residential

A residential tenancy agreement is an agreement under which a person grants to another person for value a right of occupation of premises intended to be used as a residence. Residential leases are governed by the Residential Tenancies Act, 2010 and the lease agreement must be on the form provided by NSW Department of Fair Trading in the Residential Tenancies Regulation 2010. At times Council's assets includes a residential property where the land might have been purchased for future use e.g. road widening.

The market rental will be determined by reference to advice from a Real Estate Agency, who will have local knowledge of the current residential market, or the highest amount offered under an Expression of Interest. It should be noted that under the Residential Tenancies Act, 2010, there are specified time frames for the delivery of notices, including rent reviews and upon termination. Unless otherwise considered appropriate, the period of any residential lease will be for six to twelve months with a continuation clause as specified in the Residential Tenancy Act. Leases will include annual CPI adjustment rent reviews. The bond will be deposited with NSW Department of Fair Trading accompanied by a Bond Lodgement Form.

7. Retail

Certain commercial leases e.g. kiosks and cafes are governed by the Retail Leases Act, 1994. Any provision in a retail lease which is contrary to the Retail Leases Act is void. There are certain procedural requirements for retail leases including:

- At least seven days prior to signing of a lease, a Lessor's Disclosure Document (prepared on the template provided by the Department of Fair Trading) shall be given to the proposed tenant with a copy of the draft lease.
- Within this seven days we should receive the Lessee's Disclosure Document (also prepared on the template provided by the Department of Fair Trading).
- The lease should be for a minimum term of five years or else the Lessee will need to provide a signed Section 16 Certificate (a template provided by the Department of Fair Trading).
- If a cash bond is required, it is to be deposited with the NSW Government's retail bond scheme with a cheque accompanying the Department of Fair Trading's Retail Lease Lodgement Form.
- Retail Lessee's are not liable for any lease preparation expense.
- The landlord must advise the tenant at least six months but no more than twelve months, before the termination date whether the landlord will grant a new lease.
- It is suggested that all retail lease rentals are inclusive of outgoings as the Act specifies that at least thirty days prior to the next lease year an estimate of outgoings is to be provided to the Lessee and an audited statement of the previous accounting period is to be provided within 90 days.

Due to the requirement of the Act that both Lessors and Lessees need legal representatives to sign relevant pages in the Disclosure Documentation, a consulting solicitor is utilised to draw up the lease document. The Retail Leases Act does not allow Council to recoup this expense from the Lessee.

8. Lease/Licence Conditions

8.1 Lease Term

Contributions of cash or in kind by user groups to a facility do not convey ownership or preferential access to that facility but means that the group benefits from having a more suitable facility than might have been provided otherwise by Council. However, if a community group has improved or enhanced a facility with a substantial amount of capital contribution, then Council may consider a longer lease term than the standard three to five year period.

The length of the lease or licence will be guided by the following table:

Capital Contribution - Term of Agreement Table:

% of Capital Contribution		Term
0% - 9%	=	3 years, if a commercial lease
0% - 9%	=	5 years, if a community group lease
10% - 29%	=	5 years
30% - 49%	=	10 years
50% - 99%	=	15 years
100%	=	20 years

8.2 Rent

In principle all users of Council facilities should pay a market rental. However, Council may subsidise rents for eligible community groups. To be eligible for a rental subsidy a community group needs to demonstrate:

1. it is a legal entity registered under appropriate legislation e.g. the Associations Incorporation Act (NSW) 1984;
2. it is a non-profit organisation under Australian Tax Office definitions;
3. it has an Australian Business Number, where required;
4. it has no significant breaches of the current or any previous lease;
5. its use of the facility will increase social engagement and promote health and well-being for the MidCoast community;
6. a need exists for the service or activity to be provided to the local community at the facility;

Where an organisation's operations are fully funded by other government funding or private grants, market rental shall be applied except where a resolution of Council varies such rent.

Applications by community groups meeting the above eligibility criteria for subsidised rental will be submitted on an approved application form which addresses the questions raised in the following Criteria Table. The total number of points awarded to a community group will determine the percentage of subsidy to be applied to the market rental for the facility.

It is desirable that, according with the objective of Council's building assets being adequately funded for sustainability, the rental shall not be set at a level less than the expenses borne by Council for the maintenance and other outgoings levelled against the facility. Exceptions to this shall only be approved where the objective cannot be met by the occupier and it shall be detailed in a report to Council.

Where a current occupier who is renewing their lease, licence or other agreement after implementation of this policy shows they will suffer undue hardship by a higher rental under this policy, the higher rental will be introduced over a period of time, generally the term of the lease. Thus, subsequent leases will be within the guidelines of the Policy - Lease / Licence of Council Land & Buildings and this procedure.

Criteria Table

Criteria	Possible Range of an Organisation's Responses			
	4 points	3 points	2 points	1 point
Reactive & Ongoing Maintenance	Takes responsibility for all internal & all	Takes responsibility for all internal &	Takes responsibility for some internal &	Does not take responsibility for internal &

(non-structural)	external reactive maintenance	some external reactive maintenance	no external reactive maintenance	external reactive maintenance
Extent of service provided by organisation (<i>can be requested to identify groups they serve and the community needs met</i>)	Broad community (more than 40%) is a beneficiary of service provided by the organisation.	Between 20% to 40% of the community is a beneficiary of service provided by the organisation.	While the organisation provides a direct service to less than 20% of the local community, it forms part of a larger service provision.	Less than 10% of the community use the service provided by the organisation.
Extent of Accessibility of Facility to the community	Facility is widely available to all members of the community.	The facility has limited availability to members of the community.	Available to members of the community but fees are charged.	Members only access.
Number / type of service providers	A unique community service in the area (only one of a kind).	One of a number of providers of like community services.	The only provider where the service meets social or recreational needs only.	One of a number of providers where the service meets social or recreational needs only.
Ability to charge fees & raise income	No fees are charged.	Fees are charged but a subsidy scheme is available or fees are regularly written off.	Fees are charged with no subsidy scheme but the organisation is not for profit.	Operates on a profit basis.
Access to other sources of funding	No access to other sources of funding	Limited access to other sources of funding (no more than 5% total).	Access to other sources of funding - State, Federal and Local which provide 5 - 30% of total funding.	Access to other sources of funding - State, Federal and Local which provide more than 30% of total funding.
Do they provide direct competition to commercial ventures	No similar service is provided by commercial organisations.	A similar service can be provided by a commercial organisation but no such organisation exists in the local area.	While a similar service is provided by a commercial organisation, the applicant provides added or differentiated service to users.	Similar service provided by privately owned organisations is available in the local area.

Criteria	Possible Range of an Organisation's Responses			
	4 points	3 points	2 points	1 point
Organisation's status & structure	The organisation is locally based, not for profit and does not belong to a larger not for profit organisation. It has a management committee, comprised of local area representatives.	The organisation has a regional focus, is locally based, not for profit and does not belong to a larger not for profit organisation. It has a management committee, comprised mainly of local area representatives.	The organisation is locally based, and is part of a larger not for profit organisation. It has a voluntary advisory committee, comprised partly of local area representatives.	The organisation is locally based, and is part of a larger not for profit organisation. There is limited or no local area representatives on the advisory committee or similar.
Capacity to undertake range of administrative and management responsibilities.	Dependent on assistance from volunteers for all administrative and management functions.	Paid staff undertake all of the administrative and management functions and volunteers assist with other tasks.	Staff undertake all of administrative and management functions with additional assistance from the umbrella organisation.	Umbrella organisation responsible for all administrative and management functions.

Total Points to Subsidy

Points	Subsidy	Points	Subsidy	Points	Subsidy	Points	Subsidy
1	0%	11	5%	21	54%	31	90%
2	0%	12	10%	22	58%	32	90%
3	0%	13	15%	23	62%	33	90%
4	0%	14	20%	24	66%	34	90%
5	0%	15	25%	25	70%	35	90%
6	0%	16	30%	26	74%	36	90%
7	0%	17	35%	27	78%	37	90%
8	0%	18	40%	28	82%	38	90%
9	0%	19	45%	29	86%	39	90%
10	0%	20	50%	30	90%	40	90%

The table below provides a basis for Council to categorise the rental subsidy applied to its income producing rental premises.

Category	Level of Subsidisation	From (>)	To (<=)	Points Range
A	High	90%	100%	30 - 40
B	Medium	50%	90%	20 - 29
C	Low	5%	50%	10 - 19
D	None	0%	4%	0 - 9

Where the community facility is on Crown land managed by Council as trustee, the rental will not be less than the statutory minimum as prescribed by the Crown Lands Division of the NSW Department of Primary Industries.

8.3 Maintenance, Improvements and Presentation:

Council has a responsibility to the public for the maintenance of community assets to ensure they are managed to ensure future sustainability. Responsibilities in relation to maintenance, improvements and facility presentation by Council and the occupant will be fully detailed in schedules attached to the formal lease or licence agreement.

The following general rules will apply, unless otherwise determined or legislated:

1. Council is responsible for the structural integrity of community facilities. However a user group is responsible for maintaining the exterior of the building in its existing condition, including painting, graffiti removal, gutter cleaning, etc.
2. Where a group voluntarily undertakes extensions or improvements to the exterior of a building (e.g. pergola, sun shade), they are responsible for the maintenance and presentation of these items.
3. When a high level of rental subsidisation is provided and Council is not receiving the funds to provide for maintenance, an organisation may take responsibility for the long term maintenance of the facility to ensure its sustainability. Council will work with these groups to develop a long term maintenance program for the facility.
4. Users of a facility will be responsible for internal maintenance. Where more than one group uses the facility, contributions and responsibility for the maintenance will be proportioned between the groups in proportion to their usage.
5. No fit out, modification or other improvement to the building will be undertaken without the written consent of Council.
6. Facility fit out improvements undertaken by user groups will remain the property of the group. Structural modifications, improvements and additions undertaken by the group will remain the property of Council, as the owner of the facility.

8.4 Outgoings:

Generally, user groups are responsible for the outgoings as they apply to a facility and will be documented in the formal lease or licence agreement. Outgoings include rates, telephone, charges for waste, gas, electricity, oil and water consumed and other charges for the utilities, fire protection and insurances excluding building insurance.

Where more than one group uses the facility, the outgoings will be proportioned between the groups in proportion to their usage. If there is a dispute, then the groups are responsible for the cost of installing check meters.

8.5 Hours of Use:

The hours of use are prescribed for all facilities and may be determined by the applicable Plan of Management or Development Consent and the user group's requirements.

8.6 Rent Reviews

A market review will be undertaken to set the new rental amount for a lease or licence upon the commencement date anniversary of each five (5) year period and whenever an option period is exercised.

Upon the anniversary of the commencement date in the other years, the annual review will be subject to movement in the Consumer Price Index as published at the time of review or as specified in the individual agreement.

8.7 Insurance

It is the responsibility of all user groups to procure their own insurance. Insurance obligations of the user group are stated in every agreement and generally include public liability to an amount as specified, contents insurance and workers compensation. Generally Council will insure all improvements on its leased premises.

The user group is to provide Council with evidence of insurances upon renewal and / or whenever requested by Council. This evidence should take the form of a Certificate of Currency displaying the expiry date, cover location, insured amount and noting Council (and, where applicable, Land the Minister administering the Crown Lands Act) as an interested party.

8.8 Rates, Taxes, Utilities and Other Outgoings

The tenant shall pay for rates (if charged), and any applicable taxes (including GST and stamp duty), charges and outgoings that are levied on the premises and any other operating costs associated with their activities.

Generally, tenants are to pay for electricity, water, gas, commercial waste and other utilities used by it in the premises, as detailed in the formal agreement, except for retail leases. If the premises are not separately metered and the installation of check meters is required, then the tenant shall pay for their installation.

8.9 Holding Over

A holding over clause should be included in all agreements to ensure tenure is guaranteed if the agreement expires and renewal has not occurred within a reasonable period of time. Holding over clauses are limited to twelve (12) months.

9. Community Groups

Council recognises that many groups have a strong historical affiliation with the facilities which they use, and may have contributed cash and/or in kind to their development. Council supports the continued occupation of these facilities by these groups, but on a shared multi-use basis, where it does not currently occur.

Where the occupation has been established by informal arrangements, Council will look at entering into formal agreements in which responsibilities and rights of the interested parties will be outlined.

Where a current lease, licence or other formal agreement exists, this will be honoured until its expiry. A review of future management options of the facility will be undertaken within the last 12 months of the agreement period. It will take into account existing usage rates and the potential of the facility for multi-use basis, in line with changing community needs. When space becomes available, Council will advertise any vacancies and Expressions of Interest will be sort. Generally, Council will not consider agreements providing exclusive access to a facility by one particular group to the exclusion of the general public.

10. Report to Council or Delegated Authority

The purpose of granting delegated authority to the General Manager (and the Mayor if a Crown Lands lease) is:

- To ensure maximum returns from leased/licensed properties by minimising the periods they remain vacant.
- To maximise Council's commercial benefit in the lease/licence of rental properties for operational purposes.
- To streamline Council's procedures in granting short term leases/licences.

A report will be provided to Council where there is an exception to the Policy - Lease / Licence of Council Land & Facilities or where the Policy decrees.

The General Manager (and the Mayor if a Crown Lands lease) be delegated authority to grant leases/licences of Council properties as follows:

- 10.1 Residential cottages where:-
 - a. The rent to be charged is not below market rental,
 - b. The term of the agreement is not more than twelve months
 - c. The proposed tenants are interviewed and references are checked by Council Officers or a Real Estate Agent representing Council,
 - d. Appropriate branches of Council are consulted prior to entering into negotiations for a new tenant, and
 - e. The agreement is in accordance with Council policies regarding the leasing of Council properties.

- 10.2 Commercial and Retail premises where:-
 - a. The rent to be charged is not below market rental,
 - b. The term of the agreement is not more than five years, including any option term,
 - c. The proposed use of the premises remains unchanged,
 - d. Appropriate reference checks have been carried out to ensure that the proposed lessee/licensee will be able to comply with the terms of the agreement,
 - e. Appropriate branches of Council are consulted prior to entering into negotiations for a new tenant, and
 - f. The agreement is in accordance with Council policies regarding the leasing of Council properties.

- 10.3 Community groups leasing premises where
 - a. The rent to be charged is not below market rent unless it is rebated in accordance with this procedure,
 - b. The term of the agreement is not more than five years, including any option term,
 - c. The proposed use of the premises remains unchanged,
 - d. Appropriate reference checks have been carried out to ensure that the proposed lessee/licensee will be able to comply with the terms of the agreement,
 - e. Appropriate branches of Council are consulted prior to entering into negotiations for a new tenant, and
 - f. The agreement is in accordance with Council policies regarding the leasing of Council properties.

All other leases/licences will be subject to a report to Council. Where major development or upgrading of the property is proposed requiring significant investment, an extended period of agreement may be necessary, so that the parties involved are able to realise a viable return on investment. Hence a long-term lease may be considered and granted. Such a proposal will be subject to expert independent appraisal and evaluation and a report to Council.

Where objections are received from the public on the leasing of land classified as "community land", these will be reported to Council for its consideration as directed by sections 45 to 47D of the Local Government Act, 1993.

11. Document Preparation

Two copies of the document formalising the agreement are required being one for tenant and one for Council. However, where the facility is on Crown Land a third copy is required for the Crown Lands Division of the Department of Primary Industries.

12. Document Execution

Document execution is undertaken in this order:

- User group signs documents
- A memorandum requesting the signatures of the General Manager and Mayor and, if applicable, the Seal be affixed to the documents
- If the facility is on Crown Land, then three copies of the documents are then forwarded to the local office of the Crown Lands Division for the Minister's consent to be added to the documents. Crown Lands will keep one copy and the other two copies will be returned to Council.

13. Lease Registration

In some instances, Crown Lands Division will request for the lease to be registered upon the title of the land.

14. After Execution

Once the documents are executed by the tenant,

- 14.1 Send a memo to the Debtors Officer to arrange for a new Debtor Account, advising the rental, frequency of payment, term of lease, names, address and phone number.
- 14.2 Ensure any conditions imposed by the agreement are completed including bond is received and receipted, an appropriate certificate of currency is received for the public liability insurance indemnifying Council.
- 14.3 Council's electronic property register, being Pathway Property Management Register (PROPMAN) is updated for the new agreement. This provides a management tool for the scheduling of rent reviews, renewals of Public Liability Insurance Certificates of Currency and lease expiry.

After execution of the documents by all parties,

- 14.4 All correspondence, including written and emails, and assessment forms must be saved within Council's Electronic Document Management System.
- 14.5 The executed document is scanned and registered into the Legal Document System. The hard copy of the original legal document is filed in Records Section.
- 14.6 The other copy is returned to the Lessee for their records.

Review and Revision

This procedure is to be reviewed in 4 years

Responsible Officer / Department / Section

Manager - Property and Commercial Services.

Attachments

1. Application for Rental Subsidy
2. Evaluation form

24 INVESTMENTS REPORT - JUNE 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 26 July 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 June 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 all of 2016/2017 as the financial systems, policies and operations are merged.

The previous Investment Policies have been reviewed and consolidated into a new Investment Policy which is presented to Council in a separate report to this meeting for adoption. This draft policy has been referred to an appropriate external adviser (TCorp) 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 June 2017 amounted to **\$5,299,498.19**. The average return on invested funds was 2.58%. 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%	23%
A1 or below	65%	77%
Unrated (max. of \$250k)	34%	5%
Per Single Institution		
A1+ or above	80%	20%
A1 or below	34%	29%
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. A Final Distribution Statement has now been received at 30 June 2017 which has resulted in Council recouping \$154,503.66 of the original \$500,000 investment.

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 June 2017 was as follows:

	Balance
	(\$'000)
Cash on Hand and at Bank (Ledger balance)	\$547
Investment Portfolio (Attachment A)	\$46,708
Total Funds	\$47,255

Investment movements during the month were:

Opening Balance	\$41,308
New Investments	\$9,700
Withdrawn Investments	(\$4,300)
Net Movement Cash at Call	\$0
Closing Balance	\$46,708

The weighted average return on the Taree Office investment portfolio at the end of June 2017 was 2.54%.

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 June 2017 amounted \$87,857,473. This is an increase on the previous month and is due to the draw-down of loan funds from T-Corp (\$6.4 Million) and the advance payment made by the Federal Government of the 2017-2018 Financial Assistance Grant.

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 June 2017.

Investment Type	Opening Balance 01/06/2017	Movement	Closing Balance 30/06/2017	Portfolio %
Term Deposits	\$44,500,000	\$10,500,000	\$55,000,000	62.60%
Managed FRNs & FTDs	\$27,800,000	\$2,000,000	\$29,800,000	33.92%
On Call Deposits	\$4,101,484	-\$1,044,011	\$3,057,473	3.48%
Total	\$76,401,484	\$11,455,989	\$87,857,473	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	\$3,057,473	3.48%	Cash Rate (1.72%)	2.11%	On Call Accounts
0-3 Months	\$20,250,000	23.05%	BBSW +20-40 (1.92%)	2.73%	Term Deposits, FRNs, FTFDs
3-6 Months	\$27,250,000	31.02%	BBSW +30-50 (2.02%)	2.84%	Term Deposits, FRNs, FTDs
6-12 Months	\$11,800,000	13.43%	BBSW +40-60 (2.12%)	2.78%	Term Deposits, FRNs, FTDs
1-2 Years	\$3,750,000	4.27%	BBSW +80-100 (2.52%)	2.99%	Term Deposits, FRNs, FTDs
Greater	\$21,750,000	24.75%	BBSW +100 (2.72%)	3.12%	Term Deposits, FRNs, FTDs
Total	\$87,857,473	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	6.83%	A1	13.44%
A	6.83%	A2	49.85%
BBB & Unrated	11.10%	Unrated	11.95%
Total	24.76%	Total	75.24%

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	\$5,299,498
Taree Office	\$46,708,729
Forster Office	\$87,857,473
Total	\$139,865,700

RECOMMENDATION

That the report be received and noted.

ANNEXURES

A: Mid-Coast Council Investments at 30 June 2017

Investment Date	Interest Rate	Security Type	Duration	Amount Invested	Maturity Date	Held With	Credit Rating
Financial Securities as at 30 June 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	A2/BBB+
24/10/2014	BBSW +113	FRN		\$1,000,000.00	22/12/2017	Bank of Queensland	A2/BBB+
12/11/2014	BBSW +130	FRN		\$1,000,000.00	6/11/2019	Bank of Queensland	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	CUJA	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
7/07/2015	BBSW+110	FRN		\$2,000,000.00	3/03/2020	Macquarie Bank	A1/A
5/11/2015	BBSW+108	FRN		\$1,000,000.00	3/03/2020	Macquarie Bank	A1/A
26/02/2015	BBSW+110	FRN		\$1,000,000.00	5/11/2020	NAB	A1/AA
15/12/2015	BBSW +110	FRN		\$500,000.00	27/02/2018	Newcastle Permanent	A2/BBB
21/08/2014	BBSW +110	FRN		\$800,000.00	27/02/2018	Newcastle Permanent	A2/BBB
4/03/2016	BBSW + 150	FRN		\$1,000,000.00	17/08/2017	Police Bank	A2/BBB
20/10/2015	BBSW +125	FRN		\$1,000,000.00	4/03/2021	RaboBank	A1/A+
4/12/2014	BBSW+1.05	FRN		\$1,000,000.00	20/10/2020	Suncorp	A1/A+
28/10/2016	BBSW+140	FRN		\$500,000.00	4/12/2017	Teachers Mutual Bank	A2/BBB
2/06/2017	BBSW +140	FRN		\$1,000,000.00	28/10/2019	Teachers Mutual Bank	A2/BBB
7/06/2017	BBSW +140	FRN		\$1,000,000.00	29/05/2020	Greater Bank	A2/BBB
				\$23,800,000.00			
Floating Rate Notes							
Floating Term Deposits							
19/02/2015	BBSW + 95	FTD		\$1,000,000.00	21/02/2020	ING	A1/AA
11/12/2014	BBSW + 106	FTD		\$1,000,000.00	11/12/2019	NAB	A1/AA
11/12/2014	BBSW + 106	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							

Stronger Communities Investments

27/06/2016	BBSW+148	FRN	175	\$1,000,000.00	18/05/2021	Bank of Queensland	A2/BBB+
20/04/2017	2.7000%	Term Deposit		\$1,000,000.00	12/10/2017	Beyond Bank	A2/BBB+
14/06/2017	2.7300%	Term Deposit	239	\$1,000,000.00	8/02/2018	Beyond Bank	A2/BBB+
15/06/2017	2.8000%	Term Deposit	245	\$1,000,000.00	15/02/2018	Bank Australia	A2/BBB
30/06/2017	2.7000%	Term Deposit	69	\$1,000,000.00	7/09/2017	Beyond Bank	A2/BBB+
8/06/2017	2.8500%	Term Deposit	189	\$1,000,000.00	14/12/2017	Greater Bank	A2/BBB
8/06/2017	2.7500%	Term Deposit	196	\$1,000,000.00	21/12/2017	Beyond Bank	A2/BBB+
20/04/2017	2.5500%	Term Deposit	154	\$1,000,000.00	21/09/2017	ME Bank	A2/BBB
18/05/2017	2.6500%	Term Deposit	182	\$1,000,000.00	16/11/2017	ME Bank	A2/BBB
25/05/2017	2.6500%	Term Deposit	183	\$1,000,000.00	24/11/2017	ME Bank	A2/BBB
29/06/2017	2.7500%	Term Deposit	189	\$2,000,000.00	4/01/2018	My State Bank	A2/BBB
20/04/2017	2.5500%	Term Deposit	181	\$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	A3/BBB-
14/06/2017	2.7000%	Term Deposit	232	\$1,000,000.00	1/02/2018	Rural Bank	A2/BBB+
				\$15,000,000.00			

Implementation Funds Investments

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	A2/BBB+
29/05/2017	2.7000%	Term Deposit	178	\$1,000,000.00	23/11/2017	Defence Bank	A2/BBB
23/03/2017	2.8500%	Term Deposit	273	\$1,000,000.00	21/12/2017	Police Credit Union SA	NR
				\$4,000,000.00			
				\$87,857,473.37			

TOTAL FORSTER OFFICE INVESTMENTS

GLOUCESTER OFFICE INVESTMENTS

14/03/2017	2.6100%	Term Deposit	210	\$1,000,000.00	10/10/2017	Bankwest	A1+
24/05/2017	2.8000%	Term Deposit	181	\$350,000.00	21/11/2017	Auswide Bank	A3/BBB-
20/06/2017	2.6500%	Term Deposit	98	\$500,000.00	26/09/2017	Beyond Bank Australia	A2/BBB+
6/06/2017	2.7700%	Term Deposit	154	\$250,000.00	7/11/2017	Bank of Sydney	unrated
21/02/2017	2.6500%	Term Deposit	140	\$500,000.00	11/07/2017	ME Bank	A2/BBB
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/BBB

11/04/2017	2.7000%	Term Deposit	197	\$500,000.00	25/10/2017	Beyond Bank Australia	A2/BBB+
9/05/2017	2.6500%	Term Deposit	91	\$500,000.00	8/08/2017	Beyond Bank Australia	A2/BBB+
6/12/2016	2.8000%	Term Deposit	210	\$500,000.00	4/07/2017	Suncorp	A2
Term Deposits				\$5,106,482.19			
On Call Bank Accounts							
31/05/2017	1.6500%	On Call		\$193,016.00			
		On Call Deposits		\$193,016.00			
TOTAL GLOUCESTER OFFICE INVESTMENTS				\$5,299,498.19			

TAREE OFFICE INVESTMENTS

Term Deposits							
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+
3/05/2017	2.5000%	Term Deposit	91	\$1,300,000.00	2/08/2017	IMB Bank	A2/BBB+
10/05/2017	2.5000%	Term Deposit	91	\$1,000,000.00	9/08/2017	IMB Bank	A2/BBB+
10/05/2017	2.4900%	Term Deposit	91	\$1,200,000.00	9/08/2017	NAB	A1+/AA-
17/05/2017	2.5100%	Term Deposit	91	\$2,000,000.00	16/08/2017	NAB	A1+/AA-
19/05/2017	2.5700%	Term Deposit	124	\$1,500,000.00	20/09/2017	Bank of Queensland Ltd	A2/A-
26/05/2017	2.4800%	Term Deposit	89	\$1,500,000.00	23/08/2017	NAB	A1+/AA-
26/05/2017	2.4800%	Term Deposit	89	\$2,000,000.00	23/08/2017	NAB	A1+/AA-
31/05/2017	2.6500%	Term Deposit	91	\$1,000,000.00	30/08/2017	Beyond Bank	A2/BBB+
1/06/2017	2.5500%	Term Deposit	90	\$2,000,000.00	30/08/2017	IMB Bank	A2/BBB+
1/06/2017	2.5700%	Term Deposit	97	\$2,500,000.00	6/09/2017	Members Equity Bank Pty Ltd	A2/BBB+
1/06/2017	2.5500%	Term Deposit	97	\$2,000,000.00	6/09/2017	IMB Bank	A2/BBB+
7/06/2017	2.6500%	Term Deposit	98	\$1,000,000.00	13/09/2017	Beyond Bank	A2/BBB+
7/06/2017	2.5500%	Term Deposit	98	\$1,200,000.00	13/09/2017	IMB Bank	A2/BBB+
9/06/2017	2.6500%	Term Deposit	96	\$700,000.00	13/09/2017	Beyond Bank	A2/BBB+
14/06/2017	2.5700%	Term Deposit	98	\$2,000,000.00	20/09/2017	Members Equity Bank Pty Ltd	A2/BBB+

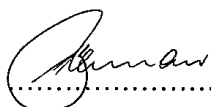
21/06/2017	2.5700%	Term Deposit	98	\$2,500,000.00	27/09/2017	Members Equity Bank Pty Ltd	A2/BBB+
21/06/2017	2.4700%	Term Deposit	98	\$700,000.00	27/09/2017	NAB	A1+/AA-
28/06/2017	2.5000%	Term Deposit	98	\$1,500,000.00	4/10/2017	Bank of Queensland Ltd	A2/A-
28/06/2017	2.4400%	Term Deposit	98	\$2,000,000.00	4/10/2017	NAB	A1+/AA-
30/06/2017	2.5500%	Term Deposit	103	\$2,500,000.00	11/10/2017	Bank of Queensland Ltd	A2/A-
		Term Deposits		<u>\$46,708,729.12</u>			
		TOTAL TAREE OFFICE INVESTMENTS		<u>\$46,708,729.12</u>			
		TOTAL MID-COAST COUNCIL INVESTMENTS		<u>\$139,865,700.68</u>			

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 June 2017.



.....

Phil Brennan
Responsible Accounting Officer
14 July 2017

25 MIDCOAST WATER INVESTMENTS REPORT - JUNE 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report provides details of the funds invested by Mid-Coast Water 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.

INTRODUCTION

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.

The following report has been prepared by the Responsible Accounting Officer for MidCoast Water at 30 June 2017 and represents the position of MidCoast Water as at 30 June 2017. It is the final investment report for that entity following its dissolution on that date. Investments specific to the Water Division from 1 July 2017 will be included within the monthly investment report prepared by MidCoast Council.

Executive summary

MidCoast Water investment portfolio as at 30 June 2017 is as follows:

	30 June 2017	31 May 2017
Water Fund	\$10,389,813	\$11,227,112
Sewer Fund	<u>\$33,111,638</u>	<u>\$32,720,996</u>
	<u>\$43,501,451</u>	<u>\$43,948,108</u>

Certificate of Responsible Accounting Officer

I hereby certify the following:

1. All investments have been made in accordance with the act, the regulations and MidCoast Water's Investment Policy
2. MidCoast Water's cash book and bank statements have been reconciled as at 30 June 2017.



Mark Chicken
Acting Manager Finance

Strategic alignment

3.4 Ensure responsible financial management

Background

Under clause 212 of the Local Government (General) Regulation 2005

(1) *The responsible accounting officer of a council:*

(a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*

(i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*

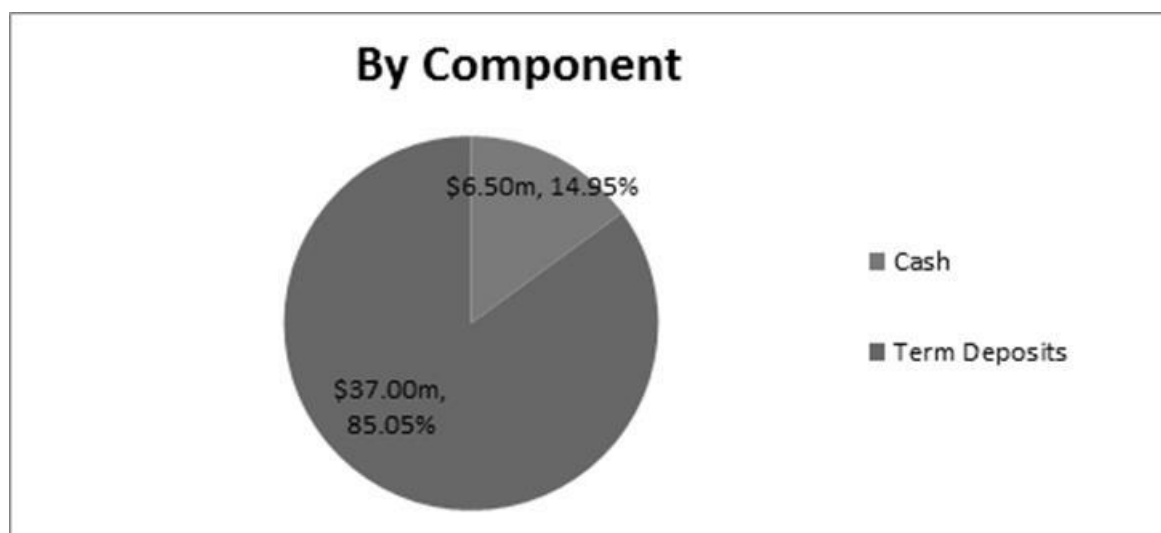
(ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*

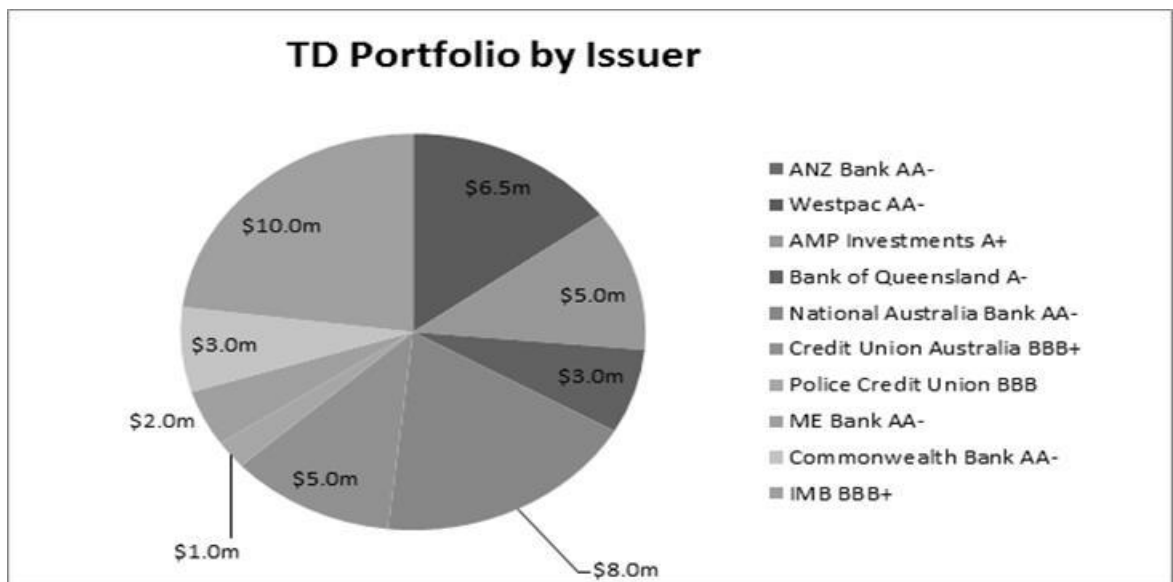
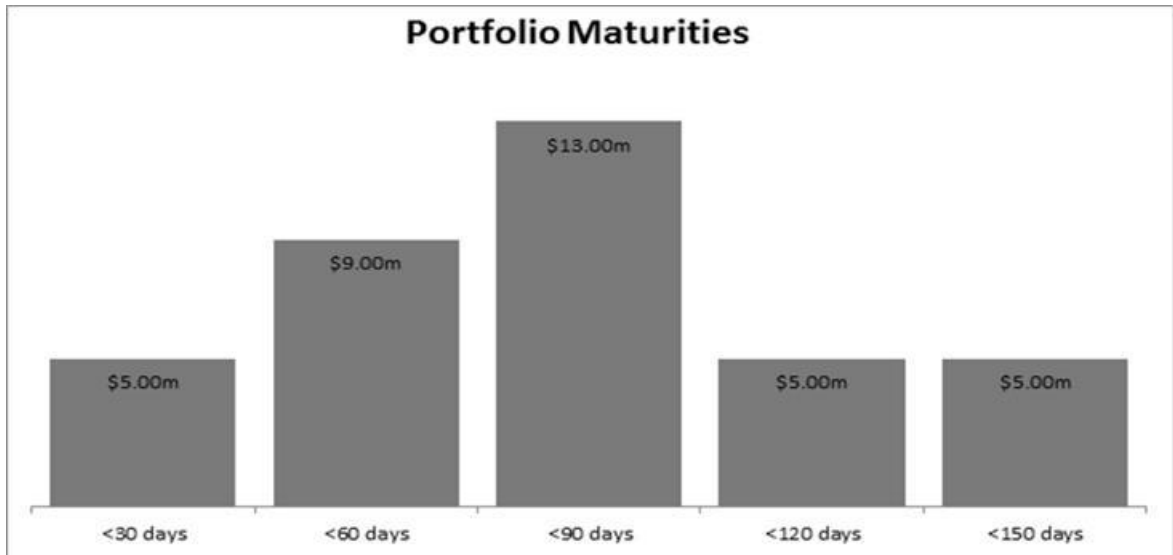
(b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and council's investment policy*

(2) *The report must be made up to the last day of the month immediately preceding the meeting.*

Investment Portfolio

MidCoast Water's portfolio as at 30 June totalled \$43.5m (\$43.9m for May). The overall yield on the portfolio is 2.24% compared to the 90 day BBSW of 1.71%.





RECOMMENDATION

That the investment report for June 2017 be received and noted.

ANNEXURES

A: MidCoast Water Investments at 30 June 2017

Financial Securities as at		30 June 2017						
Investment Date	Interest Rate	Security Type	Duration	Amount Invested	Maturity Date	Held With	Credit Rating	
MIDCOAST WATER INVESTMENTS								
Term Deposits								
19/04/2017	2.5000%	Term Deposit	90	\$3,000,000.00	18/07/2017	NAB	A1+/AA-	
19/04/2017	2.5000%	Term Deposit	90	\$2,000,000.00	18/07/2017	NAB	A1+/AA-	
30/01/2017	2.6700%	Term Deposit	182	\$2,000,000.00	31/07/2017	Members Equity Bank Pty Ltd	A2/BBB+	
30/01/2017	2.7000%	Term Deposit	182	\$3,000,000.00	31/07/2017	Bank of Queensland	A2/A-	
27/04/2017	2.5000%	Term Deposit	120	\$3,000,000.00	25/08/2017	NAB	A1+/AA-	
30/01/2017	2.7500%	Term Deposit	212	\$5,000,000.00	30/08/2017	Credit Union Australia	A2/BBB+	
20/03/2017	2.7500%	Term Deposit	184	\$5,000,000.00	20/09/2017	AMP Investments	A1/A	
20/03/2017	2.5700%	Term Deposit	184	\$3,000,000.00	20/09/2017	Commonwealth Bank	A1/AA+	
17/05/2017	2.5000%	Term Deposit	152	\$5,000,000.00	18/10/2017	IMB Bank	A2/BBB+	
21/06/2017	2.6500%	Term Deposit	150	\$5,000,000.00	18/11/2017	IMB Bank	A2/BBB+	
		Term Deposits		\$36,000,000.00				
Floating Rate Notes								
21/08/2014	BBSW + 110	FRN		\$1,000,000.00	21/08/2017	Police Credit Union	A2/BBB	
		Floating Rate Notes		\$1,000,000.00				
At Call Bank Accounts								
30/06/2017		At Call		\$303.00		ANZ Bank	AA-	
30/06/2017	1.2300%	At Call		\$1,873,632.00		Westpac Bank	AA-	
30/06/2017	1.2300%	At Call		\$1,174,489.00		Westpac Bank	AA-	
		At Call Deposits		\$3,048,424.00				
Operating Bank Accounts								
30/06/2017				\$3,238,006.00		Westpac Bank	Sewer	
30/06/2017				\$215,021.00		Westpac Bank	Water	
		Operating Bank Accounts		\$3,453,027.00				
		TOTAL MIDCOAST WATER INVESTMENTS		\$43,501,451.00				

26 PRIVACY MANAGEMENT PLAN

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance/Policy Register

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The *Privacy and Personal Information Protection Act 1998* (the “PPIPA”) requires all councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of this plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

This Privacy Management Plan is based on The Local Government Division of the Department of Premier and Cabinet’s Model Privacy Management Plan for Local Government and is a harmonised version of the former three Councils being Gloucester Shire, Great Lakes Council and Greater Taree City Council.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Privacy Management Plan and a copy is provided to the Privacy Commissioner.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Privacy and Personal Information Protection Act 1998* (the “PPIPA”) requires all councils to prepare a Privacy Management Plan

BACKGROUND

This Privacy Management Plan is based on The Local Government Division of the Department of Premier and Cabinet’s Model Privacy Management Plan for Local Government.

Under the Privacy and Personal Information Protection Act 1998, councils are required to produce a Privacy Management Plan and provide a copy to the Privacy Commissioner.

COMMUNITY IMPACTS

This Policy provides information to the community about how their personal information will be used, stored and accessed after it is collected by Council.

BUDGET IMPLICATIONS

Nil.

RISK CONSIDERATION

This Policy ensures that private and personal information is handled appropriately in accordance with the *Privacy and Personal Information Protection Act 1998*.

RECOMMENDATION

That Council place the draft Privacy Management Plan on public exhibition for a period of not less than 28 days to allow consideration of its contents by the public and the lodgement of submissions during the exhibition period.

ATTACHMENTS

A: Privacy Management Plan

Due to its large size, Attachment A has been circulated in hard copy to the Administrator & 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.

27 PUBLIC INTEREST DISCLOSURE AND INTERNAL REPORTING POLICY

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance/Policy Registers

Date of Meeting 26 July 2017

SUMMARY OF REPORT

MidCoast Council is committed to a high standard of ethical and accountable conduct and will not tolerate any form of wrongdoing. This policy conforms to MidCoast Council's Code of Conduct and the Public Interest Disclosures Act 1994.

Under the Public Interest Disclosures Act 1994 public officials may make protected disclosures. This policy ensures that there are processes and protections in place for public officials to report issues and incidents that support councils Fraud and Corruption Control Framework.

SUMMARY OF RECOMMENDATION

That Council adopts the attached Public Interest Disclosure and Internal Reporting Policy.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

This policy supports Councils commitment to reporting of wrong doing and complies with the Public Interest Disclosure Act 1994.

BACKGROUND

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a harmonised version of the former three policies has been developed. Public officials of MidCoast Council are encouraged to report known and suspected incidences of corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention and other wrongdoing in accordance with this policy and the Public Interest Disclosure Act 1994.

COMMUNITY IMPACTS

Demonstrates MidCoast Council's commitment to open, honest and transparent decision making by ensuring that any suspected incidences of corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention and other wrongdoing are reported and dealt with including referral to external agencies where appropriate.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Direction 4 – Civic Leadership

TIMEFRAME

Immediate effect.

BUDGET IMPLICATIONS

Nil.

RISK CONSIDERATION

This policy will support Council's Internal Audit Framework, Fraud and Corruption Control Framework and Risk Management Framework.

RECOMMENDATION

That the attached Public Interest Disclosure and Internal Reporting Policy, as shown in Annexure A, be adopted.

ANNEXURES

A: Public Interest Disclosure and Internal Reporting Policy

Policy

Name of Policy:	Public Interest Disclosures and Internal Reporting Policy		
Policy code:			
Adoption by Council:		Minute number:	
Last review date:	July 2017		
Review timeframe:	Two Yearly		
Next scheduled review date:	July 2019		
Related legislation:	Public Interest Disclosures Act 1994		
Associated policies / documents:	Code of Conduct Fraud and Corruption Control Framework Internal Audit Framework		
Responsible department:	Corporate and Business Systems		

Policy Objective

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

- To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
- To ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.

This policy seeks to:

- To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by MidCoast Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, nominated Disclosures Officers, the Mayor, or the General Manager.
- To complement the normal means of communication between managers and members of Council staff. Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.
- To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor or Volunteer who makes a disclosure from any detrimental action in reprisal for making that disclosure.

Policy Statement

MidCoast Council is committed to high standards of ethical and accountable conduct and will not tolerate any form of wrongdoing. This policy conforms to MidCoast Council's Code of Conduct and the Public Interest Disclosures Act 1994.

This policy recognises that individuals who come forward to report wrongdoing are helping to promote integrity, accountability and good management within Council. MidCoast Council will achieve this by:

- creating a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encouraging individuals to come forward if they are aware of wrongdoing within the council
- keeping the identity of the person disclosing wrongdoing confidential, wherever possible and appropriate
- protecting the person from any adverse action resulting from them making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping the individual who makes a report informed of their progress and the outcome
- encouraging the reporting of wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council that is made in accordance with the Public Interest Disclosure Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, to:
 - encourage reporting of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
 - properly investigate allegations
 - properly manage any workplace issues that the allegations identify or that result from a report
 - appropriately address any identified problems
- reassess or review the policy every two years to ensure it is still relevant and effective.

Coverage of this Policy

Under the Public Interest Disclosures Act public officials may make protected disclosures. This includes public servants, Council employees, Councillors, MPs and any other persons who have public official functions or act in a public official capacity.

This policy applies to people who perform public official functions for MidCoast Council and include:

- Council staff and Councillors
- Permanent employees (either full time or part time)
- Casual staff
- Consultants
- Contractors
- Volunteers

A public official may make a protected disclosure about a NSW agency (including Council) even if that person has never been or is no longer employed by that agency or Council.

Staff are encouraged to support any person who has made a disclosure, as well as protect and maintain their confidentiality where possible. They must not victimise or harass anyone who has made a public interest disclosure.

The names and positions within MidCoast Council who can receive a protected disclosure are detailed in Annexure 1 (Page 13).

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

Public officials of MidCoast Council are encouraged to report known and suspected incidences of corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention and other wrongdoing in accordance with this policy.

This policy is just one of several relating to conduct, grievances and complaints – details of which appear at the end of this document and can be accessed on Council's website and intranet.

Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a Council official using their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on what can be reported.

Maladministration

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.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on what can be reported.

Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on what can be reported.

Local Government Pecuniary Interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, lodge written declarations and disclose pecuniary interests with council or at council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

Other wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the Public Interest Disclosures Act you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with MidCoast Council's policies.

Even if these reports are not dealt with as public interest disclosures, MidCoast Council will consider each matter and make every attempt to protect the person making the report from any form of reprisal.

When will a report be protected?

MidCoast Council will support any staff member, Councillor, contractor or volunteer who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the Public Interest Disclosures Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - a position nominated in this policy
 - the General Manager
 - one of the investigating authorities nominated in the Public Interest Disclosures Act

Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

The channels for making a public interest disclosure at MidCoast Council are detailed below.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for Council to prevent any reprisal action.

Maintaining Confidentiality

MidCoast Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. Council will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If you report wrongdoing, you should only discuss your report with the staff of MidCoast Council responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager. In the case of a report about the General Manager, you should only discuss your report with the Disclosures Coordinator and the Mayor. Where your complaint is made under Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer. If you discuss your report more broadly, you may affect the outcome of any investigation.

Who can receive a report within MidCoast Council?

You are encouraged to report general wrongdoing to your supervisor. However the Public Interest Disclosure Act requires that for a report to be a public interest disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For MidCoast Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below.

If the report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor. If you are a Councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within MidCoast Council who can receive a public interest disclosure.

The General Manager

The Mayor

The Disclosure Coordinator *Manager Governance*

Nominated Disclosures Officers *See Appendix A*

General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place to support and protect people who report wrongdoing
- dealing with disclosures made under Council's Code of Conduct and adopted procedures
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified
- ensuring there are systems in place to support and protect people who report wrongdoing
- dealing with disclosures made under Council's Code of Conduct and adopted procedures

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within MidCoast Council who can deal with them appropriately.

Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Who can receive a report outside of MidCoast Council?

Whilst MidCoast Council encourages people to report wrongdoing, internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the General Manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a member of Parliament or a journalist, but only in limited circumstances outlined below.

Investigating Authorities

The Public Interest Disclosures Act lists a number of investigating authorities in NSW that people can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the NSW Ombudsman — for maladministration
- the Auditor General - for serious and substantial waste
- the Office of Local Government in Department of Premier and Cabinet – for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with MidCoast Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

Members of Parliament or journalists

To have the protections of the Public Interest Disclosure Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, MidCoast Council or the investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result

- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly, to be protected under the Public Interest Disclosure Act, if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the Public Interest Disclosure Act. This may mean you will be in breach of legal obligations or MidCoast Council's Code of Conduct by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside MidCoast Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

Feedback to people who report wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

The Public Interest Disclosures Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. Council will attempt to get this information to you within five working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within MidCoast Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within ten (10) working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the Public Interest Disclosure process needs to adhere to MidCoast Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

Protection Against Reprisals

The Public Interest Disclosures Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure. It may also be a breach of MidCoast Council's Code of Conduct.

MidCoast Council will not tolerate any reprisal action against those who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

Responding to reprisals

MidCoast Council will act to protect those who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the person who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately, or in the case of an allegation against the General Manager, the Mayor.

All supervisors must report any suspicions they have that reprisal action against a person is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor

If the Disclosures Coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is reported under MidCoast Council's Code of Conduct and dealt with in accordance with the Code of Conduct procedures.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure

- relocating the person who made the disclosure or an officer the subject of the allegations within the current workplace
- transferring the person who made the disclosure or the officer who is the subject of the allegations to another position for which they are qualified
- granting the person who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

Support for those Reporting Wrongdoing

MidCoast Council will make sure that people who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process such as stress management, counselling services, Employee Assistance Program, legal or career advice.

Those who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through appropriate channels will suffer disciplinary action for having done so.

All supervisors must notify the Disclosures Coordinator if they believe a person is suffering any detrimental action as a result of disclosing wrongdoing.

Sanctions for making false or misleading disclosures

It is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of MidCoast Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

Support for the subject of a Report

MidCoast Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

Review

This policy will be reviewed every two years to ensure that it meets the objects of the legislation, has regard to any further protected disclosure guidelines issued by the NSW Ombudsman and facilitates the making of disclosures.

References and Related Documents

Staff can also access advice and guidance from MidCoast Council Disclosures Coordinator (Manager Governance) and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

MidCoast Council references and relevant Codes & Policies:

- Code of Conduct
- Complaints Handling Policy
- Work Health and Safety Act
- Fraud and Corruption Control Framework
- Internal Audit Framework

External references

- Public Interest Disclosures Act 1994
- Ombudsman Act 1974
- Independent Commission Against Corruption Act 1994
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- NSW Ombudsman public interest disclosures guidelines (practice notes)

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 472 679
Hearing or speech impairment: 133 677
Do not speak English: 131 450
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 11, 201 Elizabeth Street, Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Office of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Responsible Officer (Position)
Manager Governance

ANNEXURE 1 - MidCoast Council Nominated Disclosures Officers

Apart from the Mayor, the General Manager and the Disclosures Coordinator (Manager Governance) the following positions are able to receive Public Interest Disclosures and forward them to the Disclosures Coordinator:

- Dan Park (Manager Operations North)
- Jamie Condie (Manager Operations South)
- Dan Aldridge (Manager Community Spaces Recreation and Trades)
- Phil Brennan (Manager Finance)
- Claire Schultz (Works Engineer - Construction & Maintenance)
- Kathy Duggan (Governance Officer)
- Steve Race (Safety Officer - Work Health & Training)

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28 FRAUD AND CORRUPTION CONTROL FRAMEWORK AND POLICY

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance/Policy Registers

Date of Meeting 26 July 2017

SUMMARY OF REPORT

Council's *Fraud & Corruption Control Framework* comprises the essential elements to be applied throughout the organisation to ensure the successful prevention, detection and investigation of fraud and corruption within, or against Council.

In support of Council's 'zero tolerance' of such activities, Council will apply all aspects of this Framework throughout the organisation on a strategic and pro-active basis. Council will also ensure the ongoing and effective implementation of robust internal controls to manage the risk of fraud and corruption in all work areas across Council.

This Framework draws together all of the governance, policy and procedural elements to be applied throughout the organisation to manage the risk of fraud and corruption within and against Council, and details the responsibilities of Councillors, senior management and all staff members.

Council's adopted *Fraud & Corruption Control Policy* confirms Council's commitment to proactive and effective prevention, detection and investigation of fraud and corruption.

SUMMARY OF RECOMMENDATIONS

1. That the Fraud and Corruption Control Policy, shown in Annexure A be adopted.
2. That the Fraud and Corruption Control Framework, shown in Attachment A, be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

This Framework and Policy aligns with the Audit Office of NSW principals and key attributes. It assists Council to ensure compliance with the Independent Commission Against Corruption Act 1988 and the Public Interest Disclosures Act 1994 and forms a key component of Councils Governance Framework.

BACKGROUND

This Framework and Policy aligns with the Audit Office of NSW the ten fraud control attributes developed by the Audit Office of NSW as listed below:

1. Leadership
 2. Ethical Framework
 3. Responsibility Structures
 4. Fraud Control Policy
-

5. Prevention Systems
6. Fraud Awareness
7. Third Party Management Systems
8. Notification Systems
9. Detection Systems
10. Investigation Systems

DISCUSSION

This Framework and Policy forms a key component of Councils overarching Governance Framework

CONSULTATION

Relevant Managers and staff of MidCoast Council have been consulted on this Framework and Policy.

COMMUNITY IMPACTS

This Framework and Policy gives confidence to the community that Council will not tolerate any fraud, corruption, maladministration and has systems in place to prevent, detect and investigate incidents in line with the Audit Office of NSW attributes.

TIMEFRAME

Immediate effect

BUDGET IMPLICATIONS

Nil

RISK CONSIDERATION

This Framework and Policy will reduce the likelihood of fraud and corruption incidents and provide clear guidance on prevention, detection, and investigation methods in line with Councils risk management principals.

RECOMMENDATIONS

1. That the Fraud and Corruption Control Policy, as shown in Annexure A, be adopted.
2. That the Fraud and Corruption Control Framework, shown in Attachment A, be adopted.

ATTACHMENTS

A. Fraud and Corruption Control Framework

Due to its large size, 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.

ANNEXURES

A: Fraud and Corruption Control Policy

Name of Policy:	Fraud and Corruption Control Policy		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:	July 2017		
Review Timeframe:	2 Yearly		
Next Scheduled Review Date:	July 2019		
Related Legislation:	Local Government Act 1993 Independent Commission Against Corruption Act 1988		
Associated Policies/Documents:	MidCoast Council Code of Conduct MidCoast Council Gifts and Benefits Policy MidCoast Council Fraud and Corruption Control Framework MidCoast Council Internal Audit Framework and associated documents and systems MidCoast Council Public Interest Disclosures and Internal Reporting Policy MidCoast Council Governance Framework MidCoast Council Secondary Employment Policy		
Responsible Department:	Corporate & Business Systems		

Policy Objective

The objective of this policy is to reinforce Council's commitment to fraud and corruption control by providing guidance as to Council's actions and expectations in relation to fraud and corruption prevention, detection and investigation. It outlines the responsibilities of the various parties for dealing with the risks of fraud and corruption.

Policy Statement

Council is committed to fostering an environment that discourages fraud and corruption and that focuses on its prevention. Council believes that good governance and high ethical standards are the key ingredients of responsible, effective and accountable local government.

As such Council's Fraud and Corruption Control Policy forms a critical part of Council's overall Governance Framework.

This commitment is holistic in nature and is based upon:

- A commitment to the prevention, detection, investigation and prosecution of individual cases of fraud and corruption;
- Provision of a suitable environment for Councillors, staff members and third parties to report matters of a fraudulent and/or corrupt nature;
- Reinforcing an 'awareness culture' that fraud and corruption within Council will not be tolerated, by preventing fraud and corruption at its origin through the ongoing promotion of an ethical culture, implementation of effective reporting disclosure systems; enterprise risk management; and robust internal controls aimed at reducing the risk of fraud and corruption being committed within or against the organisation; and
- Respect of the civil rights of employees and citizens and a commitment to natural justice.

Coverage of the Policy

This Policy applies to all Council staff members; Councillors; volunteers; Section 355 Committees; key stakeholders such as suppliers, contractors and consultants; customers; members of the MidCoast community; and relevant third parties with regard to functions and operations undertaken for or on behalf of Council.

Strategic Plan Link

Direction 4 – Civic Leadership

Policy Content

Council is committed to good governance and ethical behaviour as a key ingredient of responsible, effective and accountable local government. Fraud and corruption control is a vital element of Council's governance framework and is the responsibility of Councillors, Senior Management and every employee.

It is recognised that Council has a responsibility to protect taxpayer funded resources and assets from fraud and corruption and to ensure that decisions and actions are free from any corruption. Fraudulent and corrupt conduct will therefore not be tolerated within or against the organisation and Council will take the appropriate disciplinary actions as deemed necessary.

Council has established a Fraud and Corruption Control Framework which is based upon the ten (10) fraud control attributes developed by the Audit Office of NSW in their publication "Fraud Control Improvement Kit: Managing Your Fraud Control Obligations" (2015). The attributes (as amended to include corruption) are:

1. **Leadership**
 - Senior Management Commitment
2. **Ethical Framework**
 - A suit of policies that establish a standard of behaviour
 - Strong Governance Framework
3. **Responsibility Structures**
 - Resources are allocated to appropriately manage fraud
 - Audit, Risk and Improvement Committee (ARIC)
 - Management and staff have clearly defined responsibilities and skill sets to manage fraud
4. **Fraud Control Policy**
5. **Prevention Systems**
 - Proactive and integrated fraud risk assessments
 - Planning, accountability, reporting
6. **Fraud Awareness**
 - Councillor and staff awareness/education
 - Community and third party awareness
7. **Third Party Management Systems**
 - Effective third party controls
 - Secondary Employment Policy
 - Procurement procedures
 - Statement of Business Ethics
8. **Notification Systems**
 - Culture that supports and encourages reporting
 - Public Interest Disclosures Policy
 - Reporting suspected fraud and corruption
 - Reporting under section 11 of the ICAC Act
9. **Detection Systems**
 - Audit, Risk and Improvement Committee (Risk based internal audit processes)
 - External Audit
10. **Investigation Systems**
 - Investigation Policy and Procedures
 - Disciplinary Procedures in place
 - Insurance (fidelity guarantee)

The General Manager is responsible for the implementation of Council's Fraud and Corruption Control Policy and Framework.

The specific responsibilities of the General Manager, Council staff, Councillors, Audit, Risk and Improvement Committee (ARIC), Internal Auditor, fraud and corruption prevention, detection and investigation are further detailed within the Fraud and Corruption Control Framework, Internal Audit Framework, and Enterprise Risk Management Framework.

Definitions

Fraud – Fraud can be defined as a deliberate and premeditated turn of events which involves the use of deception to gain advantage from a position of trust and authority. The type of events include: acts of omission, theft, the making of false statements, evasion, manipulation of information and numerous other acts of deception. (Audit Office of NSW)

Corruption – is defined in Section 8 and 9 of the Independent Commission Against Corruption Act 1988. **Corrupt Conduct** is:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Corrupt conduct can also include the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence, or
- A disciplinary offence, or
- Reasonable grounds for dismissal or dispensing or terminating the services of a public official.

References and Related Documents

- MidCoast Council Governance Framework
- MidCoast Council Fraud and Corruption Control Framework
- MidCoast Council Internal Audit Framework and associated documents and systems
- MidCoast Council Code of Conduct
- MidCoast Council Gifts and Benefits Policy
- MidCoast Council Public Interest Disclosures Policy
- MidCoast Council Secondary Employment Policy
- Audit Office of NSW Fraud Control Improvement Kit

Responsible Officer (Position)

Manager Governance in consultation with Manager Finance

Attachments

Nil

29 ADOPTION OF INVESTMENT POLICY

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments; Policy Register - General

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The report recommends the adoption of an Investment Policy for MidCoast Council and will replace the existing policies for the former Councils and MidCoast Water.

SUMMARY OF RECOMMENDATION

That the Investment Policy be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Council is required to adopt an investment policy in compliance with the Local Government Act 1993 - Investment Order. This is Order has been made by the Minister for Local Government in accordance with powers under section 625 (3) of the Act.

BACKGROUND

Section 625 of the Local Government Act 1993 permits a Council to invest money that is not, for the time being, required for any other purpose. This money may only be invested in a form of investment that has been notified in an Order by the Minister for Local Government.

The latest Minister's Order was issued on 12 January 2011 and is included as Annexure 2 in the draft Policy attached and sets out the allowable forms of investments. The key considerations within the Order are identified as follows:

1. An investment is not in a form of investment notified in this order unless it also complies with an investment policy of council adopted by a resolution of council.
 2. All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.
 3. The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of council must do so in accordance with the council's adopted investment policy.
 4. Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs or other persons.
-

5. When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees and duties payable) of making the proposed investment.

As advised in the monthly Investment Reports presented to Council since the amalgamation, investments have continued to be made under the existing policies of the former councils. There was considerable similarity between the 3 previous policies and a review of the MidCoast Water Investment Policy also reveals no significant differences. This reflects the generally conservative approach that local government has taken to investing activities since the Global Financial Crisis (GFC). That resulted in Council's suffering investment losses through exposure to derivative products.

The proposed policy reflects the requirements of the Minister's Order in limiting the forms of investments that Council can make.

The key considerations for Council when investing funds are to:

- Minimise the risk to capital;
- Ensure sufficient liquid funds are available to meet cash flow requirements; and
- Provide Council with the best possible return whilst preserving capital.

Council's risk appetite in relation to the investment of surplus funds is to be prudent, conservative and generally risk averse. To manage this risk it considers the Credit Rating of Financial Institutions, the Liquidity / Maturity of the proposed investment and the Diversity of Investments held within its portfolio.

Credit Ratings represent an assessment of a borrower's credit worthiness - or their ability to repay a debt. When Council is investing funds other institutions and entities are borrowing those funds and hence their credit rating becomes an important indicator for Council in assessing the likelihood of its funds being repaid on maturity.

Liquidity and maturity of investments also need to be considered. Council generally weights its portfolio to towards short term investments being those with a maturity date of 1 year or less. The policy proposes that a minimum of 60% of the portfolio will be maintained in short-term investments which allows for cash flow management. A maximum of 40% of the portfolio can be kept in long-term investments (great than 1 year) which allows for some matching of funds against expenditure timeframes eg. Section 94 contributions and the spreading of interest rate risk across the portfolio.

Council also diversifies where it invests, utilising a range of financial institutions. This diversity is also matched with the credit rating of the financial institutions to give an overall portfolio construction further spreading the risk.

Council has referred the draft policy to the NSW Treasury Corporation (T-Corp) for review. They have provided some feedback on aspects of the policy for consideration. This feedback has been considered and incorporated into the draft policy.

CONSULTATION

The draft policy was referred to T-Corp for consideration and review as an independent external adviser.

BUDGET IMPLICATIONS

Council's budget relies on income from the investment of surplus funds which are not required for the time being for other purposes. An appropriately balanced investment strategy provides the opportunity to maximise investment returns while ensuring the protection of capital.

RECOMMENDATION

That the Investment Policy be adopted.

ANNEXURES:

A: Investment Policy

MidCoast
Council

Name of Policy:	Investment Policy		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	Annually		
Next Scheduled Review Date:	July 2018		
Related Legislation:	Local Government Act 1993 Local Government General Regulations 2005 Trustee Act 1925		
Associated Policies/Documents:	Code of Conduct		
Responsible Department:	Finance		

Policy Objective

The objective of Council's investment policy is to ensure that funds which are surplus to Council's immediate requirements are invested within acceptable risk parameters to optimise interest income while ensuring the security of the funds invested.

Policy Statement

Coverage of the Policy

The policy applies to all managers and employees who actively manage Council's cash and investments.

Policy Content

The purpose of this Policy is to provide a framework for the management of Council's investment portfolio.

Council requires that all investment activities be exercised with the care, diligence and skill of a prudent person, and not for speculative purposes.

When investing Council funds consideration should be given to:

- minimising the risk to capital. Preservation of capital is the principal consideration of the investment policy and portfolio construction.
- ensuring that there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements and
- providing Council with the best possible return whilst preserving capital.

Legislation:

The Legislative Authority for Council Investments arises from:

- Local Government Act 1993 - Section 625; (Annexure 1)
- Local Government Act 1993 - Order (of the Minister) dated 31 July 2008; (Annexure 2)
- Trustee Act 1925 (as amended) – Sections 14A(2), 14C(1) & (2) (Annexure 3)
- Local Government (General) Regulation 2005 - Clause 212, (Annexure 4)
- Office of Local Government Circulars and Guidelines.
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards: AASB 7, AASB 132, AASB 136 & AASB 139

Delegation of Authority:

Authority to implement the Investment Policy has been delegated by Council to the General Manager.

The General Manager has in turn delegated the day to day management of Council's investments to various officers within Council's Corporate & Business System Division.

Details of individual delegations are contained within Council's Delegation Register.

All investments must be made in accordance with this policy.

A minimum of two staff with appropriate delegation must sign off on all investments and the investment check list (annexure 5) must be completed prior to investments being placed.

Prudent Person Standard

The investments will be managed with the care, diligence and skill that a prudent person would exercise (The Trustee Act 1925 see Annexure 3).

As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics & Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio.

This policy requires officers to disclose any conflict of interest to the General Manager.

Any Independent advisors used by Council are also to declare that they have no actual or perceived conflicts of interest.

Risk Management

All investments represent a trade-off between risk, liquidity and return. Council's risk appetite in relation to the investment of surplus funds is to be prudent, conservative and risk averse.

The risk profile will be achieved by the managing:

- the **Credit Rating** of Financial Institutions
- the **Liquidity/Maturity** of the Investment.
- the **Diversity** of the investments

Credit Rating

A credit rating is an assessment of a borrower's credit worthiness - or their ability to repay a debt or their likelihood of defaulting. Independent bodies called credit rating agencies, such as Standard & Poor's, assess borrowers to decide their credit rating.

These credit ratings are a guide to an organisation's ability to meet its obligations. Financial institutions are given two credit ratings, Long Term and Short Term.

Long Term Credit Ratings - Greater than 1 year

Standard & Poor's rates financial institutions on a scale from AAA to D. Intermediate ratings are offered at each level between AA and CCC (i.e., BBB+, BBB and BBB-).

- AAA : the best quality borrowers, reliable and stable (many of them governments)
- AA : quality borrowers, a bit higher risk than AAA
- A : economic situation can affect finance
- BBB- : medium class borrowers, which are satisfactory at the moment

The above classifications represent the scales used by Standard & Poor's however it is acceptable to use the equivalent scale used by either Fitch or Moody's rating agencies.

Investments in a Financial Institution with a Standard & Poor's credit rating of BBB- or higher are deemed as investment grade.

Financial Institution with a credit rating of less than BBB- (or equivalent other agency scale) are not to be considered by Council.

If a financial institution has its rating downgraded below BBB- (or equivalent other agency scale) prior to the maturity of a term deposit or floating rate note (FRN) the product maybe kept until maturity but no further investments will be made with that financial institution.

Short Term Credit Ratings - Less than 1 year

Standard & Poor's rates financial institutions on a scale from A-1 to D.

- A-1 : the institutions capacity to meet its financial commitment is strong.
- A-2 : is susceptible to adverse economic conditions however the financial institution's capacity to meet its financial commitment is satisfactory.

Financial Institutions with Short Term Credit Ratings less than A-2 (or equivalent other agency scale) are not to be considered by Council.

The above classifications represent the scales used by Standard & Poor's however it is acceptable to use the equivalent scale used by either Fitch or Moody's rating agencies.

Non Rated

Some Financial institutions such as Credit Unions are not rated by rating agencies but are approved Authorised Deposit-Taking Institutions (ADI) and are regulated by the Australian Prudential Regulation Authority (APRA).

Whilst the Minister's Investment Order permits Council to invest funds with any approved ADI, Council will only invest in Non Rated Institutions with an asset base of more than \$750 million dollars or those considered locally significant.

Liquidity & Maturity

Council shall at all times maintain sufficient funds in on call accounts and short term investments to meet anticipated liabilities.

Whilst Council's Investment Portfolio will contain a range of investments with varying maturity horizons the portfolio will be weighted towards short term investments.

Investment Maturity	% Of Portfolio	Estimated \$
Short Term - 1 year or Less	60% to100%	Estimated at \$90 million minimum
Long Term - Greater than 1 year	0% to 40%	Estimated at \$60 million maximum

When evaluating investments with a maturity of greater than 1 year, consideration should be given to current market conditions, future liquidity requirements and credit ratings.

Investments with a maturity of greater than 1 year will generally be either term deposits, floating term deposits, floating rate notes or placed in TCorp's hour glass facility.

Whilst term deposits offer greater security, floating rate notes and investments in the TCorp hour glass facility offer more liquidity through a secondary market.

Investments in any of these securities are acceptable however any investment with a maturity of greater than 3 years must have approval of the Manager Finance.

Council will, where considered necessary seek professional assistance and guidance from an ASIC accredited dealer/advisor.

The portfolio will be reviewed on a regular basis to ensure that sufficient liquidity exists.

Diversity

Counterparty/Financial Institutions

One of the main criteria for developing a sound investment strategy is to create a high level of diversity within the portfolio.

This diversity is in relation to both the type of investment and also the Counterparty or Financial Institutions invested in.

The following tables shows the maximum/minimum percentage of Council's investment portfolio to be held with within each credit rating also with any one single institution/counterparty based on an estimated portfolio of \$150 million dollars.

Portfolio Construction

The table below shows the minimum and maximum %

Credit Rating	Minimum Overall % of Portfolio	Maximum Overall % of Portfolio	Estimated \$
AA/A-1	20%	80%	\$30 to \$120 Million
A/A-1 & A/A-2	15%	80%	\$22.5 to \$120 million
BBB-/A-2	0%	65%	\$0 to 97.5 Million
Unrated	0%	4%	\$0 to \$6 million

Whilst there are no restrictions in regard to the breakup between long and short term investments for AA and A rated financial institutions the overall amount of the portfolio to be held in long term investments is not to exceed 20% (\$30 million Estimate) for ADI's not rated or with a credit rating of BBB+ or less.

Individual Institutions/Counterparty Limits

Credit Rating	Individual % of Portfolio	Estimated \$ Limit
AA/A-1	20%	\$30 Million
A/A-1 & A/A-2	13%	\$20 Million
BBB-/A-2	7%	\$10 Million
Unrated	1.3%	\$2 Million

Whilst Council will permit investment in unrated financial institutions the total amount invested in such ADIs is not to exceed 4% of the portfolio.

If a counterparty limit is exceeded due to a future reduction in the size of the portfolio the investments may be retained until maturity.

Authorised Investments

All investments must be denominated in Australian Dollars.

Council may invest in any investment included in the Minister for Local Government's Investment Order, dated 12 January 2011 (copy Annexure 2) as follows:

- interest bearing deposits (Term Deposit, Cash Accounts) with an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth));
- any public funds or securities issued or guaranteed by the Commonwealth, or any State or Territory of the Commonwealth;
- any debentures or securities issued by a council within the meaning of the Local Government Act 1993 (NSW);
- any debentures or bonds (floating rate notes) issued by an authorised deposit taking institution (as defined in the Banking Act 1959 (Cwth), but excluding subordinated debt obligations;
- any bill of exchange which has a maturity date of not more than 200 days and if purchases for value, confers on the holder in due course, a right or recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- a deposit with the New South Wales Treasury Corporation in investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Prohibited Investments

This investment policy strictly prohibits the purchase of following types of investments:

- Derivative based instruments such as CDO's & CPPI securities.
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) as an investment strategy. Council will however invest approved loan funding, that it has drawn-down in anticipation of its expenditure, for periods to match the cashflow requirements of the relevant capital programs.

Any of the above investments acquired under a previous investment order may be kept until maturity in accordance with the grandfathering clause of the current investment order or sold prior to maturity if to Council's advantage.

Any investment acquired under a investment policy of one of the previously merged authorities may be kept until maturity or sold prior to maturity if to Council's advantage.

Benchmarking

Each investment in the portfolio is to be evaluated and monitored against a performance benchmark appropriate to the risk and time horizon for the investment concerned.

The objective is to ensure that the investment considered can deliver a return commensurate with the level of risk and other alternative investment options.

The table shows the Investment Horizon (time to maturity at point of acquisition) and the expected minimum return and the type of investments deemed suitable for the investment horizon.

Investment Horizon	Expected Minimum Return	Typical Investment
On Call	Cash Rate	On Call Accounts/TCorp Cash Account (Hour Glass)
0-3 Months	BBSW +40-50 bps	Term Deposits, TCorp Cash Account (Hour Glass)
3-6 Months	BBSW +50-70 bps	Term Deposits, TCorp Cash Account (Hour Glass)
6-12 Months	BBSW +70-90 bps	Term Deposits, TCorp Cash Account & Hour Glass
1-2 Years	BBSW +90-100 bps	Term Deposits, FRNs, FTDs, TCorp Hour Glass
Greater	BBSW + 100 bps	Term Deposits, FRNs, FTDs TCorp Hour Glass

The Bank Bill Swap Rate (BBSW) represents an independent interest rate for the pricing and revaluation of Australian Dollar securities.

The BBSW to be used for benchmarking purposes is the Average Rate supplied by a AA rated Financial Institution for 90 days.

The term basis point (bps) in financial terms refers to the smallest increment in interest rate movement. Each basis point represents one hundredth of one percent.

The benchmarking of the bps increase over the BBSW is based on the difference between current (July 2017) term deposit rates offered by a AA rated ADI and the BBSW.

Therefore if the 90 day BBSW is 1.72% then an acceptable return to Council for a 180 day investment (benchmark BBSW +50 - 70bps) would be in the range of 2.22% to 2.42%.

There are in excess of 100 approved ADI's within Australia and to ensure that Council obtains the optimum return on its investments the use of brokers such as FIIG, RIMsec, Curve, CPG or Farquharson to obtain current interest rates on term deposits and to facilitate their purchase is permitted.

Valuation of Investments

Whilst investments are mainly acquired with the intention to hold them to maturity, floating rate notes do have a secondary market and can be sold prior to maturity.

Fluctuations in the capital value of floating rate notes are excluded from the monthly report but will be obtained and included in each quarterly report.

In the event that Council does sell any of its investments the capital loss or gain will be included in the next report to Council and reflected in the financial accounts.

Audit - Reporting

Documentary evidence must be held for each investment and details thereof maintained in an investment register. All investments must be in Council's name and documentary evidence of such must be obtained and held within the register.

For audit purposes certificates must be obtained from the relevant institutions confirming the amounts held as at the 30th June each year.

All investments are to be appropriately recorded within Council's financial records and reconciled on a monthly basis.

Clause 212 of the Local Government (General) Regulation (copy Annexure 4) requires the Responsible Accounting Officer to submit a report to each of Ordinary Meeting of Council.

In addition to the requirements of Clause 212 the report is to include:

- Details of each investment
- Counterparty holdings
- Dissection based on maturity horizon
- Comparison of returns to benchmarks
- Change in market value of investments (Quarterly)

Definitions

<i>ADI</i>	Authorised Deposit-taking Institution - an institution that is authorised under the Banking Act 1959 to accept term deposits and conduct banking activities in accordance with the act. ADI's are under the prudential supervision of the Australian Prudential Regulation Authority (APRA)
<i>BBSW</i>	refers to the Bank Bill Swap Rate. Basically refers to the rate at which banks lend to each other via bank bills. It is used for determining the interest rate applicable to floating rate notes, floating term deposits.
<i>bps</i>	smallest increment in interest rate movement. Represents one 100 th of one percent.
<i>Cash</i>	refers to council's daily bank account.
<i>FRN</i>	Floating rate Note which is classified as a bond.
<i>Investment</i>	refers to term deposit, floating rate notes, TCorp cash & hour glass facilities and on call accounts.

References and Related Documents

The Office of Local Government Investment Guidelines and the various attachments set out below.

Responsible Officer (Position)

Manager Finance

Attachments

- Local Government Act 1993 - Section 625; (Annexure 1)
- Local Government Act 1993 - Order (of the Minister) dated 31 July 2008; (Annexure 2)
- Trustee Act 1925 (as amended) – Sections 14A(2), 14C(1) & (2) (Annexure 3)
- Local Government (General) Regulation 2005 Clause 212, (Annexure 4)
- Office of Local Government Circulars and Guidelines.
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards: AASB 7, AASB 132, AASB 136 & AASB 139
- Investment Checklist (Annexure 5)

Annexure 1

Local Government Act 1993 No 30

Chapter 15 Part 13 Section 625

625 How may councils invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.

Editorial note.

See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977; No 97 of 15.8.2008, p 7638 and No 160 of 24.12.2008, p 13140.

- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.

- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Annexure 2

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 2nd day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

Annexure 3

Trustee Act 1925 No 14

Part 2 Division 2 Section 14A

14A Duties of trustee in respect of power of investment

(2) A trustee must, in exercising a power of investment:

(a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or

(b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

Note.

Some Acts deem investments under the Acts to be investments that satisfy the prudent person test. See, for example, section 39 of the Public Authorities (Financial Arrangements) Act 1987.

14C Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
- (k) the aggregate value of the trust estate,
- (l) the effect of the proposed investment in relation to the tax liability of the trust,
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
- (o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
- (b) pay out of trust funds the reasonable costs of obtaining the advice.

Annexure 4

Local Government (General) Regulation 2005

Part 9 Division 5 Clause 212

212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.

Note.

Section 625 of the Act specifies the way in which a council may invest its surplus funds.

Mid-Coast Council
Investment Check List

Currently Held With
Quotes

Date/...../.....

Organisation	30 days	60 Days	90 Days	120Days	150 Days	180 Days	Other

Quote Accepted	Rate	Term

Check List		Acceptable
Credit Rating		
Counterparty Limit		
Liquidity Checked		

Authorised Officer _____

Authorised Officer _____

30 ADOPTION OF RELATED PARTY DISCLOSURES POLICY

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Policy Register General

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report recommends the adoption of a Related Party Disclosures Policy. The policy sets out how Council will comply with the requirements set out in Australian Accounting Standard AASB 124 - Related Party Disclosures. This Accounting Standard introduced from 1 July 2016 required Council to include information within its Financial Statements regarding transactions with parties related to Council or of the Key Management Personnel of Council.

SUMMARY OF RECOMMENDATION

That the Related Party Disclosures Policy be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

The adoption of this policy will require processes to be introduced to identify and capture transactions and information between Council and related parties.

LEGAL IMPLICATIONS

Council is required to comply with Australian Accounting Standards.

BACKGROUND

The scope of Australian Accounting Standard AASB 1024 - Related Party Disclosures was extended to cover not-for-profit public sector entities from 1 July 2016. This requires local government authorities (and others) to disclose related party relationships, transactions and outstanding balances, including commitments, within its audited financial statements.

This requirement does not apply to Mid-Coast Council for the financial period ending on 30 June 2017 due to the extended financial reporting period that applies to Council for 2016-2017. It does however apply to the former MidCoast Water.

The disclosure requirements have been introduced to:

1. Draw attention to the possibility that Council's financial position and financial performance may have been effected by related party transactions; and
2. To enable users of financial statements to form a view about the effects of related party relationships on Council's financial position, income statement and cash flows.

The objective of the expansion of the scope of the standard is to enhance the transparency of Council's dealings with related parties.

The Standard also introduces a requirement for Key Management Personnel (KMP) to disclose relationships with close family members where it may be expected that they may influence or be influenced by those people. Disclosures are also required around the personal remuneration of KMP.

The standard and policy define KMP as being persons having the authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of Council. The Administrator, Mayor, Councillors, General Manager and Directors have been identified as being the KMP of Council.

It should be noted that this Policy does not cover or substitute for the responsibilities of elected representatives or staff to disclose pecuniary and non-pecuniary conflicts of interest. The purpose of the AASB 124 disclosures is to disclose transactions between Council and related parties of the Council to inform users of financial statements.

The draft policy is attached. The draft annexures to the policy are presently being reviewed to take into account feedback from MidCoast Water staff who have already had to complete these forms. The annexures will be attached to the adopted policy once finalised.

TIMEFRAME

Disclosures will be required from 1 July 2017 for existing KMP and will apply to the new Council once elected in September 2017.

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

That the Related Party Disclosures Policy be adopted.

ANNEXURES:

A: Related Party Disclosures Policy

POLICY

Name of Policy:	Related Party Disclosures		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	4 Years		
Next Scheduled Review Date:	September 2020		
Related Legislation:	Local Government Act 1993		
Associated Policies/Documents:	Australian Accounting Standard AASB 1024		
Responsible Department:	Corporate & Business Systems		

Policy Objective

The objective of this policy is to define parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with Australian Accounting Standard AASB 124 – Related Party Disclosures.

AASB 124 contains disclosure requirements

1. to draw attention to the possibility that financial position and financial performance may have been effected by related party transactions
2. to enable users of financial statements to form a view about the effects of related party relationships on an entity's financial position, income statement and cash flows.

This will enhance transparency in dealing with related parties and ensure Key Management Personnel (KMP) are aware of their responsibilities.

Policy Statement

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year:

- a) Its relationship with any related parties or subsidiaries (where applicable), whether or not there have been any transactions within the relevant financial year
- b) Details for each of the categories of Key Management Personnel (KMP) compensation in total

This policy shall be applied in:

- a) Identifying related party relationships, related party transactions and ordinary citizen transactions
- b) Identifying information about the related party transactions required to be captured, recorded and assessed
- c) Identifying the circumstances in which disclosure of items in a) and b) is required, and
- d) Determining the disclosures to be made about those items.

This policy applies to appointed Administrators, elected members of Council, to all employees, consultants and contractors engaged by Council.

Coverage of the Policy

This policy relates to Key Management Personnel (KMP) of Council. Key Management Personnel include the Administrator, Mayor, Councillors, General Manager and Directors of the Council and extends to their close family members and entities related to Council such as subsidiaries, or joint ventures and associates and entities controlled or jointly controlled by KMP or their close family members.

The Corporate & Business Systems Division of Council is responsible for maintaining related party information and preparing disclosure requirements in order to comply with AASB 124.

Policy Content

Why are Related Party Relationships Important?

Related party relationships are a normal feature of commerce and business. A related party relationship could have an effect on the operational result and financial position of Council. Related parties potentially could enter into transactions that unrelated parties would not.

The operational result and the financial position of Council could also be affected by a related party relationship even if a related party transaction did not occur. The mere existence of a relationship may be sufficient to impact or affect the transactions of the entity with other parties.

For these reasons, knowledge of the Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessment of Council's operations by users of the Financial Statements, including the assessments of the risks and opportunities for Council.

Identification of Key Management Personnel (KMP)

Council has identified the following positions as Key Management Personnel in accordance with the definition as per AASB 124:

- The Administrator(s)
- The Mayor
- Councillors
- General Manager
- Directors

Identification of Related Parties

Related Parties of Council include:

- Entities related to Council
- KMP of Council
- Close family members of KMP
- Possible close family members of KMP
- Entities or persons that are controlled or jointly controlled by KMP, or their close family members or their possible close family members

Also a person or entity is a related party of Council if any of the following apply:

- They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- They are an associate or belong to a joint venture of which Council is a part
- They and Council are joint ventures of the same third party
- They are part of a joint venture of a third party and council is an associate of the third party
- They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council
- They are controlled or jointly controlled by close members of the family of a person
- They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council
- They or any member of a group of which are a part, provide KMP services to Council

Required Disclosures & Reporting

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- a) Key Management Personnel Compensation disclosures (as per below).
- b) Related Party disclosures – Council must disclose a relationship with any related parties whether or not there have been any transactions within the relevant reporting period and report on transactions with related parties (taking into account materiality of individual or aggregate transactions and ordinary citizen transactions – as per below).

a) Key Management Personnel compensation is required to be reported in total for each of the following categories:

- Short-term employee benefits (e.g. salaries, wages, allowances)
- Post-employment benefits (e.g. superannuation entitlements, pensions, other retirement benefits)
- Other long-term benefits (e.g. long service leave, deferred compensation)
- Termination benefits (voluntary severance)

Should Council outsource KMP compensation to a management entity, this compensation will be reported in aggregate as amounts incurred for the provision of KMP services by the management entity and not split by category as above for KMP.

Council will extract details of Key Management Personnel compensation from its business systems.

b) Related Party Disclosures

AASB 124 requires Council to disclose full details of any **Related Parties and Related Party Transactions** which are determined to be material regardless of whether a price is charged.

Such transactions may include:

- Purchase or sale of goods (finished or unfinished)
- Purchase or sale of property and other assets
- Providing or receiving services
- Leases
- Transfers of research and development
- Transfers under licence agreements
- Transfers under finance arrangements (including loans, equities contributions in cash or in kind)
- Provision of guarantees or collateral
- Commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- Quotations and/or tenders
- Commitments
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party

Related Party Transactions must be disclosed where **material** and **significant**. They are to be reported by aggregate OR general description and include the following detail:

- The nature of the related party relationship
- Relevant information about the transactions including:
 - The amount of the transaction
 - The amount of outstanding balances including commitments
 - Their terms and conditions, including whether they are secured and the nature of the considerations to be provided in the settlement
 - The details of any guarantee given or received
 - Provision for doubtful debts related to the amount of the outstanding balances
 - The expense recognised during the period in respect of the bad or doubtful debts due from related parties

Disclosures made as per above shall be made separately for each of the following categories:

- Subsidiaries of Council
- Associates of Council
- Joint ventures in which council is a joint venturer
- Key Management Personnel
- Other related parties

Items of a similar nature shall be disclosed in aggregate except where separate disclosure is necessary for an understanding of the effects of related party transactions on Council's financial statements.

Transactions involving Related Parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions and whether disclosure is required in aggregate, individual or by general description.

Transactions not considered material (in aggregate or individually) shall not be disclosed. Assessment of materiality will be undertaken by Council's Responsible Accounting Officer and external auditors.

Exclusions for disclosure requirements include:

- those Ordinary Citizen Transactions (OTC) that have been assessed as immaterial and not significant;
- Councillor expenses incurred and facilities provided during the year under Council's Payment of Expenses and Provision of Facilities to Councillors Policy as these are reported in Council's Annual Report.

Transactions with amounts receivable from or payable to KMP or their related parties will be disclosed by general description in the financial statements providing these transactions occur:

- within a normal employee, customer or supplier relationship and
- are at arms-length and
- are not material or significant

Disclosures that related party transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

At the end of each financial year, each KMP will be required to complete a Certification by Key Management Personnel Form (Attachment B) and where applicable, complete a Related Party Transactions Form (Attachment C). These forms in conjunction with a review of council's business systems including and not limited to review of contracts registers, payables & receivables ledgers, development applications, council reports and other council data will assist in compliance with disclosure requirements of AASB 124.

Review of KMP's and Related Parties

Council's Responsible Accounting Officer will implement a reliable system to identify and review related parties and provide a Related Party Disclosure Form (Attachment A) at time of election, appointment or at least 30 days before a specified review date.

The method for identifying the close family members and associated entities of KMP will be by self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

Systematic reviews to be completed 31 December and 30 June annually. Reviews will be also be undertaken when any of the following occur:

- Change of Administrator, Councillors, Mayor, General Manager or any other KMP
- Corporate restructure
- Extended periods of leave (greater than 12 weeks) by KMP
- Amendments to relevant legislation or documentation
- Other circumstances as determined from time to time by a resolution of Council

Effective Date & Review

The effective date is 1 July 2017. This policy will be reviewed when any of the following occur:

- a) Changes to relevant legislation or other supporting documents/policies
- b) Other circumstances as determined from time to time by a resolution of Council
- c) Periodic Review – within 12 month from the date of an ordinary Council election

Training and Communication

This policy will be incorporated into councillor induction training. Initial training will be provided to all KMP and regularly communicated to KMP at six monthly reviews (December and June). Internal training on supporting this policy shall be scheduled as required.

Register of Related Party Transactions

The Responsible Accounting Officer will set up and review processes and systems to maintain and update a register of Related Party Transactions that captures and records information required for disclosure purposes for each existing or potential related party transaction (including OTC assessed as being material in nature) during the financial year.

This register will be referred to the external auditors as part of the compliance for disclosure requirements within Council's Annual Financial Statements.

Privacy

Information provided by KMP and other related parties shall be held of the purpose of compliance with Council's legal obligations and shall be disclosed where required for compliance or legal reasons only.

Definitions

AASB 124 - means Australian Accounting Standards Board, Related Party Disclosure Standard.

Act - means the Local Government Act 1993.

Arms-length transactions – are between two related parties that are conducted as if they were unrelated so that there is no question of conflict of interest.

Associate – an entity over which the first entity has significant influence.

Close family members of a person are – those family members who may be expected to influence, or be influenced by, that person in their dealings with Council, and includes (but not limited to) spouse/partner, children, and dependents as well as children and dependents of spouse/partner.

Other family members that could influence or be influenced by that person such as grandparents, parents, or other family members should also be included (refer to possible close family members below).

Family members that are *estranged* are not considered as close family members.

Control – is present where this is power over an entity, exposure or rights to variable returns from involvement with that entity and the ability exists to use this power to affect the amount of the returns received OR is the power to govern the financial and operating policies of any entity so as to obtain benefits from its activities.

Council – MidCoast Council.

Entity – can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations such as sporting clubs.

Joint Control – the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Joint Venture – an arrangement of which two or more parties have joint control and have right to the net assets of the arrangement.

Key management personnel (KMP) – persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of Council. For MidCoast Council's purposes KMP include the Administrator, Mayor, Councillors, General Manager and Directors.

Persons acting in a KMP position will not be considered a KMP unless they meet the definition requirements or are acting for a period of more than twelve consecutive weeks.

Disclosure requirements will only relate to the transactions occurring during the period a person meets the definition of a KMP.

KMP compensation – includes all forms of consideration paid, payable or provided in exchange for services provided, and may include:

- short term employment benefits such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care;
- other long-term employee benefits, including long service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- termination benefits.

Materiality – information is material to the financial statements if omitting it or misstating it could influence the decisions that users make on the basis of the financial information. For the purposes of this policy it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Normal terms and conditions – the standard rules governing transactions between Council and all external bodies and can be governed by policies, legislation or accepted business practice.

Ordinary citizen transactions (OTC) – transactions that an ordinary citizen would undertake with Council, which is undertaken at arm's length terms under normal terms and conditions and in the ordinary course of carrying out Council's functions and activities. This includes but is not limited to payment of rates and utility charges, user fees charged under adopted fees and charges for use of council services or facilities or based on terms and conditions applied to the general public and by their nature or amount are not material.

Possible close family members – are those family members who could be expected to influence, or be influenced by, that person in their dealings with Council and include brothers, sisters, aunts, uncles, cousins, parents, grandparents of either the person or their spouse or partner. Any uncertainty should be referred to the Responsible Accounting Officer for clarification.

Related parties - entities and persons related to Council.

Related entities - entities controlled or jointly controlled by Council, entities over which Council has significant influence and any entities that are controlled or jointly controlled by KMP or their close family members.

Related persons - Council's key management personnel (KMP) and close family members of KMP.

Related party transactions – a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

Examples include purchases or sales of goods, property or other assets, rendering or receiving goods or services, development applications, leases, commitments to do something and settlement of liabilities on behalf of Council, or by Council on behalf of a related party.

Related party disclosures – a document titled "Related Party Disclosure Form" to be completed by Key Management Personnel (refer attachment A) to identify related parties for whom disclosure of relevant transactions may be required under AASB 124.

Significant influence – is the power to participate in the financial and operating policy decisions of an entity, but is not control over these policies. Significant influence may be gained by share ownership, statute or agreement.

Significant transactions – assessment of significance in relation to transactions will consider both collectively and individually:

- Significance in terms of size
- Was the transaction carried out in non-market terms
- Was the transaction outside of normal day-to-day council operations
- Was council approval given
- Did it provide a financial benefit not available to the general public

Was the transaction likely to influence decisions of the users of the Annual Financial Statements.

References and Related Documents

Australian Accounting Standard - AASB 124 Related Party Disclosures

Local Government (General) Regulation 2005

Local Government Act 1993

Local Government Code of Accounting Practice & Financial Reporting

Responsible Officer (Position)

Manager Finance

Attachments

Attachment A - Related Party Disclosure Form

Attachment B - Certification by Key Management Personnel

Attachment C - Related Party Transactions as identified by Key Management Personnel

ACTING DIRECTOR WATER SERVICES

31 MIDCOAST WATERS EXECUTIVE MONTHLY PERFORMANCE REPORT

Report Author Darryl Hancock, Executive Manager Corporate Services

File No. / ECM Index B538064

Date of Meeting 26 July 2017

SUMMARY OF REPORT

MidCoast Water's financial position as at 30 June 2017 shows an operating deficit of \$2.0m. MidCoast Water's capital expenditure for the 2016-17 financial year was \$8.4m.

As at 30 June 2017, outstanding water and sewerage charges were in the vicinity of \$3.0m, with \$2.2m in arrears of greater than 90 days. A total of 5,105 customers are currently in arrears, with 3,809 in arrears for more than 90 days.

MidCoast Water's environmental performance continues to show excellent compliance. All drinking water testing results from samples collected in the reticulation system during the month of June were within Australian Drinking Water Guidelines.

There were no lost time injuries in June; our 2016/17 Lost Time Injury Frequency Rate is 12.9.

SUMMARY OF RECOMMENDATION

MidCoast Water's Executive Monthly Performance Report for June 2017 be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

This financial result shows a significant reduction in operating costs, consistent with reduction of employees over the last 9 months with levels of staff at unsustainable levels.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The attached reporting framework was implemented in June 2016; it provides a monthly snapshot of critical business metrics such as financial position, risk and compliance, information management, WH&S and customer service.

DISCUSSION

MidCoast Water's end of financial year position resulted in a positive position against the revised budget and improved by around \$8.1M against the FY16 actual result. This is primarily due to increased water usage over the financial year and lower staff numbers. MidCoast Water's actual capital expenditure for FY17 was \$8.4m, compared against the revised budget allocation of \$10.4m. A lower than expected capital expenditure within corporate services is the result of a reduction of upgrading fleet. A reduced expenditure within service delivery was on minor works.

As at 30 June 2017, outstanding water and sewerage charges were in the vicinity of \$3.0m, with \$2.2m in arrears of greater than 90 days. A total of 5,105 customers are currently in arrears, with 3,809 in arrears for more than 90 days. We are continuing to work with our customers to establish payment plans to manage the outstanding debt.

CONSULTATION

Nil.

COMMUNITY IMPACTS

Nil.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

MidCoast Water Strategic Business Plan.
Objective 3.4: Ensure responsible financial management.

TIMEFRAME

June 2017.

BUDGET IMPLICATIONS

MidCoast Water's budget performance is better than projected.

RISK CONSIDERATION

MidCoast Water WHS results indicate that ongoing vigilance and ongoing improvement of its WHS systems is essential to reducing workplace injuries.

RECOMMENDATION

MidCoast Water's Executive Monthly Performance Report for June 2017 be received and noted.

ATTACHMENTS

A: MidCoast Water's Executive Monthly Performance Report.

Due to its large size, 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.

32 INFRASTRUCTURE PROJECT STATUS REPORTS

Report Author Daniel Brauer, Group Manager Planning & Development

File No. / ECM Index B537527

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This monthly report provides the status of major infrastructure projects and highlights potential issues with schedule, cost or impacts on delivery. Recommendations to change project budget or schedule are identified against individual projects or programs.

SUMMARY OF RECOMMENDATION

That the infrastructure project status reports be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

The recommendations will not result in additional expenditure or resource allocation.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The attachment to this report contains individual status reports and a covering index.

DISCUSSION

A brief synopsis of the project status reports for the period ending 30 June 2017 is as follows:

- Sewer gravity mains renewals program – Inspection of the Tea Gardens sewer network is soon to commence in order to inform the final program for the 2017/18 financial year.
 - Hallidays Point Sewerage Pump Station (SPS) HP13 – the engineering design package has been completed. The project is recommended to be placed on hold with implementation subject to confirmation of the capital works budget for the 2018/19 financial year.
 - Pacific Palms STP Stage 1 – The operational philosophy and concept report have been reviewed. The project is recommended to progress to the design phase.
 - Gloucester WTP upgrades – delivery of remaining scope of chemical dosing, electrical work and process controls is continuing with the remaining scope of works subject to definition with internal stakeholders.
 - Nabic Water Supply Scheme – Construction of the Nabic Water Treatment Plant has continued with the installation of strip footings and electrical pits and conduits. The low voltage electrical design for the Darawank Water Pump Station has been complete and contracts for the SCADA/PLC and commissioning contracts have been awarded.
-

- Water mains renewals program – The works associated with the Harrington Road realignment have continued along with other renewals in Taree, Forster, Tea Gardens and Bulahdelah.
- Manning Street Water main renewal – This project has been completed with the associated gateway report attached for reference.
- Bootawa Dam Safety Works 2017 – The selected contractor is due to submit documentation in advance of a commencement on site and completion of the works by September 2017. This project is recommended to progress to the implementation phase.
- GIS Replacement - This project has been completed with the associated gateway report attached for reference.

CONSULTATION

The management and coordination of all aspects of infrastructure projects are undertaken in consultation with a range of internal and external stakeholders.

The internal stakeholders which have contributed to the preparation of this monthly report include the Planning & Development Group, Capital Works Group and GIS Section.

COMMUNITY IMPACTS

Community impacts are considered and management in accordance with communication plans tailored to individual infrastructure projects.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

These activities align with the following objectives of MidCoast Water's Operational Plan:

- 1.1.3 Deliver our asset management strategy
- 3.1.5 Monitor and report on our progress towards our strategic goals

TIMEFRAME

The timeframes associated with each infrastructure project are outlined in Attachment A.

BUDGET IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

RISK CONSIDERATION

The risks associated with each infrastructure project are identified and managed within individual management plans in accordance with MidCoast Water's corporate risk management framework.

RECOMMENDATION

1. That the project 'Hallidays Point HP-SPS-13 and HP-SRM-13' be placed on hold and status reporting cease from July 2017.
 2. That the Ready to Design Gateway report for the project 'Pacific Palms STP Stage 1' be endorsed and the project proceed to the design phase.
 3. That the Project Completion Gateway report for the project 'Water Main Renewal – Manning Street, Taree – Albert to Victoria Street' be endorsed and status reporting cease from July 2017.
 4. That the Ready to Implement Gateway report for the project 'Bootawa Dam Safety Works 2017 - Geotechnical review, monitoring equipment and flood capacity assessment' be endorsed and the baseline milestones be adjusted to reflect the planned milestones.
 5. That the Project Completion Gateway report for the project 'GIS Replacement' be endorsed and status reporting cease from July 2017.
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ATTACHMENTS

A. Project Status Reports

Due to its large size, Attachment A has been circulated in hard copy to the Administrator & 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.

ANNEXURES

A. Pacific Palms STP Stage 1



“Ready to Design” Gateway Report - Project Health Check

Project Name: Pacific Palms STP – Stage 1	Phase/Gateway: Ready to Design
Health Check Number: 3	Date: 12 July 2017
Attending: Daniel Brauer, Mal Flew, Matthew Koller	

Overview of the Health Check

The purpose of this Health Check is to examine the current status of the project management deliverables of the project in preparation to proceed through the appropriate project gateway; it is not to review or make comment on the work completed as part of the project delivery. The required deliverables have been determined using the Major Capital Works Project Deliverable Work Breakdown Structure (WBS) in line with the Gateway reporting process.

The gateway process has been designed to assess that project deliverables are suitably being met within the appropriate phase. A deliverable does not need to be complete but instead must demonstrate that sufficient preparations have been made for “healthy” completion and operation within the necessary phase as per the WBS.

This is the third health check performed on the project with the intent of assessing satisfactory health to enable progression through the following gateways:

- Concept

The focus of this health check is on the status of the project management elements/documentation to ascertain the projects readiness to move into the design phase.

The health check was performed by Daniel Brauer, Mal Flew and Matthew Koller. Actions arising from the health check will involve the wider project team.

Summarised Findings

The table below documents the findings of this Health Check.

“Ready to Design” Gateway Report - Project Health Check

Phase	Deliverable (version)	Status/Comments	% Complete	Action	Person Assigned
Concept	Project Management Plan (PMP)	The PMP has been reviewed and updated to reflect the current phase of the project and is in a suitable state to govern the design phase.	100%	Continue review through implementation and finalisation of the project.	MF
Concept	Statutory Approvals Plan	Stage 3 approval under Section 60 of the Local Government Act, 1993 has been issued by Dept. Primary Industries Water.	100%	An assessment of the statutory approvals plan will occur concurrently with the development of the detailed design. This will also entail progression of the Section 60 approval.	MF
Concept	Risk Management Plan	Risk Management Plan is embedded in PMP and is up to date.	100%	Review risk management plan as part of the PMP throughout the remainder of the project.	MF
Concept	Concept Design Report	The concept design report has been prepared and endorsed by internal stakeholders.	100%	No further action	N/A
Concept	Operational Philosophy	The operational philosophy has been prepared and endorsed by internal stakeholders.	100%	The operational philosophy will be subject to further development through the design and implementation phases.	N/A




"Ready to Design" Gateway Report - Project Health Check

An assessment of project budget, resources and schedule follows:

Project Cost/Budget  The project has an approved baseline budget of \$3,000,000 including contingency. This is deemed to be sufficient to complete the project.

Project Resource  The design phase will be delivered by a combination of internal and external resources.

Project Schedule  The design phase is due to conclude by 31 October 2017. Implementation of the project is subject to a review of the capital works program for the 2018/19 financial year.

Summary of findings and recommendation for presentation:

The project team recommends that the health of the program is of a satisfactory level to enable the program to proceed through the gateways:

- Concept

B. Water Main Renewal Gateway Report



“Project Completion” Gateway Report - Project Health Check

Project Name: Water Main Renewal - Manning St Taree - Albert to Victoria Street - Northern Side	Phase/Gateway: Project Completion
Health Check Number: 3	Date: 13 July 2017 2017
Attending: Mitch Wilson, Mitch Stace, Linda Davis and Graeme Wynter	

Overview of the Health Check

The purpose of this Health Check is to summarise the outcomes of the project management deliverables within the finalisation phase supporting the completion of the project. The required deliverables have been determined using the Major Capital Works Project Deliverable Work Breakdown Structure (WBS) in line with the Gateway reporting process.

The gateway process has been designed to assess that project deliverables are suitably being met within the appropriate phase. A deliverable does not need to be complete but instead must demonstrate that sufficient preparations have been made for “healthy” completion and operation within the necessary phase as per the WBS.

This is the third health check performed on the project with the intent of assessing satisfactory health to enable progression through the following gateways:

- Project Completion

The focus of this health check is on the status of the project management elements/documentation to ascertain the projects readiness for completion.

The health check was performed by Mitch Wilson, Graeme Wynter, Mitch Stace and Linda Davis. Actions arising from the health check will involve the wider project team.



“Project Completion” Gateway Report - Project Health Check

Summarised Findings

The table below documents the findings of this Health Check.

Phase	Deliverable (version)	Status/Comments	% Complete	Action	Person Assigned
Finalisation	Commissioning of new pipework to test for leakage	New pipework passed commissioning tests.	100	No further action required	N/A
Finalisation	Provide survey data to GIS	Complete	100	GIS to enter survey data into ESRI prior to 31/08/2017	LD
Finalisation	Have all invoices associated with Work Order 0300307 been sent to Finance	Complete	100	No further action required	N/A

An assessment of project budget, resources and schedule follows:

Project Cost/Budget

The project had an original approved baseline budget of \$316,000 which included an allowance for conduit replacement on behalf of Essential Energy and a substantial project contingency commensurate with the assessed implementation risks. The actual total cost for this project has been realised at \$146,136 reflecting the removal of conduits from the scope and more efficient delivery negating the use of contingency.

Project Resource

MidCoast Water resources have been allocated to complete the remaining finalisation activities for this project in line with the current budget and resource availability. These activities form part of normal operations.

Project Schedule

Finalisation activities have been substantially progressed ahead of the planned completion date of August 2017.

Summary of findings and recommendation for presentation:

This project has been finalised and delivered under the original budget and ahead of schedule.



“Ready to Implement” Gateway Report - Project Health Check

Project Name: Bootawa Dam Safety Works 2017 – Geotechnical review, monitoring equipment and flood capacity assessment	Phase/Gateway: Ready to Implement
Health Check Number: 2	Date: 20 June 2017
Attending: Mitch Stace / Matt Koller / Mal Flew	Project No: 410116

Overview of the Health Check

The purpose of this Health Check is to examine the current status of the project management deliverables of the project in preparation to proceed through the appropriate project gateway; it is not to review or make comment on the work completed as part of the project delivery. The required deliverables have been determined using the Major Capital Works Project Deliverable Work Breakdown Structure (WBS) in line with the Gateway reporting process.

The gateway process has been designed to assess that project deliverables are suitably being met within the appropriate phase. A deliverable does not need to be complete but instead must demonstrate that sufficient preparations have been made for “healthy” completion and operation within the necessary phase as per the WBS.

This is the second health check performed on the project following MCW’s resolution to proceed with delivery of the project ‘Bootawa Dam Safety Works 2017 – Geotechnical review, monitoring equipment and flood capacity assessment’. The focus of this health check is on the status of the project management elements/documentation to ascertain the projects readiness to move into the implementation phase and through the “ready to implement” gateway.

The health check was performed by Mitch Stace (on behalf of Dave Goodwin – Project Manager), Matt Koller – Concept Project Manager and Mal Flew – Group Manager Capital Works. Actions arising from the health check will involve the wider project team.

Summarised Findings

The table below documents the findings of this Health Check.

“Ready to Implement” Gateway Report - Project Health Check


Phase	Deliverable (version)	Status/Comments	% Complete	Action	Est. Date	Person Assigned
Design and Plan	Risk Management Plan	The risk matrix for the project has been updated. The main technical risk is that of damage to dam wall during piezometer installation.	100%	Nil, Completed	N/A	N/A
Design and Plan	Procurement Plan	Procurement Plan for the project has been updated. Tenders have been received for the installation of piezometers & approved by MidCoast's General Manager. Contract Awarded to engineering consultant – Cardno.	100%	Nil, Completed	N/A	N/A
Design and Plan	PMP	The PMP is updated to suit the preferred contractor for piezometer. The PMP covers the project objectives, scope, schedule, budget, stakeholders and risk.	100%	Nil, Completed	N/A	N/A
Implementation	Contractor's PMP	Contractor preliminaries including PMP, schedule, SWMS and commissioning plan to be submitted following award of contract	0%	PM to ensure contractor to provide key project deliverables and confirm the alignment with MCW PMP and schedule. Considered to be ongoing and monitored throughout the contract.	30/7/17	DG
Implementation	Final Commissioning Report	Contractor's deliverable	0%	PM to ensure contractor to provide key project deliverables	30/9/17	DG
Finalisation	Acceptance and Handover Check list	Service Delivery needs to be consulted to develop and finalise the acceptance and handover requirements. Hydrology report has been reviewed and accepted by SD.	15%	Complete the Check list outlining the required deliverables in the Finalisation phase.	30/7/17	DG/MK





“Ready to Implement” Gateway Report - Project Health Check

Finalisation	Dam Safety Report	An updated Report to Dam Safety Committee is required by November 2019 which is required to incorporate the works carried out within this project.	0%	Update and issue revised Dam Safety Report to Dam Safety Committee	TBC	Graeme Watkins
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In addition, general discussion took place around Project Cost, Resource and Schedule. Details of these outcomes are detailed below:

Project Cost/Budget  The project budget remains healthy. The awarded tender for piezometer installation included an additional allowance for geotechnical supervision to monitor critical risks during implementation. Currently the project has approximately \$65,000 in contingency allowance and it is expected that the project will be completed under budget.

Project Resource  Project resources are adequate for the implementation phase of the project and have been allocated.

Project Schedule  The project has been delayed due to the review and acceptance of the piezometer installation contract and in order to address the critical risk of ensuring Bootawa Dam is monitored during excavation and drilling on the dam face. Additional delays are also a result of the contractor equipment availability and schedule. These delays have been communicated to the NSW Dam Safety Committee through routine project updates. The status report has been updated to reflect the revised schedule.

Summary of findings and recommendation for presentation:

Having completed the necessary Health Check Review, all parties are in agreement that the project health is of a satisfactory level to warrant the recommendation to progress through the “Ready to Implement” gateway.

The project team also recommends the baseline milestones be adjusted to reflect the planned milestones.

D. GIS Replacement



“Project Completion” Gateway Report - Project Health Check

Project Name: Geospatial Information System Replacement	Phase/Gateway: Project Completion
Health Check Number: 3	Date: 12 July 2017
Attending: Daniel Brauer, Jane Anderson and Mark Chicken	

Overview of the Health Check

The purpose of this Health Check is to summarise the outcomes of the project management deliverables within the finalisation phase supporting the completion of the project. The required deliverables have been determined using the Major Capital Works Project Deliverable Work Breakdown Structure (WBS) in line with the Gateway reporting process.

The gateway process has been designed to assess that project deliverables are suitably being met within the appropriate phase. A deliverable does not need to be complete but instead must demonstrate that sufficient preparations have been made for “healthy” completion and operation within the necessary phase as per the WBS.

This is the third health check performed on the project with the intent of assessing satisfactory health to enable progression through the following gateways:

- Project Completion

The focus of this health check is on the status of the project management elements/documentation to ascertain the projects readiness for completion.

The health check was performed by Daniel Brauer, Jane Anderson and Mark Chicken.

“Project Completion” Gateway Report - Project Health Check

Summarised Findings

The table below documents the findings of this Health Check.

Phase	Deliverable	Status/Comments	% Complete	Action	Person Assigned
Finalisation	Project Evaluation	A post implementation review has progressed with the GIS team and other relevant stakeholders.	90%	Complete post-implementation review and distribute findings to relevant stakeholders.	JA
Finalisation	Asset Handover & Acceptance Report	The new GIS system has been capitalised as an intangible asset.	100%	No further action required.	N/A
Finalisation	Schedule of Guarantees and Warrantees	The original warranty period expired in June 2017. Outstanding issues are being addressed under pre-arrangement Product Support agreements	100%	No further action required.	N/A
Finalisation	Schedule of Support Responsibilities	Support responsibilities are being met by the internal GIS team in conjunction with ESRI's Product Support arrangements, The proposal for Application Support is subject to finalisation in July 2017.	90%	Complete review of ESRI's proposal for Application Support and provide a response by the end of July 2017.	DB

"Project Completion" Gateway Report - Project Health Check

An assessment of project budget, resources and schedule follows:

Project Cost/Budget

The project had an approved baseline budget of \$594,748 with final total costs realised at \$566,447. The ongoing product and application support services have been included in the 2017/18 Operational Plan.

Project Resource

MidCoast Water resources have been allocated to complete the remaining finalisation activities for this project in line with the current budget and resource availability. These activities form part of normal operations.

Project Schedule

Finalisation activities have progressed in accordance with the planned completion date of 27 June 2017.

Summary of findings and recommendation for presentation:

This project has been finalised and delivered under the original budget and in line with the revised project milestones.

33 ISSUES MANAGEMENT JUNE 2017 QUARTERLY REPORT

Report Author Daniel Brauer, Group Manager Planning & Development

File No. / ECM Index B536848

Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report contains a summary of MidCoast Water's issues management system for the quarter ending June 30 2017.

The information conveyed in this report reflects a recent change to the issues management system which allows greater transparency to key stakeholders on the status of a reported issue and the subsequent sequence of actions.

There were no new 'Extreme' issues registered within the previous quarter. There was however six new issues rated as 'Very High'. All previously registered issues rated as 'Extreme' and 'Very High' have been subject to a root cause analysis with the majority triggering sustaining works projects aimed at delivering permanent solutions through asset and/or operational changes.

SUMMARY OF RECOMMENDATION

That Council receive and note the quarterly report on the issues management system.

FINANCIAL/RESOURCE IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. The recommendations will not result in additional expenditure or resource allocation.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

An issues management system was introduced into MidCoast Water in 2016 in conjunction with the adoption of an asset management framework. The issues management system supports continual improvements in the management of MidCoast Water's operational risk profile.

During the quarter ending 30 June 2017 the method of recording and tracking issues in the system was modified to allow greater transparency to key internal stakeholders throughout the lifecycle of an issue, through to its closure. This change in the system is reflected in an increase in the number of registered issues and changes to their respective status.

Attachment A contains the Issue Investigation Tracking Dashboard for the period ending 30 June 2017.

DISCUSSION

Table 1 outlines the variances in the number of registered issues in the quarters ending in March and June 2017.

Table 1: Quarterly Issues Categorised by Risk Rating

	Current	Extreme	Very High	High	Medium	Low
Current Quarter (30/06/17)	355	4	36	63	188	64
Previous Quarter (31/03/2017)	158	1	9	26	85	37
Variance	197	3	27	37	103	27

The modification to the issues management system brought about the re-opening of previously registered issues which had been closed-off without validation by impacted stakeholders. Recommended corrective actions arising from audits of treatment facilities formed the majority of these re-opened issues.

Investigation processes form part of the issues management system and are applied in order to understand the problem, avoid repetitive failure, maintain performance and inform decisions to manage risk and prioritise, defer or negate investment.

The current performance of the investigation process is reflected in Table 2 below. These performance measures have regard for a recommended timeframe to close out an issue based on its risk rating.

Table 2: Investigation Performance

Investigation Performance					
Status	Complete	Issue did not meet investigation threshold ¹	Late	Not Started	In Progress
Count	64	194	355	170	45

The performance measures shown in Table 2 also reflect the outcomes of the change in the issues management system and a reconciliation of current and previous issues conducted in May/June.

Figure 1 represents the trend in open, closed and new issues from the introduction of the process in July 2016.

¹ The category titled 'Issue did not meet investigation threshold' applies to issues deemed as not requiring an in depth, root-cause analysis/investigation report. These issues are typically treated by coordinator/site controllers through a "Just Go" process and cover 'Like for Like' renewals of aged or failed assets.

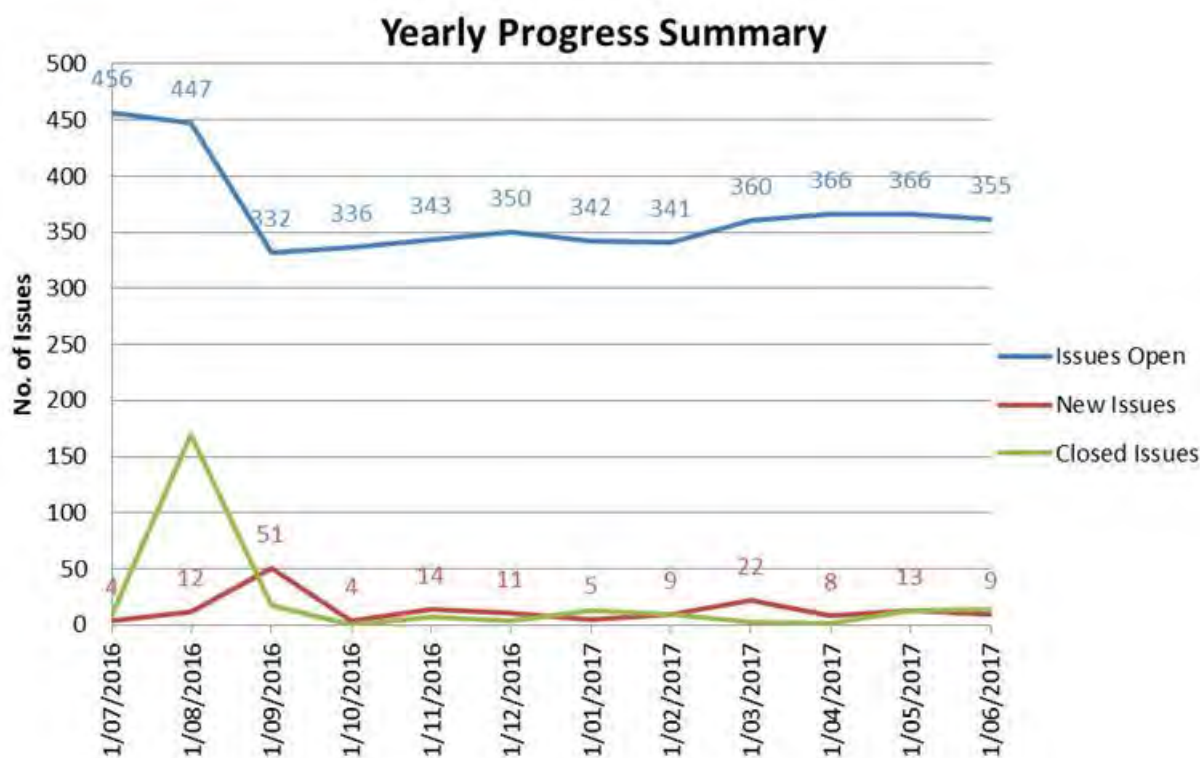


Figure 1: Failures and Issues Yearly Progress

No new “Extreme” issues have been submitted this quarter. Six “Very High” issues have been submitted for investigation. The issue, current status and the current state of corrective actions associated with these “Very High” Issues is conveyed in Table 3.

Table 3: New Issues (Very High)

Issue Description	Current Status	Corrective Actions
Hawks Nest Sewage Treatment Plant – Extended Aeration Tank Blowers (electrical fault)	In Progress	Immediate risk controls completed Audit actions are awaiting approval
Accessibility of Tea Gardens sewerage network manholes	In Progress	Issued to construction for assessment and rectification
Tea Gardens Sewage Pump Station SPS TG 09 – pump suitability.	In Progress	Operational changes have been trialed with network augmentation remaining a contingent action.
Tuncurry Sewage Pump Station SPS TU 12 – pump replacement	In Progress	Pump replacement initiated through minor works program
Forster Sewage Pump Station SPS FO 04 – pump replacement	In Progress	Pump replacement initiated through minor works program
Bootawa Dam - Dam spill way repair works	Completed	Repairs completed during period of low dam level.

Figure 2 represents the distribution of open Extreme, Very High and High issues across asset classes.

Distribution of Open Issues by Asset Class

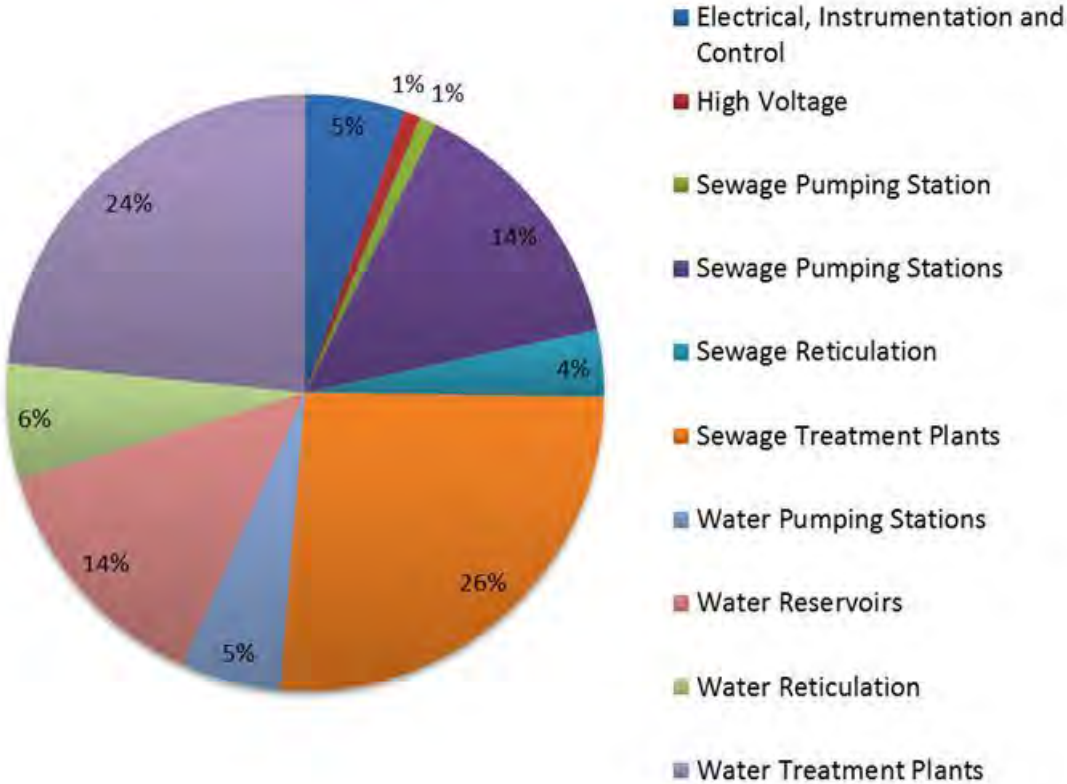


Figure 2: Distribution of Open Issues by Asset Class

The distribution shown in Figure 2 indicates the majority of open issues are associated with sewage treatment plants (26%) and water treatment plants (24%). This is in line with the outcomes of a recent audit program across treatment facilities which derived a suite of corrective actions, each of which have been registered as separate issues.

Table 4 indicates the current status and corrective actions applied to the current top ten priority issues as listed in the attached dashboard.

Table 4: Top Ten Priority Issues

No.	Issue Description	Priority	Status	Corrective Actions
1	Hawks Nest Sewage Treatment Plant non-compliance with EPA licence	1 - Extreme	Project	A review of the process has been commissioned to inform the scope of configuration changes.
2	Tea Gardens Water Treatment Plant - Aeration Tower No. 1 Collapse	1 - Extreme	Project	Replacement tower has been installed and is subject to final testing.
3	Tea Gardens Water Treatment Plant - Fluoride Dosing system configuration and control	1 - Extreme	Project	Physical amendments to the facility are underway. The control system is subject to modification.
4	Lantana Crossing High Voltage Transformer too close to building	1 - Extreme	Project	Additional safety measures have been enacted to mitigate immediate risk. The replacement of the transformer is being managed as a project.
5	Tea Gardens Water Treatment Plant - Aeration Tower 2 Collapse	1 - Extreme	Project	The replacement of the second tower has commenced as a sustaining works project.
6	Wingham Sewage Treatment Plant - electrical cable fault	1 - Extreme	Awaiting Approval	Emergency works have removed length of damaged cable. Audit, change management and training are subject to separate review and approval.
7	Tea Gardens Sewage Pump Station TG09 Capacity	2 - Very High	Project	Operational changes have been trialed with network augmentation remaining a contingent action.
8	Switchboard Circuit Breakers Non-compliance	2 - Very High	Project	Immediate risks are being managed via safe work method statements. Project concept is under way.
9	Tinonee Sewage Pump Station TI SPS 02 Stair access compliance	2 - Very High	Investigation	Risk managed via safe work method statements. Investigation will determine scope of long term solution.
10	Bulahdelah Water Treatment Plant - Chemical Dosing Audit - Flexible Pipe	2 - Very High	Project	Interim measures being assessed to reduce immediate risks. The scope of configuration changes is being addressed as a project.

CONSULTATION

The management and coordination of the issue management process is undertaken in consultation with a range of internal stakeholders and external parties where necessary.

The internal stakeholders which have contributed to the preparation of this monthly report include the Catchment and Treatment Group, Response Planning & Development Group, Capital Works Group and GIS Section.

COMMUNITY IMPACTS

Community impacts are considered and management in accordance with communication plans tailored to individual infrastructure projects.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

These activities align with the following strategies within MidCoast Water's Operational Plan:

- 1.1.3 Deliver our asset management strategy
- 2.4.3 Develop and implement risk controls

TIMEFRAME

The timeframes associated with each infrastructure project are outlined in Attachment A.

BUDGET IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

RISK CONSIDERATION

The risks associated with each infrastructure project are identified and managed within individual management plans in accordance with MidCoast Water's corporate risk management framework.

RECOMMENDATION

That Council receive and note the quarterly report on the issues management system.

ATTACHMENTS

- A. Issues Investigation Tracking Board Dashboard – June 2017

Attachment A has been circulated in hard copy to the Administrator & 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.

34 SUSTAINING WORKS PROGRAM

Report Author Daniel Brauer, Group Manager Planning & Development
File No. / ECM Index A609206
Date of Meeting 26 July 2017

SUMMARY OF REPORT

This report details the status of the sustaining works program, outlining the progress of individual projects against approved budgets and planned milestones.

SUMMARY OF RECOMMENDATION

That Council receive and note the quarterly report on the sustaining works program.

FINANCIAL/RESOURCE IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

The recommendations will not result in additional expenditure or resource allocation.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The sustaining works program was introduced into MidCoast Water in 2016 in conjunction with the adoption of an asset management framework. The sustaining works program comprises both capital and operational projects prioritised in line with MidCoast Water's corporate risk management framework.

The current program includes capital renewals, emergency works, major maintenance activities and operational projects such as condition monitoring programs.

Attachment A contains the Sustaining Works Program Dashboard for the period ending 30 June 2017.

DISCUSSION

In the reporting period ending 30 June 2017 we observed a more streamlined approach to the initiation of sustaining works projects through the issues management system. The management of sustaining works project budgets and actuals has also been improved through a reconfiguration of project and work order structure in TechOne.

Improvements in the management, resourcing and reporting are forecast to continue through a refinement of the issues management system and the capital/sustaining works lifecycle delivery process scheduled for July/August 2017.

Program Milestones

The recent milestones achieved for current sustaining works projects are summarised in Table 1.

Table 5 Milestone Summary

Project	Milestone(s)
Bootawa Water Treatment Plant (BO-WTP-01) Ozone System Replacement	Concept & Design
Reservoirs - General (GE-RES-00) Repairs	Implement
Sewage Pump Stations - General (GE-SPS-00) SPS Pump Renewals - High Priority	Implement
Water Treatment Plants - General (GE-WTP-00 WTP) - Chemical System Renewals	Concept
Tea Gardens Water Treatment Plant (TG-WTP-01) Aeration System Replacement	Design
Tea Gardens Water Treatment Plant TG-WTP-01 Fluoride Dosing System	Concept
Sewage Pump Stations - General (GE-SPS-00) Switchboard Renewals - High Priority	Plan

The following sustaining works projects have recently been initiated:

- Forster Sewage Pump Station FO-SPS-18 - backup generator facility
- Sewage Treatment Plants – General - step screen and conveyor replacements
- Harrington Water Reticulation – water mains renewals

Program Risks

The primary risk impacting delivery of the program continues to relate to the allocation of electrical services resources. This is the main cause of the delays to schedule highlighted in the yellow traffic lights shown in the attached dashboard.

Management are currently reviewing the allocation of resources across these projects and other activities in order to support more reliable forecasts for project delivery. This is the current focus of enhancements to MidCoast Water's project portfolio management platform known as Mariner.

The red status against 'Schedule' (S) for the project titled 'GE-SPS-00 SPS Pump Renewals - High Priority' is attributed to a delay in the return of commissioning data. This matter was addressed and closed during the production of this report.

CONSULTATION

The management and coordination of all aspects of sustaining works projects are undertaken in consultation with a range of internal and external stakeholders.

The internal stakeholders which have contributed to the preparation of this quarterly report include the Planning & Development Group and Capital Works Group.

COMMUNITY IMPACTS

Community impacts are considered and managed in accordance with communication plans tailored to individual projects.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

These activities align with the following objectives of MidCoast Water's Operational Plan:

- 1.1.3 Deliver our asset management strategy.
- 2.4.3 Develop and implement risk controls.
- 3.1.5 Monitor and report on our progress towards our strategic goals.

TIMEFRAME

The timeframes associated with relevant projects are outlined in Attachment A.

BUDGET IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

RISK CONSIDERATION

The risks associated with each project are identified and managed within individual management plans in accordance with MidCoast Water's corporate risk management framework.

RECOMMENDATION

That Council receive and note the quarterly report on the sustaining works program.

ATTACHMENTS

A: Sustaining Works Dashboard - June 2017.

Due to its large size, 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.

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35 WATER USAGE AND WATER RESOURCES FOR 2016-17 AND THE OUTLOOK FOR 2017-18

Report Author Graeme Watkins, Group Manager Catchment & Treatment

File No. / ECM Index A609178

Date of Meeting 26 July 2017

SUMMARY OF REPORT

The purpose of this Report is to provide information on water usage and water resources 2016/17 and the outlook for 2017/18. The outlook for water resources looks favourable for the next three months with demand dropping off into winter.

SUMMARY OF RECOMMENDATION

That the report on water usage and water resources for 2016/17 and the outlook for 2017/18 be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

Weather impacts have a major influence on water usage revenue, increasing consumption in dry/hot periods and reducing in wet/cold periods.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

This report provides Council with information on bulk water usage, water resource data used as the source to supply each scheme and the water resource outlook for the coming three months.

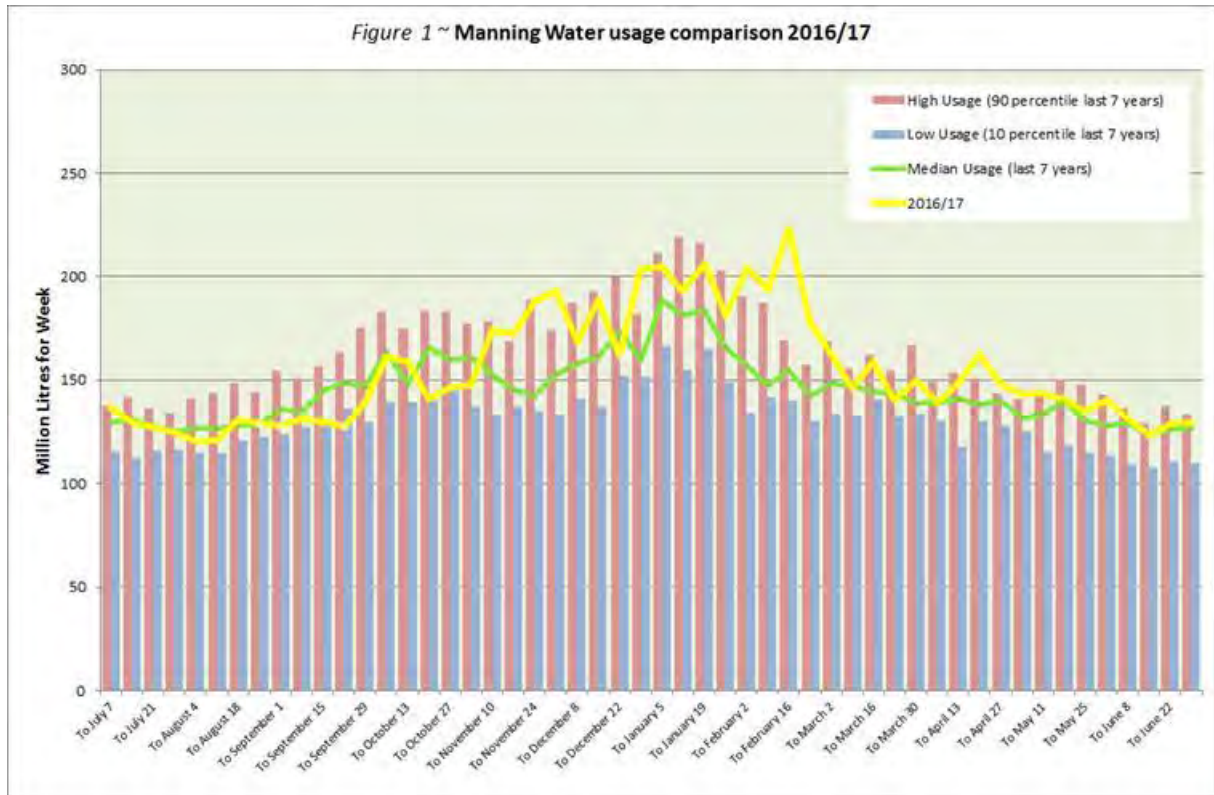
DISCUSSION

Water Usage

During 2016/17 water usage for the Manning scheme has been close to median from July to October with high usage recorded from late October to early March due to the extended hot dry conditions. Rain in March kerbed water usage but in April returned to at or above median through to the end of June as conditions returned to mild and dry. If current conditions continue and given the below forecast, water consumption will remain at median or above into the start of 2017/18.

The attached *Figure 1 ~ Manning Water Usage Comparison 2016/17* graphs weekly water usage in the Manning supply compared to the “high”, “low” and median comparison lines.

As at 30 June 2017, water usage for the Manning scheme in 2016/17 was 3.4% **above** that during 2015/16 and 6.4% **above** the median of usage over the last seven years.



Use of water restrictions

Implementation of water restrictions consider flow in river, demand for water from our customers, storage levels, immediate rain outlook (one to two weeks) and season.

Water restrictions have been generally aligned with rural irrigators, so rural and town users cut usage (in the case of town users outside watering) at the same time.

Need for restrictions usually occurs first at Stroud, then those in the Manning. Bulahdelah and Tea Gardens typically much later if at all. On occasions water restrictions have been common for all schemes for ease of administration and demonstration of equity within our service area for a common rate.

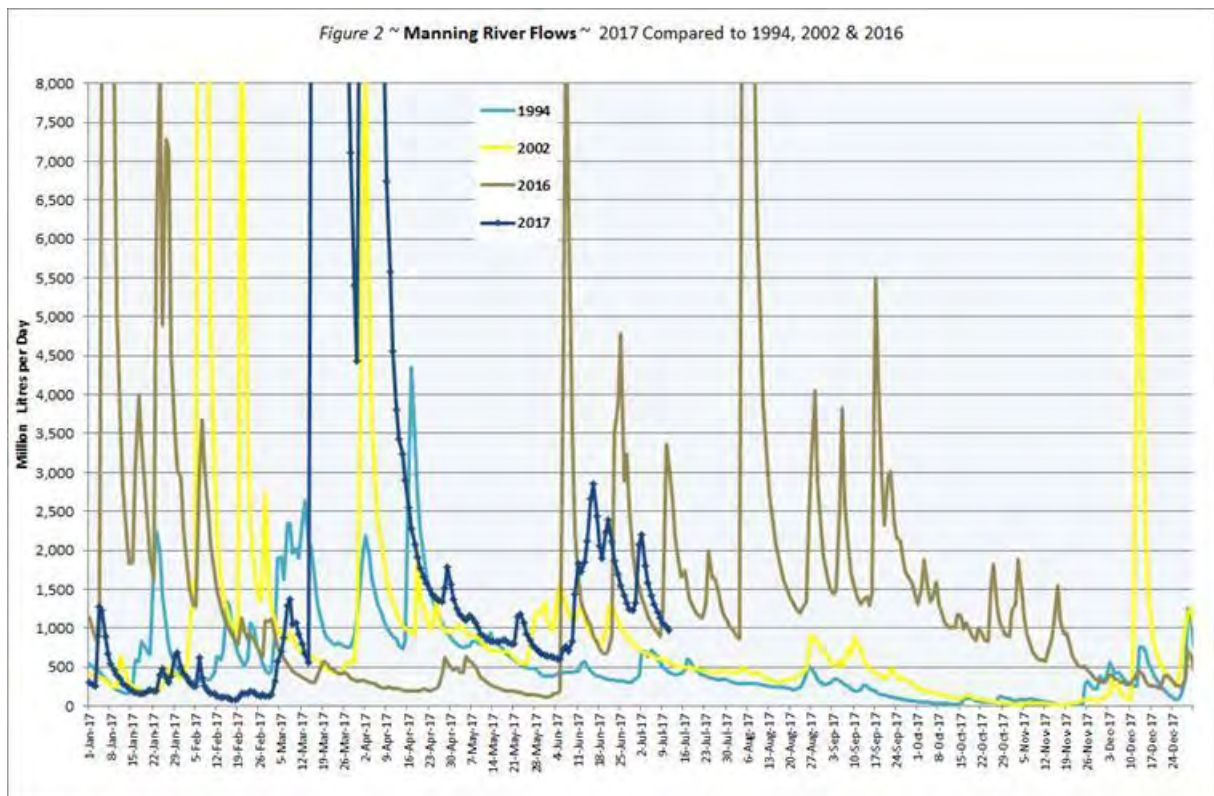
For the immediate future there is no need for water restrictions under prevailing conditions through winter and early spring.

Water Resources as at 30 June 2017:

Manning River Flows

The current year flows are plotted against other recent dry years in figure 2. The Manning River flow for 2017 at Killawarra had a minor rise during the early part of January, late January, March (which was the largest river rise in the 12 month period) and June. Worst case scenarios have been plotted for 1994, 2002 and the recent year of 2016 for comparison. The current river flows are a similar magnitude to 2016 in recent months and above worst case years of 1994 and 2002. Late winter and spring is the typical lowest rainfall period as a result I would expect levels in the river to remain low to moderate as a result.

The level in Bootawa Dam is currently at near full with water quality in the river suitable for filling the dam. Where possible the dam is filled during the electricity off peak tariff. Currently there is a persistent blue green algae bloom that is currently not causing operational issues.



Crawford River flows (Bulahdelah scheme)

The Crawford on river storage has water over the top of the weir level, with no major change from last month. Water consumption remains moderate.

Tea Gardens aquifer

Tea Gardens aquifer water levels are high. Water consumption remains average for this time of year. There is no cease to pump for this aquifer.

Barrington River flows (Gloucester scheme)

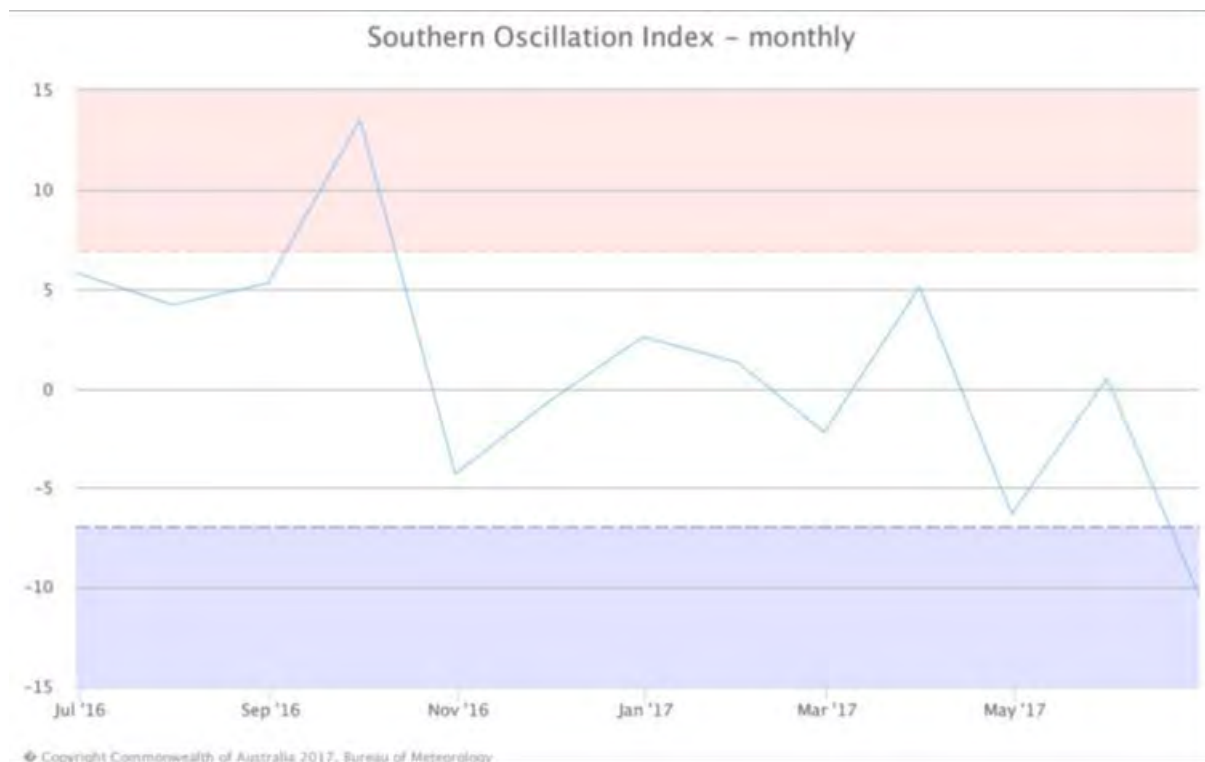
Barrington River has flow of over 200ML/d (no cease to pump for MidCoast Water). Water consumption remains average for this time of year. There is no water security for this scheme as there is no storage provided, once the river stops flowing there is no water available, however in over 70 years of river flow data the Barrington River has never completely stopped flowing.

Karuah River flows (Stroud scheme)

The Karuah River flow is round 36ML/d (3.5ML/d cease to pump for MidCoast Water). Water consumption remains modest. Off river storage some 50ML is 87% full. Currently there is a persistent blue green algae bloom in the off river storage that is currently not causing operational issues apart from elevated pH.

Weather Outlook

The Southern Oscillation Index for 2016/17 has remained neutral to slightly negative inferring no clear direction in rainfall.



The tropical Pacific Ocean is currently neutral. Most climate models indicate the Pacific is likely to remain El Niño Southern Oscillation (ENSO) neutral for the remainder of 2017. This means the Bureau's ENSO Outlook is currently INACTIVE, with neither El Niño nor La Niña expected to influence Australia's climate this year.

In the tropical Indian Ocean, the Indian Ocean Dipole (IOD) is also neutral, with no sign of either negative IOD or positive IOD present in the ocean or atmosphere. However, some climate models suggest a positive IOD could develop in the coming months. Positive IOD events are typically associated with below average winter and spring rainfall over central and southern Australia



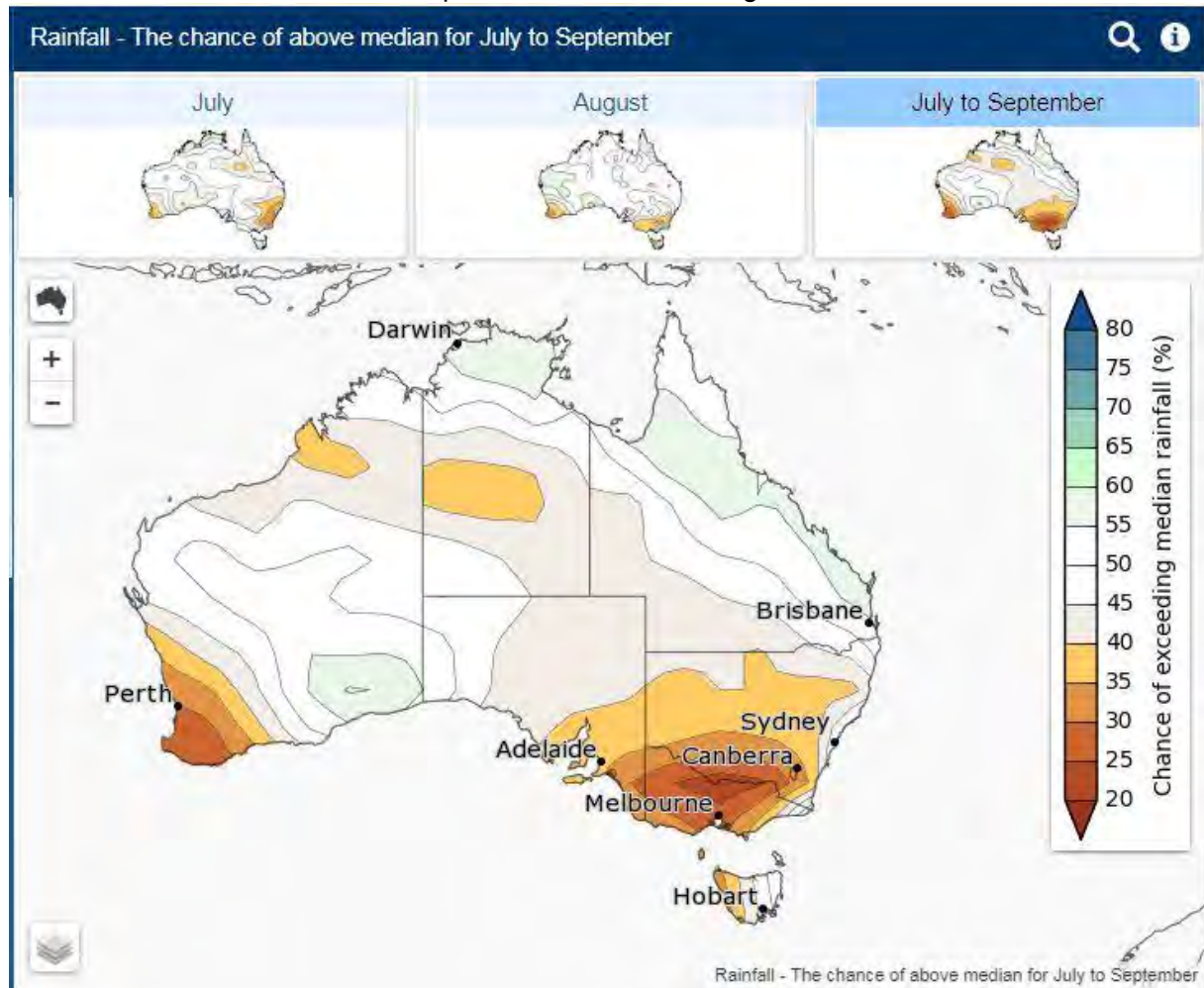
Issued 4 July 2017

Main rainfall forecast features:

- July to September rainfall is likely to be below average over southwest WA and southeast Australia.
- A drier than average July is likely over southwest WA, and eastern NSW. Elsewhere, there are roughly equal chances of a wetter or drier month.
- Higher than average mean sea level pressure is anticipated over southern Australia during July to September, which is likely to keep frontal systems and lows further south than usual, and reduce cloudiness over land.

- Historical outlook accuracy for July to September is moderate over most of Australia, but low near the WA border and central SA.
- Our region has a 40 to 45% chance of above average rainfall.

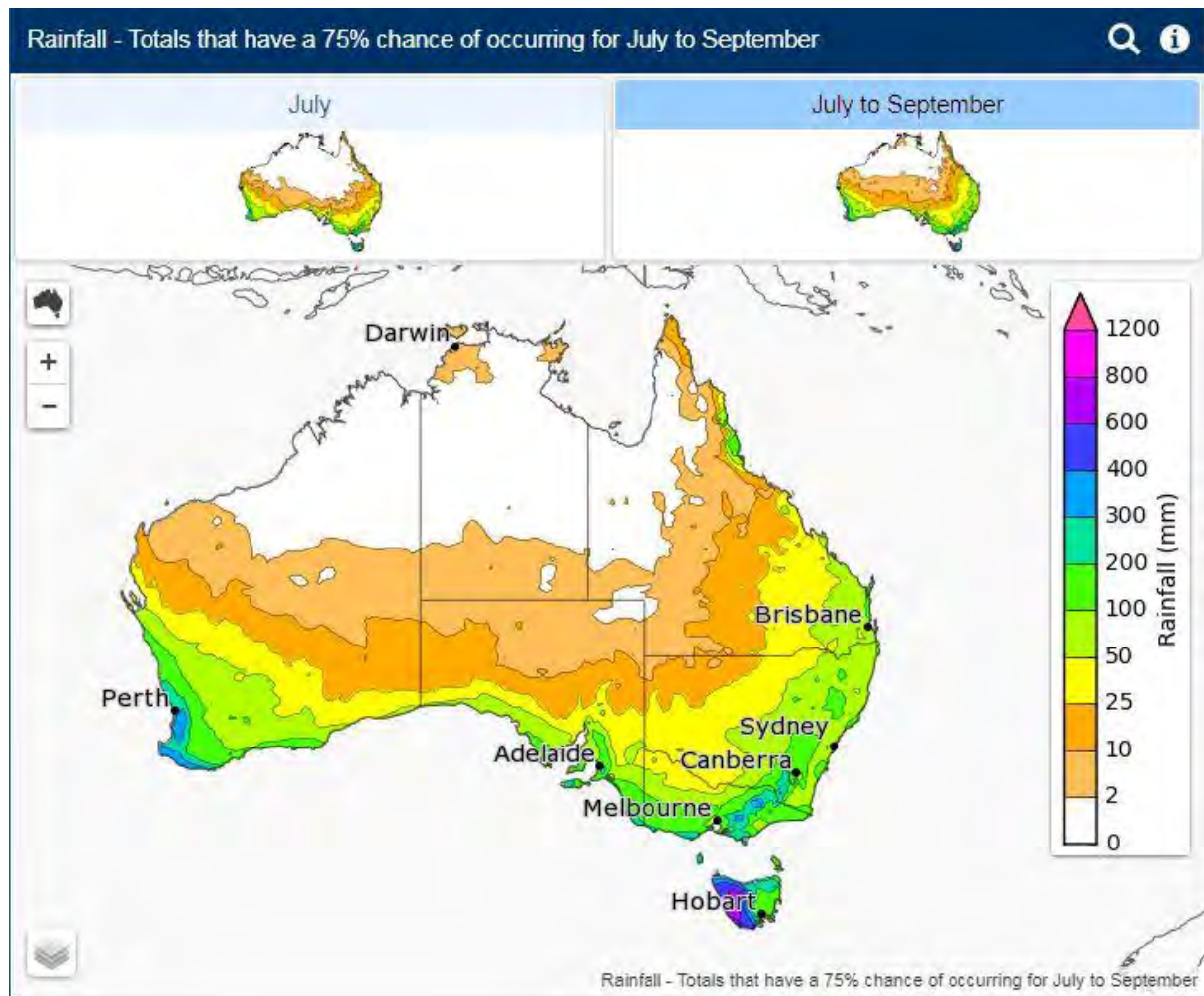
Chance of above median rainfall is presented in the below figure.



Date of issue 29 June 2017 Bureau of Meteorology

Rainfall totals are low within our region between July and September 2017 possibly experiencing 100 to 200mm over this period, which is low however typical for this time of year leading into late Winter and early Spring. This estimate is in line with long term averages for these months.

Rainfall totals that have a 75% chance of occurring is presented in the below figure.



Date of issue 29 June 2017 Bureau of Meteorology

Conclusion

River flows will likely remain low to moderate which is typical moving into late winter and early spring.

CONSULTATION

Nil.

COMMUNITY IMPACTS

Weather plays a big part in water consumption, with dry and hot periods increasing water usage. MidCoast Water continues to issue its water wise summertime message to remind customers to use their water wisely and efficiently.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

- 1.1.1 Implement a drinking water quality assurance program.
- 1.2.1 Provide timely, accurate and relevant access
- 2.4.1 Identify risks to sustainability and threats to security of supply
- 2.4.2 Provide multiple water quality controls
- 2.4.3 Develop and implement risk controls

TIMEFRAME

For the period July to September 2017

BUDGET IMPLICATIONS

Weather impacts have a major influence on water usage revenue, increasing consumption in dry/hot periods and reducing in wet/cold periods.

RISK CONSIDERATION

Nil.

RECOMMENDATION

That the report on water usage and water resources for 2016/17 and the outlook for 2017/18 be received and noted.

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CLOSED COUNCIL

36 TENDER REF 2016-17-65 CONSTRUCTION OF ARTIFICIAL WETLANDS

Report Author: Peter Goonan, Assistant Environmental Officer

File No. / ECM Index: TEN-WSUD-ARLINGTON P, Project: 2016-17/65 - Construction of Artificial Wetland Arlington Place Forster

Date of Meeting: 26 July 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