



Notice of Ordinary Meeting

**to be held at the Council Chambers
2 Pulteney Street, Taree**

20 December 2017 at 2pm

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

1. Acknowledgement of Traditional Custodians
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. Addresses from the Public Gallery
7. Consideration of Officers' reports
8. Close of meeting

A handwritten signature in black ink, which appears to read 'Glenn Handford'.

Glenn Handford
General Manager

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CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1 GENERAL MANAGER'S PERFORMANCE REVIEW PANEL

Report Author Glenn Handford, General Manager

File No. / ECM Index Human Resources - Performance Reviews

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The General Manager is accountable for the fulfilment by the organisation of its goals, statutory responsibilities and the targets set in the Council's Strategic and Management plans. To ensure alignment of accountability and performance of the General Manager it is recommended Council establish a Performance Review Panel.

The Office of Local Government (OLG) recommend the Panel should consist of three (3) Councillors; the Mayor, Deputy Mayor and one other Councillor. The General Manager may nominate one Councillor to the Panel.

SUMMARY OF RECOMMENDATION

That Council establish the General Manager's Performance Review Panel (PRP) and nominate three (3) Councillors.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Extract from NSW Office of Local Government Councillor Handbook (October 2016)

B: Local Government General Manager Performance Management Guidelines (August 2007).

Attachment A and B have been circulated in hard copy to the Councillors and Senior Staff, however these Attachments are publicly available on Council's website.

DISCUSSION

The General Manager is accountable for the fulfilment by the organisation of its goals, statutory responsibilities and the targets set in the Council's Strategic and Management plans. To ensure alignment of accountability and performance of the General Manager it is recommended Council establish a Performance Review Panel.

The Office of Local Government (OLG) recommend the Panel should consist of three (3) Councillors; the Mayor, Deputy Mayor and one other Councillor. The General Manager may nominate one Councillor to the Panel.

The former three Councils and MidCoast Water all had Performance Review Panels for their respective General Manager. Some were done "in-house" and one Council engaged Local Government NSW to facilitate the reviews.

Given that MidCoast is a new council with a different scale and capacity of any of the former organisations this Council could/should establish its own way of performance management that is consistent with established industry guidelines and frameworks for a council of our size. Particular reference I believe should be to align council performance with the General Manager performance taking into account the corporate development program Council has established.

A brief for the Performance Review Panel could be:

- Looks at the approach/framework that the previous Councils took;
- Review the above referencing what we would like to do more of, less of or differently;
- Develop a framework to suit the context of the new organisation. This framework would reference established industry guidelines and frameworks.

RECOMMENDATION

That Council establish the General Manager's Performance Review Panel (PRP) and nominate three (3) Councillors.

DIRECTOR PLANNING & NATURAL SYSTEMS

2 DA 209-2017 - DEMOLITION AND CONSTRUCTION OF RESTAURANT, CAFE AND DIVE SHOP

Report Author Robyn Shelley, Senior Development Planner

File No. / ECM Index DA 209/2017 & PK 37052

Date of Meeting 20 December 2017

DETAILS

Date Received: 9 November 2016

Applicant: RT Hunter

Owner: Lormine Pty Ltd

Land: Lots 434 & 435 DP 257034 Lots 1 & 2 DP 1086929, Little Street, Forster

Property Key: 37052

Zoning: IN4 Working Waterfront, GLLEP 2014

SUMMARY OF REPORT

- Development application lodged for the demolition of an existing structure and construction of a restaurant, café and dive shop.
- Application advertised and notified as Integrated Development under the Water Management Act 2000. Sixteen submissions were received.
- The proposed development is generally considered to be consistent with the various relevant planning controls.
- It is recommended that the proposal be approved, subject to the imposition of conditions.

SUMMARY OF RECOMMENDATION

The proposed development application be approved subject to conditions.

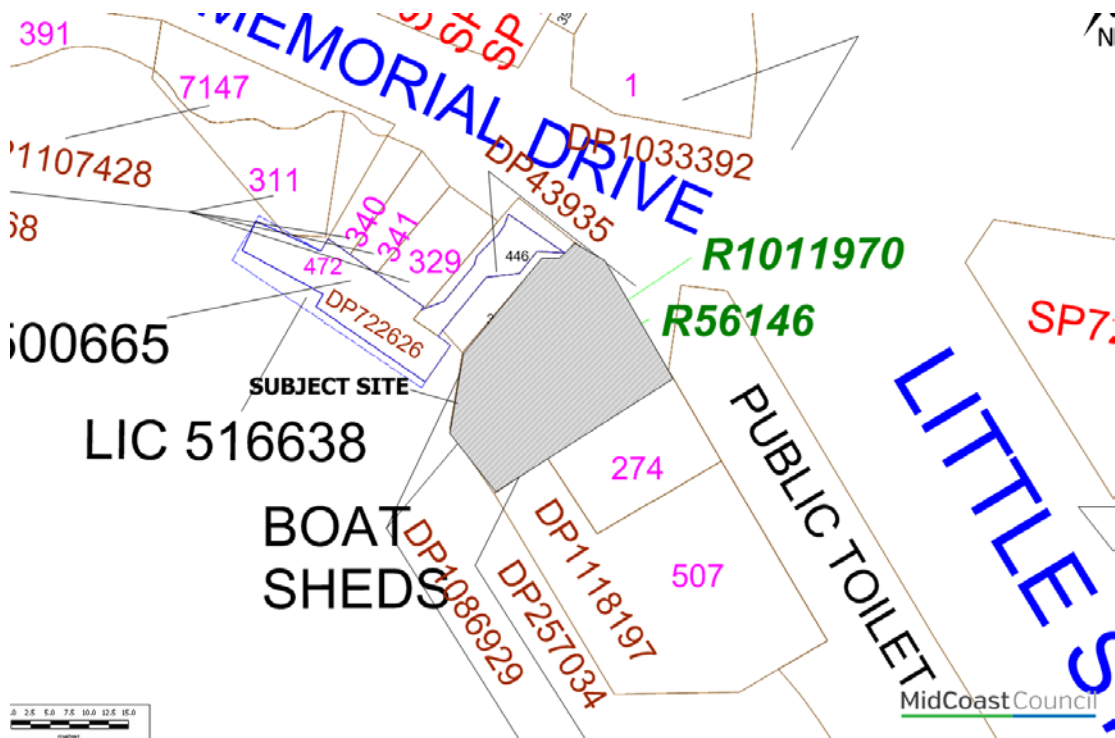
FINANCIAL/RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

LEGAL IMPLICATIONS

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

SUBJECT SITE AND LOCALITY



BACKGROUND

The site is known as 'Fisherman's Wharf'. The site is currently being used for the purpose of a dive shop. The site has been utilised for this purpose for many years.

SITE DESCRIPTION

The site is located on the southern side of Memorial Drive. The site is crown land, being leasehold areas over water within Wallis Lake (Breckenridge Channel). The site has an overall area of approximately 494m². The north-western part of the site adjoins the road reserve to Memorial Drive. The existing development is constructed wholly over the water.

The site has a single storey 'boat shed' occupying the eastern corner of Lot 434 DP 257034. The boat shed is used as a dive shop with associated retail sales and servicing of dive related equipment. Dive and snorkelling tours depart from the premises via the western deck.

The boat shed is surrounded on the north and western sides by timber decking that extends approximately 5m from the edge of the boat shed. The remaining areas of the site comprise vacant areas over water that are used for access and mooring of vessels.

Surrounding landuses include the Amaroo Cruise wharf to the north/west and the Red Spot Boatshed to the south/east. Landuses on the opposite side of Memorial Drive include restaurants and residential units.

The site is identified in the Forster Tuncurry Waterfront masterplan. Part B of the Masterplan relates specifically to the site and adjoining lands. The plan identifies development of the site for hospitality / retail activities, with built forms being situated directly on the waterfront.

PROPOSAL

The applicant has sought the consent of Council to demolish the existing dive shop structure and construct a two storey building containing:

- A café in the northern/north-western portion of the ground floor
- A dive shop in the southern/south-eastern portion of the ground floor
- A restaurant and bar on the first floor
- Back-of-house storage and a waste enclosure will be constructed at the far southern portion of the building
- Ground and first floor decks will be provided at the north-eastern and south-western elevations for outdoor dining
- The proposed hours of operation for the restaurant will be 8am to midnight
- Internal lift

The proposed development is constructed wholly over the water.

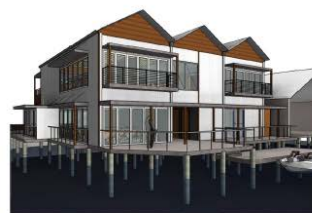
An artists impression below shows the external front, side and rear perspectives and includes the site plan.



EXTERNAL PERSPECTIVE 02



EXTERNAL PERSPECTIVE 02



EXTERNAL PERSPECTIVE 02

The development plans are included in full at Annexure A.

ASSESSMENT

SECTION 79C MATTERS FOR CONSIDERATION -

The following matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

Environment Protection & Biodiversity Conservation Act 1999 (Cth)

Activities that are likely to have a significant impact on a matter of national environmental significance are subject to a rigorous assessment and approval process under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The matters of national environmental significance identified as triggers for the assessment regime under the EPBC Act are:

- World heritage properties;
- RAMSAR wetlands;
- Nationally threatened species and ecological communities;
- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

The following table is an assessment for the proposed activity, the subject of this development application, of the works in relation to the NES matters.

National Environmental Significance Matter	Assessment Comment
World heritage properties	The proposed activity will have no impact on any world heritage properties. The closest World Heritage Property to the site is the Barrington Tops National park, one of the central eastern rainforest reserves of Australia.

National Environmental Significance Matter	Assessment Comment
RAMSAR wetlands	The proposed activity will have no impact on any RAMSAR wetland(s), the closest of which is within the Myall Lakes National Park. The site is not within the Myall Lakes catchment.
Nationally threatened species and ecological communities	Many of the EPBC Act listed species are likely (or known to) inhabit nearby coastal waters, including the Osprey which is resident nearby. However, the proposal does not impact on the habitat of any of these species. Therefore, having regard to the MNES Significant impact guidelines 1.1, the proposal is unlikely to have a significant impact on any species and referral under the EPBC Act is not necessary.
Migratory species	The proposed activity will have no impact on any listed migratory species, in particular those on JAMBA/CAMBA. (bilateral migratory bird agreements with Japan and China).
Commonwealth marine areas	The proposed activity will not have any impact on any Commonwealth marine area(s).

State Environmental Planning Policy (SEPP) 71 – Coastal Protection

The provisions of State Environmental Planning Policy No. 71 – Coastal Protection (SEPP 71) apply to the subject site as the land is located within the coastal zone.

The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

The matters for consideration for development applications located in the coastal zone are provided in Clause 8 of SEPP 71. These matters are discussed below.

Clause	Matters for Consideration	Assessment
(a)	the aims of this Policy which are reflected in the matters for consideration of Clause 8.	Development is not contrary to the aims of SEPP 71.
(b)	existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved	The development will have no impact on existing foreshore access arrangements.

Clause	Matters for Consideration	Assessment
(c)	opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability	The site does not present any opportunities for additional foreshore access.
(d)	the suitability of development given its type, location and design and its relationship with the surrounding area	The proposal is for a redevelopment of an existing commercial boatshed. The development is consistent with existing development.
(e)	any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore	The proposed development does not result in any significant overshadowing of the foreshore. The development will have an impact on views from a public place, however given that the proposal is for redevelopment of an existing building the impact on views are not considered to be significant.
(f)	the scenic qualities of the New South Wales coast, and means to protect and improve these qualities	The proposal will be a visual improvement over the existing development and will not significantly impact on the scenic qualities of the NSW coast.
(g)	measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats	The proposed development is located over an existing developed area and will not have any adverse impact on native vegetation communities or habitats.
(h)	measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats	The proposed development is located over an existing developed area and does not impact adversely on any aquatic areas or areas of aquatic habitat (mangroves, sea grass, etc).
(i)	existing wildlife corridors and the impact of development on these corridors	Not applicable.
(j)	the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards	The site, being water based, is subject to coastal processes. The development incorporates appropriate safeguards (minimum floor level heights, structural adequacy) to safeguard from coastal processes.
(k)	measures to reduce the potential for conflict between land-based and water-based coastal activities	The proposal is within an existing lease area already developed for a commercial boatshed. The proposal is unlikely to create any conflict between land-based and water-based coastal activities.

Clause	Matters for Consideration	Assessment
(l)	measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals	The site has not been identified as having any cultural significance for Aboriginal people.
(m)	likely impacts of development on the water quality of coastal waterbodies	The proposal includes controls to prevent any adverse impact on coastal waterways.
(n)	the conservation and preservation of items of heritage, archaeological or historic significance	The proposed development does not impact on any heritage items or culturally significant places.
(o)	only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities	Not applicable.
(p)(i)	only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and	No cumulative impact issues have been identified.
(p)(ii)	measures to ensure that water and energy usage by the proposed development is efficient	The proposed development will meet energy efficiency targets of the Building Code of Australia.

The application was referred to Planning & Environment under the provisions of Clauses 9(1) and 11 of the SEPP. The Department have advised that there are no additional matters to those listed in clause 8 of the SEPP that require consideration.

Draft State Environmental Planning Policy (Coastal Management) 2016

The Draft SEPP will repeal SEPP 71, SEPP 14 and SEPP 26 and is intended to provide a consolidated instrument for protection of land in the coastal zone. The draft SEPP maps identify that the site is a:

- Coastal Environment Area; and
- Coastal Use Area.

Clause 14 of the draft SEPP applies to land in the coastal environment area as follows:

14 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is wholly or partly within the coastal environment area unless the consent authority is satisfied that the proposed development:

Clause		Assessment
(a)	is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment, and	The development is not likely to have an adverse impact on water quality.
(b)	is not likely to significantly impact on geological and geomorphological coastal processes and features or be significantly impacted by those processes and features, and	The development is not likely to have an impact on geological and geomorphological coastal processes and will not be significantly impacted by those processes.
(c)	is not likely to have an adverse impact on the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, having regard to the cumulative impacts of the proposed development on the marine estate including sensitive coastal lakes, and	The proposal will require an aquatic pollution control plan to be implemented.
(d)	is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, and	The proposed development is located over an existing developed area and is not likely to have an adverse impact on native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.
(e)	will not adversely impact Aboriginal cultural heritage and places, and	The development is unlikely to impact Aboriginal cultural heritage.
(f)	incorporates water sensitive design, including consideration of effluent and stormwater management, and	The proposal will direct stormwater to the existing stormwater network. Reticulated water and sewerage services are available to service the site.
(g)	will not adversely impact on the use of the surf zone	The proposal is not located in proximity to the surf zone.

Clause 15 of the draft SEPP provides controls in relation to land in the coastal use area as follows:

15 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

Clause		Assessment
(a)	is satisfied that the proposed development:	

Clause		Assessment
(i)	if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and	The development will maintain public access along the foreshore.
(ii)	minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and	The proposal will have an impact on views from a public place, however given that the proposal is for redevelopment of an existing building the impact on views are not considered to be significant as the proposal does not impact on views from the existing boardwalk along Memorial Drive. The views along the boardwalk are retained and extensive. The proposal is unlikely to result in wind funnelling to foreshore areas.
(iii)	will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and	The proposal will be a visual improvement over the existing development and will not significantly impact on the scenic qualities of the coast.
(iv)	will not adversely impact on Aboriginal cultural heritage and places, and	The proposal does not impact on any known Aboriginal sites or places. An Aboriginal Heritage Information Search of the property has revealed that there are no known Aboriginal sites recorded in or near the above location.
(v)	will not adversely impact on use of the surf zone, and	The proposal is not located in proximity to the surf zone.
(b)	has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.	The proposed development is consistent with the density and scale of other buildings in the precinct

NSW Coastal Policy 1997

The New South Wales Coastal Policy is a broad policy for the *Coastal Zone* that is required to be considered having regard to the provisions of Clause 92 of the Environmental Planning and Assessment Regulations 2000.

The proposal is in keeping with the principles of the Policy.

NSW Coastal Design Guidelines

The Guidelines were developed jointly by the NSW Coastal Council, Planning NSW's Urban Design Advisory Service and Tourism NSW with reference to the NSW Government's Coastal Policy 1997 and compliment the Government's Coastal Protection Package released on the 26 June 2001 and State Environmental Planning Policy No. 71. The Guidelines are based on the principles of ecologically sustainable development. The Guidelines are designed to assist in the decision making process for proposed development in Coastal towns.

Part B of the Masterplan specifically relates to the Memorial Drive/Fisherman's Wharf/Red Spot/Miles Island precinct. The vision for this area is:

"The existing Fisherman's Wharf/Red Spot area is to be diversified with new hospitality/retail activities that help activate the new public square. The built form remains situated directly on the waterfront to allow for the continued function of marine and boatshed activities.

A new launching area with pontoons allows people to load and unload passengers. A boardwalk along the waterfront with connecting jetties and short term moorings improve boat access to the town centre."

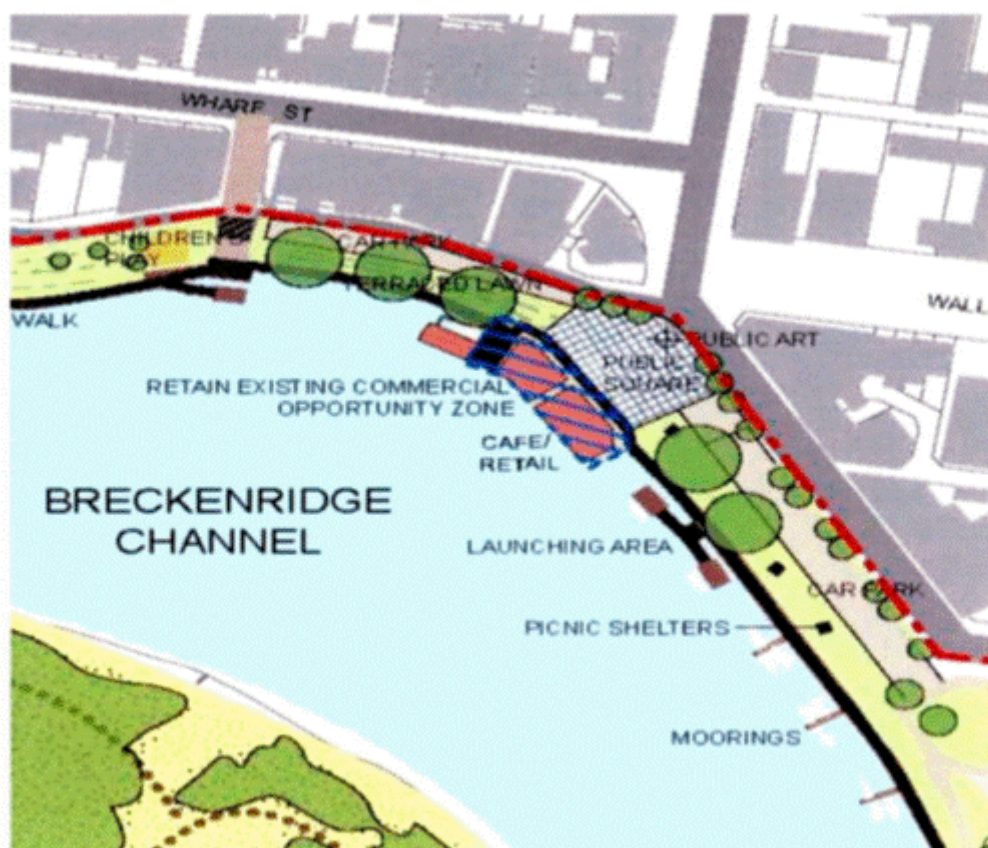


Figure 2.1: Crown Masterplan Concept (Cityplan Urban Design Services 2010)

The proposed development is considered to be in keeping with the character of Coastal towns as discussed in the Guidelines.

The proposed development is considered to be consistent with the Guidelines-Built form guidelines in that it reinforces the desired future streetscape/character of the settlement in line with the Crown Masterplan. The proposal is considered to be consistent with Great Lakes Council's LEP/DCP vision and maintains the existing height and scale of surrounding development.

GREAT LAKES LOCAL ENVIRONMENTAL PLAN 2014

Having regard for the matters for consideration detailed in Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, the following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Great Lakes Local Environmental Plan 2014.

Zone: IN4 - Working Waterfront

Definition: Restaurant / Café / Charter and tourism boating facility

LEP Requirement	Summary of Requirement	Proposal	Complies
Zone Objectives	<ul style="list-style-type: none"> To retain and encourage waterfront industrial and maritime activities. To identify sites for maritime purposes and for activities that require direct waterfront access. To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore. To encourage employment opportunities. To minimise any adverse effect of development on land uses in other zones. 	Restaurant / Café / Charter and tourism boating facility. The proposal will provide employment opportunities and has been designed to minimise environmental and visual impacts.	Yes
Permissible use	Restaurant / Café / Charter and tourism boating facility	Restaurant / Café / Charter and tourism boating facility	Yes
4.3 - Height of buildings	8.5m	8.3m. As the proposal is over water, there is no natural ground level and the floor level has been used to calculate building height. Notwithstanding, the height of the building is 8.4m above the level of the public footway within the adjoining public reserve.	Yes

LEP Requirement	Summary of Requirement	Proposal	Complies
4.4 - Floor Space Ratio (FSR)	1:1	0.89:1	Yes
7.1 - Acid Sulfate Soils	Class 1 (front half of the site) and Class 3 (rear half of the site)	The proposal does not require works below the ground surface or seabed, with the exception of driven piles that do not involve exposure of material below ground level. Accordingly, an Acid Sulfate Soils Management Plan is not required.	Yes
7.3 - Flood Planning	Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development is compatible with the flood hazard; not significantly adversely affect flood behaviour; incorporates appropriate measures to manage risk to life.	The proposal is compatible with the flood hazard. The proposal is to be designed to withstand the forces of flood and will not impact on flood characteristics. The proposal is not for habitable purposes and has appropriate safeguards to manage risks to life.	Yes <i>The site would not be used in the event of flood.</i>

GREAT LAKES DEVELOPMENT CONTROL PLAN 2014 (GLDCP2014)

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Great Lakes Development Control Plan 2014.

Criteria	Assessment	Complies with objectives and / or criteria
Part 3 - Character Statements		
Coastal Town Centres	The site is within the Forster Town Centre. In accordance with Part 3.1.1 the vision for the Forster town centre is "To retain and enhance the unique natural environmental character and relaxed coastal lifestyle offered by Forster Tuncurry, whilst embracing high quality development promoting the area as a popular location for residential living, tourism and business."	Yes

	<p>The site is located in the Commercial and Dining Precinct - Area 3 of the DCP. The vision for this area is for an active pedestrian-oriented precinct where hospitality and entertainment activities are focused...Memorial Drive, Little Street and the foreshore provide one of the most memorable and unique places on the coast. The planned extension of the boardwalk will boost the use of the area providing a long and interesting foreshore walk and cycle way.</p>	
<p>Part 4 – Environmental Considerations</p>		
Ecological Impacts	<p>The development is located over existing disturbed areas of the lake which are generally devoid of seagrasses or other important habitat.</p> <p>DPI Aquatic Ecosystems were notified of the proposal and raised no objection. The notification was accompanied by a Marine Vegetation Survey that identified that there were no seagrasses in the proposed footprint of the development. Two (2) newly seeded juvenile propagules were present. Aquatic Ecosystems noted that their presence could in no way be considered significant. .</p>	Yes
Flooding	<p>The entire building is located over water and is prone to flooding.</p> <p>The development includes the use of flood compatible materials for the construction of the ground floor areas that are located below the 1 in 100 year flood level including allowance for climate change to 2006 (2.4m AHD).</p>	Yes
Effluent Disposal	<p>The development will be connected to a reticulated sewerage system.</p>	Yes

Part 6 - Residential Apartment Buildings Mixed Use Development and Business Premises

The development provisions in this section of the Plan on building form are intended to encourage high quality design for high density residential development and mixed use development incorporating a residential component. Although this section of the DCP does not specifically apply to the proposed development many of the design principles are relevant.

General Building Design	The proposal is considered to provide high quality architectural features producing a development which enhances the desired character of the area and promotes the town centre as a popular location for residential living, tourism and business.	Yes
Pedestrian Amenity: Street Address	The proposal incorporates active ground floor uses - café and dive centre directly accessible at ground level.	Yes
Pedestrian Amenity: Awnings	Awnings are provided for the full length of the street frontage over building entries.	Yes
Pedestrian Amenity: Pedestrian Access	The proposal provides clearly visible and identifiable entry points. Accessible paths of travel are provided between the site and any car parks that are accessible for people with a disability.	Yes
Pedestrian Amenity: Safety and Security	The development has been designed having regard to the Safer by Design principles particularly in relation to surveillance, access control and space management. Additional night time restaurant/bar use provides increased activity at the site in the evening which contributes to increased surveillance and safety of the public domain.	Yes

Part 10 –Parking

Car Parking and Transport	The constraints of the site do not allow for vehicle parking to be accommodated on site	No. * See further comment below.
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Part 11 – Water Sensitive Design		
Stormwater Treatment	As the development is located over a water body and the footprint of the redevelopment is not increasing more than 10% there are no specific water quality requirements	Yes
Part 14 – Waste Management		
Construction Waste	Construction waste can be adequately managed.	Yes
Waste Management and Collection	On-site waste collection facilities provided.	Yes

* *Non-complying issues discussed below*

10.0 Car Parking, Access, Alternative and Active Transport

The subject site is located on the edge of the catchment plan for Forster Parking. The Forster Parking Plan applies to developments within or near the Forster commercial zone. The subject site is this area and accordingly it is considered acceptable to include the site within the commercial zone, for the purpose of parking contributions.

Part 10.3.1.3 of Great Lakes Development Control Plan 2014 requires the following parking rates:

Restaurants - in an area identified in Council's S94 parking constructions plan	1 space per 15 seats
Retail/shops	1 space per 24m ²

In accordance with DCP 2014 the proposed development requires the following car parking spaces.

Restaurant and café 176 seats	11.7 spaces
Dive shop 83m ²	3.46 spaces

The Great Lakes Development Control Plan 2014 rounds calculations to the nearest whole number. Therefore, the proposed development requires a total of 16 car parking spaces.

The existing dive shop has a gross leasable floor area (GLFA) of 150m². In accordance with Great Lakes Development Control Plan 2014 (1 space per 24m² of GLFA) the dive shop would require 7 spaces rounded up.

Where possible it is desirable to provide car parking for commercial uses on each individual property. In the case of the proposed development the provision of on-site car parking is not practicable due to its constraints.

In accordance with Great Lakes Development Control Plan 2014 Part 10.2 Council can give consideration to the use of existing car parking credits for future development discounts.

It is considered acceptable to grant the existing business a total of seven (7) credits. As discussed above the new development requires a total of 16 car parking spaces. Therefore, the proposed business has a shortfall of nine (9) car parking spaces (16 spaces minus 7 credits). In accordance with the Forster District S94 Contributions Plan a Section 94 contribution equivalent to nine (9) car parking spaces can be levied on the proposed development. A condition for S94 contributions for parking and a bicycle enclosure has been included in the recommendation to this report.

10.4 Alternative and Active Transport

10.4 of Great Lakes Development Control Plan 2014 requires the following requirements for bicycle storage facilities for retail and restaurants:

Type	Class 2 Bicycle enclosure	Class 3 Bicycle Rail
Retail	1 per 500m ² gross floor area (GLFA) with a minimum of 1 space	1 per 500m ² GLFA with a minimum of 1 space
Restaurants	1 per 200 seats - minimum of 1 space	1 per 20 seats - minimum of 1 space

In accordance with Great Lakes Development Control Plan 2014 the proposed development requires:

- Two (2) **Class 2** bicycle enclosures (one (1) for the restaurant and one (1) for the retail shop)
- Ten (10) **Class 3** bicycle spaces (nine (9) for the restaurant and one (1) for the retail shop)

The applicant has proposed to provide ten (1) Class 3 bicycle rails at the front of the site. This complies with the requirements of Great Lakes Development Control Plan 2014.

The applicant has not provided the two (2) Class 2 bicycle enclosures as required by Great Lakes Development Control Plan 2014. There is no opportunity on the site to provide a bicycle enclosure. An alternative solution to the provision of Class 2 bicycle enclosures is a Class 1 fixture. These can be placed on a wall within a building. A condition has been included in the recommendation to this report requiring the provision of two (2) Class 1 fixtures in lieu of the Class 2 bicycle enclosure.

b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality

Context and Setting

The site contains an existing business which is located partly over Wallis Lake. The site does not contain ecologically significant terrestrial features, as it comprises an existing structure, gravel/lawn grass areas and some native landscaping. Sea grass and aquatic habitat have been considered by the NSW Department of Primary Industries (Fisheries), who have raised no objection (subject to conditions) to the development on aquatic biodiversity issues.

The proposal is consistent with the concept of the Forster-Tuncurry Crown Harbour Project which is the beginning of a 30 year vision to development of the Forster-Tuncurry waterfront as an area that caters to the current and future needs of the community and its visitors. The study specifically discusses the Fisherman's Wharf, which is the site the subject of this development application, as an area that is to be diversified with new hospitality/retail activities.

The applicant has stated that the *'building will incorporate an architectural theme that is sympathetic to the traditional 'boat sheds' that occupy the waterfront on Breckenridge channel. The building form will be defined by three bays that incorporate a roof line that is contains three distinct gables and a roof pitch that is consistent with existing boat sheds and waterfront buildings.'*

The proposal is considered to be satisfactory having regard to its relationship to both the regional and local context.

Views

The site is located within Breckenridge Channel towards the southern end of Beach Street.

The site is visible from existing commercial and residential premises within Beach Street, Little Street and Memorial Drive. Redevelopment of the site as proposed will have an impact on views from several properties and the public domain.

The proposal is not considered to isolate views of the lake from the public domain. Views of the lake are readily accessible from the boardwalk along Memorial Drive and other public vantage points.

Views from the south east of the proposal are largely obscured by existing vegetation and the existing Red Spot building.

Views from the north (properties along Memorial Drive) will retain views directly in front and along Breckenridge Channel towards Wallis Lake.

Impacts on views will largely be attributable to the increase in height of the proposed development over that of the existing development with some views currently obtained over the existing development being obstructed.

The height of the building is in keeping with the minimum height development control for the locality and will be 1.8m higher than the neighbouring single storey 'red spot' boat shed. Accordingly the height of the building is in keeping with the relevant development controls and not inconsistent with that of existing development.

The location of the site is such that there will be minimal loss of view from any existing commercial or residential properties or from the public domain. Buildings and areas affected will still maintain the larger part of their views of Breckenridge channel.

As the major part of views will be retained and given that the building is in keeping with the existing and allowable character of the area, the minimal impact is acceptable.

View from No. 58 Wharf Street detailing potential loss.



Present view



Future view if proposal proceeds

To quantify the impact on views, reference is made to the Land and Environment Court (LEC) decision in *Tenacity Consulting v Warringah (2004)*. In this decision the court used a four step assessment to determine the application based on view sharing principals.

<p>Step 1 – Views to be affected <i>Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i></p>	
<p>Property</p> <p>58 Wharf Street, Forster</p>	<p>Comment</p> <p><i>This property is not directly opposite the proposed development. It is acknowledged that there will be some view loss to Breckenridge Channel (See previous photo). However, there will be no loss of view directly in front of the units or along Breckenridge Channel towards Wallis Lake. Loss of view for this property is considered minimal.</i></p>
<p>Step 2 – From what part of the property are views obtained <i>For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i></p>	
<p>Property</p> <p>58 Wharf Street, Forster</p>	<p>Comment</p> <p><i>The loss of view is a side view and in accordance with the above retaining side view is often unrealistic especially as in this matter where there is no complete loss of view and the loss is minimal with extensive views still retained.</i></p>

Step 3 – Extent of the impact

This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Property	Comment
58 Wharf Street, Forster	<i>The potential loss of view is considered to be minor as the property is not located directly behind the proposed development and still retains view towards Breckenridge Channel.</i>

Step 4 – Reasonableness of the proposal

A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Property	Comment
58 Wharf Street, Forster	<i>The proposal complies with the majority of the relevant planning rules. Any potential loss of view is not due to non compliance with planning rules.</i>

Noise

An Acoustic Assessment for the Forster Dive Shop, Café and Restaurant prepared by Matrix Thornton was lodged with the Development Application.

Background noise data for the area was obtained by Matrix Thornton from 18 to 26 February 2017. The Rating Background Noise Levels established through the collection of the logging data were used to set Intrusiveness Criterion for the development in accordance with the Environment Protection Authority's Industrial Noise Policy.

The report indicates that noise emissions from the development are predicted to comply at nearby residential properties, with the exception of noise emissions from a full restaurant during the evening period, where minor exceedances are predicted.

Conditions of consent to minimise the risk of noise exceeding criteria and to protect the amenity of adjoining residential premises in accordance with the recommendations of the acoustic assessment have been included in the recommendation to this report. In addition, a reviewable condition in relation to the hours of operation has been included, which will allow Council alter the approved hours of operation for each aspect of the development, should significant complaints be received.

Based on the findings and recommendations of the Acoustic Assessment there is no acoustic reason as to why the development cannot be supported. Further consideration of acoustic design impacts upon completion of construction details will ensure that the amenity of surrounding residents and internal residents is maintained.

Overshadowing

The proposal has potential to overshadow the Red Spot Boatshed located to the north-west of the subject site. The overshadowing is considered to be of a minor nature with the most impact between 12pm to 3pm. The Red Spot boatshed is a commercial building with no residential use.

The proposal is considered to not unreasonably overshadow the adjoining development.

Visual Impact

It is proposed to upgrade an existing single storey older type waterfront shed to a modern building with an architectural theme that is considered to be sympathetic to the traditional 'boat sheds' that occupy the waterfront on Breckenridge Channel.

The proposal is considered to be an enhancement of the visual qualities of the neighbouring sites, the locality and streetscape

Flooding & Sea Level Rise

The development site borders on and is inundated from the mainstream flooding from Wallis Lake.

The floor level of the existing development is around RL0.9m AHD.

The ground floor level of the proposed development is RL1.80m AHD. The ground floor includes a café and boatshed.

The current 2010 Flood Conditions are:

- 100 year Average Recurrence Interval (ARI) is RL 2.0m AHD; 0.25m/s North (downstream)
- 20year ARI is RL 1.5m AHD; 0.20m/s NE
- 10yr ARI average exceedance probability (AEP) is RL 1.5m AHD (ocean induced); 0.20m/s South (upstream)

In accordance with the Flood Plain Development Manual there is no philosophical objection to having the floor of a commercial area, particularly a boatshed below the below the 100 year ARI flood, where risk management measures can mitigate potential damages. On this basis the 20 year ARI level of RL1.5m AHD would seem appropriate.

The design life of the structure should be (a minimum) of 50 years, suggesting a sea level rise to 2065 should be included. This component is projected to be ~0.3m, confirming a design level for the lower floor of RL1.8m AHD as proposed.

A flood emergency response plan should be submitted prior to the issue of a construction certificate for the development to ensure evacuation of customers in the event of flood.

Utilities

All utilities, including electricity, telecommunications, water and sewerage are available to the site.

Flora and Fauna

There are no impacts to flora and fauna from the development. The site does not contain ecologically significant terrestrial features.

Cumulative Impacts

The proposal, subject to the recommended conditions, is generally considered to be satisfactory having regard to the potential to create or contribute to undesirable cumulative impacts.

c) The Suitability of the Site for the Development

The site is considered to be suitable for the development. The site is not subject to natural hazards with the exception that it is flood prone. The structure, by condition must be constructed in a manner that will withstand flood waters.

The proposed development is consistent with the Crown Harbour Study.

The development is also considered to be compatible with the surrounding land use.

d) Any Submissions Made in Accordance with the Act or Regulations

The application was notified to adjoining owners in accordance with Council's Policy from 23/11/2016 to 23/12/2017 and 16 submissions were received. It should be noted that four (4) of these submissions were identical and two (2) were on behalf of one (1) adjoining property. Issues raised in the submissions and responses to those issues are detailed below:

Issue	Response
Loss of view to the south and up Breckenridge Channel from Number 58 Wharf Street.	This property is not directly opposite the proposed development. It is acknowledged that there will be some view loss to Breckenridge Channel. However, there will be no loss of view directly in front of the units or along Breckenridge Channel towards Wallis Lake. Loss of view for this property is considered minimal. Due to the location of the site there is minimal loss of view from any existing commercial or residential properties. The impact of this development on loss of some side view is not considered to warrant refusal of the development application.
Height should be restricted to 6.5m. Detrimental visual effect at intersection of Memorial Drive and Little Street isolating the view for passing traffic and pedestrians. Height not consistent with the natural environment restricting views.	The height of buildings in this area under the provisions of Great Lakes Local Environmental Plan is 8.5m. The proposed building has a height of 8.4m. The proposal is not considered to isolate views of the lake. Views of the lake are readily accessible from the boardwalk along Memorial Drive and other public vantage points.

<p>The proposal is non-compliant with the height controls within clause 4.3 of Great Lakes Local Environmental Plan 2014. The plans show that the top of the structure has a height of 8.4m above the existing deck which is not ground level.</p>	<p>The plans were amended to a height of 8.3m above the proposed deck. Being over water the building does not have direct reference to ground level, as water levels vary. For reference, the height of the building has been compared to the finished levels of the pedestrian footway in the adjoining public reserve. The height of the building above the footway is 8.4m which is compliant with the height controls.</p>
<p>No on-site parking</p>	<p>It is acknowledged that there is no parking provided on the site. Instead, contributions will be paid in lieu of car parking on site. A condition has been included for contributions to parking for the proposed development.</p>
<p>Extension of Fishermen's Wharf will remove the south easterly approach to the wharf where the Amaroo docks.</p>	<p>The proposal does not result in an increase in the size of the current Fishermen's Wharf lease. The 'Amaroo' cruise boat is not dependant on navigating through the lease area to dock. As such the proposal will not impact on the approach to where the 'Amaroo' cruise boat docks. Maritime Services have determined that the proposed development and the mooring of the vessel associated with the development, will be within the extent of the approved lease area boundary.</p>
<p>The application did not include integrated development on the development application form. The SEE fails to properly assess the impact on the marine environment particularly the endangered seagrass community and mangroves.</p>	<p>The very small mangrove plant referred to in the submission was recognised after the application was lodged. The applicant immediately acknowledged the existence of the mangrove plant and the application was referred to DPI Aquatic Ecosystems who have noted that the loss of two propagules could in no way be considered significant. DPI concluded that a Part 7 permit to harm marine vegetation is not required for the proposed development. The DPI response also acknowledges aquatic habitat protection and threatened species and concludes that there is no objection to the proposal. The application was advertised as Integrated development under the Water Management Act.</p>
<p>The plans do not appear to detail the existing buildings and do not show the existing ground levels.</p>	<p>The plans lodged with the application and additional information requested after lodgement of the plans are considered acceptable for the assessment of the application. Not all plans are sent with the notification however, the file can be inspected upon request by any person.</p>

Issue	Response
The application is not consistent with the requirements of SEPP 71, especially Clause 8(k) measures to reduce the potential for conflict between land-based and water-based coastal activities.	The application was determined to clearly address all matters of Clause 8 the SEPP. There is no conflict between land-based and water-based coastal activities. The Fishermen's Wharf is also a water-based activity.
Parking assessment suggests parking should be based on the parking requirements as if the site were located in the Section 94 contributions area for the Forster Town Centre parking while acknowledging the site is located outside. Shortage of parking along Memorial Drive and Little Street.	Clause 10.2 of the Forster District Section 94 contributions plan notes that " <i>The Forster parking plan will be applied to developments within or near the Forster commercial zone...</i> ". The subject site is near the Forster Commercial zone and therefore Section 94 contributions for car parking may be applied.
Noise from the new premises and garbage collection. Air conditioning units and freezers.	The application was accompanied by an Acoustic Assessment which is discussed earlier in this report. A reviewable condition has been included in the Conditions Attachment to this report that allows Council to review the hours of operation based on the conduct of the business in terms of noise or disorderly or antisocial behaviour. Garbage collection already occurs in the Memorial Drive area for business premises.
Council's DCP classifies the area as Foreshore Walkway and any extra development on the site would negate this for possibly decades.	The DCP classifies the area as Foreshore. The proposed development will not impede any part of the existing foreshore walkway.
Misuse of publicly owned land.	The landowner is the Department of Primary Industries - Lands. The land owner has given their consent to the lodging of the development application. The use is in keeping with the Forster Tuncurry Waterfront Masterplan.
Not consistent with key objectives of the IN4 Working Waterfront zoning - <i>to ensure that development does not have an adverse impact on the visual qualities of the foreshore and to minimise adverse effect of development on land uses in other zones.</i>	The proposal is a refurbishment of a very old structure to a modern architecturally designed structure. The proposal is not considered to have an adverse impact on the visual qualities of the foreshore, but will instead improve the visual quality. The development will not create an adverse effect on the adjoining land use zones.
Floor Space Ratio is incorrect.	The Floor Space Ratio has been confirmed by the Architect as being 0.89:1 which complies with GLLEP2014 map that shows a Floor Space Ratio of 1:1.

Issue	Response
<p>The vision for the town centre according to DCP 2014 is to retain and enhance the unique natural environmental character and relaxed coastal lifestyle. The proposal will obscure the view of Breckenridge Channel from Memorial Drive creating a disconnection with the natural environment.</p> <p>The DCP highlights the importance of Memorial Drive (along with Little Street) and the foreshore as a unique and memorable place and refers to the lower-rise buildings that characterise this area.</p>	<p>It is acknowledged that the new building will obscure a small section of Breckenridge channel from Memorial Drive. However, the proposal has no impact upon views from the boardwalk area of Memorial Drive which is quite extensive.</p> <p>The lower-rise buildings with the exception of the existing boat sheds on the foreshore are between three and four storeys in height. The proposal is considered consistent with the surrounding development in the location.</p>

e) *The Public Interest*

The Proposal is in keeping with the strategic plans for the locality. The public interest has been considered throughout the assessment of this application and it is considered that the approval of this application is not against the public interest.

CONCLUSION

The application has been publicly notified and referred to all relevant internal and external agencies. All responses have been received and have been addressed within this report.

Subject to the conditions contained in Annexure B the impacts of the development are considered to be acceptable against the relevant provisions of section 79C of the *Environmental Planning and Assessment Act 1979*.

RECOMMENDATION

It is recommended that Development Application 209/2017 for Demolition of existing structure and construction of a two (2) storey dive shop, restaurant and cafe on Lot 1 & 2 DP 1086929 and Lots 434 & 435 DP 25704, Little Street, Forster be approved in accordance with the conditions of consent contained in Annexure B.

B: Conditions of Consent

GENERAL CONDITIONS

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Site Plan	DA01 Issue B	Snell	August 2017
Floor Plans	DA1201 Issue B	Snell	August 2017
Elevations	DA1501 Issue No. C	Snell	August 2017

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

2. Compliance with National Construction Code Series- Building Code of Australia

All building work must be carried out in accordance with the requirements of the *National Construction Code Series - Building Code of Australia* as in force on the date the application for the relevant construction certificate or complying development certificate was made.

Reason: Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

3. Adjustment to utility services

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

Reason: To ensure utility services are remain in serviceable condition.

4. Separate application required for advertising structures

A separate development application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures, other than those permitted as exempt development.

Reason: To limit the visual impact of advertising signs.

5. Separate application required for fit out of individual tenancies

Separate development consent is required from Council prior to the provision of any proposed partitions, fittings, fixtures and other tenancy work unless such work is exempt development.

Reason: To ensure compliance with the terms of this consent.

PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK

The following conditions must be satisfied prior to the demolition of any building:

6. Details of Asbestos Removal

Prior to the commencement of any demolition work, details of the SafeWork NSW licensed asbestos removalist engaged to undertake the demolition and asbestos removal work must be provided in writing to Council. A documented copy of the Asbestos Removal Control Plan for the demolition (which must nominate the appropriately licensed waste facility where the material is to be disposed of) and evidence of SafeWork NSW notification must be provided with the details of the removalist. Alternatively, a report from a suitably qualified person must be provided to Council which demonstrates that less than 10m² of asbestos containing material is to be removed.

Reason: To ensure public health and safety.

7. Public safety requirements

Prior to the commencement of any demolition work, all care is to be taken to ensure the safety of the public in general, road users, pedestrians and the adjoining property while the demolition works are being undertaken. Public liability insurance cover, for a minimum of \$20 million, must be maintained for the duration of the demolition and construction of the development and Council must be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

Reason: To ensure public health and safety during the construction of the development.

8. Public safety management plan

Prior to the commencement of any demolition work, the applicant shall submit an application to and approved by Council in accordance with Section 138 of the *Roads Act 1993*. The details must include a public safety management plan assessment for those works/activities within the road reserve. The details and plan must include provision for (but not be limited to):

- a) Details of hoardings to be erected along the site frontages of the development site. The hoarding detail is to be submitted through a Section 138 Roads Activity/Hoarding application and approved of by Council.
- b) A pedestrian barrier, alternative footpaths and ramps as necessary;
- c) If required lighting of the alternative footpath between sunset and sunrise;
- d) the loading and unloading of building materials;
- e) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contained within the vehicle;
- f) removal of any such hoarding, fence or awning as soon as the particular work has been completed.

Reason: To ensure public health and safety during the construction of the development.

9. Erosion and Sediment Control Plan and Aquatic Pollution Control Plan

Prior to the commencement of any demolition work, an Erosion and Sediment Control Plan prepared by a suitably qualified person in accordance with "*The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction*" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation and maintenance of erosion control measures and devices and work practices. This Erosion and Sediment Control Plan shall relate to the terrestrial (on-land) aspects of the works, including the relevant demolition. Sediment and erosion control measures should include:

- a) Turbidity barriers (refer SD 6-10), catch drains, filter dams, sedimentation basins, energy dissipators, level spreaders and sediment control devices such as hay bale barriers and filter fences
- b) Minimisation of disturbance areas and rapid stabilisation of exposed areas through seeding, turfing or similar
- c) Appropriate details of the handling and disposal of any soil material removed from the site. Any such disposal is to be in a lawful manner.
- d) Floating spill containment kits shall be available on site during the construction and shall be immediately deployed in the event of the release of fuels, oils or other pollutants. In the event of any environmental spill of fuels or oils or other toxic contaminant, Council shall be immediately notified, and
- e) Refuelling of site machinery shall be conducted in a manner that avoids risks of harm or damage to the natural environment.

Prior to the commencement of any demolition work, an Aquatic Pollution Control Plan prepared by a suitably qualified person must be submitted to and approved by Council. This Plan must set-out the work methods and actions for near and on-water activities (including the replacement of the retaining wall) that will avoid or minimise impacts on aquatic habitats and pollution of the estuarine environment. Aquatic pollution control measures shall include:

- a) Floating spill containment kits available on site during the construction and immediately deployed in the event of the release of fuels, oils or other pollutants. In the event of any environmental spill of fuels or oils or other toxic contaminant, Council shall be immediately notified,
- b) At all times, care shall be taken to prevent accidental harm or damage to aquatic vegetation (seagrass, mangroves, saltmarsh, etc) and no such habitats outside the approved works footprint or reasonable access-ways shall be harmed or disturbed,
- c) Activities that have the potential to cause sediment generation and mobilisation shall at all times be avoided or strictly minimised and the construction personnel shall use their best endeavours to protect the lake environment,
- d) Construction machinery and personnel restricted to the immediate development footprint and reasonable access-ways only,
- e) An Acid Sulfate Soils Management Plan (ASSMP), prepared in accordance with the Acid Sulfate Soils Manual (NSW ASSMAC 1998), prepared as part of the Aquatic Pollution Control Plan. Alternatively, a report shall be prepared in accordance with the Acid Sulfate Soils Manual by a suitably qualified Geotechnical Engineer that indicates an ASSMP is not required for these works,
- f) Any excavated materials shall be visually monitored by appropriately trained personnel for the presence of potential or actual acid sulfate material. Material that is suspected of being actually or potentially acidic must be tested and appropriately treated with lime prior to any disposal at an approved waste management facility such that acidity is neutralised,

- g) There shall be no dredging or reclamation associated with any aspects of the works,
- h) Piles and footings should be pile-driven so as to minimise turbidity impacts,
- i) Over-water construction (other than the retaining wall reconstruction) shall utilise a barge and restricted to the top 3-hours of high tide for the Breckenridge Channel portion of Wallis Lake so as to minimise impacts of construction on bottom sediments and aquatic habitats,
- j) Any damage to seagrass beds shall be effectively minimised at every possible opportunity and especially during the establishment of any piles,
- k) All wastes generated from the construction adequately disposed in a Council-approved waste management facility, and
- l) A floating or bottom fixed marine turbidity curtain is required to be installed around the construction site for the duration of relevant activities. The fabric shall be non-woven impermeable polyester 270 GSM (or similar).

As well as the above, any requirements by the NSW Department of Primary Industries – Water (eg a Controlled Activity Approval) must be approved and implemented.

Reason: To protect the natural environment from pollution and harm

10. Installation of approved erosion & sediment control measures

Prior to the commencement of demolition work, erosion and sedimentation controls must be installed in accordance with the approved erosion and sediment control plan and are to be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of any Construction Certificate:

11. Acid sulphate soil assessment

Prior to the issue of a construction certificate, an acid sulphate soil assessment must be submitted to and approved by the certifying authority for any works involving excavations beyond 1 metre below natural ground surface. The acid sulphate soil assessment must be undertaken in accordance with the *Acid Sulphate Soil Manual* (NSW ASSMAC 1998).

Reason: Management of acid sulphate soils.

12. Acoustic Attenuation

Prior to the issue of a construction certificate for the development, plans and specifications detailing the measures to reduce noise impacts on surrounding residential properties must be submitted to and approved by the certifying authority. In particular, the positioning and noise levels of external air-conditioning units and kitchen exhaust and details of acoustic absorption finishes must be provided.

Evidence from an appropriately qualified person demonstrating that the design will achieve the requirements of the Matrix Thornton's Acoustic Assessment (Report Number: M17623.01, dated 7 March 2017) must be submitted with the plans and specifications.

Reason: To maintain the amenity of building occupants.

13. Food premises fitout

Prior to the issue of a construction certificate, plans and specifications for the fit-out of the food premises must be submitted to and approved by Council. The food premises must be constructed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fit-out of food premises and include the following details:

- a) A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.
- b) Hot and cold water to the hand wash basins must be delivered through a hands free mixer tap. The hand basins must be provided with liquid soap and single-use towels at all times.
- c) All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
- d) Ceiling, wall and floor finishes in the food premises must comply with Australian Standard AS 4674: Design, construction and fit-out of food premises.
- e) Ceiling lights must be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
- f) Coving must be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard AS 4674: Design, construction and fit-out of food premises. Coving must be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
- g) Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) must be provided. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.

Reason: To ensure public health and safety.

14. Hoardings

Prior to the release of the Construction Certificate the applicant shall submit details of hoardings to be erected along the site frontages of the development site. The hoarding detail is to be submitted through a Section 138 Roads Activity/Hoarding application and approved of by Council.

- a) If required lighting of the alternative footpath between sunset and sunrise;
- b) the loading and unloading of building materials;
- c) parking space for tradesman's vehicles, where such vehicles must be located near the site due to tools and equipment contained within the vehicle;
- d) removal of any such hoarding, fence or awning as soon as the particular work has been completed.

Reason: To ensure public health and safety during the construction of the development.

15. Flood evacuation plan

Prior to the issue of a construction certificate, a flood evacuation plan must be submitted to and approved by the certifying authority. The plan must include the following components:

- a) **Flood Characteristics** - A brief description of how a flood event occurs in the area and its impact on the proposed development. This detail must give any future resident /occupier an understanding of what to expect during a flood event.
- b) **Flood Warnings** - Provide detail as to the warnings occupants can expect in relation to flooding and how they are received. These warnings include expected flood peak, road closures, long term weather forecasts and emergency advice.
- c) **Preparations** - Occupants of the development must have clear direction on the various activities that need to be undertaken when preparing for an expected flood event. Such activities as switching off electrical equipment, storing water and moving goods, machinery, livestock etc above flood level.
- d) **Evacuation** - Programming the evacuation process must ensure all activities are undertaken in a safe timely manner providing safe unassisted evacuation from the development.
- e) **Responsible persons** - Nominate by position title, those persons responsible for implementation actions for individual plan elements. Identify a hierarchy of alternate controllers with the persons potentially responsible identified by position title, not their individual names. Useful contact numbers for flood advice must be included in any flood contingency plan

Reason: To ensure public safety during a flood emergency.

16. Retaining wall

Prior to the issue of a construction certificate, the applicant shall submit details showing the existing retaining wall along the site's north eastern boundary reconstructed and raised in height to suit the new entry level of RL 1.8m AHD.

Details shall include a rock batter with a height of 100 mm above the MHWL - ie RL 1.6m AHD, a gradient between 2:1 & 4:1 (h:v) and a minimum 200 mm washed rock.

Notes:

- The rock batter is for the purposes of marine life habitat along the length of the property frontage;
- The rock batter is not to extend across the Council stormwater pipeline outlet being supported by wing walls associated with the stormwater pipeline outlet.

Reason: To ensure structural stability of the development and it is adequate to withstand impacts from flooding in accordance with Council and NSW Government Policy and safety.

17. Structural certification – retaining wall and flood affected buildings

Prior to the issue of a construction certificate, structural drawings, engineering calculations and certification from a qualified structural engineer must be submitted to and approved by the certifying authority.

The details are to include the existing retaining wall along the site's north eastern boundary reconstructed and raised in height to suit the new entry level of RL 1.8m AHD.

The certificate must certify that the building and retaining/revetment wall, its structural components and associated earthworks have been designed to withstand flood forces due to:-

- Wind wave run-up, water pressure, associated debris, and impact loading arising from the 1% annual exceedence probability (AEP) flood.
- For the purpose of this assessment the 1% AEP flood level can be assumed to be RL 2.4m AHD with a velocity of 1.5 m/s.

- A wind wave height of 0.5 m in an easterly and also a southerly direction, is to be included in the assessment
- Stormwater discharge from the Council stormwater pipeline that discharges through the retaining wall on the north eastern property boundary (pipeline located under the existing timber wharf roughly 6 metres from the north western boundary)

The plans must include details for:

- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement with the water table.
- b) Footings of the proposed structure.
- c) Structural steel beams/columns.
- d) The revetment/retaining wall reconstructed across the property frontage and include:
 - i) Management of groundwater;
 - ii) Investigation of all underground services adjacent to the site including determining the location and level of the service.
 - iii) Details showing it has been designed to withstand heavy excavation machinery (eg Kato excavators) working adjacent to the development, should Council need to reconstruct the adjacent stormwater pipelines or undertake other works.
 - iv) Any associated anchor ties.
 For any anchor ties constructed within the adjacent Council road reserves and prior to the issue of a construction certificate the applicant must have a minimum \$20,000,000 public liability to cover the time these construction works are in operation and a minimum \$10,000 bond. After the completion of the retaining wall construction:
 - The anchor ties must be fully removed for the first 3 metres below the adjacent ground level/s.
 - Cut and destressed where ties located over 3.0 metres depth.
 - The applicant's engineer shall inspect and certify that any anchor ties etc have been removed/destressed in compliance with the above conditions.
 - v) Details showing the retaining wall and piers for the development are not subject to undermining from flood/wave action and stormwater from the Council stormwater pipeline.
 - vi) Details to ensure the Council pipeline is/are structurally independent of the retaining wall and there is a permanent and non-scouring stormwater outlet for the Council pipeline.
 - vii) Details in accordance with Australian Standard AS 4997-2005 where applicable including any associated and/or cross referenced standards.
 - viii) Marine grade stainless steel (grade 316) or similar pedestrian safety fencing to be erected along the site frontage, where ever there is an opening/fall between the retaining wall and Wallis Lake.
 - ix) Details for the rock batter between 2:1 & 4:1 (h:v) for marine life habitat along the length of the property frontage (except for the Council stormwater pipeline outlet). The construction works are to be undertaken with:-
 - (a) a level base for the rock wall foundation;
 - (b) rocks with a minimum 200mm diameter and extending to a minimum of 100mm above mean high water (ie minimum RL1.60m AHD);
- e) Finishes are constructed in accordance with the BCA with materials that have a non-slip surface and smooth joins between surfaces.' Materials are to be highly durable and suitable for a marine environment.
- f) Adequate provision made for site drainage in the design of the structures.

Reason: To ensure structural stability of the development and it is adequate to withstand impacts from flooding in accordance with Council and NSW Government Policy and safety.

18. Flood planning compatibility

Prior to the issue of a construction certificate, plans and specification detailing the use of flood compatible materials and fixtures in areas below the flood planning level must be submitted to and approved by the certifying authority. Power outlets must be located above the flood planning. The flood planning level for this development is R.L. 2.9m A.H.D

Reason: To protect the building from flooding in accordance with Council and NSW Government Policy.

19. Storage facilities above floor level

Prior to the issue of a construction certificate, plans and specifications detailing the provision of secure storage facilities for goods that are not flood compatible located within the development above the flood planning level must be submitted to and approved by the certifying authority. The nominated space may be used for purposes other than storage when flooding is not expected, provided the space is readily available and can be made secure during the period of flooding.

Reason: To provide safe storage space during a flood emergency.

20. Erosion and Sediment Control Plan and Aquatic Pollution Control Plan

Prior to the issue of a construction certificate, an Erosion and Sediment Control Plan prepared by a suitably qualified person in accordance with "*The Blue Book - Managing Urban Stormwater (MUS): Soils and Construction*" (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation and maintenance of erosion control measures and devices and work practices. This Erosion and Sediment Control Plan shall relate to the terrestrial (on-land) aspects of the works, including the relevant demolition. Sediment and erosion control measures should include:

- a) Turbidity barriers (refer SD 6-10), catch drains, filter dams, sedimentation basins, energy dissipators, level spreaders and sediment control devices such as hay bale barriers and filter fences
- b) Minimisation of disturbance areas and rapid stabilisation of exposed areas through seeding, turfing or similar
- c) Appropriate details of the handling and disposal of any soil material removed from the site. Any such disposal is to be in a lawful manner.
- d) Floating spill containment kits shall be available on site during the construction and shall be immediately deployed in the event of the release of fuels, oils or other pollutants. In the event of any environmental spill of fuels or oils or other toxic contaminant, Council shall be immediately notified, and
- e) Refuelling of site machinery shall be conducted in a manner that avoids risks of harm or damage to the natural environment.

Prior to the issue of a construction certificate, an Aquatic Pollution Control Plan prepared by a suitably qualified person must be submitted to and approved by Council. This Plan must set-out the work methods and actions for near and on-water activities (including the replacement of the retaining wall) that will avoid or minimise impacts on aquatic habitats and pollution of the estuarine environment. Aquatic pollution control measures shall include:

- a) Floating spill containment kits available on site during the construction and immediately deployed in the event of the release of fuels, oils or other pollutants. In the event of any environmental spill of fuels or oils or other toxic contaminant, Council shall be immediately notified,
- b) At all times, care shall be taken to prevent accidental harm or damage to aquatic vegetation (seagrass, mangroves, saltmarsh, etc) and no such habitats outside the approved works footprint or reasonable access-ways shall be harmed or disturbed,
- c) Activities that have the potential to cause sediment generation and mobilisation shall at all times be avoided or strictly minimised and the construction personnel shall use their best endeavours to protect the lake environment,
- d) Construction machinery and personnel restricted to the immediate development footprint and reasonable access-ways only,
- e) An Acid Sulfate Soils Management Plan (ASSMP), prepared in accordance with the Acid Sulfate Soils Manual (NSW ASSMAC 1998), prepared as part of the Aquatic Pollution Control Plan. Alternatively, a report shall be prepared in accordance with the Acid Sulfate Soils Manual by a suitably qualified Geotechnical Engineer that indicates an ASSMP is not required for these works,
- f) Any excavated materials shall be visually monitored by appropriately trained personnel for the presence of potential or actual acid sulfate material. Material that is suspected of being actually or potentially acidic must be tested and appropriately treated with lime prior to any disposal at an approved waste management facility such that acidity is neutralised,
- g) There shall be no dredging or reclamation associated with any aspects of the works,
- h) Piles and footings should be pile-driven so as to minimise turbidity impacts,
- i) Over-water construction (other than the retaining wall reconstruction) shall utilise a barge and restricted to the top 3-hours of high tide for the Breckenridge Channel portion of Wallis Lake so as to minimise impacts of construction on bottom sediments and aquatic habitats,
- j) Any damage to seagrass beds shall be effectively minimised at every possible opportunity and especially during the establishment of any piles,
- k) All wastes generated from the construction adequately disposed in a Council-approved waste management facility, and
- l) A floating or bottom fixed marine turbidity curtain is required to be installed around the construction site for the duration of relevant activities. The fabric shall be non-woven impermeable polyester 270 GSM (or similar).

As well as the above, any requirements by the NSW Department of Primary Industries – Water (eg a Controlled Activity Approval) must be approved and implemented.

Reason: To protect the natural environment from pollution and harm

21. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$9,892 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

Reason: Protection of public assets.

22. Works within the road reserve

Prior to the issue of a construction certificate, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the road reserve works listed in the table below. Each work must be carried out in accordance with the standard specified in the column opposite the work. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

Work	Standard to be provided
Stormwater drainage	Duplicate the existing Council pipeline (750mm diameter pipeline or similar) extending from the adjacent existing Council stormwater pit to the new retaining wall along the northeastern boundary of the site Design and construct:- <ul style="list-style-type: none"> • Pipeline/s to be structurally independent of the retaining wall. • Headwall with wing walls suitable to support the required rock batter. • Downstream rock scour protection (eg washed blue metal with no fines in a 'Reno Mattress' or similar) • Downstream piles identified for local stormwater flood forces and scour protection. • The existing Council junction pit (reconstruct) to suit the dual pipelines and include raising the finished surface level of the pit to approximate level RL 1.8 m AHD.
Footpath/cycleway	Removal of the portion of the existing concrete footpath that will be redundant adjacent to the development site and construction of a 2.5m wide stencilled footpath at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in general accordance with Council Standard Drawing No. SD 0103. New footpath to connect from the existing footpath/cycleway along the frontage of the site to:- <ul style="list-style-type: none"> • The entrance of the development site; • the footpath along the adjacent property - Lot 274 DP 753168.

Landscaping works	Submit a landscaping plan for the area adjacent to the site frontage. Details must include: <ul style="list-style-type: none"> the regrading & returfing of the area to suit the new levels of the retaining wall; retaining wall/s and safety railings to support any level variations between adjacent properties; Marine grade stainless steel fencing (grade 316) across the site frontage where there will be any open areas and pedestrians may fall.
Grading, trimming, topsoiling and turfing of the unpaved footpath area	The surface levels are to be finished flush with the finished surface levels of the development and suitably graded to Council's satisfaction.
Under-grounding of electricity mains/wires servicing the site	The electrical cable is to be bored underground of the Council footpath (applicant is recommended to liaise with the adjacent property owner to undertake similar)

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

23. Bond required to guarantee removal of anchor ties

Prior to the issue of a construction certificate, and should anchor ties be proposed in conjunction with the works within the Council areas, the applicant must first pay to Council a minimum \$10,000 bond to be refunded after:

- a) the removal of the anchor ties; and
- b) certification by the structural/geotechnical engineer that the anchor ties have been removed from the first 3m depth below the adjacent ground level and cut so that they are distressed where depths are greater than 3m.

Reason: Protection of public assets.

24. Bicycle Parking

Prior to the issue of a construction certificate, plans and specifications detailing bicycle parking for the development must be submitted to and approved by the certifying authority. The development is to be provided with a minimum of:-

- a) Rails/fixtures for two bicycles (for use by staff) provided within the building so that bicycles can be secured/locked; and
- b) Nine x class 3 bicycle rails (u-frame for use by visitors).

The bicycle spaces must be designed and constructed in accordance with Australian Standard AS/NZS 2890.3: *Parking facilities - Bicycle parking facilities*.

Any bicycle rails to be located in the adjacent road/Crown reserves must be constructed with marine grade stainless steel (grade 316) or similar and in accordance with AS 2890.3

Reason: To ensure suitable bicycle parking is provided within the development.

1. MidCoast Water approval

A Certificate of Compliance is to be received from MidCoast Water prior to the release of this development for construction, stating that satisfactory arrangements have been made for the provision of MidCoast Water services to the development.

Reason: To ensure suitable water and sewage disposal is provided to the development.

2. Access and facilities for people with disabilities

Prior to the issue of a construction certificate, plans and specifications detailing access to and within the development and facilities for persons with disabilities must be submitted to and approved by the certifying authority. The development must be in accordance with *Australian Standard AS 1428.1 - Design for access and mobility* and Part D3 of the *Building Code of Australia*.

Reason: To ensure the development provides equitable and dignified access and facilities for people with disabilities.

3. S94 contributions

Prior to the issue of a construction certificate, a monetary contribution must be paid to Council in accordance with Section 94 of the *Environmental Planning and Assessment Act 1979*. The services and facilities for which the contributions are levied and the respective amounts payable under each of the relevant plans are set out in the following table:

Code	Contributions Plan	Facility	quantity	unit	rate	amount
GLW-07	Great Lakes Wide	Headquarters Building	\$989,185	\$1 non res	@	\$0.001 = \$989.19
FD04	Forster District	Major Roads Inner Zone	24	1-way trips	@	\$684.30 = \$16,423.20
FD08	Forster District	Forster Parking	9	spaces	@	\$18,836.96 = \$169,532.64
Total						= \$186,945.03

Contribution rates are subject to indexation. The rates shown above are applicable until 30 June following the date of consent. Payment made after 30 June will be at the indexed rates applicable at that time.

The Contributions Plan and the Standard Schedule for Section 94 Plans may be viewed on Council's web site or at Council's offices at Breese Parade, Forster.

Reason: Statutory requirement to be paid towards the provision or improvement of facilities and services.

PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT

The following conditions must be satisfied prior to the commencement of any building construction or subdivision work:

4. Construction certificate required

Prior to the commencement of any building or subdivision construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 6591 7222.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

5. Notification of commencement and appointment of principal certifying authority

Prior to the commencement of any building or subdivision construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days notice to Council, in writing, of the persons intention to commence construction work.

Reason: Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

6. Toilet facilities - sewerred areas

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

Reason: To maintain public health.

7. Site construction sign

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

8. Traffic management plan

Prior to the commencement of work, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by the certifying authority. All works that will adversely affect the vehicle and pedestrian movements adjacent to the development are not undertaken during school and public holidays. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2* and Australian Standard AS 1742.3: *Manual of uniform traffic control devices - 'Traffic control for works on roads'*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction of the site or adjacent to the site.

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays, School and Public Holidays.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of RTA *Traffic Control at Work Sites manual*.

Reason: To ensure public safety and amenity during the construction of the development.

9. Public safety requirements

Prior to the commencement of any work (including demolition), all care is to be taken to ensure the safety of the public in general, pedestrians and the adjoining properties while the demolition and construction works are being undertaken. Public liability insurance cover, for a minimum of \$20 million, must be maintained for the duration of the demolition and construction of the development and Council must be nominated as an interested party on the policy. Council is not held responsible for any negligence caused by the undertaking of the works.

Reason: To ensure public health and safety during the construction of the development.

10. Erosion & sediment measures in accordance with approved plans

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan/s and must be maintained for the duration of the project.

Reason: To protect the environment from the effects of erosion and sedimentation.

CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK

The following conditions must be complied with during any development work:

11. Removal of asbestos

All asbestos containing materials associated with demolition works must be removed, handled and disposed of in accordance with the requirements of SafeWork NSW and the following requirements:

- a) The demolition and removal must be undertaken by a SafeWork NSW licensed demolition contractor who holds an appropriate SafeWork Asbestos Removal Licence for the material to be demolished where 10m² or more asbestos containing materials are present.

- b) All asbestos must be removed from the site and be disposed of at an approved licensed waste facility. All asbestos waste must be delivered to an approved licensed waste facility in heavy duty sealed polyethylene bags.
- c) The bags are to be marked "Caution Asbestos" with 40mm high lettering. A minimum of Twenty four (24) hours notice must be given to the waste facility prior to disposal.
- d) Receipts of the disposal of all asbestos to a licensed waste facility must be provided to Council within seven (7) days of the demolition.
- e) A copy of an Asbestos Clearance Certificate prepared by a suitably qualified independent person is to be provided to Council within seven (7) days of the completion of the demolition.

Reason: To protect public health and safety and to ensure the correct disposal of asbestos waste.

12. Construction times

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

Reason: To maintain amenity during construction of the development.

13. Maintenance of erosion and sediment control measures in accordance with approved plan

Erosion and sediment control measures must be maintained at all times in accordance with the approved erosion and sediment control plan until the site has been stabilised by permanent vegetation cover or hard surface.

Reason: To protect the environment from the effects of erosion and sedimentation.

14. Wiring in flood prone buildings

All wiring, power outlets, switches, etc, must be provided in accordance with the following requirements:

- a) To the maximum extent possible, all wiring, power outlets, switches, etc, must be located above the flood planning level.
- b) All electrical equipment installed below the flood planning level must be suitable for continuous submergence in water and must not contain fibrous components.
- c) All electrical equipment installed below the flood planning level must be capable of disconnection by a single plug and socket assembly.
- d) Electrical circuits to areas below the flood planning level must be separated from circuits serving areas above the flood planning level.
- e) Only submersible-type splices are to be used below the flood planning level.
- f) All conduits located below flood planning level are to be so installed that they will be self-draining when subjected to flooding.

Reason: To maintain the safety of buildings and occupants during a flood event.

15. Supervision by Engineer

Construction of the retaining wall, safety rails, rock batter and scour protection is to be carried out under the direct supervision of a suitably qualified and experienced engineer. A certification must be obtained from the engineer certifying that the wall has been constructed/carried out under their supervision and to their satisfaction.

Reason: To ensure that the revetment wall and timber deck has been installed to the supervising engineer's specifications

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions must be satisfied prior to any occupation or use of the building:

16. Public Engineering Works Permit (PEWP)

Prior to the issue of a final occupation certificate, the road reserve works required under the Public Engineering Works Permit (PEWP) must be satisfactorily completed and the associated defects liability bond must have been paid.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

17. Retaining wall and rock batter

Prior to the issue of a final occupation certificate, the retaining wall and rock batter must have been satisfactorily completed and certified by the engineer that all works have been constructed in accordance with the approved plans and specifications.

Reason: To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

18. Truck Deliveries

Prior to the issue of a final occupation certificate the applicant must submit a management plan for truck deliveries to the site for the approval of the certifying authority. The management plan must:

- a) Show deliveries for the development are undertaken between 7 am and 8.30 am Mon to Sat.
- b) Be incorporated into any future commercial arrangement (eg lease)

Reason: To ensure suitable truck deliveries and environmental amenity.

19. MidCoast Water approval

A Certificate of Attainment is to be received from MidCoast Water prior to the release of this development for occupation, stating that satisfactory arrangements have been made for the provision of MidCoast Water services to the development.

Reason: To ensure suitable water and sewage disposal is provided to the development.

ONGOING USE

The following conditions must be satisfied during the ongoing use of the development:

20. Ongoing maintenance of food premises

The food premises must at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises.

Reason: To maintain public health and safety.

21. Food notification

Prior to the commencement of the operation of each food business, a food notification must be completed through Council.

Reason: To ensure public health and safety.

22. Health inspection

Prior to the commencement of the operation of each food business, a final inspection must be undertaken by Council's Environmental Health Officer.

Reason: To ensure public health and safety.

23. Offensive noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises: "offensive noise" is defined under the Protection of the Environment Operations Act 1997 as noise:

a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or

ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or

b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

Reason: To maintain acoustic amenity to adjoining properties.

24. Music

Amplified and live music shall not be permitted in external areas of restaurants and cafes. Music must be restricted to background music levels within the restaurant and be no louder than $L_{Aeq,1min}$ 80dBA and 85dBC.

Reason: To protect the amenity of adjoining residences.

25. Compliance with Noise Criteria

Noise levels from the premises must not exceed 'Intrusiveness Criteria' specified in Matrix Thorntons Noise Impact Assessment dated 7 March 2017 (Report No. M17623.01), measured at the most affected point on or within the residential property boundary (or, if this is more than 30 metres from the residence, at the most affected point within 30 metres of the residence). Intrusive noise levels that must not be exceeded are:

- Day – 53dB(A) LAeq15min
- Evening – 49dB(A) LAeq15min
- Night - 44 dB(A) LAeq15min

Reason: To protect the amenity of adjoining premises.

26. Hours of operation

The permitted hours of operation for proposed uses of the development (and deliveries) must be restricted to within the hours specified below:

Use	Start Time	Finish Time
Restaurant, Bar and Café	8:00am	Midnight
External Dining Areas	8:00am	Midnight
Dive Shop	6:00am	6:00pm
Deliveries Monday to Saturday	7:00am	6:00pm
Deliveries Sundays	8:00am	4:00pm

In accordance with Section 80A (10B) of the Environmental Planning and Assessment Act 1979, this condition is a reviewable condition. Upon the condition being reviewed, the limitations on proposed trading hours may be varied in accordance with the recommendations of the review. The purpose of this reviewable condition is to enable the limitations of proposed trading hours to be reviewed should significant complaints be received from the Police or Public regarding noise, crime or other disorderly or antisocial behaviour.

Reason: To protect the amenity of adjoining premises.

27. Maintenance of landscaping, retaining walls, safety rails, rock batter/s and footpaths

Any landscaping, retaining walls and footpaths that are required to be constructed by this development consent and are adjacent to the development site (eg within the area of the road/crown reserves and also within lot 434 DP 257034) must be maintained by the property owner in perpetuity.

This maintenance work shall include :

- The ongoing maintenance, safety and structural integrity of any landscaping, retaining walls, safety rails, rock batter/s, footpaths and any bicycle racks as required to be constructed by this development consent within the adjacent road and crown reserves.
- The retaining wall/safety rails are inspected regularly by a suitably qualified and experienced professional engineer to certify that the structure is structurally adequate and in good repair.
- The property owner must maintain public liability insurance for a minimum \$20 m to cover the required works.

Reason: To ensure that the revetment wall is structurally sound and to protect the environment from the effects of erosion and sedimentation.

OTHER AGENCY CONDITIONS

28. Department of Primary Industry - Water requirements

The development must be carried out in compliance with the following conditions detailed in the General Terms of Approval, reference No. 20 ERM2017/0066, dated 17 September 2017.

General Terms of Approval for work requiring a controlled activity approval under 591 of the *Water Management Act 2000*

Number	Condition
Site Address:	Lot 1-2 DP 1086929 and Lot 434-435 DP 257034 434 Little Street, Forster
DA Number:	209/2017
LGA:	Mid Coast Council - Great Lakes

Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 209/2017 and provided by Council:</p> <p>(i) Statement of Environmental Effects (ii) Site Plans</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water.</p> <p>Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Construction Civil and Drainage Plans</p>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.</p> <p>(i) In-stream works</p>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>

Disposal	
6	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.
Drainage and Stormwater	
7	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
Erosion control	
8	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
9	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
END OF CONDITIONS	

Reason: To ensure work is carried out in accordance with the determination and other statutory requirements.

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3 GAZETTAL OF CERTIFIED GREAT LAKES COASTAL ZONE MANAGEMENT PLAN

Report Author Andrew Staniland, Coastal Management Coordinator

File No. / ECM Index SP-CZMP-02

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report deals with the action that is required in order for Council to finalise the gazettal of the Great Lakes Coastal Zone Management Plan. In accordance with Section 55H of the *Coastal Protection Act 1979*, Council should now formally adopt (make) the certified Great Lakes Coastal Zone Management Plan (CZMP) and request publication of the plan in the NSW Government Gazette.

SUMMARY OF RECOMMENDATION

It is recommended that:

1. Council adopt (make) the certified Great Lakes Coastal Zone Management Plan August 2016 in Attachment A to this report.
2. Council forward the adopted Great Lakes Coastal Zone Management Plan to Parliamentary Counsel for notification in the Government Gazette as per direction from NSW Minister for the Environment in Annexure A in this report.

FINANCIAL/RESOURCE IMPLICATIONS

The ability to secure state and federal funding for management of the subject area of coast is dependent upon a certified and adopted Great Lakes Coastal Zone Management Plan. Gazettal of the adopted plan will ensure required actions identified in the Great Lakes Coastal Zone Management Plan will be considered for funding assistance under the Office of Environment and Heritage *Coast and Estuary Grants Program* (this is an annual grants program, current round closes on 30 January 2018). Further, it will allow approved coastal management actions funded by landholders to proceed.

LEGAL IMPLICATIONS

As per section 55H of the *Coastal Protection Act 1979*, Council should now formally adopt (make) the certified Great Lakes Coastal Zone Management Plan (CZMP) and request publication of the plan in the NSW Government Gazette. Final adoption and gazettal completes the coastal management planning process for the Great Lakes Great Lakes Coastal Zone Management Plan. As such the made plan will assume legal status, permitting the Great Lakes Coastal Zone Management Plan to guide the management of risks related to coastal processes along the southern section of Council's coastline.

ATTACHMENTS

A: Great Lakes Coastal Zone Management Plan.

Attachment A has been circulated in hard copy to the Councillors and Senior Staff. This Attachment is publicly available on Council's website.

BACKGROUND

Council adopted the draft Great Lakes Coastal Zone Management Plan on 10 November 2015, referring the document to the Minister for the Environment for certification in accordance with section 55G of the *Coastal Protection Act 1979* (the Act). This action followed a comprehensive community consultation process which ran from 25 March 2015 until 15 May 2015. This community consultation process concluded with presentations from community members, Council staff and coastal consultants to Council's Strategic Meeting of 8 September 2015.

On 9 June 2016, correspondence was received by (former) NSW Minister for Planning, the Hon Rob Stokes, requesting minor amendments as per NSW Coastal Panel advice (Annexure B). The requested amendments related to clarification of sediment budgets and finalisation of viable management options for identified locations. Council staff, with assistance from coastal specialist consultants and liaisons with staff from OEH, made required amendments. Council resubmitted the Great Lakes Coastal Zone Management Plan for Certification to the Minister on 31 August 2016.

The following table highlights the amendments made to the Great Lakes Coastal Zone Management Plan as per advice detailed in Annexure B (letter from former Planning Minister Rob Stokes and NSW Coastal Panel). The sections and page numbers noted in the below table relate to Attachment A (Great Lakes Coastal Zone Management Plan).

Section	Page number	Amendment
Executive Summary	vii	Clarification that management options for future risks be identified for the revision of the CZMP by 2020.
Executive Summary	viii	Addition of the required amendments in "What Happened Next?"
1.5.1.1	9	Clarification of review times for the CZMP.
1.5.1.2	10	Clarification of requirement to use most up-to-date projections during review of CZMP
2.1 & 2.2.1	16 / 17	Identification that a review of sediment budgets are required prior to the next review of the document, as per the Coastal Panel recommendation. Inclusion of a timetable of required actions.
2.4.11	30	Clarification of actions and priorities for review of coastal processes, sediment budgets and coastal risks study.
2.4.12	32	Identification and clarification of specific actions related to Boomerang Beach.
2.4.19	38	Identification of specific action for Blueys Beach relating to Flood Study.

The August 2016 version of the Great Lakes Coastal Zone Management Plan was certified by the NSW Minister for the Environment, the Hon Gabrielle Upton on 16 November 2017, in accordance with Section 55G(2) of the Act. It was acknowledged in the correspondence from the Minister that the Great Lakes Coastal Zone Management Plan is a comprehensive, practical and adaptive plan (Annexure A).

Pursuant of Section 55H of the Act, upon certification by the Minister, Council should adopt (make) the Great Lakes Coastal Zone Management Plan and request notification in the *NSW Government Gazette*. This would represent the completion of the coastal management planning process and confirm the legal status of the Great Lakes Coastal Zone Management Plan permitting it to guide the management of risks related to coastal processes along the southern section of Council's coastline.

As per the NSW Coastal Zone Management Plan Guidelines, this is the final procedural step in what has been an extensive process to deliver sound coastal management for much of the former Great Lakes coastline. It is therefore recommended that Council adopt the Great Lakes Coastal Zone Management Plan in Attachment A to this report and forward notification to Parliamentary Counsel for publication in the NSW Government Gazette as advised by the Minister for the Environment (Annexure A).

RECOMMENDATION

It is recommended that:

1. Council adopt (make) the certified Great Lakes Coastal Zone Management Plan August 2016 in Attachment A to this report.
 2. Council forward the adopted Great Lakes Coastal Zone Management Plan to Parliamentary Counsel for notification in the Government Gazette, as per direction from NSW Minister for the Environment in Annexure A in this report.
-

ANNEXURES

A: Letter from NSW Minister for the Environment, Heritage and Local Government, the Hon Gabrielle Upton.



The Hon Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

MD16/3781
3445958

Mr Glenn Handford
General Manager
Mid-Coast Council
PO Box 450
FORSTER NSW 2428

By email: council@greatlakes.nsw.gov.au

Dear Mr Handford

Thank you for submitting the amended Great Lakes Coastal Zone Management Plan (CZMP) for certification under the *Coastal Protection Act 1979* (the Act). I appreciate Mid-Coast Council's timely response to the advice provided by the NSW Coastal Panel.

I am pleased to certify the CZMP in accordance with section 55G of the Act. This certification is not an endorsement of specific proposed management actions.

I commend Mid-Coast Council for preparing a comprehensive, practical and adaptive CZMP. Please arrange for council to publish the CZMP in the NSW Government Gazette, as required under section 55H of the Act.

If council has any questions about this matter, please contact Mr Peter Evans, Senior Team Leader Water Floodplains and Coast, Regional Operations, Office of Environment and Heritage, on 4927 3107 or at peter.g.evans@environment.nsw.gov.au.

Yours sincerely



Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

cc. Stephen Bromhead MP
16-11-17

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 6107 ■ F: (02) 9339 5546 ■ E: www.nsw.gov.au/ministerupton

B: Letter from (former) NSW Minister for Planning, the Hon Rob Stokes.



MD16/22

Rob Stokes
Minister for Planning



Mr Rob Hartley
Director Engineering Services
Mid-Coast Council
PO Box 450
FORSTER NSW 2428

Dear Mr Hartley

Great Lakes Coastal Zone Management Plan

Thank you for submitting the Great Lakes Coastal Zone Management Plan (CZMP) for my certification under the *Coastal Protection Act 1979*.

I referred the CZMP to the NSW Coastal Panel for advice under section 55G(3) of the Act. The Panel has provided its advice to me and I enclose a copy for your consideration.

I commend Mid-Coast Council for the broad range of issues considered in the CZMP and for the extensive consultation undertaken during preparation of the plan. I also commend council for the manner in which the plan considers various classes of public infrastructure, and for the significant commitment to long-term monitoring initiatives to augment future decision making.

I will be able to certify the CZMP if council resubmits the plan after making the revisions identified in the enclosed advice from the Panel. These revisions require council to make a more specific commitment in the CZMP to undertake an overall reassessment of the coastal processes of the Great Lakes coast. Implementation of this commitment will provide a comprehensive and robust understanding of the sediment budget for the region and hence the framework within which council can make informed medium to long term management decisions.

This commitment should include the following key integrated elements:

- relevant revision of the hazard lines at Blueys and Boomerang Beaches, including a reassessment of the application of the Bruun Rule and the zone of reduced foundation capacity at Boomerang Beach due to the sensitivity of these elements to the assumed active profile slope and height of the dunal system
- an appraisal of whether an improved sediment budget understanding alters the potential for inundation and flooding at the southern end of Blueys Beach
- re-examination of the management options available to specifically address vulnerabilities at Blueys and Boomerang Beaches, including a cost-benefit and funding analysis, with the aim of finalising a viable long-term management strategy for these two beaches including any necessary amendments to the Great Lakes Local Environmental Plan
- a timetable to give effect to these actions by, or preferably prior to, 2020.

I am advised that these revisions should be relatively straightforward for council to address. I encourage council to consult with the Office of Environment and Heritage (OEH) on the revisions

Level 15, 52 Martin Place Sydney NSW 2000
Phone: (61 2) 8574 6707 Fax: (61 2) 9339 5554 Email: office@stokes.minister.nsw.gov.au

and to resubmit the amended CZMP for certification.

If council has any questions about this issue, please contact Mr Peter Evans, Senior Team Leader, Coast, Estuaries and Floodplains, OEH, on 4927 3107 or at peter.g.evans@environment.nsw.gov.au.

Yours sincerely



Rob Stokes
Minister for Planning

9 JUN 2016

Enclosure



NSW Coastal Panel

The Hon Rob Stokes
Minister for Planning
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Your Reference: MD16/22
Our reference: DOC16/XXX

Dear Minister

I refer to your correspondence to the Chair of the NSW Coastal Panel on 5th February 2016 requesting the advice of the Panel, regarding the adequacy of the Coastal Zone Management Plan (CZMP) for the Great Lakes Coastline and its suitability for certification under the *NSW Coastal Protection Act 1979*. The Panel has considered the Draft CZMP, including a thorough review of the CZMP itself, forming its opinion based on the following furnished documents:

- Great Lakes Coastal Zone Management Plan (Version: 3, dated 22 December 2015);
- Great Lakes Coastal Zone Management Plan – Options Study (Version: 3, dated December 2015); and
- OEH Regional Operations Group assessment of draft CZMP against the statutory requirements of the *Coastal Protection Act 1979* and minimum requirements of the *Guidelines for Preparing Coastal Zone Management Plans (2013)*.

The submitted plan is particularly comprehensive, providing a practical, adaptive approach to managing the coastline hazards along the Great Lakes coastline into the future. The Plan provides a good balance between managing threats posed to residential development, improving outcomes for the natural environment, enhancing amenity and public access whilst also putting in place a range of strategies to manage public infrastructure assets within the dynamic confines of the coastal zone.

The Panel was impressed by Great Lakes preparedness to adopt different strategies in different locations depending on the potential threat and the appropriateness of the response. Where infrastructure and assets could be readily moved over time, a retreat strategy was adopted but where this was not appropriate a protection strategy is proposed. In locations where there remain unresolved matters, in particular in relation to private assets, the CZMP proposes a way forward to resolve those matters.

The Panel is however mindful that there remains an incomplete understanding of the overall sediment budget underpinning the coastal process of the region and that it is highly desirable this be resolved. Along with the limitations of this incomplete understanding is the as yet unresolved matter of the most appropriate, and viable management strategy for Blueys and Boomerang beaches. Recently updated photogrammetry and further investigations using ground-penetrating radar (GPR) have improved the robustness of the findings of the hazard definition work for these beaches. The reconsideration of available geological data to underpin such understandings is, in the opinion of the Panel, a more urgent and beneficial imperative than has been prioritised to date within the furnished plan. Further, although the CZMP recognises there is a need to determine a detailed management strategy for dealing with the issues affecting development at these beaches the Panel


believes this needs to be more clearly and specifically expressed in the CZMP along with a timetable for resolution.

In regards to the adequacy of the Plan, overall the Coastal Panel was satisfied with the proposed approach and would recommend the Plan as being **suitable for certification, contingent on the Plan being re-submitted with some revisions** concerning more specific detail and clarity around the studies to improve understanding of the overall sediment budget of the region and a specific program for the development of a detailed management strategy for Blueys and Boomerang Beaches. Suggested areas of revision have been summarised in the following advice for the consideration of Council.

I have enclosed the Panel's recommendations and advice in relation to the Great Lakes CZMP.

The Panel would like to thank you for the opportunity to provide this advice on this CZMP. As always, should you have any additional queries or require further information, please do not hesitate to contact me

Yours sincerely



ANGUS GORDON
Chair
NSW Coastal Panel

30th March 2016

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
AB 30 841 387 271
www.environment.nsw.gov.au

Advice to the Minister for the Planning on the Draft Great Lakes CZMP

Recommendations

The NSW Coastal Panel recommends that the Minister for Planning:

- Commends Great Lakes Council for preparing such a comprehensive, practical and forward thinking CZMP that covers the whole of its open coastline providing clear direction on what will be 'retreated' and what will be 'protected'. In particular, the Plan provides a straightforward approach to adaptively managing identified coastal hazards into the future with a balance between how and when to consider necessary protection, along with significant commitment and provision for amenity enhancement, improved public access and dune maintenance elements. It is also noteworthy that the Plan contains good flexibility and consideration of how to manage various classes of public infrastructure as well as significant commitment to long-term monitoring initiatives in order to augment future decision making.
- Commends Great Lakes Council for diligently preparing the CZMP in consultation with the community and in partnership with OEH and other Government agencies with jurisdictional responsibilities for parcels of land that fall within the operation of the Plan.
- Note that in the opinion of the Coastal Panel, the Great Lakes CZMP is **suitable for certification** in accordance with provisions of the *Coastal Protection Act 1979*, contingent on the Plan being re-submitted with some revisions concerning the following key elements:
 - (i) An overall reassessment of the coastal processes of the Great Lakes coast including, but not limited to, the information available from Peter Roy's studies (Roy, P.S., Zhuang, W.Y., Birch, G.F., Cowell, P.J., and Congxian, LI 1997. Quaternary Geology of the Forster-Tuncurry Coast and Shelf, Southeast Australia. Geological Survey of New South Wales Department of Mineral Resources), and those of Nielsen and Gordon (Nielsen, A.F., and Gordon, A.D. 2011. The Impact of Entrance Breakwaters on Large Estuaries, Proceedings 34th IAHR World Congress, Brisbane, 26th June/1st July 2011) and Kinsela, Daley and Cowell (Kinsela, M.A., Daley, M.J. and Cowell, P.J., 2016. Origins of Holocene coastal strandplains in Southeast Australia: Shoreface sand supply driven by disequilibrium morphology. *Marine Geology*, 374, pp.14-30). The aim of this reassessment would be to provide a comprehensive and robust sediment budget understanding for the region and hence the framework within which to make better informed medium to long term management decisions;
 - (ii) With an improved understanding of the regional sediment budget, a reassessment of the application of the Bruun Rule and the zone of reduced foundation capacity at Boomerang Beach would be advised due to the sensitivity of these elements to the assumed active profile slope and height of the dunal system. The aim of this work being a reassessment of the area considered vulnerable both currently and in the future;
 - (iii) Similarly, the afore-mentioned work should also consider the potential for an improved sediment budget understanding to alter the potential for inundation and flooding at the southern end of Blueys Beach, again to better inform the area considered vulnerable both currently and in the future; and
 - (iv) Taking into account the results of the above-mentioned reassessments at Blueys and Boomerang Beaches, an examination of the management options available to specifically address these vulnerabilities, including a cost benefit and funding analysis with the aim of finalising a viable management strategy for these two beaches.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
AB 30 841 387 271
www.environment.nsw.gov.au

Although acknowledging the existing CZMP makes, in part, obscure and less definitive provision for some of these elements, what is required is a more specific commitment from Council within the plan to elements (i) to (iv) above, commensurate with a timetable to give effect to these actions by, or preferably prior to 2020. These elements would logically be addressed most directly through revising implementation actions 2.4.11 (Select Action to Manage Erosion Risk at Southern Boomerang Beach) and 2.4.12 (Revise Hazard Lines Based on Geological Data) in the current draft Plan.

Next Steps

The Coastal Panel recommends the following next steps:

- That the Minister writes to Council congratulating them on what they have achieved in the development of the Great Lakes CZMP to date and the specific aspects which have been outlined above.
- Notifies Council that the Minister is prepared to **certify** the Plan in accordance with provisions of the *Coastal Protection Act 1979*, contingent on the Plan being re-submitted with some minor revisions addressing the issues denoted in points (i) to (iv) outlined above.

PO Box A290 Sydney South NSW 1232
59-61 Goulburn St Sydney NSW 2000
Tel: (02) 9995 5000 Fax: (02) 9995 5999
TTY (02) 9211 4723
AB 30 841 387 271
www.environment.nsw.gov.au

DIRECTOR ENGINEERING & INFRASTRUCTURE

4 COMBOYNE ROAD ACQUISITIONS FOR PUBLIC ROAD

Report Author Rob Langdon, Senior Surveyor

File No. / ECM Index RD1645/05

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The purpose of this report is to obtain approval to acquire land for public road. The acquisitions will complete the land acquisition component for this stage of the reconstruction of Comboyne Road. The survey plan for the acquisition is completed but has not yet been registered with NSW Land Registry Services (formerly Land & Property Information). Negotiations have been successful with the owners of two of the three subject properties. The report also seeks approval to make application to the Minister to compulsorily acquire land under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

SUMMARY OF RECOMMENDATION

1. That the acquisition survey plan be registered with Land Registry Services,
2. That the acquisition of proposed Lots 6, 8 & 12 be completed, and
3. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire proposed Lot 10 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the proposed acquisitions are to be covered by the project budget.

LEGAL IMPLICATIONS

There are no legal implications relating to the proposed acquisitions, other than the required Council resolution for the acquisition of land for the purposes of the Roads Act 1993 and the Local Government Act 1993.

In regard to the compulsory acquisition of land under the provisions of the Land Acquisition (Just Terms) Compensation Act 1991, Council must obtain consent from the Minister to issue a Notice of Proposed Acquisition on the land owner.

ATTACHMENTS

- A Road Reconstruction Concept Plan
 - B Plan Of Acquisition Showing Land To Be Acquired For The Purposes Of The Roads Act 1993
 - C CONFIDENTIAL ATTACHMENT - Costs Associated with Land Acquisitions
(Section 10a(2)(c) Local Government Act 1993)
-

BACKGROUND

Council recently completed road reconstruction works on Comboyne Road at Cedar Party, between Plantation Lane and Moorall Creek Road.

Permits to Enter were obtained from the owners of proposed Lots 6, 8 & 12. The owners of proposed Lot 10 were not able to be contacted. However, the recently completed stage of the overall design did not extend as far as proposed Lot 10. Fencing of the proposed road boundaries for this stage of the works is completed.

DISCUSSION

The Road Reconstruction Concept Plan is shown in Attachment A. Stage 1 works included the reconstruction and widening of the Comboyne Rd pavement and the extension of a large box culvert. The proposed acquisitions are required to facilitate the completion of this stage. The land proposed for acquisition is shown in Attachment B as proposed Lots 6, 8, 10 & 12. Stage 2 works will include intersection upgrades for Plantation Lane and Moorall Creek Road when necessary.

Proposed Lot 6 (being part of Lot 3 DP732307) is owned by S & K Parkinson for which the amount of compensation has been agreed following valuation advice.

Proposed Lots 8 & 12 (being two parts of Lot 5 DP812914) are owned by G, J & D Brislane for which the amount of compensation has been agreed following valuation advice.

Proposed Lot 10 (being part of Lot 1 DP321643) is owned by W Potts, W Lattimore & B Richards. Investigation revealed that contact with the owner has not been possible and that, as a result, Council has not collected rates for Lot 1 for some decades.

In order to avoid delays to completing the acquisition due to the owners of Lot 1 not being able to be contacted, it is proposed to make application to the Minister for Local Government for approval to compulsorily acquire proposed Lot 10.

CONSULTATION

The following have been consulted in regard to this matter:

- S M Parkinson & K N Parkinson (land owner)
- G J Brislane, J S Brislane & D D Brislane (land owner)
- W L Potts, W H Lattimore & B W Richards (land owner)
- First State Property Valuers
- Property NSW, Valuation Services (Valuer General)
- MCC Senior Survey Designer
- MCC Design Engineer
- MCC Senior Revenue Officer

COMMUNITY IMPACTS

The reconstruction of this section of Comboyne Road has significantly improved road safety for the Cedar Party and wider communities. Acquisition of the subject land is crucial in completing this project.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The Comboyne Road reconstruction was part of the 2016/2017 Operational Plan. Due to the availability of service authorities and their approved contractors to carry out telecommunications relocations, it was necessary to 'carry over' the project into the 2017/2018 Operational Plan.

TIMEFRAME

There is no legislative timeframe with which to comply in regard to the acquisition of proposed Lot 6 from Mr & Mrs Parkinson and proposed Lots 8 & 12 from Messer's Brislane. However, both owners are eager to have their acquisitions completed. It would be prudent to resolve the matter as soon as possible while Council has an agreement with the affected land owners.

There is no legislative timeframe with which to comply in regard to the acquisition of proposed Lot 10. However, the acquisition of proposed Lot 10 should be completed as soon as possible, as a benefit of pursuing the acquisition of this land is that it is likely to assist in resolving the 'loss of owners' and outstanding rates matter.

The acquisition will be complicated by the owners not being able to be contacted through normal means. However, the ownership and rating issue needs to be resolved.

BUDGET IMPLICATIONS

Land acquisitions and associated costs total approximately \$28,000. These include Land Registry Services (LRS) plan lodgement fees, fencing, Valuer General's valuation fees, land compensation costs and legal fees. The R2R and Council funds remaining for the Comboyne Road Reconstruction project will cover 75% of this amount. The remaining \$7,000 can be covered by road acquisitions budget. A summary of these costs (estimated and actual) is included as *Confidential Attachment C (Section 10A(2)(c) Local Government Act 1993)*.

RECOMMENDATION

1. That the acquisition survey plan be registered with Land Registry Services,
2. That the acquisition of proposed Lots 6, 8 & 12 for public road be completed, and
3. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire proposed Lot 10 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of both the Roads Act 1993 and the Local Government Act 1993.

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5 LAND ACQUISITION OF BULGA ROAD BOBIN

Report Author Rob Langdon, Senior Surveyor

File No. / ECM Index RD1436/04

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The purpose of this report is to obtain approval to acquire part of Lot 184 DP787482 for public road. The acquisition survey plan is yet to be completed. Negotiations with the owner of the subject property have so far been unsuccessful. The report also seeks approval to make application to the Minister to compulsorily acquire land under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (LAJTC Act) for the purposes of the Roads Act 1993.

SUMMARY OF RECOMMENDATION

1. That the plan of acquisition, to be in accordance with Attachment A, be registered with NSW Land Registry Services (LRS),
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lot 1841 for the purposes of the Roads Act 1993.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the proposed acquisition will be covered by the project budget. The project budget details are included in a separate report to Council pertaining to the tenders for the construction contract for two bridges over the Bobin and Bulga Creeks (also refer to Budget Implications below).

LEGAL IMPLICATIONS

There are no legal implications relating to the proposed acquisitions, other than the required Council resolution for the acquisition of land for the purposes of the Roads Act 1993.

In regard to the compulsory acquisition of land under the provisions of the LAJTC Act, Council must obtain consent from the Minister to issue a Notice of Proposed Acquisition on the land owner.

ATTACHMENTS

- A. Plan of Proposed Acquisition Showing Land to be acquired for the Purposes of The Roads Act 1993
 - B. CONFIDENTIAL ATTACHMENT - Valuation Report By First State Property Valuers (Section 10a(2)(C) Local Government Act 1993)
 - C. CONFIDENTIAL ATTACHMENT - Summary Of Estimated And Actual Costs - (Section 10A(2)(c) Local Government Act 1993)
-

BACKGROUND

The proposed acquisition will facilitate the replacement of an existing 19 metre low level timber bridge over Bobin Creek with a 48 metre higher level concrete bridge including the realignment of the bridge approaches.

The proposed timber bridge replacements at Bobin Creek and Bulga Creek, both located on Bulga Rd, will significantly improve the level of service to the local and wider communities. Details of the land to be acquired for the Bobin Creek bridge may be found in Attachment A.

DISCUSSION

The land to be acquired is shown in Attachment A as proposed Lot 1841. The land acquisition is required to facilitate the construction of a new concrete bridge over Bobin Creek. The existing timber bridge is at the end of its serviceable life and a new concrete bridge will provide a significant improvement in the level of service provided by Bulga Road for the Bobin and Elands communities. Bulga Road also comprises a substantial part of the Wingham to Wauchope Remembrance Drive.

Contact was first made with the property owner in July 2016. The owner has 'no objection in principle' to the proposed new bridge and realignment over existing Lot 184. A Permit to Enter was provided by the owner to commence geotechnical investigation on the proposed alignment.

Valuation advice was obtained for the purposes of the acquisition and was provided to the owner on 23 October 2017. The valuation report by First State Property Valuers (FSPV) is included in Confidential Attachment B (Section 10A(2)(c) Local Government Act 1993).

Council commenced negotiations with the land owner in late October to acquire the land to allow the project to proceed. However, the owner objected to the compensation recommended in the FSPV valuation report, instead asking for an amount more than 16 times the amount recommended by the report. The owner also claimed to have an independent valuation dated 1 September 2017. In order to assist Council in identifying if common ground could be found, a copy of the property owner's independent valuation report was requested. However, the owner refused to provide a copy and advised Council that he was no longer willing to negotiate.

In order to avoid further delays to the commencement of the bridge and road realignment works due to negotiations with the property owner being unsuccessful to date, it is proposed to make application to the Minister for Local Government for approval to compulsorily acquire proposed Lot 1841. Proposed Lot 1842 will comprise the residue of the subject land following acquisition.

CONSULTATION

The following have been consulted in regard to this matter:

Mr M Thompson (land owner)
First State Property Valuers
Property NSW, Valuation Services (representing the Valuer General)
MCC Director Engineering & Infrastructure
MCC Manager Transport Assets
MCC Team Leader Project Delivery
MCC Team Leader Investigation & Design

COMMUNITY IMPACTS

The installation of the new bridge will alleviate bridge closures experienced during extended periods of wet weather due to the low level of the existing timber bridge. The new bridge deck is to be built to a 1% flood level. The realignment of the road approaches associated with the new bridge will also improve road safety for local residents. Both of the existing bridge approaches are narrow. The approach on the eastern side (from Wingham) has restricted sight distance. Acquisition of the subject land is crucial in being able to commence the proposed bridge and road approach works as soon as possible.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The proposed bridge over Bobin Creek is part of the 2017/2018 Capital Works Program, along with the proposed Bulga Creek bridge. Work was anticipated to start on both bridges in April 2018. However, given the time constraints outlined by the LAJTC Act with regard to a 'compulsory acquisition without agreement', the Bobin Creek bridge project (and possibly both bridge projects) may need to be extended into the 2018/2019 Capital Works Program.

TIMEFRAME

There is no legislative timeframe with which to comply in regard to the acquisition of proposed Lot 1841. However, once Council resolves to acquire the land and consent is provided by the Minister to proceed with a compulsory acquisition, timeframes commence as determined by the LAJTC Act. It is expected that the acquisition should be completed and access to the site should be available, by the start of the 2018/2019 financial year.

BUDGET IMPLICATIONS

Council funds are available to cover the land acquisitions and associated costs. These include survey fees, LRS plan lodgement fees, fencing, VG's valuation fees, land compensation costs and legal fees. A summary of these costs (estimated) is included as *Confidential Attachment C (Section 10A(2)(c) Local Government Act 1993)*.

RISK CONSIDERATION

Where a 'compulsory acquisition without agreement' of the property owner takes place, there is a risk that the property owner will i) object to the acquisition in principle, and/or ii) object to the amount of compensation determined by the Valuer General. Any post-acquisition objections can only be lodged through the Land & Environment Court. All that can be done, prior to commencing the compulsory acquisition process is to attempt to resolve the objections with the property owner prior to the acquisition date.

If the points of objection can not be resolved to the satisfaction of both the property owner and Council prior to the acquisition date, then the only option for the acquiring authority is to pre-determine as accurately as possible the expected costs relating to the unresolved issues. The final costs associated with unresolved issues are determined by Property NSW immediately following the acquisition date. Property NSW has also advised that the Valuer General would not provide Council with either an estimate of the fees to prepare, nor a timeframe to provide, a valuation and a Notice of Determination of Compensation.

RECOMMENDATION

1. That the plan of acquisition, to be in accordance with Attachment A, be registered with NSW Land Registry Services (LRS),
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lot 1841 for the purposes of the Roads Act 1993.

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6 PROPOSED ACQUISITION OF LAND THE SOUTHERN PARKWAY FORSTER

Report Author Rob Langdon, Senior Surveyor

File No. / ECM Index RD31349/03

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The purpose of this report is to obtain approval to acquire part of Lot 304 DP1099114 for drainage reserve and public road. The acquisition plan is completed but has not yet been registered with NSW Land Registry Services (formerly Land & Property Information). Negotiations with the owner of the subject property have been unsuccessful. The report also seeks approval to make application to the Minister to compulsorily acquire land under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 and the Roads Act 1993.

SUMMARY OF RECOMMENDATION

1. That the plan of acquisition be registered with NSW Land Registry Services (LRS),
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lots 305, 306 & 308 for the purposes of the Local Government Act 1993 and the Roads Act 1993.

FINANCIAL/RESOURCE IMPLICATIONS

All costs associated with the proposed acquisition are covered within Council's Drainage Reserve (also refer to Budget Implications below).

LEGAL IMPLICATIONS

There are no legal implications relating to the proposed acquisitions, other than the required Council resolution for the acquisition of land for the purposes of the Roads Act 1993 and the Local Government Act 1993.

The proposed acquisition is in accordance with both the current zoning of the subject land and the Gateway determination approved by the NSW Minister for Planning on 15 February 2016 under Section 56 of the Environmental Planning and Assessment Act 1979.

In regard to the compulsory acquisition of land under the provisions of the Land Acquisition (Just Terms) Compensation Act 1991, Council must obtain consent from the Minister to issue a Notice of Proposed Acquisition on the land owner.

ATTACHMENTS

- A. Report to Former Great Lakes Council Strategic Planning Committee Meeting of 8 September 2015
 - B. Plan of Acquisition Showing Land to be Acquired for The Purposes Of The Roads Act 1993
 - C. CONFIDENTIAL Attachment - Valuation Report By Tew Property Consultants (Section 10a(2)(C) Local Government Act 1993) - Copy
 - D. CONFIDENTIAL Attachment - Summary Of Estimated And Actual Costs - (Section 10A(2)(c) Local Government Act 1993)
-

BACKGROUND

In 2013, the former Great Lakes Council commenced negotiations with the land owner to acquire two parcels of land for drainage reserve and public road. The first parcel was an area of one hectare following the creek line between Cape Hawke Drive and Lakes Estate. The second parcel was between the Lakes Estate and The Lakes Way. The second parcel of land included provision for the construction on the Southern Parkway link to The Lakes Way.

The proposals at that time took different alignments to what is now proposed, however the owner objected to the acquisitions.

Drainage Reserve - Cape Hawke Drive to Lakes Estate

On 25 March 2014 a report was submitted to Great Lakes Council recommending the compulsory acquisition of one hectare of land for drainage purposes between Cape Hawke Drive and Lakes Estate. The reason that this acquisition was proposed to be handled independently was because properties upstream of Cape Hawke Drive were being inundated during periods of intense rainfall and this presented a need for greater urgency for resolution. It was also felt that this was a more straightforward matter to deal with, whereas the second parcel required further studies to refine the area needed.

Council considered the report and resolved, in part:

'..that a period of not more than two weeks be provided to enable negotiations with the owners and should agreement not be reached that:

a) Council make application to the Minister for Local Government to compulsorily acquire one hectare from lot 304 DP 1099114 for the purposes of constructing drainage facilities'

Discussions continued with the property owners over an extended period with periodical reports being presented to Council on progress with these discussions.

Unfortunately no serious progress has been made towards finalising these negotiations and upstream property owners are concerned about the potential for flooding of their properties.

Drainage Reserve and Public Road Lakes Estate to The Lakes Way

Over about the last six years, Council has been attempting to resolve access and drainage issues in the southern part of the South Forster Release Area. These issues revolved around the best route for The Southern Parkway collector road and the need for augmented water management facilities so as to better treat urban stormwater before it discharges to Wallis Lake. Over this period, Council had also been attempting to achieve a negotiated acquisition of the necessary land for road and drainage purposes.

Negotiations commenced with Trevor and Lorraine McBride in 2013 with a meeting held on the 14 June and a further meeting held on the 11 October. Discussions at this meeting centred on a catchment approach to addressing integrated stormwater management for Dunns Creek. Specific inundation issues were discussed in respect of areas adjacent to Cape Hawke Drive and water quality improvement concepts for Dunns Creek with the two areas proposed for acquisition identified. At this time Trevor and Lorraine advised that they were not interested in selling their land to the Council.

The negotiated acquisition process failed and Council, in order to deliver certainty in the provision of this key infrastructure, placed a planning proposal on exhibition on 29 April 2015 to rezone the land SP2 Infrastructure (Drainage and Road) and to identify the land on the Land Reservation Acquisition Map of LEP 2014. The Strategic Committee of the Council adopted the planning proposal on 8 September 2015 and the LEP was subsequently made by the Minister. This report may be found in Attachment A.

In January 2016, Council requested the Minister for Planning and Environment to consider a minor amendment to the zoned route of The Southern Parkway. The Planning Minister's Gateway determination for the new route for The Southern Parkway was provided on 15 February 2016. The Great Lakes LEP 2014 was amended on 24 August 2016 to show the current zoning.

DISCUSSION

The land to be acquired is shown as proposed Lots 305,306 and 308 in Attachment B and comprises the northern and southern areas within Lot 304 DP1099114 that are zoned SP2 Infrastructure.

The proposed acquisitions are required to i) facilitate the construction of artificial wetlands in two separate locations within the subject property, and ii) facilitate the future continuation of The Southern Parkway as a collector road which will connect Cape Hawke Drive to The Lakes Way south of the Forster Keys area.

The Strategic Committee 8 September 2015 report (Attachment A) includes a comprehensive report which investigates the Dunns Creek Catchment and provides a Water Management Strategy. As a result of the report, land within Lot 304 (being proposed Lots 306 & 308) was identified for acquisition for stormwater quality improvement and detention storage.

Valuation advice was obtained for the purposes of the acquisition, and a valuation report by Tew Property Consultants is included in Confidential Attachment C (Section 10A(2)(c) Local Government Act 1993).

As stated previously, the proposed acquisition is in accordance with both the current zoning and reservation for acquisition of the subject land.

In order to avoid delays to completing the acquisition and proposed works due to negotiations with the property owner being unsuccessful, it is proposed to make application to the Minister for Local Government for approval to compulsorily acquire proposed Lots 305, 306 and 308. Proposed Lot 307 will comprise the residue of the subject land following acquisition.

CONSULTATION

The following have been consulted in regard to this matter:

- Mr T McBride (land owner)
- Tew Property Consultants (valuer)
- Property NSW, Valuation Services (representing the Valuer General)
- MCC Director Engineering & Infrastructure
- MCC Manager Transport Assets
- MCC Manager Natural Systems
- MCC Manager Strategic Planning

COMMUNITY IMPACTS

The installation of the constructed wetlands will alleviate the ongoing flooding and drainage problems associated with the South Forster Release Area. Acquisition of the subject land is crucial in being able to commence the proposed drainage works. The acquisition will also facilitate the future extension of the existing section of The Southern Parkway within the Lakes Estate through to a future roundabout to be located on The Lakes Way.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The proposed artificial wetlands to be constructed within proposed Lots 306 & 308 is not part of the 2017/2018 Operational Plan as negotiations were continuing at the time the Plan was developed. However, funding is available in reserve to proceed with the acquisitions and construction of the drainage upgrades between Cape Hawke Drive and Lakes Estate.

TIMEFRAME

There is no legislative timeframe with which to comply in regard to the acquisition of proposed Lots 305, 306 and 308. However, once Council resolves to acquire the land and consent is provided by the Minister to proceed with a compulsory acquisition, timeframes commence as determined by the Land Acquisition (Just Terms) Compensation Act 1991. It is expected that the acquisitions should be completed by the commencement of the 2018/2019 financial year.

BUDGET IMPLICATIONS

Council funds are available to cover the land acquisitions and associated costs. These include survey fees, LRS plan lodgement fees, fencing, VG's valuation fees, land compensation costs and legal fees. A summary of these costs (estimated) is included as *Confidential Attachment D (Section 10A(2)(c) Local Government Act 1993)*.

RISK CONSIDERATION

Where an acquisition by compulsory process takes place without the agreement of the property owner, there is a risk that the property owner will i) object to the acquisition in principle, and/or ii) object to the amount of compensation determined by the Valuer General. Any post-acquisition date objections can only be lodged through the Land & Environment Court. All that can be done, prior to commencing the compulsory acquisition process and, more importantly, prior to the acquisition date, is to attempt to resolve the objections with the property owner.

If the points of objection cannot be resolved to the satisfaction of the property owner and Council prior to the acquisition date, then the only option for the acquiring authority is to pre-determine as accurately as possible the expected costs relating to the unresolved issues. The final costs associated with unresolved issues are determined by Property NSW immediately following the acquisition date. Property NSW has also advised that the Valuer General will not provide Council with an estimate of the fees to prepare a valuation and Notice of Determination of Compensation until after the acquisition date.

RECOMMENDATION

1. That the plan of acquisition be registered with NSW Land Registry Services (LRS),
2. That Council proceed with an application to the Minister for Local Government for approval to compulsorily acquire under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 proposed Lots 305, 306 & 308 for the purposes of the Local Government Act 1993 and the Roads Act 1993.

7 CAPITAL WORKS REPORT - DECEMBER 2017

Report Author Stuart Small, Team Leader Project Delivery

File No. / ECM Index ROADS - Asset Management

Date of Meeting 20 December 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 the status of the 2017/18 Capital Works Program.

SUMMARY OF RECOMMENDATION

That Council note the information included in this report.

FINANCIAL/RESOURCE IMPLICATIONS

Projects listed within this report are included in 2017/2018 Operational Plan of MidCoast Council or grant funding that has subsequently been accepted by Council.

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

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: 2017/18 Capital Works Program Status

Attachment A has been circulated in hard copy to the Councillors and Senior Staff, however this Attachment is publicly available on Council's website.

BACKGROUND

An update on the progress of capital works included in the 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 provides a summary of the current status of the Capital Works Program being managed by the Projects and Engineering team. The table is an extract from the Master Spreadsheet that coordinates the delivery of the 2017/18 Capital Works Program, several columns have been added to facilitate reporting the status of the program to Council. The Progress Status and Budget Status columns have been populated by coloured cells; either green/amber/red, providing a quick and easy identifier to the general status of projects.

Projects that potentially will be contracted to external parties will not have a budget figure listed, once a contract is signed the contract amount will be inserted. Council administration costs will be included in expenditure against these projects and the budget figure will thus be exceeded, upon completion of the contract the actual total budget figure will be inserted.

Current highlights from the Capital Works Program that will be of interest follows:

Carryover Projects from FY2016/17

- Harrington Rd reconstruction. Predominantly complete with site tidy up to be undertaken in the New Year.
- Diamond Beach Rd reconstruction. Completed at the end of November.
- The Bucketts Way – Burrell Creek. The Head Contractor has experienced significant problems sourcing subcontractors to undertake key elements of the works. Works will continue into the New Year.
- Lee St/Stroud St Bulahdelah. The Head Contractor has experienced significant problems sourcing subcontractors to undertake key elements of the works. Works will continue into the New Year. In addition, the project has experienced significant latent defects with the subgrade. Variations to the contract have been awarded to rectify the poor subgrade discovered onsite.
- Pelican Bay Bridge replacement. Extremely poor subgrade was encountered, resulting in additional costs and anticipated completion of the project in the New Year.
- Bohnock Boat Ramp - Carpark. Completed at the end of November.
- Manning Point Boat Ramp. Operations is targeting completion of the carpark prior to Christmas.

Urban Rehabilitation

- In this program area three projects have been identified to be delivered by contract. Designs are currently in development and not ready to go out to tender. The Project Delivery team is developing a flexible approach to deliver these contract works. This approach will utilise a combination of Council's existing panel contracts to enable the projects delivery this financial year. The complexity of the Pulteney Street project lends it better to be a full service tender, thus with the open tendering lead time, it will not be completed until early next financial year.

Other Internal Council Works

- Jimmy's Beach Sand Transfer System. Council has experienced significant delays in consultants finalising the design, with the NSW Government flagging the delays in delivery of the project. The tender for construction and further design work was advertised on the 5 December with a report to be presented to Council's February 2018 meeting. It is anticipated that commissioning of the completed project will occur during September 2018 prior to site restrictions starting with nesting Terns.

Rural Construction

- Wattle Hill Road. Extension to the bitumen seal from the eastern end by 1.8km is expected to be completed this month.
- Scone Road. Extension to the bitumen seal by 6.5km's almost completed in November. The remaining portion is expected to be sealed before Christmas.

Regional Rehabilitation

- MR111 – The Lakes Way – south of Bungwahl. Works completed this month.
- Two projects in this program have been identified to be delivered by contract. Designs have not been finalised and the Project Delivery team are investigating options for flexible delivery that will result in works being completed this financial year.

- Thunderbolts Way – the slips. Significant road pavements problems have been experienced and Council is awaiting expert geotechnical information prior to proceeding with a rectification. The delivery of this information is delaying this project.

Bridge Renewals

- Bulga Ck Bridge. Tender for design and construction closed on 27/11/17 and report for award of contract included in business paper.
- Bobin Ck Bridge. Tender for design and construction closed on 27/11/17 and report for award of contract included in business paper. The footprint of the bridge construction will require a land acquisition that may delay commencement of construction.
- Callaghans Ck Bridge. Recently announced grant funding for this project has required a change in design to meet grant requirements. The old bridge has been decommissioned in preparation for construction of its replacement.

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.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Section 4 of the 2017-2018 Operational Plan is the Asset Management Program (Capital Works). This report to Council details the progress in delivering this section of the plan.

TIMEFRAME

Details are reported within the attachment.

BUDGET IMPLICATIONS

Attachment A details current expenditure against individual projects and budget details for these individual projects. Current total expenditure within the Capital Works Program is within budget.

RISK CONSIDERATION

Each individual project is proactively managed to reduce risks associated with the project.

RECOMMENDATION

That Council note the information in this report.

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8 FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE- DECEMBER 2017

Report Author Roshan Khadka, Coastal and Flooding Engineer
File No. / ECM Index MCC Floodplain Management Advisory Committee
Date of Meeting 20 December 2017

SUMMARY OF REPORT

The purpose of this report is to seek the establishment of a MidCoast Council Floodplain Management Advisory Committee.

SUMMARY OF RECOMMENDATION

It is recommended that Council establish a Floodplain Management Advisory Committee.

FINANCIAL/RESOURCE IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Whilst there are no statutory or legislative requirements to establish a Floodplain Management Advisory Committee, the requirements of both the NSW Government Flood Prone Land Policy and NSW Government's Floodplain Development Manual are best met by doing so.

BACKGROUND

Floodplain Management Committees in existence in the pre-merged Councils ceased upon amalgamation. MidCoast Council is currently working on a number of Floodplain Risk Management Studies and Plans and effective management requires key input from a Floodplain Risk Management Committee.

DISCUSSION

People living near water bodies including major rivers and their tributaries, lakes and coasts within MidCoast Council local government area have been impacted by many floods of varying severities. This area will continue to experience flooding in the future.

The primary objective of the NSW Government Flood Prone Land Policy is to reduce the impact of flooding and flood liability on owners and occupiers of flood prone land and to reduce private and public losses resulting from floods.

A key step in the floodplain risk management process for local government is the establishment of a committee through which local community groups and individuals can effectively communicate their aspirations concerning the management of the flooding problem. The main objective of the committee is to assist Council in the development and implementation of Floodplain Risk Management Plans for the MidCoast Council local government area and oversee the development and implementation of Council policies and strategies to manage flood risk. The committee acts as a forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of the different viewpoints of key stakeholders into a management plan.

The committee will not consider or make recommendations on issues such as specific development applications or local drainage problems at particular locations, but instead focus on broader issues involving Council policies and strategies.

The proposed Floodplain Management Advisory Committee will comprise Councillors, Council staff, relevant state government agencies and representatives of affected communities. The community representatives will include people from affected residential and business areas, together with people who can effectively inform the affected community of the deliberations of the committee and so foster a wider understanding of the floodplain risk management process.

To assist in the implementation of this policy, a Floodplain Management Advisory Committee is required to be established. The committee will provide advice on the development and implementation of flood risk management plans.

The followings are the current projects/studies that the Floodplain Management Advisory Committee would be considering:

- Manning River Floodplain Risk Management Study and Plan,
- Karuah River and Stroud Floodplain Risk Management Study and Plan,
- Gloucester Floodplain Risk Management Study and Plan,
- Great Lakes Remote Area Flood Study and
- Port Stephens Floodplain Risk Management Study and Plan Review.

Manning River Floodplain Risk Management Study and Plan and Karuah River and Stroud Floodplain Risk Management Study and Plan have already been commenced and the other projects will start soon.

CONSULTATION

One purpose of this committee is to enhance the consultation between key stakeholders impacted by floodplain management.

COMMUNITY IMPACTS

Appointment of members of the community to this committee provides opportunity for:

- community members to actively participate and contribute to the activities of the Council;
- improved relationships and decision making with strengthened partnerships with NSW government agencies,
- greater transparency of Council's activities and approach to floodplain risk management, and
- communities in the MidCoast Council LGA to be better informed.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Strategy 4.1 – implement appropriate land-use planning tools and controls that are based on ecologically sustainable principles.

Strategy 7.4 – develop and implement a stormwater plan that meets environmentally sustainable standards.

TIMEFRAME

Applications for community representation could be sought during January 2018. Council will be required to endorse the membership of the Floodplain Advisory Committee prior to its first meeting planned for February 2018.

BUDGET IMPLICATIONS

Establishing this committee has minimal budget impact with the only cost being associated with the administration of meetings. Engineering & Infrastructure maintain administration budgets that will cover this cost.

RISK CONSIDERATION

Establishing the Floodplain Management Advisory Committee is a key step toward managing the risks associated with floodplain management.

RECOMMENDATION

It is recommended that:

- (i) A Floodplain Management Advisory Committee be established.
- (ii) Council nominate two Councillors and one alternate Councillor for representation on the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iii) Council nominate one of the appointed Councillors as Chair of the Floodplain Management Advisory Committee for the remainder of the Council term.
- (iv) The proposed membership and draft Terms of Reference for the Floodplain Management Advisory Committee be endorsed.
- (v) The draft Terms of Reference for the Floodplain Management Advisory Committee be placed on exhibition for 28 days.
- (vi) Expressions of interest from community members to join the Committee for the remainder of the Council term be publicly sought over a period of 28 days whilst the Terms of Reference are publicly exhibited.

ANNEXURE:

A: Floodplain Management Advisory Committee - Terms of Reference



Floodplain Management Advisory Committee Terms of Reference

1 Background

The NSW Government Flood Prone Land Policy and NSW Government Floodplain Development Manual require council to:

- develop and implement floodplain risk management plans across the local government area of MidCoast Council,
- ensure that the future development of flood affected areas is carried out using procedures which recognise the nature of flooding, and
- ensure that the risk to residents and consequent flood damages to property are identified and not increased.

The Floodplain Management Advisory Committee:

- advises Council on the development and implementation of floodplain risk management processes for flood affected areas within its local government area,
- provides a forum for the discussion of technical, social, economic, environmental and cultural issues,
- creates the opportunity for the views of key stakeholders to be identified and captured through the development of floodplain management plans, and
- acts as a consultative team for the development and implementation of floodplain management plans.

2 Purpose

The purpose of the Floodplain Management Advisory Committee is to advise Council on the development and implementation of Floodplain Risk Management Plans for the MidCoast Council local government area. Floodplain risk management plans provide specific advice in relation to how to:

- reduce the impact of flooding and flood liability on the community
- reduce private and public losses resulting from flooding
- recognise flood prone land as a valuable resource which should not be necessarily sterilised
- take into account social, economic, ecological and cultural factors.

3 Key Tasks

The Floodplain Management Advisory Committee shall provide advice to Council on:

- collection of flood data and commissioning of studies
- preparation of floodplain risk management plan
- establishment of development controls
- purchasing or raising properties
- structural mitigation measures
- flood education
- flood warning and emergency response.

The Committee does not consider specific development issues proposals/applications but focuses on broader catchment wide management issues, Council policies and strategies affecting flood prone lands.

4 Membership

4.1 Membership of the Advisory Committee shall comprise:

Councillor and community members:

- Councillors – up to two (Chair and deputy chair)
- Local SES Controller or nominee
- Representative of the Office of Environment and Heritage – one nominated representative
- Community representative (up to eight) – who have an interest on expertise in local catchment flooding issues who may represent the following areas:
 - Wingham / Taree
 - Harrington / Manning Point
 - Lansdowne / Cooperbrook
 - Forster / Tuncurry
 - Bulahdelah
 - Stroud / Karuah
 - Tea Garden / Hawks Nest
 - Gloucester
- Manager Transport Assets
- Manager Strategic Planning
- Coastal and Flooding Engineer
- From time to time, other people who have clearly defined interest in topics being pursued by the Committee

4.2 Appointment

Council shall appoint members who are invited to make application for membership. Invitation for community representatives will be issued by way of media release.

All members shall be appointed for the term of a Council. Member appointed mid term shall be appointed for the remainder of the term of Council. This period may be extended through mutual agreement.

A member's appointment may be ended on the basis of one of the following:

- resignation of a member,
- regular non-attendance at meetings (note: members shall be considered to have vacated their position if they have been absent from three consecutive meetings without an apology), or
- failure to respect the protocols and confidentiality requirements (set out below).

If there is consensus, the Committee may recommend that Council appoint additional members or new members to fill any vacancies.

5 Roles and Responsibilities

5.1 Chairperson

The Committee shall be chaired by the nominated Councillor. If the nominated Councillor is not available the replacement Chair shall be the

alternate Councillor, or if unavailable, a Committee member agreed upon by the majority of members.

5.2 Council Support

To enable the committee to operate effectively Council shall provide:

- any relevant and available technical/management studies and mapping
- regular updates on project management of existing projects, including copies of budget reports prepared for grant management or Council
- expert advice from Council staff as required
- as Agenda items relevant draft documents and the opportunity to discuss open and transparent communication; and
- secretariat services and venues for meetings.

6 Committee Members

6.1 Confidentiality

From time to time, members may be required to review and comment on draft documentation that has not been formally considered by the Council's decision-making body. In these circumstances, it is crucial members understand the status of any documentation and the importance of maintaining confidentiality if they wish to have input at such a preliminary time. Similarly, discussion may take place on matters subject to state or federal government protocols that need to be adhered to. Members may also be privy to financial, legal or personal landowner information, which cannot be disclosed outside of the Committee. Each member is required to agree to the confidentiality requirements of membership.

6.2 Meetings

The group shall meet a minimum of three times a year at a mutually agreeable time and location.

A quorum for attendance shall satisfy the following conditions:

- minimum of half of the membership plus one, and
- minimum of half of the Council and Government agencies representatives.

The following meeting protocols shall apply:

- members shall respect the role of the Chair in the conduct of the meetings.
- members shall respect the right of every member to speak and put forward their views. Members shall comply with the Chair's decisions in relation to agenda items and timeframes.
- meetings shall be run through consensus. Where there is an opposing view the members can choose to have their name recorded in the minutes stating their position.
- minutes shall be taken in each meeting and made available to on Council's website within seven days of the meeting. Minutes shall also be distributed to members via email and shall provide a summary of issues discussed and actions to be progressed. Confidential items shall not be made public.

- Where possible, members shall be notified in advance of any confidential items.

6.2.1 Decisions

It is agreed that items requiring discussion or decision outside of the agreed meeting will be provided to members via email for information and where necessary, discussion and comment. Should any decisions be made outside of normal meeting then this will be documented for all members electronically and referenced in the next meeting agenda and minutes.

In addition to the routine meetings, extra ordinary meetings may be held to address specific items.

6.3 Limitations

While the Floodplain Management Advisory Committee may provide advice to Council on key issues such as corporate policy, strategic objectives and floodplain management priorities, the Committee and its members may not:

- incur expenditure by Council, other than in accordance with an express authority,
- make any payment to Committee members, other than the reimbursement of properly incurred expenditure,
- accept public liability risk from another organisation, or
- make grant applications dependent on or committing Council to expenditure, either initial or ongoing.

6.4 Code of Conduct

Members are to declare any potential conflict of interest that may arise in the considerations of the Committee and physically remove themselves from any relevant discussions.

6.5 Media

Where a member considers there should be media comment in relation to any issues discussed by the Committee, the member must bring the matter to the attention of the Chair. The Chair shall determine the most appropriate process and may refer it to Council's Media Officer for consideration. Members shall not discuss with the media issues related to the Committee without specific authorisation from the Chair.

7 Review

An annual summary report which captures the actions of the Committee is to be provided each year for inclusion in Council's Annual Report. Additional reports to Council may also be necessary when key milestones are reached or, to progress elements of a specific project or specific recommendations to Council.

The Floodplain Management Advisory Committee membership and Terms of Reference are to be reviewed and adopted by Council every four (4) years, following the local government election. Variation during the period shall require Council resolution.

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DIRECTOR COMMUNITY SPACES & SERVICES

9 MIDCOAST DESTINATION MANAGEMENT PLAN

Report Author Sharon Bultitude - Destination Management Coordinator

File No. / ECM Index Destination Management Plan

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The amalgamation, which led to the creation of MidCoast Council has provided a unique opportunity to take advantage of the combined strengths of the three former local Councils to develop a Destination Management Plan that recognises the significant potential of tourism as a key driver of economic growth in the region.

This report provides an overview of the draft MidCoast Destination Management Plan (see Attachment A) and seeks Council's adoption of the Final Plan.

SUMMARY OF RECOMMENDATION

That the draft MidCoast Destination Management Plan 2017 be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

The preparation of the draft MidCoast Destination Management Plan (DMP) was funded largely by resources for merger implementation, which were received from the NSW Government post amalgamation. This funding was utilised to extend the brief of the initial project (former Great Lakes only) across the newly formed MidCoast Council (MCC).

Funding required to implement the actions contained in the DMP will be made available through Council's adopted budget or through other sources of funding (notionally grants) identified by Council.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

- A: Draft MidCoast Destination Management Plan 2017 (including appendices)
- B: Draft MidCoast Destination Management Plan public exhibition report to Council – 26 July 2017
- C: Detailed summary of comments and responses received during Public Exhibition/Consultation period

Attachments A, B & C have been circulated in hard copy to the Councillors and Senior Staff, however these attachments are publicly available on Council's website.

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 the work done to date on the Great Lakes DMP and combine this work with the regional priorities contained in the existing DMP's for the Greater Taree and Gloucester Shire Councils. This enabled the scope of the project to be amended to encompass the entire MidCoast Council region.

The development of the DMP involved a detailed Baseline Analysis and Research, extensive Stakeholder Consultation and a Product and Experience Audit. Each of these activities are detailed in the appendices to the draft DMP provided in Attachment A. The process for the development of the entire DMP was outlined in a report presented to Council on 26 July 2017 (see Attachment B). At this time, it was resolved that the Draft DMP be placed on public exhibition for a minimum period of 28 days.

The public exhibition period ensured broad community awareness of the DMP and provided opportunities for comment prior to finalisation. The additional consultation process undertaken during the exhibition period built on the extensive consultation already carried out in the development of the draft DMP.

The Draft DMP was also presented to Council at its Strategic Committee Meeting on 11 October 2017.

Further comments and suggestions were recorded during public and Council presentations. A summary of the comments received during the consultation period and a response to each comment is provided in Attachment C.

DISCUSSION

The destination management process is recognised as imperative to building a strong and resilient tourism industry. The draft DMP acknowledges that tourism and the growth of the visitor economy is everyone's responsibility. It will deliver benefits to our communities and contribute to a more vibrant place to live and work. This means that the DMP identifies opportunities for the private sector and other partners to be involved alongside the Council and our communities.

The draft DMP addresses both supply and demand and emphasises experience development and marketing. It contains a long-term vision (2030) with prioritised short, medium and longer-term initiatives outlining the infrastructure, experiences and products required to meet the anticipated potential visitor needs for the region.

Short term actions include priorities achievable within existing resources. Specifically, the draft DMP identifies strategies to both maintain and potentially grow existing markets to encourage repeat visitation and increase length of stay; as well as attracting new markets with the greatest potential to grow the visitor economy. The DMP also addresses seasonality, regional dispersal and linkages to other sectors.

The draft DMP identifies a number of 'game-changing' projects that would require additional resources and/or partner organisations to implement. The detailed baseline analysis undertaken as part of the DMP process estimates that over \$695 million could be directly generated by nature and adventure-based tourism on an annual basis by 2030. To help achieve this economic outcome, a key recommendation of the DMP is to investigate the option of developing an internationally significant Great Walk, with a supporting network of aquatic trails along a 100km stretch of coast between Forster and Hawks Nest, incorporating Myall Lakes and Booti Booti National Parks. As a result of the evidence collated through the DMP process, matching funding was able to be secured by Council and National Parks and Wild Life Service to undertake a Feasibility Study and Master Plan for this project. Game-changer projects have been identified in each of the former Council areas.

COMMUNITY & INDUSTRY ENGAGEMENT

During the development of the DMP, extensive consultation was undertaken with:

- MCC, including Local Representative Committee (LRC), Administrator, Management Executive Team (MANEX) and staff from within the Community Spaces and Services and Planning & Natural Systems directorates;
- Local Aboriginal Land Councils (LALC);
- Tourism and hospitality industry, including representatives of accommodation and tour providers as well as food and drink retailers and Aboriginal tourism operators;
- Agricultural sector, including local producers;
- Non-government organisations, including Chambers of Commerce and volunteer groups;
- State Government agencies, including NSW National Parks and Wildlife Service (NPWS) and the Forestry Corporation of NSW (FC);
- Private landowners and potential investors.

Consultation involved numerous workshops, meetings and interviews in addition to site visits across the MidCoast region. A Strategic Working Group with representatives of the tourism and hospitality industry and wider business community was established to provide advice on key issues and concepts.

Various communication channels were utilised throughout the process to maximise awareness and opportunity to input.

These included:

- Workshops with Industry and Stakeholders;
- One-to-one discussions with key Stakeholders;
- Sounding workshops with the Strategic Working Group;
- Council website with an online feedback option;
- Council and Tourism Facebook pages;
- Media releases to newspaper, radio and television;
- Radio posts;
- Local email networks including tourism networks.

The following table provides a summary of the specific engagement and consultation activities undertaken during the development of the DMP, including the public exhibition period. A list of those involved in primary consultations can be found in the appendices to the draft DMP provided in **Attachment A**.

Activity	Detail
Workshops by consultants with Great Lakes tourism industry and stakeholders	Workshops were held in Forster, Tea Gardens and Stroud.
Workshops by consultants with Manning Valley and Gloucester tourism industries	Workshops were held in Taree, Old Bar, Wingham and Gloucester.
One-to-one meetings with key stakeholders.	Meetings were held across the region. Including NPWS (both local and head office staff); FC, LALC's (Karuah, Forster and Taree & Purfleet); TIDE; GLITA, Manning Valley Tip Riders, Historical Societies, Progress Societies, Chamber of Commerce, Destination NSW and private landowners (Sandbar, Gloucester, Smiths Lake, Seal Rocks)

Activity	Detail
Sounding Workshops with DMP Strategic Working Group	Held at key points during the DMP development process.
Presentations to MANEX, Administrator and LRC	
Draft DMP on Public Exhibition	<p>Hard copy draft documents were made available at Council and Tourism Offices. Digital copies were available via Council website.</p> <p>Local tourism industry representatives and other stakeholders attended presentations held at Forster, Taree and Gloucester.</p> <p>In addition to the public presentations, a number of one-on-one and small groups meetings were held with key internal and external stakeholders, including a presentation to MANEX.</p> <p>The draft DMP was presented at the August business breakfast of the Forster Tuncurry Business Chamber attended by around 95 members and business representatives.</p>
Presentation and workshop with Council at the October Strategic Committee Meeting.	The draft DMP was presented by consultants to Council, providing an opportunity to input into the Final DMP.

As stated above, the draft DMP was placed on public exhibition for a period of 28 days following Councils resolution of 26 July 2017. During the public exhibition period a total of 15 written submissions were received. A summary of the comments received during the Public Exhibition period and Council Workshop, with a response to each is provided in Attachment C.

As a result of the comments received, the draft DMP has been amended as follows:

Comment	Resulting Change
The draft DMP has limited reference to other leisure activities eg mountain biking, diving, fishing	The Draft DMP has been amended by including a new section: <i>‘Marketing Communications: Insights into special interest audiences – mountain biking, kayaking, fishing, whale watching’</i> etc.
World Heritage listing not capitalised on enough in DMP	Development of the ‘World Heritage’ Barrington Tops’ story has now been included within the draft DMP Action Plan.
There is a lack of specific reference to the arts within the ‘Culture on Country’ strategic theme.	This has been addressed by including ‘Artisans’ and ‘Crafts People’ references within the ‘Vibrant Country Life’ and ‘Contemporary Coast’ Strategic Themes in the draft DMP.

There is a lack of detail on 'Game Changer' Project concepts.	The Draft DMP has been amended by including new section on the 'Game Changer Projects' including a simple 5-step process to initiate and commence detailed consideration of each project.
It is a lengthy document and an executive summary is recommended.	An Executive Summary is now included in the draft DMP.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The development of a Great Lakes Destination Management Plan 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.

Delivery of the MidCoast Destination Management Plan is also an action in the MidCoast 2017-18 Operational Plan, under Key Direction 2 - "Economic Responsibility".

IMPLEMENTATION

An Action Plan providing a summary of the key actions required for implementation of the DMP has been developed. The Action Plan has been prioritised to recognise that resources will need to be made available and that staged implementation is essential. A copy of the Action Plan is contained in the appendices to the draft DMP provided in Attachment A.

RECOMMENDATION

That the Draft MidCoast Destination Management Plan 2017 (including appendices) provided in Attachment A be adopted.

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10 STRONGER COMMUNITIES FUNDING

Report Author Lyndie Hepple, Coordinator, Community Strengthening

File No. / ECM Index Stronger Communities Funding

Date of Meeting 20 December 2017

SUMMARY OF REPORT

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

This report outlines the progress of projects funded through the community grants component of this program.

SUMMARY OF RECOMMENDATION

That the information in this report be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Grant funds were allocated in the 2016/17 and 2017/18 budgets.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Stronger Communities funding - Round 1 progress report

B: Stronger Communities funding - Round 2 progress report

Attachments A and B have been circulated in hard copy to the Councillors and Senior Staff, however both attachments are publicly available on Council's website.

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 guidelines for the funding require quarterly progress reports to Council.

MidCoast Council ran two separate grant funding rounds of \$500,000 each. Round 1 of the funding program occurred during 2016 where the allocation of funds was approved on 23 November 2016. Round 2 occurred during the first half of 2017 where the allocation of funds was approved by Council's Administrator on 26 July 2107, and a presentation event held on 15 August 2017.

The attachments detail progress for both Round 1 and Round 2 projects.

In summary:

- Of the Round 1 projects eleven are complete and acquitted, three will be completed by April 2018 and three have been delayed due to challenges in obtaining appropriate approvals. Council officers are supporting community groups where possible to facilitate the completion of those projects
- Of the Round 2 projects five are complete, nine are on track and progressing well and three are scheduled for completion during the holiday break
- The commencement of two Round 2 projects has been delayed while awaiting necessary approvals, but it is anticipated that approval will be obtained early in 2018 allowing the projects to proceed.

RECOMMENDATION

That the information in this report be noted.

11 COMMUNITY STRATEGIC PLAN

Report Author Marcelle Boyling, Media and Communications Manager

File No. / ECM Index S712

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report provides an overview of the development of the draft MidCoast Community Strategic Plan (*MidCoast 2030: Shared vision, shared responsibility*) (Attachment A).

This is the first Community Strategic Plan prepared for the MidCoast Council area. The next stage in the development of the plan is placing the draft on public exhibition and delivering the supporting engagement and communications strategy (Attachment B).

SUMMARY OF RECOMMENDATION

That the draft MidCoast Community Strategic Plan (*MidCoast 2030: Shared vision, shared responsibility*) be placed on public exhibition from 8 January 2018 to 23 February 2018.

FINANCIAL/RESOURCE IMPLICATIONS

Implementation of the engagement and communications strategy will cost in order of \$5,000. This will be taken from existing budgets.

LEGAL IMPLICATIONS

The development of a Community Strategic Plan is a requirement of the NSW Office of Local Government's Integrated Planning and Reporting Framework.

Under the requirements of the Local Government Act 1993, following an ordinary election of Councillors, the Council must review its Community Strategic Plan.

As MidCoast Council is a newly merged Council, this will be the first Community Strategic Plan prepared for the new local government area.

ATTACHMENTS

- A: *MidCoast 2030: Shared vision, shared responsibility* - (Draft) Consultation Paper
- B: *MidCoast 2030: Shared vision, shared responsibility* - Engagement and Communication Strategy

Attachments A and B have been circulated in hard copy to the Councillors and Senior Staff, however both attachments are publicly available on Council's website.

BACKGROUND

The Local Government Act 1993, requires NSW Councils to develop a Community Strategic Plan to identify the main priorities and aspirations of the community, and provide a clear set of strategies to achieve this vision for the future.

The Community Strategic Plan also provides a way for councils to be accountable to the community and the State Government by reporting on how implementation is progressing.

From the MidCoast Community Strategic Plan, Council will develop a four year Delivery Program that sets out the key strategies Council will use to deliver the Community Strategic Plan.

An annual Operational Plan and Budget will also be developed. This document will provide a much more detailed view of how the Community Strategic Plan will be delivered during that period.

DISCUSSION

As a community, it is important for us to have a document that expresses how we want to grow into the future.

We also need to define what we want and need as a community now and outline how we will move toward our desired future.

Developed in collaboration with the community for the community, the Community Strategic Plan (*MidCoast 2030: Shared vision, shared responsibility*) will be reviewed every four years and is the guiding document for all of Council's plans and policies.

Although Council takes responsibility for leading the process for developing the plan, and has a major role in delivering the plan, the plan belongs to the whole community and everyone has a role to play in ensuring that we move forward toward our vision.

In order to achieve the best outcomes from the plan, it is essential that Council and the community have a shared responsibility. Meaningful engagement, as well as strong partnerships with the community, are essential in ensuring the Community Strategic Plan works to our strengths to achieve our shared vision.

Gathering community input into the plan began soon after the merger with Council's "What is MidCoast" project and has continued throughout 2017.

The next phase in the development of the Community Strategic Plan is to place the draft plan on public exhibition and implement an engagement strategy to continue the conversation with our community.

This phase of engagement will focus on ensuring we have correctly interpreted the feedback we have received, and the community is supportive of the vision and values captured in the draft plan. We will also be talking to our community about the way in which we will measure our success in reaching the goals we set.

The Community Engagement Strategy developed to support this process sets out all of the ways that community voices will create the final Community Strategic Plan, which will come back to Council for endorsement in March 2018.

CONSULTATION

Community engagement is an integral part of the development of MidCoast Council's first Community Strategic Plan.

The Engagement and Communications Strategy which supports the draft Community Strategic Plan has been developed to ensure the final plan is shaped by our community and the vision is representative, realistic, flexible and aspirational.

We also want our community to be confident that the Community Strategic Plan has been built on a sound and transparent process with fair representation from across the community.

TIMEFRAME

The plan will be on public exhibition from 8 January 2018 to 23 February 2018, supported by the delivery of activities outlined in the Engagement and Communications Strategy during this timeframe.

A finalised Community Strategic Plan will then come back to the March meeting of Council for endorsement.

RECOMMENDATION

1. That the draft MidCoast Community Strategic Plan (*MidCoast 2030: Shared vision, shared responsibility*) provided in Attachment A be placed on public exhibition from 8 January 2018 to 23 February 2018.
2. That the activities outlined in the Engagement and Communications Strategy prepared for *MidCoast 2030: Shared vision, shared responsibility* (see Attachment B) be delivered during this timeframe.
3. That \$5,000 be allocated towards delivering the activities outlined in the Engagement and Communications Strategy prepared for *MidCoast 2030: Shared vision, shared responsibility*.

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DIRECTOR CORPORATE & BUSINESS SYSTEMS

12 **TABLING OF COUNCILLORS DISCLOSURE OF INTERESTS RETURN REGISTER**

Report Author Rob Griffiths, Governance

File No. / ECM Index Councillors/Staff Annual Disclosure of Interest Register

Date of Meeting 20 December 2017

SUMMARY OF REPORT

In accordance with Section 450A of the Local Government Act 1993 Disclosure of Interest Returns have been received from all Councillors and are now tabled.

SUMMARY OF RECOMMENDATION

That the tabling of the register of Disclosure of Interests Returns for Councillors be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Tabling of the Disclosure of Interest Returns fulfils Council's statutory obligations under Section 450A (2) of the Local Government Act 1993.

BACKGROUND

Section 450A (2) of the Local Government Act 1993 requires that Disclosure of Interest Returns lodged with the General Manager be tabled before a meeting of Council.

DISCUSSION

Section 449 (1) of the Local Government Act 1993 states, *A Councillor or designated person must complete and lodge with the general manager, within 3 months after becoming a Councillor or designated person, a return in the form prescribed by the regulations.*

Returns have been received from all Councillors and these Returns are tabled in accordance with Section 450A (2) (a) of the Act.

RECOMMENDATION

That the tabling of the register of Disclosure of Interests Returns for Councillors be noted.

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13 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance/Code of Conduct for Councillors and Staff

Date of Meeting 20 December 2017

SUMMARY OF REPORT

To report on the Code of Conduct Complaint statistics from 1 September 2016 to 31 August 2017 for Mid-Coast Council and 1 September 2016 to 30 June 2017 for MidCoast Water. No complaints have been received in the period.

SUMMARY OF RECOMMENDATION

That the report be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Council is required to receive this report and the information to be provided to the Office of Local Government.

BACKGROUND

Under the Procedures for the Administration of the Code of Conduct Council's Complaints Coordinator must, within 3 months of the end of September each year, report on a range of complaints statistics to Council and the Office of Local Government (OLG).

The statistical reports are included with this report as Annexure A and B. The reports identify that no complaints were received in this reporting period. The statistical reports have been supplied to the OLG in accordance with their request so that the figures can be incorporated into the Comparative Information publication.

RECOMMENDATION

That the report be noted.

ANNEXURES

A: Model Code of Conduct Complaints Statistics Mid-Coast Council

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2016 - 31 August 2017.

Date Due: 31 December 2017

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2017.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Mid-Coast Council
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Contact Name:	Rob Griffiths
Contact Phone:	6538 5228
Contact Position:	Manager Governance
Contact Email:	rob.griffiths@midcoast.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Mid-Coast Council			
Number of Complaints			
1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	<input type="text" value="0"/>
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	<input type="text" value="0"/>
Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	<input type="text" value="0"/>
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	<input type="text" value="0"/>
	c	The number of code of conduct complaints referred to a conduct reviewer	<input type="text" value="0"/>
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	<input type="text" value="0"/>
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	<input type="text" value="0"/>
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	<input type="text" value="0"/>
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	<input type="text" value="0"/>
	h	The number of finalised complaints investigated where there was found to be no breach	<input type="text" value="0"/>
	i	The number of finalised complaints investigated where there was found to be a breach	<input type="text" value="0"/>
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	<input type="text" value="0"/>
	k	The number of complaints being investigated that are not yet finalised	<input type="text" value="0"/>
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	<input type="text" value="0"/>

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <input data-bbox="1201 423 1283 481" type="text" value="0"/>
b	Conflict of interest (Part 4) <input data-bbox="1201 490 1283 548" type="text" value="0"/>
c	Personal benefit (Part 5) <input data-bbox="1201 557 1283 616" type="text" value="0"/>
d	Relationship between council officials (Part 6) <input data-bbox="1201 624 1283 683" type="text" value="0"/>
e	Access to information and resources (Part 7) <input data-bbox="1201 692 1283 750" type="text" value="0"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input data-bbox="1201 813 1283 871" type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office <input data-bbox="1201 880 1283 938" type="text" value="0"/>

B: Model Code of Conduct Complaints Statistics MidCoast Water

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2016 - 31 August 2017.

Date Due: 31 December 2017

To assist with the compilation of the Time Series Data Publication it would be appreciated if councils could return this survey by 30 November 2017.

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Mid-Coast County Council
----------------------	--------------------------

Contact Name:	Rob Griffiths
Contact Phone:	6538 5228
Contact Position:	Manager Governance
Contact Email:	rob.griffiths@midcoast.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Mid-Coast County Council			
Number of Complaints			
1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	<input type="text" value="0"/>
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Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	<input type="text" value="0"/>
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	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	<input type="text" value="0"/>
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	k	The number of complaints being investigated that are not yet finalised	<input type="text" value="0"/>
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	<input type="text" value="0"/>

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
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b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
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f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
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b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
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Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
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b	Conflict of interest (Part 4) <input type="text" value="0"/>
c	Personal benefit (Part 5) <input type="text" value="0"/>
d	Relationship between council officials (Part 6) <input type="text" value="0"/>
e	Access to information and resources (Part 7) <input type="text" value="0"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office <input type="text" value="0"/>

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14 APPOINTMENT OF DELEGATES TO DURALIE AND STRATFORD COAL MINE COMMUNITY CONSULTATIVE COMMITTEES

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Councillors - Representation on Committees

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report provides feedback on clarification sought regarding the appointment of delegates to the Duralie Coal Mine Community Consultative Committee and the Stratford Coal Mine Community Consultative Committee and requires Council to appoint a delegate to the Duralie Committee for the ensuing twelve months.

SUMMARY OF RECOMMENDATION

That Council appoint one Councillor delegate and one alternate delegate to the Duralie Coal Mine Community Consultative Committee.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

DISCUSSION

At the Ordinary Meeting held 25 October 2017, clarification was requested regarding the appointment of delegate(s) to the Duralie Coal Mine Community Consultative Committee. During the debate at the meeting of the 25 October 2017, there was discussion regarding the number of Councillors, whether an alternative be nominated and whether Council's Director of Planning and Natural Systems can attend. Council determined;

That Cr K Hutchinson and Cr K Smith be nominated as Council's representative (clarification to be sought on whether Council's Director Planning and Natural Systems can attend)

Clarification has been sought and the Chairperson of the committee, Margaret MacDonald-Hill has advised that the preferred option is one Councillor (with an alternate delegate) and one staff member for both the Duralie and Stratford Coal Mine Community Consultative Committees. The Council staff member is the Director Planning and Natural Systems or their delegate.

The Meeting of the 25 October 2017 and the 22 November 2017 has dealt with the appointment of delegates to the Stratford committee.

As such Council should appoint one Councillor delegate with an alternate delegate to the Duralie Coal Mine Community Consultative Committee.

RECOMMENDATION

That Council appoint one Councillor delegate and one alternate delegate to the Duralie Coal Mine Community Consultative Committee.

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15 RECOMMENDED MEETING SCHEDULE FOR 2018

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Council Meetings General

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report provides a recommended Meeting Schedule for March 2018 - December 2018 for consideration by Council.

SUMMARY OF RECOMMENDATION

That the Meeting Schedule for 2018 contained in Annexure A be adopted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The recommended schedule complies with the provisions of the *Local Government Act 1993* which requires Councils to have a minimum of 10 Ordinary meetings each calendar year.

BACKGROUND

At the Council Meeting 27 September 2017, Council adopted a meeting schedule for the period October 2017 to February 2018. At that meeting Council also resolved, "That the Meeting Schedule be reviewed at the December Ordinary meeting to enable a Meeting Schedule to be adopted for the remainder of 2018".

DISCUSSION

Attached for Council's consideration is a recommended Meeting Schedule from March 2018 - December 2018.

The schedule has been amended to account for ANZAC Day (April), the 2018 LGNSW Conference (October) and the Christmas Closure (December). Annexure A also includes the February 2018 dates as resolved at Council's September 2017 meeting to provide a complete schedule for 2018.

It should also be noted that, as a result of the amended Audit process for the 2016/17 Financial Statements it will be necessary for Council to hold an ExtraOrdinary Meeting in January 2018. The ExtraOrdinary Meeting is required to present the Audited Financial Statements to the public and the presentation will include an address by Council's Auditor. It is proposed to hold this Extra Ordinary Meeting on Wednesday 24th January 2018 to ensure Council meets the statutory timeframe for the presentation of the Audited Statements. The commencement time for the meeting will be determined following consultation with Councillors.

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

That the Meeting Schedule for 2018 contained in Annexure A be adopted.

ANNEXURES

A: Meeting Schedule for 2018.

MIDCOAST council Meeting Schedule – Council Meetings March 2018 – December 2018

Date	Meeting	Time	Venue
Wednesday 14 February 2018	Strategic Committee	10.00am	Forster Administration Centre
Wednesday 28 February 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 14 March 2018	Strategic Committee	10.00am	Forster Administration Centre
Wednesday 28 March 2018	Ordinary Council Meeting	2.00pm	Gloucester Administration Centre
Wednesday 11 April 2018	Strategic Committee	10.00am	Forster Administration Centre
Wednesday 18 April 2018 (Altered date due to ANZAC Day)	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 9 May 2018	Strategic Committee	10.00am	Gloucester Administration Centre
Wednesday 23 May 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 13 June 2018	Strategic Committee	10.00am	Forster Administration Centre
Wednesday 27 June 2018	Ordinary Council Meeting	2.00pm	Gloucester Administration Centre
Wednesday 11 July 2018	Strategic Committee	10.00am	Forster Administration Centre
Wednesday 25 July 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 8 August 2018	Strategic Committee	10.00am	Gloucester Administration Centre
Wednesday 22 August 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 12 September 2018	Strategic Meeting	10.00am	Forster Administration Centre
Wednesday 26 September 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 10 October 2018	Strategic Meeting	10.00am	Forster Administration Centre
Wednesday 31 October 2018 (Altered date due to LNSW Annual Conference)	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 14 November 2018	Strategic Meeting	10.00am	Forster Administration Centre
Wednesday 28 November 2018	Ordinary Council Meeting	2.00pm	Taree Administration Centre
Wednesday 12 December 2018	Strategic Meeting	10.00am	Forster Administration Centre
Wednesday 19 December 2018 (Altered date due to Christmas)	Ordinary Council Meeting	2.00pm	Taree Administration Centre

16 2016-2017 FINANCIAL REPORTS FOR MID-COAST COUNCIL

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Financial Management - Financial Statements 2016/2017

Date of Meeting 20 December 2017

SUMMARY OF REPORT

Prior to the release of the Auditor's Reports on the 2016/2017 Financial Statements for Mid-Coast Council the NSW Audit Officer require Council to re-sign the "Statement by Councillors and Management" for the General Purpose Financial Statements and the Special Purpose Financial Statements.

SUMMARY OF RECOMMENDATION

That Council resolve to re-issue the statutory statements in relation to the 2016/2017 Annual Financial Reports for Mid-Coast Council.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The "Statement by Councillors and Management" is a requirement of the Local Government Act, 1993 and the Local Government Code of Accounting Practice and Financial Reporting and forms part of Council's Annual Financial Reports.

BACKGROUND

The Administrator at an Extraordinary Meeting of Council held on 6 September 2017 resolved to sign the statutory statements required to refer the Annual Financial Reports for both Mid-Coast Council and the former MidCoast Water to audit. This was in keeping with the requirements of the Local Government Act and Code of Accounting Practice and Financial Reporting.

With the transfer of responsibility for the audit of local government to the NSW Audit Office new requirements have been introduced for the 2016/2017 audit. The Audit Office now require councils to re-sign the statutory statements after the audit has been completed but prior to the issue of their audit reports. This is to take into account any changes to the financial statements arising from audit and aligns with private sector practices where the board signs off on the financial reports prior to their release to the public. This change in practice was identified in the report to that Extraordinary Meeting.

DISCUSSION

The Local Government Act 1993 (as amended) requires the Annual Financial Reports to include Statements signed by the Mayor, a Councillor, the General Manager and the Responsible Accounting Officer in accordance with a resolution of Council.

The Statements by Councillors and Management must be completed in order to comply with Section 413 (2) (c) of the Local Government Act 1993 (as amended) which states:

"A council's financial reports must include a statement in the approved form by the council as to its opinion on the general purpose financial reports."

In addition the Local Government Code of Accounting Practice and Financial Reporting states with respect to the Special Purpose Financial Report that:

"Councils' shall complete a "Councils' Statement" on its Special Purpose Financial Report. The statement must be:

- *made by resolution of council; and signed by:*
- *The Mayor, at least one other member of the council, the responsible accounting officer and the General Manager (if not the responsible accounting officer).*

The statement by Council must indicate whether or not the Council's Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and relevant Australian Accounting Standards."

Copies of these Statements are included as Annexure A and B.

It is suggested that the Deputy Mayor be the other member of the Council to sign the statements.

It will be necessary for these Statements to be signed on the day of the meeting so that they can be forwarded to the auditors immediately. This will facilitate the release of the Audit Reports and the finalisation of the compilation of the Financial Reports (insertion of the Statements and Auditors Reports within the document, page and index numbering etc). The Annual Financial Reports will be lodged with the Office of Local Government prior to the extended deadline date of 31 December 2017.

Council will also notify the public of the presentation of the Annual Financial Reports by advertisement in relevant local papers and set a date for a Council Meeting at which the time the Auditor will formally present his report to the Council. This meeting will need to occur during January to comply with legislative requirements and as such an Extraordinary Council Meeting has been scheduled for Wednesday 24 January 2018.

The public are entitled to make submissions on the Annual Financial Reports during the exhibition period.

A copy of the draft Financial Statements will be circulated separately to Councillors and a copy tabled at the meeting as the Auditor's are completing their final checks. The auditors have indicated that there will be no further changes to the figures contained within these reports however they are not finalised until the Auditor's Reports are issued. As such they do not represent the finalised version, they will be issued in accordance with the information outlined above.

RECOMMENDATION

That Council resolve to sign the:

- "Statement by Councillors and Management" in respect of the General Purpose Financial Reports for Mid-Coast Council for the period 13 May 2016 to 30 June 2017
- "Statement by Councillors and Management" in respect of the Special Purpose Financial Reports for Mid-Coast Council for the period 13 May 2016 to 30 June 2017

with the Mayor and Deputy Mayor signing these Statements on Council's behalf.

ANNEXURES

A: Statement by Councillors and Management - General Purpose Financial Reports

Financial Statements 2017

MidCoast Council

General Purpose Financial Statements

for the period 13 May 2016 to 30 June 2017

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the period 13 May 2016 to 30 June 2017, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 20 December 2017.

David West
Mayor

Katheryn Smith
Councillor

Glenn Handford
General Manager

Philip Brennan
Responsible accounting officer

page 3

B: Statement by Councillors and Management - Special Purpose Financial Reports

SPFS 2017

MidCoast Council

Special Purpose Financial Statements
for the period 13 May 2016 to 30 June 2017

Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses -- A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these financial statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the period 13 May 2016 to 30 June 2017, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 20 December 2017.

David West
Mayor

Katheryn Smith
Councillor

Glenn Handford
General Manager

Philip Brennan
Responsible accounting officer

page 2

17 2017-2018 FEES & CHARGES - ADOPTION OF ADDITIONAL FEES

Report Author Phil Brennan, Manager Finance

File No. / ECM Index MidCoast Council - 2017/2018 Fees & Charges

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report seeks Council's adoption of certain fees and charges following the required advertising period for public submissions.

SUMMARY OF RECOMMENDATION

That the Fees and Charges outlined within the report be adopted and take effect immediately.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Chapter 15 Part 10 of the Local Government Act 1993 deals with the process for the setting of fees. Public notice for a period of at least 28 days is required during which members of the public can make submissions. These submissions are required to be considered by Council prior to determining whether to adopt the proposed new fees.

BACKGROUND

Council adopted its 2017/2018 Fees and Charges Schedule at its Ordinary Meeting held on 28 June 2017 following the required period of public exhibition. A number of proposed changes to the draft Schedule were proposed and accepted at that time.

A further review of the Fees and Charges Schedule occurred as staff started to work with the document and continued to review the differing practices of the former organisations. This has led to the identification of items that needed to be addressed by way of amendments to the Fees and Charges Schedule. These amendments were presented to the Ordinary Meeting of Council held on 23 August 2017. A copy of this report is included as Annexure A for Councillors information.

These amendments fell in to 3 main categories:

1. Housekeeping - amendment to headings and descriptions to improve clarity of the document
2. Deletions - fees that are no longer charged due to the nature of operations.
3. Proposed new fees - arising from new work practices or omissions from the original document.

Amendments in categories 1 and 2 above were adopted at that meeting. In accordance with legislative requirements the new fees proposed in category 3 were required to be advertised to the public for a period of at least 28 days during which time public submissions could be made.

The public exhibition period ran from 13 September 2017 until 10 October 2017. At the close of the exhibition period there were no public submissions received in respect of the proposed fees. As such Council can now proceed to adopt those fees and charges.

Those fees are set out in the table below for information:

Section	New Fee Amount
Nabiac Showground Section - Nabiac Showground Stock Yards Facility - Daily Hire	\$370 (inc GST)
Waste Disposal - (Sites with Weighbridge) - Approved clean dry fill - inert <40mm diameter (Gloucester & Bucketts Way only)	\$87.56 (inc GST)
Taree Airport - Casual Hangar - Hire of Hangar 8 - (Include narrative "long term storage fees within this hangar are subject to quotation by Council")	\$290 (inc GST) Per month
Engineering Plans - Approval / Supervision Fees - Application for Public Engineering Works Permit (PEWP) - Application for subdivision Construction Certificate	\$200 (no GST) \$200 (no GST)
Applications for Approval under Section 68 of the Local Government Act - Application for Stormwater Connection Fee - Application for Onsite Detention Works - Impervious area > 2500Sqm - Impervious area > 2500 Sqm - Checking of amended OSD Plans	\$220 (no GST) \$760 (no GST) \$1500 (no GST) \$320 (no GST)
Application to Erect Hoarding or Occupy a Work Zone - Occupy car park in CBD	\$28 (inc GST) Per car per day
All Halls Listed Below - Key Deposit - Refundable - Booking Fee - Non-Refundable Allworth Community Hall Booral Soldiers Memorial Hall Bulahdelah School of Arts Hall Bungwahl Public Hall Bunyah Public Hall Coolongolook Hall Coomba Park Community Hall Forster Tuncurry Community Centre Harrington Function Centre Hawks Nest Community Hall Limeburners Creek Hall Monkerai School of Arts Hall Nabiac Showground Hall - Hall only North Arm Cove Community Centre Ormsby House Pacific Palms Community Centre Stroud School of Arts Wingham Court House Wingham Town Hall Wootton Community Centre	\$100 (no GST) \$25 (inc GST)

RECOMMENDATION

That the Fees and Charges outlined within the table within the report be adopted and take effect immediately.

ANNEXURES

A: Previous Report to Council 23 August 2017

2017/2018 FEES & CHARGES - PROPOSED AMENDMENTS

Report Author Phil Brennan, Manager Finance
File No. / ECM Index MidCoast Council - 2017/2018 Fees & Charges
Date of Meeting 23 August 2017

SUMMARY OF REPORT

This report proposes a number of amendments to the adopted 2017/2018 Fees & Charges Schedule adopted by Council at its Ordinary Meeting of 28 June 2017. The amendments include some proposed new fees (which will require public exhibition before adoption), some deletions of fees due to changes in operations and some general housekeeping by way of removing some duplications, re-aligning fees between sections and amending some descriptions to provide more clarity around the adopted fee.

SUMMARY OF RECOMMENDATION

1. That the general amendments proposed to the 2017/2018 Fees and Charges Schedule be adopted.
2. That the fees proposed for deletion from the 2017/2018 Fees and Charges Schedule be adopted and take effect immediately.
3. That the new fees proposed for inclusion within the 2017/2018 Fees and Charges Schedule be advertised for the required legislative period and reported back to Council for consideration and final adoption.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Chapter 15 Part 10 of the Local Government Act 1993 deals with the process for the setting of fees. Public notice for a period of at least 28 days is required during which members of the public can make submissions. These submissions are required to be considered by Council prior to determining whether to adopt the proposed new fees.

BACKGROUND

Council adopted its 2017/2018 Fees and Charges Schedule at its Ordinary Meeting held on 28 June 2017 following the required period of public exhibition. A number of proposed changes to the draft Schedule were proposed and accepted.

Since that time further review of the Fees and Charges Schedule has occurred as staff work with the document and continue to review the differing practices of the former organisations. This has led to the identification of items that need to be addressed by way of amendments to the Fees and Charges Schedule.

These amendments fall in to 3 main categories:

1. Housekeeping - amendment to headings and descriptions to improve clarity of the document
2. Deletions - fees that are no longer charged due to the nature of operations.

3. Proposed new fees - arising from new work practices or omissions from the original document.

Details of each of these are set out below and include a reference to the relevant page number in the adopted version found on Council's website:

Housekeeping items

1. **Page 89 - Saleyards**

Recommended that the title be amended to 'Saleyards - Gloucester Only'. This is to differentiate the operations of the Gloucester Saleyards from the hire of the Nabiac Showground Stock Yards Facility.

2. **Page 113 - General Waste Disposal - all areas.**

Recommended that the fee 'Approved Clean Dry Fill - inert and <40mm diameter' be amended to add 'Stroud Only' to the end of that description. This clarifies that Clean fill can only be taken at the Stroud Facility and not at the Tea Gardens or Bulahdelah facilities.

3. **Page 113 - Waste Disposal Trucks - (Sites without Weighbridge)**

Recommended that this title be amended to 'Waste Disposal Trucks - (Trucks With No Weighbridge)' to provide consistency in terminology.

4. **Page 114 - Tyres - All Sites**

Remove 'All Sites' from the heading as it is redundant.

5. **Page 114 - Tyres - All Sites**

Move the items 'Shredded Tyres - per tonne - min', 'Shredded Tyres - per tonne - max', 'Whole tyres per tonne - min' and 'Whole tyres per tonne - max' and the relevant fees to the section headed 'Waste Disposal - (Sites with Weighbridge)' and include in that list after the items 'Treated timber per tonne'. This places all of the weight based disposal items together in one section.

6. **Page 56 - Road / Reserve / Park / or Building Naming Submission (Section 162)**

Amend the title to 'Road / Reserve / Park / or Building Naming Submission (Roads Act 1993 - Section 162)' so as to provide the relevant legislative reference for this fee.

7. **Page 56 - Driveways**

Amend the title to 'Driveways - (Roads Act 1993 - Section 138)' so as to provide the relevant legislative reference for this fee.

8. **Page 51 - Application to erect Hoarding**

Amend the title to 'Application to Erect Hoarding or Occupy a Workzone'. A new fee is proposed for this amended heading and is discussed below.

9. **Page 77 - Public Gates, 1919**

Amend the title to 'Public Gates - (Roads Act 193 - Section 128) so as to provide the correct legislative reference for this fee.

10. Page 99 - Vehicles - Heavy/wide Loads

Amend the description of this fee to 'Route Assessment and Supervision of Heavy / Wide Loads (per hour)' and include the following note "Council's supervision of loads after 3.00pm on weekdays and at all times on weekends / public holidays will incur penalty rates". This provides additional information on this particular fee.

Deletions

1. Page 38 - Companion Animals

Delete the fees 'Microchipping' and 'Microchipping - Animal Welfare Organisation' as fees are not actually charged.

2. Page 55 - Engineering Works

It is recommended that the section titled 'Subdivision Applications' be deleted given that these fees are contained within the Development Application section.

3. Page 62 - Gravel Quarries

It is recommended that this section be deleted. Council's Engineering section has advised that this fee previously applied to one region of the Council and that given the scarcity of this resource for roadworks should be quarantined for Council purposes only. The deletion of the fees removes the indication that Council's gravel resources are available for sale to the public and allows for the alignment of management practices at all of Council's quarries.

New Fees

1. Nabiac Showground Stock Yards Facility

It is proposed to introduce a new fee for the daily hire of this facility. The proposed fee is \$370.00 (including GST).

2. Waste Disposal - (Sites with Weighbridge)

It is proposed to introduce a new fee into this section as follows:

- 'Approved clean dry fill - inert <40mm diameter (Gloucester and Bucketts Way only)' with the fee being \$87.56 (including GST).

3. Taree Airport

It is proposed to include a new section within this are titled 'Casual Hangar Hire' with a line item 'Casual Hangar - Hire of Hangar 8' with a monthly fee of \$290 (including GST). It is also proposed to include a note with this item that reads 'Long term storage fees within this hangar are subject to quotation by Council'.

4. Halls

Previous Fees and Charges Schedules have included a Key Deposit and Booking Fee for these venues. This was omitted from the adopted Fees and Charges Schedule. This omission needs to be rectified.

It is proposed to introduce two standard fees for the venues listed below. These fees are:

- Key Deposit - Refundable - \$100.00
- Booking Fee - Non-Refundable - \$25.00 (including GST).

The venues are:

- Allworth Community Hall
- Booral Soldiers Memorial Hall
- Bulahdelah School of Arts Hall
- Bungwahl Public Hall
- Bunyah Public Hall
- Coolongolook Hall
- Coomba Park Community Hall
- Forster Tuncurry Community Centre
- Harrington Function Centre
- Hawks Nest Community Hall
- Limeburners Creek Hall
- Monkerai School of Arts Hall
- Nabiac Showground Hall - Hall only
- North Arm Cove Community Centre
- Ormsby House
- Pacific Palms Community Centre
- Stroud School of Arts
- Wingham Court House
- Wingham Town Hall
- Wootton Community Centre

5. Engineering Works

It is proposed to add the following fees to the section titled 'Engineering Plans - Approval / Supervision Fees':

- Application for Public Engineering Works Permit (PEWP) - \$200.00
- Application for Subdivision Construction Certificate - \$200.00

It is proposed to add the following fees to the section titled 'Applications for Approval under section 68 of the Local Government Act':

- Application for Stormwater Connection Fee - \$220.00
- Application for Onsite Detention Works
 - Impervious area < 2500 Sqm - \$760.00
 - Impervious area > 2500 Sqm - \$1,500.00
- Checking of amended OSD plans - \$320.00

It is proposed to add the following fee to the section titled 'Application to Erect Hoarding or Occupy a Workzone':

- Occupy car park in CBD - per carpark per day - \$28.00

CONSULTATION

Consultation with the community on proposed new fees will via the required public notice period. Members of the public may lodge a submission on the proposal and these will be considered by Council as part of a follow-up report that is required to obtain formal adoption of the proposed fees.

TIMEFRAME

The required public notice period is at least 28 days. It is likely that the follow-up report will be presented to the October Ordinary meeting of Council.

RECOMMENDATION

1. That the general amendments proposed to the 2017/2018 Fees and Charges Schedule (as detailed in the section 'Housekeeping' within the report) be adopted.
 2. That the fees proposed for deletion from the 2017/2018 Fees and Charges Schedule (as detailed in the section 'Deletions' within the report) be adopted and take effect immediately.
 3. That the new fees proposed for inclusion within the 2017/2018 Fees and Charges Schedule be advertised for the required legislative period and reported back to Council for consideration and final adoption.
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18 INVESTMENTS REPORT - NOVEMBER 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 20 December 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

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.

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. It also requires that the Responsible Accounting Officer must include a certificate as to whether or not the investments have been made in accordance with the Act, Regulations and Policies. This Certificate is included as Annexure A.

DISCUSSION

At 30 November 2017 Council had \$162,420,320 in invested funds with financial institutions.

Those funds were held by the former offices as set out below:

Office	Amount Invested
Gloucester Office	\$3,250,000
Taree Office	\$37,000,000
Forster Office	\$82,084,956
Water Division - Sewer Funds	\$32,882,828
Water Division - Water Funds	\$7,202,536
Total	\$162,420,320

The Investment Policy requires a report on the following matters:

1. *Details of each investment* - these details are shown in Annexure B to this report. That report provides the following detail for each investment held by Council:

Investment Date, Interest Rate, Security Type, Duration, Amount Invested, Maturity Date, Counter Party (who holds the investment), Credit Rating

2. *Counterparty Holdings*

The Policy provides for the following Counterparty Limits (maximum amount to be held with any one institution):

Credit Rating	Individual % of Portfolio	Estimated \$ Limit
AAA / A-1	20%	\$30 Million
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

The position at 30 November 2017 with respect to Counterparty compliance is as follows:

Counterparty	Rating	Amount Invested	% Invested	Max % Limit	Comply (Y / N)
NSWTC ICM CF	AAA	\$5,582,759	3.44%	20.00%	Y
ANZ Bank	AA-	\$1,500,303	0.91%	20.00%	Y
Commonwealth Bank	AA-	\$13,523,757	8.33%	20.00%	Y
BankWest	AA-	\$15,400,000	9.48%	20.00%	Y
NAB	AA-	\$28,300,000	17.42%	20.00%	Y
Westpac	AA-	\$4,063,501	2.50%	20.00%	Y
Rabobank	A+	\$1,000,000	0.62%	13.00%	Y
Suncorp-Metway	A+	\$3,400,000	2.09%	13.00%	Y
AMP Bank	A	\$3,250,000	2.00%	13.00%	Y
Credit Suisse AG	A	\$1,000,000	0.62%	13.00%	Y
ING Bank	A	\$3,000,000	1.85%	13.00%	Y
Macquarie Bank	A	\$1,000,000	0.62%	13.00%	Y
Bank of Queensland	BBB+	\$8,000,000	4.93%	7.00%	Y
Bendigo - Adelaide (Rural) Bank	BBB+	\$6,500,000	4.00%	7.00%	Y
People's Choice Credit Union	BBB	\$2,000,000	1.23%	7.00%	Y
Beyond Bank	BBB	\$7,200,000	4.43%	7.00%	Y

Counterparty	Rating	Amount Invested	% Invested	Max % Limit	Comply (Y / N)
Bank Australia	BBB	\$6,000,000	3.69%	7.00%	Y
Greater Bank	BBB	\$10,000,000	6.16%	7.00%	Y
Defence Bank	BBB	\$3,000,000	1.85%	7.00%	Y
Credit Union Australia	BBB	\$1,750,000	1.08%	7.00%	Y
IMB Bank	BBB	\$10,200,000	6.28%	7.00%	Y
Newcastle Permanent	BBB	\$500,000	0.31%	7.00%	Y
Members Equity Bank	BBB	\$12,500,000	7.70%	7.00%	N
MyState Bank	BBB	\$6,500,000	4.00%	7.00%	Y
Teachers Mutual Bank	BBB	\$1,500,000	0.92%	7.00%	Y
Auswide Bank	BBB-	\$2,500,000	1.54%	7.00%	Y
Bank of Sydney	Unrated	\$250,000	0.15%	1.30%	Y
Police Credit Union SA	Unrated	\$3,000,000	1.85%	1.30%	N
Total		\$162,420,320	100.00%		

As identified in the table above, Council remains in excess of the counterparty limit in respect of Members Equity Bank and the Police Credit Union SA. During November it reduced its holdings in Bank of Queensland and IMB Bank as investments with these institutions matured and is now within the required limits for those institutions.

The following amounts mature during December which will assist in bringing the holdings with these financial institutions back within policy limits:

- Members Equity Bank - \$7,500,000
- Police Credit Union SA - \$3,000,000

3. Dissection based on Maturity Horizon

The policy classifies investments with a maturity shorter than 1 year as short term investments with those greater than 1 year as long term investments. This is based on the term of the initial investment not the remaining period to maturity at the date of the report.

The current positioning of the portfolio is as follows:

Investment Maturity	Amount	% of Portfolio	Policy Limits
Short Term - 1 year or less	\$139,670,320	85.99%	60% - 100%
Long Term - Greater than 1 year	\$22,750,000	14.01%	0% - 40%

4. Portfolio by Credit Rating

The table below shows the diversification of the portfolio by credit rating:

Credit Rating	Amount	% of Portfolio	Policy Limits
AAA Category	\$5,582,759	3.44%	20%
AA Category	\$62,787,561	38.66%	80%
A Category	\$12,650,000	7.78%	80%
BBB Category	\$78,150,000	48.12%	65%
Unrated ADIs	\$3,250,000	2.00%	4%
Total	\$162,420,320	100.00%	

Council is within policy limits for all credit ratings at the end of November.

5. Benchmarking across the Investment Horizon

The following shows the weighted average yield at the end of November across the various investment horizons, as indicated in the Investment Policy.

Investment Horizon	Amount Invested	Expected Min. Return Range	Expected Min Return %	Council's Wgt Avg. Yield	Council's Wgt Avg. Duration
On Call	\$8,648,760	Cash Rate	1.50%	1.84%	0
0 - 3 mths	\$72,300,000	BBI + 40-50bp	2.08%	2.56%	44
3 - 6 mths	\$46,971,560	BBI + 50-70 bp	2.23%	2.53%	132
6 - 12 mths	\$11,750,000	BBI + 70-90bp	2.43%	2.63%	253
1 - 2 yrs	\$4,000,000	BBI + 90-100bp	2.58%	3.16%	608
Greater	\$18,750,000	BBI + 100bp	2.63%	3.01%	982
Council's Portfolio	\$162,420,320		2.34%	2.58%	205

Generally Council's investment portfolio remains well spread across institutions, ratings and maturities given the competing demands to manage operational cashflow across 4 offices while achieving a reasonable return on funds under investment. Council's aggregated position has generally been conservative and there is some capacity to achieve higher returns through the consolidation and management of the entire portfolio and a move into longer dated investments.

RECOMMENDATION

That the report be received and noted.

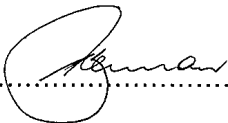
ANNEXURES

A: 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 November 2017.



.....

Phil Brennan
Responsible Accounting Officer
8 December 2017

B: Mid-Coast Council Investments at 30 November 2017

Financial Securities as at 30 November 2017

Investment Date	Interest Rate	Security Type	Duration	Amount Invested	Maturity Date	Held With	Credit Rating
FORSTER OFFICE INVESTMENTS							
<u>Floating Rate Notes</u>							
24/06/2014	BBSW +110	FRN		\$1,000,000.00	24/06/2019	Bank of Queensland Ltd	BBB / A-2
24/10/2014	BBSW +113	FRN		\$1,000,000.00	22/12/2017	Bank of Queensland Ltd	BBB / A-2
27/11/2013	BBSW +130	FRN		\$1,000,000.00	27/11/2018	Bendigo & Adelaide	BBB+ / A-2
18/08/2015	BBSW+110	FRN		\$1,000,000.00	18/08/2020	Bendigo & Adelaide	BBB+ / A-2
28/01/2016	BBSW +115	FRN		\$1,000,000.00	18/01/2021	Commonwealth Bank	AA- / A-1+
9/03/2016	BBSW +195	FRN		\$1,000,000.00	9/03/2021	Credit Suisse	A / A-1
20/03/2017	BBSW +130	FRN		\$750,000.00	20/03/2020	CUA	BBB / A-2
24/02/2017	BBSW +145	FRN		\$1,000,000.00	24/02/2020	Greater Bank	BBB / A-2
9/08/2016	BBSW+152	FRN		\$1,000,000.00	7/06/2019	Greater Bank	BBB / A-2
30/08/2016	BBSW+155	FRN		\$1,500,000.00	30/08/2019	Greater Bank	BBB / A-2
7/07/2015	BBSW+110	FRN		\$1,000,000.00	3/03/2020	Macquarie Bank	A / A-1
5/11/2015	BBSW+108	FRN		\$1,000,000.00	5/11/2020	NAB	AA- / A-1+
26/02/2015	BBSW+110	FRN		\$500,000.00	27/02/2018	Newcastle Permanent	BBB / A-2
4/03/2016	BBSW + 150	FRN		\$1,000,000.00	4/03/2021	Rabobank	A+ / A-1
20/10/2015	BBSW +125	FRN		\$1,000,000.00	20/10/2020	Suncorp Metway	A+ / A-1
4/12/2014	BBSW+105	FRN		\$1,000,000.00	4/12/2017	Teachers Mutual Bank	BBB / A-2
28/10/2016	BBSW+140	FRN		\$500,000.00	28/10/2019	Teachers Mutual Bank	BBB / A-2
2/06/2017	BBSW +140	FRN		\$1,000,000.00	29/05/2020	Greater Bank	BBB / A-2
31/08/2017	BBSW +125	FRN		\$2,000,000.00	6/04/2020	Members Equity Bank Pty Ltd	BBB / A-2
7/06/2017	BBSW +140	FRN		\$1,000,000.00	29/05/2020	Greater Bank	BBB / A-2
				\$20,250,000.00			
<u>Floating Rate Notes</u>							
<u>Floating Term Deposits</u>							
19/02/2015	BBSW + 95	FTD		\$1,000,000.00	21/02/2020	ING	A / A-1
11/12/2014	BBSW + 106	FTD		\$1,000,000.00	11/12/2019	NAB	AA- / A-1+
11/12/2014	BBSW + 106	FTD		\$1,000,000.00	11/12/2019	NAB	AA- / A-1+
1/12/2015	3.0000%	FTD		\$1,000,000.00	1/12/2020	Westpac Bank	AA- / A-1+
				\$4,000,000.00			
<u>Floating Term Deposits</u>							
<u>On Call Bank Accounts</u>							
31/10/2017	1.4000%	On call		\$2,196.72		Commonwealth Bank	AA- / A-1+
31/10/2017	2.1100%	On call		\$5,582,759.40		T-Corp	AAA / A-1+
				\$5,584,956.12			

Stronger Communities Investments

12/10/2017	2.6700%	Term Deposit	371	\$1,000,000.00	18/10/2018	Auswide Bank	BBB- / A-3
15/06/2017	2.8000%	Term Deposit	245	\$1,000,000.00	15/02/2018	Bank Australia	BBB / A-2
27/11/2017	2.6500%	Term Deposit	185	\$1,000,000.00	31/05/2018	Bank Australia	BBB / A-2
27/06/2016	BBSW+148	FRN		\$1,000,000.00	18/05/2021	Bank of Queensland Ltd	BBB / A-2
7/09/2017	2.5000%	Term Deposit	182	\$1,000,000.00	8/03/2018	Beyond Bank	BBB / A-2
8/06/2017	2.7500%	Term Deposit	196	\$1,000,000.00	21/12/2017	Beyond Bank	BBB / A-2
14/06/2017	2.7300%	Term Deposit	239	\$1,000,000.00	8/02/2018	Beyond Bank	BBB / A-2
28/09/2017	2.5700%	Term Deposit	273	\$1,000,000.00	28/06/2018	Commonwealth Bank	AA- / A-1+
8/06/2017	2.8500%	Term Deposit	189	\$1,000,000.00	14/12/2017	Greater Bank	BBB / A-2
21/09/2017	2.6500%	Term Deposit	371	\$1,000,000.00	27/09/2018	ING	A / A-1
29/06/2017	2.7500%	Term Deposit	189	\$2,000,000.00	4/01/2018	My State Bank	BBB / A-2
14/06/2017	2.7000%	Term Deposit	232	\$1,000,000.00	1/02/2018	Rural Bank	BBB+ / A-2
				\$13,000,000.00			

Implementation Funds Investments

27/06/2016	BBSW+148	FRN		\$1,000,000.00	18/05/2021	Bank of Queensland Ltd	BBB / A-2
27/10/2017	2.7800%	Term Deposit	363	\$1,000,000.00	25/10/2018	Defence Bank	BBB / A-2
23/03/2017	2.8500%	Term Deposit	273	\$3,000,000.00	21/12/2017	Police Credit Union SA	Unrated
				\$82,084,956.12			

TOTAL FORSTER OFFICE INVESTMENTS

GLoucester Office Investments

14/09/2017	2.5000%	Term Deposit	209	\$1,000,000.00	11/04/2018	Commonwealth Bank	AA- / A-1+
3/10/2017	2.4000%	Term Deposit	91	\$500,000.00	2/01/2018	ANZ Bank	AA- / A-1+
13/10/2017	2.4000%	Term Deposit	88	\$1,000,000.00	9/01/2018	ANZ Bank	AA- / A-1+
25/10/2017	2.5500%	Term Deposit	181	\$500,000.00	24/04/2018	Beyond Bank	BBB / A-2
9/11/2017	2.5500%	Term Deposit	180	\$250,000.00	8/05/2018	Bank of Sydney	Unrated
		Term Deposits		\$3,250,000.00			
				\$3,250,000.00			

TOTAL GLOUCESTER OFFICE INVESTMENTS

TAREE OFFICE INVESTMENTS

Term Deposits										
30/08/2017	2.4000%	Term Deposit	98	\$2,000,000.00	6/12/2017	IMB Bank	BBB / A-2			
1/09/2017	2.5100%	Term Deposit	103	\$1,500,000.00	6/12/2017	NAB	AA- / A-1+			
1/09/2017	2.5100%	Term Deposit	103	\$2,000,000.00	13/12/2017	NAB	AA- / A-1+			
6/09/2017	2.4000%	Term Deposit	105	\$2,000,000.00	13/12/2017	NAB	AA- / A-1+			
6/09/2017	2.4500%	Term Deposit	105	\$2,000,000.00	20/12/2017	IMB Bank	BBB / A-2			
13/09/2017	2.4000%	Term Deposit	112	\$1,000,000.00	20/12/2017	Members Equity Bank Pty Ltd	BBB / A-2			
13/09/2017	2.4000%	Term Deposit	112	\$1,200,000.00	3/01/2018	Beyond Bank	BBB / A-2			
13/09/2017	2.4000%	Term Deposit	119	\$700,000.00	3/01/2018	IMB Bank	BBB / A-2			
21/09/2017	2.5000%	Term Deposit	118	\$2,000,000.00	10/01/2018	Beyond Bank	BBB / A-2			
28/09/2017	2.5000%	Term Deposit	118	\$1,500,000.00	17/01/2018	BankWest	AA- / A-1+			
21/09/2017	2.5000%	Term Deposit	181	\$1,400,000.00	24/01/2018	BankWest	AA- / A-1+			
5/10/2017	2.4500%	Term Deposit	125	\$1,400,000.00	21/03/2018	Suncorp Metway	A+ / A-1			
5/10/2017	2.4500%	Term Deposit	125	\$2,000,000.00	7/02/2018	BankWest	AA- / A-1+			
12/10/2017	2.4500%	Term Deposit	132	\$2,000,000.00	31/01/2018	BankWest	AA- / A-1+			
12/10/2017	2.4500%	Term Deposit	125	\$2,000,000.00	21/02/2018	BankWest	AA- / A-1+			
19/10/2017	2.4700%	Term Deposit	132	\$1,500,000.00	14/02/2018	BankWest	AA- / A-1+			
22/11/2017	2.4700%	Term Deposit	98	\$1,000,000.00	28/02/2018	BankWest	AA- / A-1+			
22/11/2017	2.2400%	Term Deposit	77	\$1,000,000.00	28/02/2018	NAB	AA- / A-1+			
22/11/2017	2.2400%	Term Deposit	49	\$2,000,000.00	7/02/2018	NAB	AA- / A-1+			
22/11/2017	2.4700%	Term Deposit	105	\$1,500,000.00	10/01/2018	NAB	AA- / A-1+			
29/11/2017	2.4600%	Term Deposit	98	\$1,300,000.00	7/03/2018	NAB	AA- / A-1+			
29/11/2017	2.4000%	Term Deposit	91	\$1,000,000.00	7/03/2018	NAB	AA- / A-1+			
		Term Deposits			28/02/2018	Beyond Bank	BBB / A-2			
				\$37,000,000.00						
				\$37,000,000.00						

TOTAL TAREE OFFICE INVESTMENTS

WATER SERVICES DIVISION INVESTMENTS

Term Deposits										
20/07/2017	2.5000%	Term Deposit	153	\$5,000,000.00	20/12/2017	Bank of Queensland Ltd	BBB / A-2	Sewer		
31/07/2017	2.5500%	Term Deposit	184	\$3,000,000.00	31/01/2018	Bank of Queensland Ltd	BBB / A-2	Sewer		
31/08/2017	2.5100%	Term Deposit	133	\$2,000,000.00	11/01/2018	NAB	AA- / A-1+	Sewer		
31/08/2017	2.5300%	Term Deposit	188	\$3,000,000.00	15/02/2018	NAB	AA- / A-1+	Water		
31/08/2017	2.5500%	Term Deposit	189	\$2,000,000.00	8/03/2018	NAB	AA- / A-1+	Sewer		
31/08/2017	2.5500%	Term Deposit	203	\$2,000,000.00	22/03/2018	NAB	AA- / A-1+	Sewer		
29/09/2017	2.5100%	Term Deposit	195	\$2,000,000.00	4/04/2018	People's Choice Credit Union	BBB / A-2	Sewer		
29/09/2017	2.5100%	Term Deposit	209	\$2,000,000.00	26/04/2018	Commonwealth Bank	AA- / A-1+	Sewer		
28/09/2017	2.5100%	Term Deposit	216	\$3,000,000.00	3/05/2018	Commonwealth Bank	AA- / A-1+	Sewer		
31/10/2017	2.5600%	Term Deposit	171	\$3,021,560.00	4/05/2018	Commonwealth Bank	AA- / A-1+	Water		
6/11/2017	2.5100%	Term Deposit	135	\$2,500,000.00	21/03/2018	Rural Bank	BBB+ / A-2	Sewer		
20/11/2017	2.5000%	Term Deposit	184	\$2,500,000.00	23/05/2018	BankWest	AA- / A-1+	Sewer		
20/11/2017	2.5000%	Term Deposit	226	\$2,500,000.00	4/07/2018	IMB Bank	BBB / A-2	Sewer		
		Term Deposits		\$37,021,560.00						

At Call Bank Accounts

31/10/2017		At Call		\$303.00		ANZ Bank	AA- / A-1+	Water
31/10/2017	1.2300%	At Call		\$1,882,827.99		Westpac Bank	AA- / A-1+	Sewer
31/10/2017	1.2300%	At Call		\$1,180,673.45		Westpac Bank	AA- / A-1+	Water
		At Call Deposits		\$3,063,804.44				

TOTAL WATER SERVICES DIVISION INVESTMENTS

\$40,085,364.44

TOTAL MID-COAST COUNCIL INVESTMENTS

\$162,420,320.56

19 TRANSFER OF LAND IN PAYMENT OF RATES

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

SUMMARY OF REPORT

This report provides information on the operation of Section 570 of the Local Government Act, 1993 and clause 129 of the Local Government (General) Regulation 2005 whereby a ratepayer has the ability to seek Council approval to transfer their property to Council in payment of outstanding rates, charge and accrued interest.

This is a frequent occurrence in the former Great Lakes Council area particularly in respect of non-urban land which does not have a building entitlement.

SUMMARY OF RECOMMENDATION

That the report be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Council will be required to pay rates and legal expenses for which funds are available.

LEGAL IMPLICATIONS

No significant implications apart from assuming ownership.

BACKGROUND

Section 570 of the Local Government Act, 1993 and Clause 129 of the Local Government (General) Regulation, 2005 provide a mechanism whereby a property owner can request that Council accept the transfer of their land to Council as payment for rates, charges or accrued interest.

Section 570 states that:

"A Council may accept a transfer of the land in respect of which rates or charges are or accrued interest is due and payable in full satisfaction of the rates, charges or accrued interest."

Clause 129 provides that:

"A request to the council for the acceptance of a transfer of land under section 570 of the Act in payment of rates, charges or accrued interest must be in writing, be signed by each owner or person having an interest in the land concerned and contain the following information

- (a) title particulars and the rate assessment number of the land,*
- (b) particulars of any mortgage, charge, lien or other encumbrance affecting the land."*

The former Great Lakes Council received around 10-15 applications per year from ratepayers wishing to transfer their land to Council as payment for rates, charges or accrued interest. This is an unusual situation and has arisen as a result of specific constraints attached to a certain class of land found within the former Great Lakes area. This class of land is commonly known as 'non-urban' land and generally is land that is in a rural or environmental zone under the Great Lakes Local Environmental Plan 2014 that has an area of less than the minimum 40 hectares required for a dwelling entitlement.

The former Great Lakes Council area had a large number of these lots which were found in the North Arm Cove, Pindimar, Bundabah, Carrington, The Branch and Hamilton Village localities. Non-urban lands in North Arm Cove are generally heavily vegetated areas with little or no constructed infrastructure or services to support development. Many of the roads were not dedicated as public roads at the time the subdivision was registered and they remain in private ownership, outside of Council's care and control.

Council has previously considered future settlement opportunities in these areas during the preparation of the Tea Gardens/ Hawks Nest Conservation and Development Strategy in 2003 and the State Government's Mid-North Coast Regional Strategy in 2009. Neither of these documents identified areas of non-urban land as being suitable for future urban growth. As a result of these strategies Council has no plans for rezoning such lands in the foreseeable future. The State Government has also concluded that all future urban growth in the south-eastern part of the Council area shall be concentrated around Tea Gardens/Hawks Nest in order to make use of the existing developable land, services and infrastructure.

Despite these restrictions on the development potential of these lots the Local Government Act requires that Council must levy rates on all land irrespective of whether it can be built on. Furthermore the land does not fall within the various categories of land that are exempt from rates and charges under the Act.

This has led to a situation whereby ratepayers after many years of ownership (in many cases) and with no reasonable expectation of being able to build on their land in the future and limited opportunities to sell the land, approach Council seeking to transfer the land to Council in payment of rates, charges and accrued interest.

As mentioned above Council generally receives around 10-15 applications per year. These applications are reported to Council for consideration in the Closed part of the meeting. This is because the business or report relates to a matter that concerns the personal hardship of a resident or ratepayer. The Act has a general presumption that these matters will be considered in the Closed section of the meeting (Section 10A (2) (b)).

Should Council decide to accept the application the details are referred to Council's Solicitors who act for both Council and the ratepayer. The legal fees usually amount to approximately \$1,000 and the process takes around 8 weeks to complete. Council does budget for the legal fees associated with these transfers and for the rates, charges and accrued interest that is to be paid at settlement as well as for the future rates that will be levied on the land. As part of the resolution accepting the transfer Council generally classifies the land as 'operational' land. Council has received 7 applications to transfer land since the caretaker period commenced prior to the recent election. These applications are included within this Business Paper for consideration.

BUDGET IMPLICATIONS

Council will be required to pay existing outstanding rates and future rates as they become due. Council has on-going funds to meet payment of rates. Council has previously met its own costs in such transfers as well as the reasonable costs of the current owner.

RECOMMENDATION

That the report be noted.

20 PROPOSED GRAZING LICENCE AT DAWSON RIVER SEWER TREATMENT PLANT

Report Author Jessica Gralton – Property & Land Acquisition Officer, Water Services

File No. / ECM Index A619646

Date of Meeting 20 December 2017

SUMMARY OF REPORT

Mr David West licenced an area of land (Lot 2 DP 1101853) adjacent to the Dawson River Sewer Treatment Plant (STP) between 2007 and 2012 which was then further extended for five (5) years between 2012 and 2017. Mr West has requested an extension of the Licence for a period of twelve (12) months for grazing purposes. The licence is proposed to commence on 1 January 2018.

SUMMARY OF RECOMMENDATION

That Council grant a Licence for a period of twelve (12) months commencing on 1 January 2018 to the Licensee in accordance with the details set out in this report.

FINANCIAL/RESOURCE IMPLICATIONS

The Licence has potential to generate income of up to \$5,460 per annum (plus GST) based on the maximum livestock number permitted.

LEGAL IMPLICATIONS

Council and the licensee will be required to enter into a binding Licence in respect of the occupation of the land. The proposed Licensee is currently in occupation of the land without a formal licence in place, which may give rise to liability, insurance and possession complications if the occupation is not formalised and terms of the occupation legally recognised. The proposed Licence has been assessed in accordance with existing Council policies and procedures to ensure transparency.

BACKGROUND

The purpose of this Report is to be transparent in respect of a proposed licence to Mr David West, given Mr West is a current Councillor of Mid-Coast Council. In the normal course of events this Licence would be dealt with under delegated authority and in accordance with Councils existing policies and procedures The Dawson River Sewerage Treatment Plant comprises five separate parcels of land, part of which is unimproved and suitable for farming and grazing.

On 18 April 2012 MidCoast Water granted a Licence to David John West for general farming purposes, including the disbursement and incorporation of bio-solids into the Land. The disbursement of bio-solids is no longer applicable to the land. The land has since reached its chemical capacity for the dispersion of bio-solids. It is also considered that there is no detrimental impact to the land through the proposed granting of a Licence for grazing & agistment purposes.

The Licence fee imposed by the former Licence was \$1,550.00 per annum, which was originally negotiated in 2007 following the completion of the acquisition of land from Mr West for the Dawson River Sewerage Treatment Plant.

Mr West contacted MidCoast Water in February 2017 and requested a renewal of the Licence for a period of 12 months for grazing and agistment purposes. At that time the matter was escalated to Management and Executive Management of MidCoast Water for consideration for a number of reasons, these being set out below.

DISCUSSION

It is important to note that this matter has been assessed strictly in accordance with Councils existing policies and practices. Mr West is currently a Councillor of Mid-Coast Council and holds the position of Mayor. It is of note that MidCoast Water acquired a portion of land from Mr West for the extension of the Dawson River Sewer Treatment Plant and the existing Licence Agreement was a subsequent arrangement.

An additional consideration is the implications of development of the land and surrounds. There is a current Development Application under consideration by Council for the land opposite the site.

The land itself is under review as possibly surplus to Council operational requirements. At this point in time the land would not be directly affected by any future expansion or development of the Dawson River STP. It is considered that the granting of a further licence for 12 months would not impact significantly on the future potential of the land. In the course of time the land may be considered in a more strategic manner as to whether the land could be developed privately by Council or sold to surrounding owners for private agricultural and/or development purposes.

In addition to a minimal financial return to Council there is also a benefit in the maintenance of the vegetation by livestock agisted on the land.

Historically, licensing fees have varied between the four former organisations of Great Lakes Council, Greater Taree City Council, Gloucester Shire Council and MidCoast Water. Licensing and agistment has been calculated using reference to previous minimum annual licence fees across the former Councils, depending on the type of livestock agisted, location of the land and size of the land parcel.

In accordance with current Council policies and practices enquiries were made with a local real estate agent who confirmed that current agistment rates, whilst varying between individual arrangements, are generally set between \$3.00-\$3.50/head per week.

It is also noted that the minimum Crown Land licence fees is individually assessed at market rental, with a minimum fee of \$479.00 per annum applied to each Crown Licence.

It is recommended for the purpose of this Licence that licence fees be set at the current market rental of \$3.50 per head per week. This has the potential to realise \$5,460 per annum based on the maximum permitted 30 head. The other essential terms of the Licence are proposed as follows:

- Term - 12 Months, commencing on 1 January 2018
- Purpose - Grazing and agistment of livestock
- Licensee to advise type and maximum number of livestock to be agisted, which shall not exceed thirty (30) head at any one time, providing that Council has the right to ensure that stock numbers may be reduced according to environmental and pasture conditions

- Either party may terminate by the giving of three (3) months written notice within the Licence term
- The licence will be reviewed at the end of the Licence period and the Council is under no obligation to renew or extend.
- The Licensee is responsible for the provision and maintenance of fencing.

It is recommended that Council resolve to grant the 12 month grazing/agistment Licence in accordance with the details as set out in this report.

CONSULTATION

Not applicable

COMMUNITY IMPACTS

The proposed Licence site is not situated within a densely populated area and is not anticipated to have any negative impacts on the community. It is considered that the licence does not present any detriment to the environmental qualities of the land.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Not applicable

TIMEFRAME

The 12 month Licence will commence on 1 January 2018.

BUDGET IMPLICATIONS

The Licence has potential to generate income of up to \$5,460 per annum (plus GST) based on the maximum livestock number permitted.

RISK CONSIDERATION

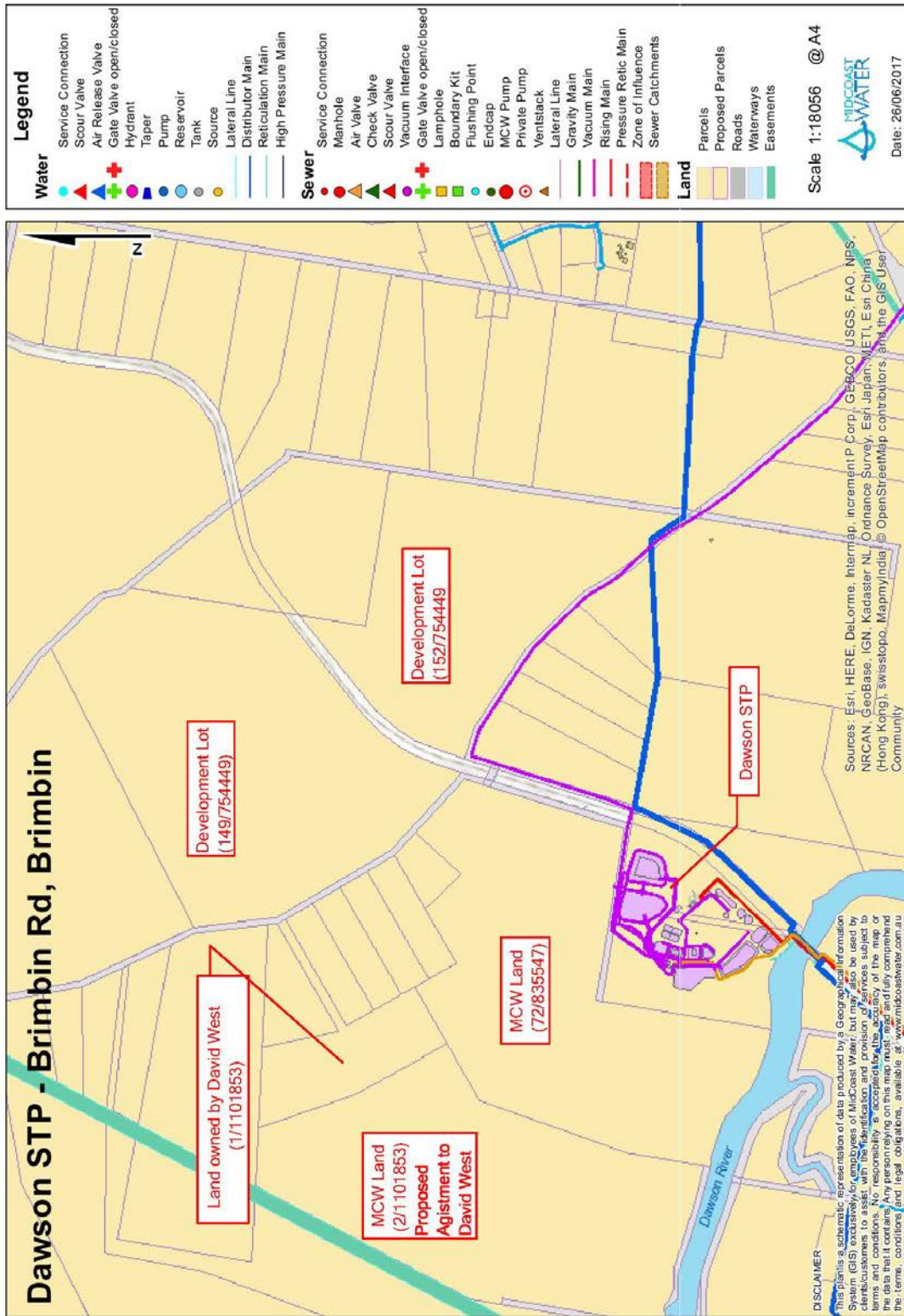
The granting of a Licence provides clear terms and conditions for the occupation of the land and ensures Council's interests are protected.

RECOMMENDATION

That Council grant a Licence for a period of twelve (12) months commencing on 1 January 2018 to the Licensee in accordance with the details set out in this report.

ANNEXURES

A: Map of Proposed Licence Area



21 REPORT - OFFICE RELOCATION INVESTIGATION (BIRIPI WAY, TAREE)

Report Author Steve Embry, Director Corporate & Business Systems
File No. / ECM Index Commercial Industrial Premises: Cnr Manning River Drive and Biripi Way
Date of Meeting 20 December 2017

REPORT SUMMARY

The purpose of this report is to summarise the arrangements proposed for preliminary investigations into the feasibility of the newly acquired site at 2 Biripi Way, Taree for the purposes of the possible centralisation of administrative functions of Council into one site.

SUMMARY OF RECOMMENDATION

That Council note and endorse the Gateway Process outlined in the Report.

FINANCIAL/RESOURCE IMPLICATIONS

On 2 November 2017, Council resolved to acquire the former Masters site at 2 Biripi Way, Taree (**Biripi Way Site**) for a purchase price of \$7 million (plus GST) and that sale was completed on 4 December 2017.

Council has engaged a number of external consultants including quantity surveyor, business analyst and qualified valuer to undertake preliminary investigations for the purposes of preparing a costs benefits analysis in relation to possible use of the site as Council headquarters (administration only).

Council has also formed an internal project team to provide instructions and all necessary data to the external consultants and ensure that internal process and procedures are adhered to. This internal project team meet on a weekly basis and meeting minutes are provided to Councillors at the conclusion of each meeting.

LEGAL IMPLICATIONS

A Contract for Sale has been completed for the acquisition of the Biripi Way Site.

Consultancy agreements have been entered into with various external consultants on a restricted scope basis.

A Request for Tender has been issued for the overall management of the project (including design, construction, fit out and change management (optional) elements).

BACKGROUND

On 2 November 2017, Council resolved to acquire the Biripi Way Site and requested that a business case be prepared to assist Council identify the likely costs and benefits of fitting out and relocating staff to a single site rather than refurbishing the existing four buildings and operating on a 'campus' (multi-site) model.

After entering into a Contract for Sale for the Biripi Way Site, a request for quotations was issued to a shortlist of consultants requesting submissions for the preparation of a high level business case.

Following that procurement process, Savills Project Management Pty Ltd was appointed as the successful consultant for this purpose and have been collating data from Council with a view to completing a high level business case by mid December 2017.

To inform the business case, First State Property Valuers was appointed to prepare five valuations (being the Biripi Way Site, the Water Services offices at both Taree and Forster and the existing main Council offices at both Taree and Forster).

In addition, Rider Levett Bucknall was appointed to provide a quantity surveyor report for the likely costs of fitting out and proposed refurbishment of the sites with two primary options, being centralisation at the Biripi Way Site and campus model utilising the four existing sites.

CURRENT STATUS

Savills is very close to finalising its high level business case, and it is possible that it will be available for circulation prior to the meeting on 20 December 2017.

If the business case is available for that meeting, Council may choose to either assess the business case outcomes and make a determination in relation to the project at that meeting, or postpone its determination until the next available meeting date in 2018.

If the business case is not available for distribution prior to the meeting on 20 December 2017, then the matter will be held over for determination in the new year.

It is proposed that the project be undertaken in a staged gateway manner, which will assist with ensuring that optimal outcomes are achieved for Council and the community on time and on budget. This process will also provide the necessary control to ensure this project can be governed through a series of decision points.

The proposed Gateway Process comprises the following stages (also provided in Attachment A):

1. Initiation Stage focussing on the project concept: This stage would involve Council agreeing that the project is feasible (following consideration of the high level business case) and potentially affordable, subject to further investigation. Council would also be required to commit to resources to investigate concepts to inform the design and confirm feasibility. In addition, the design scope would need to be agreed and the funding strategy investigated and confirmed. This stage will be broken down into a number of decision points.
2. Ready to Design Stage focussing on design, costs and funding: Council would need to agree and specify updated and refined costs, benefits, risks, funding sources and project program. At this stage, resources would be committed to design and refine costs and schedule estimates.
3. Ready to Build Stage focussing on construction: This stage involves acceptance of the pre construction activities and project outcomes. Confirmation that stakeholders have been engaged and accept those outcomes. Procurement processes and tenders assessed and successful tenderer appointed. Construction undertaken in accordance with agreed project parameters and specifications to ensure that it meets required outcomes.
4. Ready to Occupy Stage focussing on occupation and operation: Agree that the solution provided meets the requirements and is ready to accept handover of the works and occupation.
5. Finalisation: Agree on costs, benefits and lessons learned

This process will be refined as the project parameters, scope and outcomes become more certain.

In addition, the Request for Tenders for the project management role is due to close on 15 December 2017. Following this, tenders will be assessed and a preferred tenderer identified. Any expenditure in connection with this appointment will only occur in alignment with decision points identified in the Gateway Process.

RECOMMENDATION

That Council note and endorse the Gateway Process outlined in the Report.

ANNEXURES:

A. Proposed Gateway Process



Purpose of gateway review

- Gateway helps our projects succeed on time, on budget and with the intended benefits achieved
- It involves a series of ‘health checks’ to provide all stakeholders confidence that projects are ready for the next stage
- It provides Councillors with the necessary control to ensure projects can be governed through a series of decision points.



Gateway process



Project Milestones	Phase	Description of milestone/phase
◆ Initiate		Agree that the project is feasible and potentially affordable, and further investigation is required.
◆ Ready to design	Concept	Commit resources to Investigate concepts to inform the design and confirm feasibility. Agree on the scope to be designed.
◆ Ready to build	Design	Agree and specify updated/refined costs, benefits risks and schedule Commit resources to design and refine cost and schedule estimate
◆ Ready to occupy	Construct	Accept solution and stakeholder acceptance, pre-tender estimate and procurement method, to proceed with tender(s). Construct the agreed project and ensure it meets project specifications.
◆ Finalise	Occupy & operate	Agree that the solution provided meets the requirements and is ready to accept and occupy Handover and acceptance of the project including operation and maintenance requirements. Agree on costs, benefits, and lessons learned



DIRECTOR WATER SERVICES

22 WATER SERVICES INFRASTRUCTURE PROJECT STATUS REPORTS

Report Author **Brendan Guiney, Director Water Services**

File No. / ECM Index **B546128**

Date of Meeting **20 December 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, and the specified actions in relation to project budgets and proceeding through project gateway be endorsed.

FINANCIAL/RESOURCE IMPLICATIONS

One project is recommended for an increase in budget which will be provided without increasing the overall capital budget in 2017-18 for water services. Projects listed within this report have been included in the 2017/18 Operational Plan

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Project Status Reports

Attachment A has been circulated in hard copy to the Councillors and Senior Staff, however this Attachment is publicly available on Council's website.

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 September 2017 is as follows:

- Sewer gravity mains renewals program – renewal of the gravity sewer network in Gloucester catchment no. 3 is continuing.
 - Pacific Palms Sewage Treatment Plant Stage 1 – this project has been delayed as resources have been committed to other high priority projects. Design is scheduled to be completed by June 2018
-

- Gloucester Water Treatment Plant Upgrades – Delivery of the remaining scope of chemical dosing, electrical work and process controls is continuing. The remaining scope of works has now been budgeted and the recommendation is for Council to increase the project budget to complete the upgrade, in particular to address safety concerns with the electrical system. A report on the remaining scope is provided in attachment A.
- Nabic Water Supply Scheme – Construction of the Nabic Water Treatment Plant has continued with the installation of building slabs, plinths followed by roofing. The low voltage electrical contract for the Darawank Pump Station project has commenced. SCADA control system coding is 75% complete and a draft commissioning plan is underway for the scheme.
- Water mains renewals program – Renewal works are continuing in Taree and Wingham. Adjustments to the budget allocation have been forecast and have been submitted with the first quarter review of the 2017/18 budget.
- Bootawa Dam Safety Works 2017 – Although piezometer installation is late, the project will be completed well under the approved budget and surplus funds will be used for other projects in the 2017-18 financial year through the 1st quarter budget review.
- Water Treatment Plant (WTP) Chemical Systems Renewals – this project has commenced reporting this month with a proposed total project budget of \$606,000. A gateway report has been prepared that provides a Project Health Check to ensure the project is ready to implement.
- Implement Enterprise Business Management Systems (Technology One) software – The handover to the business has remained on hold due to resource constraints and reallocations to the MidCoast Council Technology One (MC1) project. A new schedule for completion of current activities will be developed with relevant stakeholders.

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 2017/18 Operational Plan.

RISK CONSIDERATION

The risks associated with each infrastructure project are identified and managed within individual management plans in accordance with MidCoast Water Services' corporate risk management framework.

RECOMMENDATION

1. That the infrastructure project status reports be received and noted.
2. The following actions be endorsed:
 - a. GE-SPS-00 Switchboard Renewals:
 - i. That the project proceeds through the Read to Design & Implement Gateway
 - ii. That the Baseline Budget be increased from \$850,000 to \$1,165,000 in line with the project estimate and procurement plan

ANNEXURE:

A: Gateway Report – Switchboard Renewals Program – Ready to design & implement



“Ready to Implement” Gateway Report – Project Health Check

Project Name: Switchboard Renewals Program FY18	Phase/Gateway: Ready to implement (incorporating design gateway)
Project Number: 500039	
Health Check Number: 1	Date: 28th November 2017
Attending: Mark Sheather, Mitchell Stace	

Overview of the Health Check

The purpose of this Health Check is to examine the current status of the project management deliverables of the FY18 Switchboard Renewals Project for Sewer Pump Stations 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 1st health check performed on the project with the intent of assessing satisfactory health of the project to enable progression through the Concept Phase and through the gateway previously adopted for this project:

- Ready to Implement
- This gateway is proposed to incorporate the design gateway as the scope of works requiring design will be let out as a design and construction contract.
- A 2nd health check will be conducted following tender submissions and prior to recommendation of tender acceptance to enable implementation works to begin. The 2nd health check is expected to be carried out before March 2018.

Author: Mitch Stace – Project Engineer

Project Health Check

Page 1 of 6
Last Saved 8/12/2017

“Ready to Implement” Gateway Report - Project Health Check

- The focus of this health check is on the status of the project management elements, documentation and deliverables to ascertain the Switchboard Renewals Project readiness to move pass the concept phase and into the design / implementation phase.
- The health check was performed by Mark Sheather, Mitchell Stace & Mal Flew. 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	Person Assigned
Concept	Project Management Plan (PMP -Version 1).	<p>First Draft of PMP was prepared for project manager and director review and acceptance.</p> <p>Procurement plan prepared to align with agreed strategy for open tender for the design and construction of all sites requiring replacement of switchboards and associated works.</p>	100%	The PMP is a live document that will be continually updated during all phases of the project.	Mark Sheather
Concept	Statutory Approvals Plan	<p>Primary Statutory Approvals</p> <p>Overview of current connection agreements with Essential Energy for each pump station site has been carried out including peak load requirements at the metering points.</p> <p>Submission of finalise electrical design drawings for Essential Energy concurrence.</p> <p>Connection Agreement Compliance certificates for each new switchboard installation to be obtained from contractor at completion of implementation phase.</p>	10%	<p>Submit an Application for load and Connection agreement with Essential Energy.</p> <p>To be incorporated within the Contractors scope of works.</p> <p>Ensure to obtain prior to issue practical completion certificate of contract.</p>	<p>Mark Sheather / Bill Baines</p> <p>Mark Sheather</p> <p>Mark Sheather</p>

“Ready to Implement” Gateway Report – Project Health Check

Concept	Risk Management Plan	Risk Management Plan is embedded in PMP. Program Delivery Risks are being monitored and updated monthly. Preliminary risk assessment workshop to be conducted prior to issuing tender.	25%	The Risk Management Plan is a live document that will be continually updated during all phases of the project.	Mark Sheather
Concept	Concept Design Report	Incorporates an overall summary of technical notes developed for each sewer pump station site for both refurbishment and replacement of switchboards.	95%	Obtain overall approval of the concept design report prior to going to open tender.	Mark Sheather, Bill Baines & Mitch Stace
Concept	Contract Management Package	Prepared contract specifications to suit AS4902 Design and construction contract. Completed design and construction estimate.	95%	Complete a tender evaluation plan including assessment criteria & weightings	Mark Sheather, Mitch Stace
Design / Implementation	Detailed design Report	To be developed by contractor	0%		Mark Sheather
Design / Implementation	Detailed design Drawings	To be developed by contractor	0%		Mark Sheather
Design / Implementation	Operation and Maintenance Package	Maintenance Schedules for new switchboards to be developed by contractor. Overall Operation and Maintenance Manuals including Site management plans and procedures excluded from scope of project.	0%		Mark Sheather
Design / Implementation	Commissioning Plan / Report	To be developed and implemented by contractor	0%		Mark Sheather

“Ready to Implement” Gateway Report – Project Health Check

Finalisation	Asset Handover & Acceptance Report	Prepared a draft asset and handover checklist which includes an amount of exclusions to the project and overall scope of deliverables for the project team and contractor.	0%	Continue development of the final deliverables in consultation of contractor. Begin development of asset class equipment templates and generate asset numbers.	Mark Sheather Mark Sheather
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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 initial business case for the project via the signoff of the Project Requirement Statement (PRS – Objective ID: A572598) the overall project budget was expected to be around \$600,000 +/- 50%. Following a review of the current internal resources availability and due to the prioritisation of other projects such as the Nabic Water Scheme it was determined that the priority of this renewals project could not be placed on hold and required to outsource electrical design, manufacture, install and test all new switchboard renewals. This has been determined that the additional costs for tendering, contractors costs (management, design, profit and overheads) plus MidCoast Council contract management costs for delivering 12 new switchboards would mean a planned project budget of \$1,165,000 would be required. Currently the project has an approved budget of \$70,000 for the concept & design phase with overall budget of \$850,000 approved as part of the quarterly capital works program budget review at the end of September 2017. As such endorsement of the procurement strategy and ready to design/implement gateway report would increase the approved baseline by \$315,000. The planned budget includes all costs for completing the remaining of project including finalisation and some contingency.

Further assessment of the project budget will be carried out following evaluation of tenders due in February 2018.

“Ready to Implement” Gateway Report - Project Health Check

Project Resource



- Resources for management of the next phase of the program are available within the Water Services group utilising a project manager that will not be fundamentally required full time on the Napiac Water Scheme. Details of the allocation of resources required and levels of effort are outlined within the Project Management Plan.

Project Schedule



- A project schedule has been developed following the recommendation by the MidCoast Council water Services Capital Works Committee to outsource the works for a principal contractor via open tender. This procurement method has impacted the schedule with an additional 3 to 4 months increase in overall timing of project delivery due to the preparation of the tender package and tender process. The forecast schedule for completion of the project is anticipated to be around November 2018. This will be reviewed following the assessment of tender submissions and the recommended tenderer. At project initiation the Project Requirement Statement (PRS – Objective ID: A572598) indicated an expected completion of the project of March 2017.

Recommendation

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 and that the project should proceed through the “Ready to implement” gateway accordingly for the Switchboard Renewals Project.
- Endorsement of this gateway report the project costs, resource and schedule indicators would be considered to be healthy and “green”
- Modifications to the monthly status report would be incorporated within the next monthly status report (February 2018) after the acceptance of report within the recommendation/resolutions of the MidCoast Council December 2017 Meeting.

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23 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE REPORT - NOVEMBER 2017

Report Author Brendan Guiney, Director Water Services

File No. / ECM Index B546141

Date of Meeting 20 December 2017

SUMMARY OF REPORT

The report provides key information on MidCoast Water Services risk and compliance, injury statistics, customer service and request for maintenance.

MidCoast Water Services environmental performance continues to show excellent compliance. Water production for the month of October is consistent with previous years. Our current 2017/18 Lost Time Injury Frequency Rate is 19.3, up from 10.5 in 2016/17.

SUMMARY OF RECOMMENDATION

MidCoast Water Services Executive Monthly Performance Report for November 2017 be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: MidCoast Water Services Executive Monthly Performance Report - November 2017

Attachment A has been circulated in hard copy to Councillors and Senior Staff, however, this attachment is publicly available on Council's website

BACKGROUND

MidCoast Water Services provides a monthly report as a snapshot of critical business metrics. This enables Council and management to identify and take appropriate action on a timely basis if any areas of concern are identified.

As at 31 October 2017, from a customer debt recovery perspective, there is an outstanding debt of \$2.8m, with \$2.2m debt in arrears of greater than 60 days. A total of 3,499 customers are currently in arrears, with 2,825 in arrears for more than 90 days. We are continuing to work with our customers to establish payment plans to manage the outstanding debt.

MidCoast Water Services environmental performance continues to show excellent compliance. Water production for the month of October is consistent with previous years.

There were no lost time injuries in November 2017; our current 2017/18 Lost Time Injury Frequency Rate is 19.3. The Lost Time Injury Frequency Rate for FY 2016/17 was 10.5

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

This report aligns to MidCoast Water Services Strategic Objective 3.4: Ensure responsible financial management.

TIMEFRAME

November 2017.

BUDGET IMPLICATIONS

Nil.

RISK CONSIDERATION

The Risk and Compliance section specifically reports on treatment plant licence compliance, drinking water quality and any environmental impacts from sewage spills.

RECOMMENDATION

MidCoast Water Services Executive Performance Report for November 2017 be received and noted.

CLOSED COUNCIL

24 TENDER FOR BULGA CREEK AND BOBIN CREEK BRIDGES

Report Author B Chisholm, Project Manager

File No. / ECM Index Contract No. 2016-17/38

Date of Meeting 20 December 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.

25 CIVIC PRECINCT PROJECT, FORSTER

Report Author John Dougherty, Manager Property and Commercial Services

File No. / ECM Index Civic Precinct Library Forster

Date of Meeting 20 December 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

It is not in the public interest to reveal details contained in the report as the Developer has provided sensitive financial information about their operations in the confidence that their details will not be made public by Council.

26 TRANSFER OF LAND IN PAYMENT OF RATES - EIGHT (8) LOTS, NORTH ARM COVE

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

27 TRANSFER OF LAND IN PAYMENT OF RATES - QUIRINDI PDE, NORTH ARM COVE

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

28 TRANSFER OF LAND IN PAYMENT OF RATES - TENTERFIELD RD NORTH ARM COVE

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

**29 TRANSFER OF LAND IN PAYMENT OF RATES - CHALLIS AVE,
PINDIMAR**

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

**30 TRANSFER OF LAND IN PAYMENT OF RATES - GLEN INNES RD,
NORTH ARM COVE**

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

**31 TRANSFER OF LAND IN PAYMENT OF RATES - KARUAH RD, THE
BRANCH**

Report Author Lee Howard, Revenue Coordinator

File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

REASON FOR CONFIDENTIALITY

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

- (b) the personal hardship of any resident or ratepayer
-

**32 TRANSFER OF LAND IN PAYMENT OF RATES - LOTS 472 & 473
 QUIRINDI PDE, NAC**

Report Author Lee Howard, Revenue Coordinator

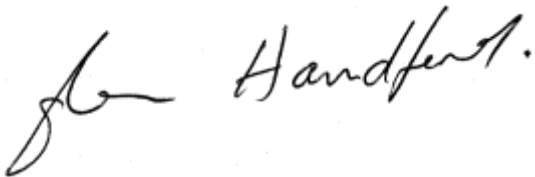
File No. / ECM Index Rate Recovery

Date of Meeting 20 December 2017

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- (b) the personal hardship of any resident or ratepayer



Glenn Handford
GENERAL MANAGER