

# NOTICE OF ORDINARY MEETING

Notice is hereby given that a meeting of

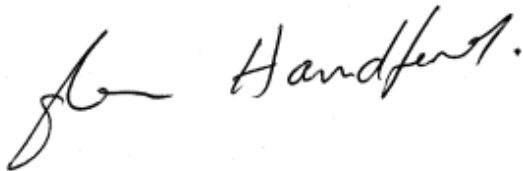
**MidCoast**Council

**Will be held at the Gloucester Administration Centre, 89 King Street, Gloucester**

**28 JUNE 2017 AT 2.00PM**

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

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



**Glenn Handford**  
**INTERIM GENERAL MANAGER**

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

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

#### **1 PLANNING PROPOSAL TO AMEND GREAT LAKES LEP & DCP - FORESHORE BUILDING LINE**

**Report Author** Aaron Kelly, Strategic Planner

**File No. / ECM Index** SP-PP-34

**Date of Meeting** 28 June 2017

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#### **SUMMARY OF REPORT**

This report informs and updates Council following the concurrent public exhibition of the Planning Proposal to include additional foreshore building line maps in Great Lakes Local Environmental Plan (LEP) 2014 and amend these controls in Great Lakes Development Control Plan (DCP).

Specifically, the Planning Proposal seeks to amend the Great Lakes LEP 2014 by inserting two (2) additional Foreshore Building Line Maps within the suite of existing Foreshore Building Line Maps in the LEP for both the Forster Keys and Jonnel Cove residential estates. As a result of this Planning Proposal, certain setback provisions contained within the DCP have to be made redundant.

#### **SUMMARY OF RECOMMENDATION**

That Council:

- A. Pursuant to section 59 of the Environmental Planning and Assessment Act 1979 adopt the revised Planning Proposal for Foreshore Building Line Maps for Forster Keys, Forster and Jonnel Cove, Tuncurry, contained in Attachment A and submit the Planning Proposal to the Parliamentary Counsel's Office for the LEP to be drafted.
- B. Upon acceptance of the Parliamentary Counsel's Office draft clause to give effect to the revised Planning Proposal, submit the LEP Amendment to the Minister to be made and notified on the NSW Legislation website.
- C. That Council adopts the Development Control Plan provisions contained in Annexure B for Reserves Setback Control in Tuncurry and Forster Keys with the provisions to commence upon the making of the related changes to Great Lakes LEP 2014.

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

Nil.

#### **LEGAL IMPLICATIONS**

Nil.

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## **BACKGROUND**

At its Meeting of 28 September 2016 Council resolved to prepare a Planning Proposal for an amendment to the Great Lakes LEP 2014 seeking to insert two (2) additional Building Line Foreshore Maps for the Forster Keys and Jonnel Cove residential estates into the suite of existing Building Foreshore Line Maps in the LEP.

The intended effect of introducing two (2) new Building Foreshore Line maps into Great Lakes LEP 2014 is to establish a consistent assessment framework for structures and buildings adjoining drainage reserves in residential areas. In doing so, certain elements of the Great Lakes DCP relating to setback controls to reserves in Jonnel Cove and Forster Keys will become redundant.

A Gateway Determination, subject to Conditions, was issued by the Department of Planning and Environment (DPE) on 6 February 2017, a copy of which is provided in Annexure B to this report. Council resolved to exhibit the draft amendments to the DCP at its meeting 14 December 2016.

The Planning Proposal and DCP amendments were concurrently placed on Public Exhibition from 22 March 2017 to 24 April 2017 inclusive. Public Exhibition included letters to all affected landowners in the Forster Keys and Jonnel Cove residential estates and advertising in the local news paper. All relevant and supporting documentation was made available at Council's Forster Office and on the Midcoast Council website.

In response to the public exhibition no written submissions were received. It is generally considered that the Planning Proposal and DCP amendments have been well received by the communities within both the Forster Keys and Jonnel Cove areas.

It is recommended that the updated Planning Proposal, revised to include the results of Public Exhibition, now be adopted by Council and forwarded to the Department of Planning & Environment for drafting and subsequent publication on the NSW Legislation website. It is also recommended that the DCP amendments be adopted by Council to commence upon the making of the changes to Great Lakes LEP 2014.

The updated Planning Proposal is included in Attachment A. The amended DCP provisions are included in Annexure A.

## **CONSULTATION**

Community Consultation and Public Exhibition of this Planning Proposal has now been completed in accordance with section 56(2) and 57 of the Environmental Planning and Assessment Act 1979 as per Condition 2 of the Gateway Determination.

## **COMMUNITY IMPACTS**

There will be minimal community impacts resulting from this recommendation.

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

Item 2.4.1.c of Council's Operational Plan relates to the Delivery Program Objective of *developing and maintaining an appropriate legislative and policy framework to guide and control development to meet acceptable community standards.*

## **TIMEFRAME**

The Planning Proposal maintains its original due date of completion within nine (9) months as advised by the NSW Department of Planning in its Gateway Determination dated 6 February 2017.

## **BUDGET IMPLICATIONS**

There are no additional budget implications arising from the recommendations of this report.

## **RISK CONSIDERATION**

There are minimal risks arising from the recommendations of this report.

## **RECOMMENDATION**

That Council:

- A. Pursuant to section 59 of the Environmental Planning and Assessment Act 1979 adopt the revised Planning Proposal for Foreshore Building Line Maps for Forster Keys, Forster and Jonnel Cove, Tuncurry, contained in Attachment A and submit the Planning Proposal to the Parliamentary Counsel's Office for the LEP to be drafted.
- B. Upon acceptance of the Parliamentary Counsel's Office draft clause to give effect to the revised Planning Proposal, submit the LEP Amendment to the Minister to be made and notified on the NSW Legislation website.
- C. That Council adopts the Development Control Plan provisions contained in Annexure B for Reserves Setback Control in Tuncurry and Forster Keys with the provisions to commence upon the making of the related changes to Great Lakes LEP 2014.

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## **ATTACHMENTS**

A: Updated Planning Proposal - May 2016

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

## ANNEXURES:

A: Amendments to Great Lakes Development Control Plan



### Draft Amendments to the Great Lakes Development Control Plan 2014 – Removing Setback Controls to Drainage Reserves in Jonnel Cove, Tuncurry and Forster Keys, Forster

#### Existing Development Controls

##### “5.5.2.6 Reserves Setback Controls

- (1) Generally a minimum setback of 3m applies to any part of a residential building or ancillary structure adjoining a reserve.

##### **Forster Keys Setback Controls**

- (1) Any part of a residential building or ancillary structure adjoining a drainage reserve in Forster Keys has a minimum setback of 9m.

##### **Tuncurry Setback Control**

- (1) Any part of a residential building or ancillary structure adjoining a reserve in Tuncurry has a minimum setback of 6m.

##### **Coomba Park, Green Point and Smiths Lake Setback Controls**

- (1) Any part of a residential building or ancillary structure adjoining a reserve in Coomba Park, Green Point or Smiths Lake has a minimum setback of 4.5m.

#### Proposed Development Controls

##### “5.5.2.6 Reserves Setback Controls

- (1) Generally a minimum setback of 3m applies to any part of a residential building or ancillary structure adjoining a reserve.

##### **Forster Keys Setback Controls**

- ~~(1) Any part of a residential building or ancillary structure adjoining a drainage reserve in Forster Keys has a minimum setback of 9m.~~

##### **Tuncurry Setback Control**

- (1) Any part of a residential building or ancillary structure adjoining a reserve in Tuncurry, **excepting to drainage reserve land identified as Lot 71 DP 253770 and Lot 106 DP 255703**, has a minimum setback of 6m.

##### **Coomba Park, Green Point and Smiths Lake Setback Controls**

- (1) Any part of a residential building or ancillary structure adjoining a reserve in Coomba Park, Green Point or Smiths Lake has a minimum setback of 4.5m.”



B: Department of Planning and Environment Gateway Determination 6 February 2017



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

Our ref: PP\_2017\_MCOAS\_001\_00  
(17/01839)  
Your ref: PP-34

Att: Aaron Kelly

Dear Mr Handford,

**Planning Proposal to amend Great Lakes Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 18 January 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to transition the existing foreshore building line setbacks at Forster Keys, Forster and Jonnel Cove, Tuncurry from Council's Development Control Plan into its Local Environmental Plan 2014.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

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

Should you have any questions regarding this matter, I have arranged for Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

6/2/2017

**Monica Gibson**  
**Director Regions, Hunter and Central Coast**  
**Planning Services**



## Gateway Determination

*Planning Proposal (Department Ref: PP\_2017\_MCOAS\_001\_00): to apply a 9m foreshore building line setback at Forster Keys, Forster and a 6m foreshore building line setback at Jonnel Cove, Tuncurry.*

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to insert two additional Foreshore Building Line Setback Maps should proceed subject to the following conditions:

1. Prior to undertaking community consultation, amend the Planning proposal as follows:
  - a) amend Part 2 Explanation of Provisions and Appendix C Consistency with State Environmental Planning Polices to explain that most forms of exempt development and all complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will not permitted within the foreshore building line setbacks prescribed under the Great Lakes Local Environmental Plan 2014; and
  - b) update appendix D and explain how the planning proposal is consistent with the Minister's S117 Direction 5.10 Implementation of Regional Plans and delete reference to Direction 5.1 Implementation of Regional Strategies.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days, and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 6th day of February 2017

**Monica Gibson**  
Director Regions, Hunter and Central Coast  
Planning Services  
Department of Planning and Environment  
  
Delegate of the Minister for Planning



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

MidCoast Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_MCOAS_001_00	Planning Proposal to apply a 9m foreshore building line setback at Forster Keys, Forster and a 6m foreshore building line setback at Jonnel Cove, Tuncurry.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 6th February 2017

**Monica Gibson**  
Director Regions, Hunter and Central Coast  
Planning Services  
Department of Planning and Environment

## Delegated plan making reporting requirements

(Attachment 5 from "A guide to preparing local environmental plans)

### Notes:

- The department will fill in the details of Table 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the Department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the Department**

Stage	Date/Details
Planning Proposal Number	PP 2017 MCOAS 001 00
Date Sent to Department under s56	31 January 2017
Gateway determination date	6 February 2017

**Table 2 – To be completed by the RPA**

Stage	Date/Details
Dates draft LEP exhibited	
Date of public hearing (if held)	
Date sent to PCO seeking Opinion	
Date Opinion received	
Date Council Resolved to Adopt LEP	
Date LEP made by GM (or other) under delegation	
Date sent to Department requesting notification (hunter@planning.nsw.gov.au)	
Brief Description of Purpose of planning proposal	

**Table 3 – To be completed by the Department**

Stage	Date/Details
Notification Date and details	

### Additional relevant information:

## PLAN MAKING PROCESS POST GATEWAY – FOR DELEGATED MATTERS

### 1. Post Exhibition Review

- Any unresolved s117 directions must be finalised before progressing with LEP
- If planning proposal is revised, council is to email a copy of the revised proposal to the regional planning team - [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) under Section 58(2) of the Act prior to requesting LEP to be made.
- If changes to planning proposal are substantial then may no longer be authorised by the Gateway determination and a Gateway amendment may be required before LEP is made. Councils are encouraged to contact regional planning team to seek advice before finalising the LEP under delegation.

### 2. Legal Drafting of the LEP

- Council's request to draft and finalise the plans should be made as soon as possible to ensure timeframes are met. Council should upload the maps and GIS data directly to the department's portal site (<https://data.planningportal.nsw.gov.au/help>).
- Once uploaded Council should email [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) and advise maps are available for checking. Any questions about uploading can be directed to [gis@planning.nsw.gov.au](mailto:gis@planning.nsw.gov.au).
- Unless otherwise negotiated the department will only undertake a technical review of any maps, to ensure they comply with LEP mapping technical guidelines.
- No maps or mapping/GIS data is to be sent directly to PCO.
- The request for legal drafting should be send to PCO at [parliamentary.counsel@pco.nsw.gov.au](mailto:parliamentary.counsel@pco.nsw.gov.au) including the planning proposal, a copy of the gateway determination and details of any change to the proposal arising from the gateway determination. The name and contact details of the council contact officer should also be supplied.
- A copy of the request to PCO should also be forwarded to the department for administrative purposes only – [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au)

### 3. Making of the draft LEP s59

- Council's delegate resolves to finalise the LEP by signing the instrument (see example below).
- If council's delegate decides not to make plan or defer a matter, council should liaise with regional team for assistance.
- Council must also notify PCO if plan not proceeding

### 4. Notification of LEP

- Council advises and requests the department to make the plan, email request to [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) and the following documents to be provided for notification
  1. Signed LEP - which includes full name of LEP and PCO file reference
  2. Signed map cover sheet and associated maps,
  3. Name and position of the delegate who signed the LEP and date,
  4. Completed Attachment 5 - delegated plan making reporting template,
  5. Copy of council's assessment (s 59 report) which is usually the council report/minutes
  6. PC opinion
- Request to [hunter@planning.nsw.gov.au](mailto:hunter@planning.nsw.gov.au) by Tuesday of the week will enable notification by Friday.

Example of signature front page

Fred Smith  
General Manager  
  
As delegate for the Minister for Planning  
12/12/14

## **2 PLANNING PROPOSAL - HAWKS NEST VILLAGE AND OTHER ZONING OPPORTUNITIES**

**Report Author** Rebecca Underwood, Strategic Planner

**File No. / ECM Index** Hawks Nest Town Centre Planning Proposal - SP-PP-13

**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

This report provides a summary of the submissions received during the public exhibition of the draft Planning Proposal for Hawks Nest Village.

It recommends that Council note the issues raised in submissions and adopt the PP, amended as a result of community consultation.

### **SUMMARY OF RECOMMENDATION**

That Council note the issues raised in submissions during the exhibition period and endorse the amended Planning Proposal as contained in Attachment C.

That the amended Planning Proposal be forwarded to the Department of Planning and Environment with a request that the associated Local Environmental Plan be drafted and made.

### **FINANCIAL/RESOURCE IMPLICATIONS**

This project is being undertaken on full cost recovery basis. The project is proceeding within existing financial and resource allocations. The recommendations will not result in additional expenditure or resources.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

The B1 – Neighbourhood Centre zone at Hawks Nest currently applies to an entire block bounded by Yamba Street, Booner Street and Tuloa Avenue (see Attachment A). Retail and commercial development only occupies at a maximum about one quarter of the total commercial zone.

Over a number of years the question has been raised by landowners and developers as to whether the amount of land zoned for commercial purposes in Hawks Nest is excessive. This is particularly relevant given the opening of the Shopping Centre at Myall Quays after the rezoning in 2000.

#### 2003

In 2003, a major land owner in the Hawks Nest village area (G K Lindsay Development and Building Consultants) offered to fund a study to ascertain the amount of land that should be retained for business purposes and where this should be located. The offer was accepted by Council and in 2004 studies were undertaken by Andrews Neil Pty Ltd on behalf of Council to:

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- assess whether the amount of land zoned for business purposes in the Hawks Nest village area could be reduced;
- identify where the business zone could be located;
- develop a management strategy for the Koala movement corridor that passes through the village centre; and
- determine the amount of off-street car parking that should be provided.

#### 2004

The 'Hawks Nest 3A Business Zone Review and Strategy' (the Strategy) was completed in 2004 by Andrews Neil. The findings of the study were as follows:

- on the basis of projected population needs there is an excess of land zoned for business purposes in Hawks Nest;
- that there is important Koala habitat within the area zoned for business purposes;
- that there is sufficient off-street parking to satisfy demand within the short to medium term.

#### April 2005

At the meeting of 26 April 2005 Council considered a report on the Strategy. The following was resolved:

*"...that in view of the information provided from the current studies, that no further action be taken".*

Around this time consultants, GHD (on behalf of Crownland Developments) commenced preparation of a Masterplan for the Hawks Nest Town Centre in conjunction with the proposed North Hawks Nest rezoning. The aim of the Masterplan was to assist the community to revitalise the Hawks Nest business area.

#### October 2005

At its Ordinary meeting of October 2005 Council was asked to reconsider its resolution of 26 April 2005 '*....that no further action be taken*' in light of the work being undertaken by GHD. At this meeting it was resolved:

*'....that Council would reconsider the Hawks Nest Town Centre Study in conjunction with a Masterplan that is being created for this area by consultants engaged by Crownland Developments (GHD)'.*

*".....that Council advise GHD that it supports the preparation of a Masterplan for the Hawks Nest town centre and that the Hawks Nest Town Centre Strategy (prepared by Andrews Neil) be provided to GHD as background information for use in the preparation of the Masterplan".*

Council provided the Strategy to GHD however, the Hawks Nest Town Centre Masterplan did not proceed at this time and no further action was taken by Council.

#### 2012

In November 2012, a major land owner in the Hawks Nest village area made representations to Council requesting consideration for the preparation and implementation of a new Hawks Nest Town Centre Masterplan. Preliminary discussions were held with the landowner who also indicated a willingness to fund any works required to facilitate this process and the preparation of a PP.

Since this time, Council has also received representation from the Hawks Nest community seeking Council's involvement in assisting with revitalising the Hawks Nest Town Centre.



### April 2013

At the Strategic Committee Meeting of 9 April 2013, Council considered a report on the North Hawks Nest Planning Proposal and resolved, amongst other matters, to:

*"Investigate rezoning opportunities in the whole of Hawks Nest to provide for future development and community needs."*

Subsequently, the preparation of an urban design and built form strategy for the Hawks Nest Town Centre was incorporated into the 2013/2017 Delivery Program

### October 2013

In October 2013 the aforementioned major land owner formally agreed to fund the preparation of a PP including any studies required by Council, in accordance with Council's endorsed *Procedure for the Preparation and Processing of Planning Proposals*.

### July 2014

City Plan Services and Place Partners Place Making Consultancy were engaged by Council in July 2014 to review the Hawks Nest Town Centre, with the following specific aims:

- confirm whether there is a surplus of land zoned B1 - Neighbourhood Centre in Hawks Nest;
- determine the appropriate zone for any surplus B1 – Neighbourhood zoned land;
- identify planning solutions to ensure the koala movement corridors are protected;
- determine car parking requirements for the town centre;
- investigate commercial rezoning opportunities to provide for future development and community needs, including beachfront or riverfront locations and potential for a marina site

Extensive consultations with landowners, residents, business and service providers was undertaken to identify the opportunities and challenges for the future development and renewal of commercial activities in Hawks Nest. Over 330 engagement contacts were made to an online survey, community workshops and stakeholder interviews.

The key findings from investigations and community engagement were as follows:

- that there is an excess supply of business zoned land and off-street car parking in the business zone;
- that there is an opportunity for boutique businesses optimising the natural assets of the area (i.e. the beachfront and waterfront), that does not compete with the 'convenience' shopping experience offered by nearby shopping centres;
- that the demography of Hawks Nest limits the business growth with fixed incomes and transient population. More permanent residents are required to improve local business success;
- the local koala population is both a tourist opportunity and a development constraint. Development must ensure protection of the identified key koala habitat; *and*
- the current section 94 contributions for local car parking are in excess of requirements and should be reviewed.

### December 2014

At its Strategic Committee Meeting of 2 December 2014, Council noted the findings of the extensive community consultations undertaken as part of the Hawks Nest Town Centre Review. They also resolved '*To seek discussions with Crown Lands in relation to their land*' (the land being referred to in this instance is land where the Hawks Nest Community Centre is located).

### July 2015

On 14 July 2015, in response to the outcomes of additional community consultations and upon extensive reviews of the background information, Council formally resolved to prepare a PP for Hawks Nest Village to:

- A. *Rezone about two thirds of the current Hawks Nest B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.*
- B. *Amend clause 7.9 (Protection of Wildlife Corridors) in Great Lakes Local Environmental Plan 2014 so that it can be applied to the Koala corridor on the land that contains trees bounded by Booner, Yamba and Tuloa streets (current B1 - Neighbourhood Centre Zone) in the town centre.*
- C. *Rezone about 4.9 ha of land close to the beach from R3 – Medium Density Residential to B4 - Mixed Use Zone and to make Multi Dwelling Housing permissible in this area.*
- D. *Add a new local clause to Great Lakes Local Environmental Plan 2014 (GLLEP14) which will limit the size of any commercial development in the new proposed B4 - Mixed Use Zone at Hawks Nest to 120m<sup>2</sup>.*

Council also resolved to prepare Development Control Plan (DCP) for the proposed R3 - Medium Density/E2 - Environmental Conservation Zone between Booner and Yamba Streets and the proposed B4 - Mixed Use Zone near Bennetts Beach.

*Note* - For ease of identification the land bounded by Yamba Street, Booner Street and Tuloa Avenue proposed to be rezoned from B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone, as depicted in Attachment A, has been referred to as 'Area A' under the PP.

The land near Bennetts Beach proposed to be rezoned from R3 – Medium Density Residential to B4 - Mixed Use Zone, as depicted in Attachment B, has been referred to as 'Area B' under the PP.

A draft Planning Proposal (PP) was prepared and forwarded to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination to be issued to enable community engagement on the PP.

As indicated in 'D' above the PP proposed a new local clause within GLLEP14 which would limit the size of any commercial development within the proposed B4 - Mixed Use Zone to 120m<sup>2</sup>. On receipt of the PP the DP&E advised Council that they would not support the proposed new local clause within GLLEP14.

### December 2015

At its Strategic Committee Meeting of December 2015 Council resolved the following:

- A. *Remove the proposed new local clause within the Planning Proposal for the Hawks Nest Village Centre which would limit the size of any commercial development within the proposed B4 - Mixed Use Zone to 120m<sup>2</sup>*
- B. *Include provisions within the Development Control Plan, currently being prepared, to limit the maximum floor gross floor area for any retail or business premises in the proposed Hawks Nest B4 - Mixed Use Zone to 120m<sup>2</sup>.*

A Gateway Determination for the PP was granted on 4 January 2016. In accordance with the conditions of the Gateway Council consulted with the Office of Environment and Heritage (OEH) prior to exhibition. Further consultation with OEH and the Rural Fire Service was undertaken during the exhibition period.

### 2016

The PP was placed on public exhibition for thirty six (36) days from 17th March until Friday 22nd April 2016.

During the exhibition period a total of eight (8) submissions were received from land holders and members of the community. A summary of these submissions along with the planners response is contained in the Submission Summary Table (Annexure A).

One (1) submission was received from OEH. Details of the submission along with the planner's response is also contained in the Submission Summary Table (Annexure A).

In accordance with the resolution of December 2014 (*'That Council seek discussions with Crown Lands in relation to their land'*). Council contacted The Department of Industry – Lands. After some discussion it was considered that the inclusion of the identified Crown Land was outside the scope of the Planning Proposal. However this land may be included in a future Planning Proposal.

### Present

This PP has been delayed due to the need for extensive engagement with OEH and a private landholder during the exhibition period. After considerable discussions the issues have now been resolved to the satisfaction of all parties involved.

## **DISCUSSION**

### **Issues raised in submissions**

There were a number of issues raised during the exhibition period from members of the community, land owners in the area covered by the PP and a government agency. These issues are summarised below. Full details of the issues raised in submissions along with the planner's response to each are contained in the Submission Summary Table (Annexure A).

Generally, issues raised included requests to amend proposed zoning boundary lines and calls for specific land uses on individual sites. Concerns about maintaining the amenity of Hawks Nest were also raised along with a strong desire to revitalise the existing village centre.

A number of ideas were put forward to improve the amenity of Hawks Nest and activate the area such as beautifying the existing mall and encouraging street art and pop up shops.

A reoccurring theme in submissions was concern that the proposed B4 - Mixed Use Zone in Area B would compete with shops in the existing Hawks Nest business area.

There was a request to increase the height limit and floor space ratio in Area B and to allow additional land uses in the proposed B4 – Mixed Use Zone.

A private landowner requested a review of the proposed E2 – Environmental Conservation Zone across their land. Details regarding this request are included below.

One submission called for the surf club to be considered as part of the PP. There was also concern about possible land use conflict in Area B.

Full details of the issues raised in submissions along with the planner's response to each is contained in the Submission Summary Table (Annexure A).

### OEH Submission

In accordance with the Gateway Determination (Annexure B) OEH provided Council with advice on the PP prior to and during the exhibition period.

In the course of Council's correspondence with OEH the following issues were raised:

- Flooding;
- Aboriginal cultural heritage; *and*
- Date and methodology of the '*Hawks Nest 3A Business Zone Review and Strategy 2004*' as it related to the identification of the Koala movement corridor.

### *Flooding*

Since preparing the original PP Council's Engineering section have been updating Council's Flood Planning Area maps. Tea Gardens and Hawks Nest flood extents are now based on a Current 1% AEP Level of RL 1.4m AHD compared to that from the 'old PWD study' of RL 2.1 AHD. As a result, the extent and the number of affected properties has reduced considerably. Consequently, the area subject to the PP is no longer affected by flood related development controls and Condition 2 of the Gateway Determination (Annexure B) as it relates to the inconsistency with Section 117 Direction 4.3 Flood Prone Land no longer applies.

In accordance with changes to the Flood Planning Area maps the PP has been amended to remove references to flooding over the land.

### *Aboriginal heritage*

In order to address the Aboriginal heritage requirements raised by OEH, prior to exhibition, Council undertook a search of the Aboriginal Heritage Information Management System (AHIMS) database. The assessment indicated that no Aboriginal sites or Aboriginal places were recorded or declared in or near the area to which the PP applied.

During the exhibition period OEH indicated that further detailed investigations into Aboriginal heritage would need to be undertaken as part of the PP. At this time Council questioned the level of detail required given the land was already highly disturbed and zoned for development. OEH maintained that the information would still need to be provided.

In order to meet the Aboriginal heritage requirements additional consultations were undertaken with OEH and the Karuah Local Aboriginal Land Council (KLALC). As a result of extensive consultations the issues have now been resolved to the satisfaction of all parties.

The appropriate level of Aboriginal heritage assessment has now been undertaken and there are no outstanding Aboriginal heritage issues for this PP.

### *Hawks Nest 3A Business Zone Review and Strategy (2004)*

In 2004 Andrew's Neil prepared the *Hawks Nest 3A Business Zone Review and Strategy* (the Strategy). As indicated above, the Strategy was prepared to assess existing business zoned land, carparking and koala movement corridors in the Hawks Nest village centre.

In accordance with Condition 2. of the Gateway Determination (Annexure B), Council consulted with OEH in regards to '*.....the date and methodology of the Hawks Nest 3A Business Zone Review and Strategy and other studies used to inform the boundaries of the proposed E2 – Environmental Conservation Zone.*'

Issues raised by OEH in regards to the Strategy are included in the Submission Summary Table (Annexure A). As a result of extended consultations the issues regarding this matter have now been resolved to the satisfaction of all parties.

#### Feedback from Community Workshop

Council held a Community Workshop during the exhibition period. The purpose of the workshop was to provide information to the community regarding the PP and to gain further feedback on the proposal. A total of 27 people attended the workshop.

Issues raised at the Community Workshop are largely reflected in the written submissions received during the exhibition period.

#### **Changes to the Planning Proposal**

As a result of the submissions received during the exhibition period a number of changes have been made to the PP.

#### Zoning boundaries

The main changes to the PP include minor amendments to the proposed zoning boundaries in Area A.

After the exhibition period additional field surveys were undertaken to ensure the areas of proposed E2 – Environmental Conservation Zone most accurately reflected existing koala movement corridors in Area A.

The minor boundary changes proposed reflect updated ecological information gathered as part of field surveys. The minor changes will also ensure logical development outcomes can be achieved in this area taking into account the constraints and opportunities of Area A.

Minor zoning boundary changes, proposed as a result of public exhibition, are depicted in Attachment A, Figure 3.

#### Aboriginal heritage

In accordance with advice received from OEH the outcomes of the Aboriginal Heritage Information Management System (AHIMS) search have been included within the PP document.

#### 24 Yamba Street

A private landowner in the area subject to the PP requested a review of the proposed E2 – Environmental Conservation Zone covering their land. The land in question was 24 Yamba Street (the subject land).

The subject land is within Area A and under the exhibited PP was proposed to be rezoned from B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.

Council's Senior Ecologist visited the site on a number of occasions after the exhibition period and undertook field surveys to establish the viability of the proposed E2 – Environmental Zone over the subject land. The assessment included an analysis of the health, habitat and form of the existing vegetation.

Based on the findings of the field surveys it is proposed that 24 Yamba Street be rezoned wholly to R3 - Medium Density Residential under the PP.

It is noted that any proposed tree removal in association with the future development of the subject land will undergo a merits assessment as part of the Development Assessment process.

If Council resolves to apply the 'Protection of Wildlife Corridors Clause' to that part of the land bounded by Booner and Yamba Street as depicted in Attachment C, any future tree removal in this area will also be required to be assessed having regard to the impact on the Koala corridor.

### **Development Control Plan**

In accordance with the resolution a draft DCP has been prepared by consultants City Plan Services for the proposed R3 - Medium Density Residential land between Booner and Yamba Streets and the proposed B4 - Mixed Use Zone near Bennetts Beach.

The initial intent of the DCP was to facilitate the protection and enhancement of existing local koala movement corridors. It was also proposed to include specific building design provisions such as setbacks, materials, colours built form and scale.

However, during the preparation of the draft DCP, and after discussions with the consultants, Council is proposing a less prescriptive approach to the document for building design.

Precinct based character statements will guide future development in identified areas and site specific controls will draw upon the principles of 'Place Making'.

By facilitating flexibility within the draft DCP future development will be able to effectively respond to the constraints and opportunities of each individual site promoting innovative design.

Any future development in the area would still be subject to a merits based assessment at the development application stage.

As originally proposed, the draft DCP will still contain prescriptive provisions for the protection and enhancement of Koala movement and habitat areas in recognition of the importance of the Endangered Tea Gardens/Hawks Nest Endangered Koala Population.

In order to finalise the draft DCP, it will need to be placed on public exhibition for community feedback. A future report will be presented to Council on this matter.

#### *Department of Planning and Environment Report*

The DP&E produce a report for each PP. The purpose of this report is provide the public with a concise summary of the PP and is included for public information in conjunction with DP&E's online 'LEP Tracking System'.

Within DP&E's report for the Hawks Nest PP, DP&E indicate the following: '*...it is understood the E2 – Environmental Conservation Zone will enable Council to acquire the koala habitat corridor*'.

Council would like to clarify that at this stage it has not formally agreed to purchase those parts of the land proposed to be rezoned to E2 – Environmental Conservation Zone in Area A under this PP. In order to clarify this situation Council has had discussions with the DP&E to this effect.

The Department has clarified that this will not be an issue nor is it a requirement of the PP for Council to acquire any land rezoned to E2 – Environmental Conservation under the PP.

### **CONSULTATION**

Community consultation for this PP has been undertaken in accordance with the Gateway Determination and the DP&Es '*Guide to Preparing Planning Proposals*'.

In addition to the standard legislative requirements for community consultation extensive additional consultation has also been undertaken as part of this project.

Council engaged Place Partners – Place Making Consultancy to get feedback from the community to assist in informing the PP.

Consultation with landowners, residents, business and service providers was undertaken to identify opportunities and challenges for future development and renewal of commercial activities in Hawks Nest. Over 330 engagement contacts were made to an online survey, community workshops and stakeholder interviews.

A community information session was also held during the exhibition period. Comments received from participants during the session were largely reflected in the issues raised in written submissions during the exhibition period.

The ideas, comments and aspirations from the community which came out of the consultation have been reviewed and synthesised, with the purpose of informing the PP and embracing other land use and place making opportunities.

Information gathered as part of community engagement was presented in the Integrated Engagement Strategy.

A Place Making Strategy was also prepared to assist Council and the community in the revitalisation of Hawks Nest.

Both the Integrated Engagement and Place Making Strategy were included as Attachments in the report to Council's Strategic Committee Meeting of 2 December 2014.

## **COMMUNITY IMPACTS**

The rezoning of land in Area B from R3 – Medium Density Residential to B4 – Mixed Use will mean that small scale commercial opportunities will now exist in this area which was previously rezoned purely for residential purposes.

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

This PP aligns with the Great Lakes Community Strategic Plan 2010-2030 (Great Lakes 2030) which identifies a number of Key Directions. The PP is consistent with the following directions:

### Key Direction 1: Our Environment.

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

The PP is consistent with this Key Direction as it will rezone areas of significant habitat utilised by the Hawks Nest and Tea Gardens Endangered Koala Population for environmental protection. The PP will also apply existing clause 7.9 (Protection of Wildlife Corridors) in *Great Lakes Local Environmental 2014* to significant koala movement corridors as identified in Attachment 4. A DCP will also be prepared for areas affected by the PP which will include provisions to protect koala movement corridors in Hawks Nest.

### Key Direction 2: Strong Local Economies

*Objectives of this direction are to promote Great Lakes as an attractive area for residents and visitors which encourages a supportive business environment, job opportunities and that provides transport and infrastructure that meets future needs.*

The PP will encourage businesses to Hawks Nest through the application of the proposed B4 – Mixed Use Zone. It is anticipated that the B4 – Mixed Use Zone will increase opportunities for tourism related commercial activities in this area thereby also providing additional local jobs, thus activating the area near the beach.

The reduction in the existing B1 – Neighbourhood Centre and associated rezoning for residential development will aid in revitalising the Hawks Nest Town Centre and create a more attractive public realm.

The PP is consistent with this key direction.

#### Key Direction 3: Vibrant and Connected Communities

*The objectives of this direction encourage the provision of the 'right places and spaces', supporting positive and safe communities which promote education, sustainable growth and connectivity.*

The PP promotes sustainable growth in locations suitable for residential development in an area which is located in close proximity to existing infrastructure and community facilities.

The PP is consistent with this key direction.

#### Key Direction 4: Local Leadership

*The objectives of this direction are to deliver council services which are effective and efficient, to strengthen community participation and to represent the community's interest through local leadership.*

The PP is consistent with this direction as it will deliver logical planning outcomes which have come out of community consultations.

### **TIMEFRAME**

If Council adopts the PP, as amended as a result of community consultation, it will be forwarded to the DP&E for the corresponding amendments to GLLEP14 to be drafted and made. Assuming there are no further issues in association with legal drafting, the LEP could be finalised by August 2017.

### **CONCLUSION**

After extensive community consultation, the Planning Proposal for Hawks Nest Village, as amended as a result of community consultation proposes the following:

- To rezone about two thirds of the current B1 - Neighbourhood Centre Zone in Hawks Nest, referred to as Area A (as depicted in Attachment A), to a mix of R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone.
- To rezone about 4.9 ha of land close to Bennetts Beach at Hawks Nest, as referred to as Area B (as depicted in Attachment B), from R3 – Medium Density Residential Zone to B4 - Mixed Use Zone.
- In Great Lakes Local Environmental Plan 2014, add 'Multi Dwelling Housing' to the land use table of uses 'Permitted with consent' in the B4 – Mixed Use Zone in Area B only.
- To amend the existing clause 7.9 (Protection of Wildlife Corridors) in *Great Lakes Local Environmental Plan 2014* so that it can be applied to the identified Koala movement areas in the area bounded by Booner, Yamba and Tuloa streets as depicted in Attachment D.



It is also proposed to include provisions within the Development Control Plan to limit the maximum gross floor area for any retail or business premises in the proposed B4 - Mixed Use Zone near Bennetts Beach, Hawks Nest (referred to as Area B) to 120m<sup>2</sup>.

It is recommended that Council adopt the amended Planning Proposal which is the result of extensive investigations and community feedback.

## **RECOMMENDATION**

That Council:

- A. Note the issues raised by the community and government agencies during the exhibition period of the Planning Proposal for Hawks Nest Village as contained in Annexure A.
  - B. Adopt the Planning Proposal, as amended as a result of public exhibition, as contained within Attachment C.
  - C. Submit the Planning Proposal to the Director-General of the Department of Planning and Environment with a request that the associated amendments to *Great Lakes Local Environmental Plan 2014* be drafted and made.
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## **ATTACHMENTS**

- A. Maps of Area A – existing zoning, proposed zoning (as exhibited) and final proposed zoning - (amended as a result of community consultation).
- B. Maps of Area B – existing and proposed zoning – no changes proposed.
- C. Planning Proposal for Hawks Nest Village including minor amendments as a result of public exhibition.
- D. Map of land identified for inclusion in existing Clause 7.9 (Protection of Habitat Corridors) in *Great Lakes Local Environmental Plan 2014* – no changes proposed.

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

**ANNEXURES**

**A. Hawks Nest Village Planning Proposal Submission Summary Table including planner’s response.**

Hawks Nest Village: Submission Summary Table	
ISSUE/COMMENT	PLANNERS RESPONSE
<p><b>Proposed zoning boundaries</b></p> <p>Requests for Council to refine proposed zoning boundaries in Area A to reflect koala movement corridors and logical development footprints.</p>	<p>Additional field surveys have now been undertaken to ensure areas of the proposed E2 – Environmental Conservation Zone in Area A most accurately reflect existing koala movement corridors.</p> <p>Care has also been taken to ensure logical development outcomes can be achieved over the proposed R3 – Medium Density Residential areas.</p> <p>The changes made to the proposed zoning boundaries are depicted in Attachment A (Figure 3).</p>
<p>Linking the mall up the back lane towards Tuloa Ave and stand of trees at rear of newsagent seems worthwhile. The rezoning process does not look at this.</p>	<p>Council understands that koalas do move through the existing Hawks Nest mall and Tuloa Lane. However, these areas are largely developed and do not contain any significant koala trees or vegetation. Council would have difficulty justifying rezoning these areas for environmental conservation.</p> <p>Regarding the stand of trees at the rear of the newsagency. Council did not include this area in the proposed E2 – Environmental Conservation Zone (in association with the rezoning in Area A) as it was considered to be an unreasonable rezoning of the existing business zone.</p> <p>However, the proposed inclusion of this area within Clause 7.9 ‘Protection of Wildlife Corridors’ in accordance with the map in Attachment D will ensure the impact of any tree removal will be considered during the assessment of any development application.</p>
<p>Strip along Booner St and area under the surf club might be more suitable for rezoning although potential issue of crown land being use for commercial purposes.</p>	<p>Unsure as to which ‘strip along Booner St’ is being referred to.</p> <p>The land where the surf club is located is currently zoned RE1 – Public Recreation Zone and as correctly indicated is Crown Land. Rezoning this area is outside the scope of the PP but may be looked at in the future as part of a separate PP.</p>
<p>On the ocean site (Area B) too great an area is proposed to be rezoned. Tourists want a view, apart from the surf</p>	<p>Council has continued to review and consider both the land area for investigation and the range of land uses zones that may be applied to these areas, throughout</p>

<p>club Hawks Nest does not offer this. I don't see a huge demand for tourist orientated land use proposed.</p>	<p>this project.</p> <p>The allocation of the B4 - Mixed Use Zone and retention of multi-dwelling housing as a permissible land use within Area B recognises that this is an area of transition. By allowing a broader range of land uses and activities to occur within this area existing residential opportunities are maintained but tourist-orientated and commercial activities can also be considered should an application for this form of development be received in this location.</p>
<p><b>Competition</b></p> <p>Rezoning would split Hawks Nest into two prejudicing area. Should be a 'one stop shop'.</p>	<p>The PP proposes the following:</p> <ul style="list-style-type: none"> <li>• Rezone Area A from B1 – Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone; and</li> <li>• Rezone Area B from R3 – Medium Density Residential Zone to B4 - Mixed Use Zone and to make 'Multi Dwelling Housing' permissible in this area.</li> </ul> <p><u>Area A</u>  Findings from the <i>Hawks Nest 3A Business Zone Review and Strategy (2004)</i> along with current population figures and land use audits of the existing business area indicate that there is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre. The total area land currently zoned B1 – Neighbourhood Centre in Hawks Nest is approximately 2.6 hectares (26,000m<sup>2</sup>).</p> <p>Based on the permanent resident population of Hawks Nest, there is demand for approximately 450m<sup>2</sup> of gross retail floor space in a neighbourhood centre. This would increase to around 1,200m<sup>2</sup> in peak season if more visitors shopped locally. There is, however, over 2,800m<sup>2</sup> of built floor space within the existing Hawks Nest village centre. The oversupply of floor space is reflected in the high vacancy rate. In August 2014 only 13 of 25 shops were tenanted.</p> <p>The proposed change from B1 – Neighbourhood Centre Zone to a mix of R3 – Medium Density Residential Zone and E2 – Environmental Conservation Zone over part of the existing business zone is considered desirable as it will encourage consolidation of the existing B1-Neighbourhood Centre Zone and ensure that new</p>

and existing businesses are concentrated in one central, defined locality as opposed to the existing fragmented situation.

Further, by increasing the dwelling density adjoining the proposed consolidated Hawks Nest B1-Neighbourhood Centre Zone, there is an opportunity to attract a more permanent residential population to this area. The flow on effects would support existing local businesses through increased patronage and activation of the area.

Increasing the permanent residential population in Hawks Nest was one of the main themes raised by the community during consultations for the Hawks Nest Town Centre Review which was used to inform the PP.

Area B

Extending along Beach Street and continuing along west along Booner Street up until Margaret Street the proposed B4 - Mixed Use Zone (Area B) will be located adjacent to the Hawks Nest Caravan Park, surf club, Bennetts Beach and playground and incorporate an existing motel on the corner of Booner and Russell Streets. It is anticipated that the proposed B4 - Mixed Use Zone will build upon the patronage associated with these existing activity nodes and provide further tourist related business opportunities.

It is considered that any net loss in business zone by reducing the size of the existing B1 - Neighbourhood Centre Zone in the village centre will be offset by other business opportunities provided by the proposed B4 – Mixed Use Zone. While it is not the intent of the proposed B4 – Mixed Use Zone to compete with the 'convenience' shopping experience offered by nearby shopping centres it will provide another opportunity for tourist related businesses optimising the natural assets of the area (i.e. the beachfront).

The intent of the proposed B4 – Mixed Use Zone is not to compete with the existing Hawks Nest business centre but to provide opportunities for low-scale complementary tourist-type development in this area.

The rezoning in Area B also responds to community feedback for Council to allow greater flexibility close to the beach to facilitate suitable business opportunities.

Controls will be included in the DCP to limit the gross floor area of any commercial

	development in the proposed B4 - Mixed Use Zone to 120m <sup>2</sup> . This will ensure this area will only be suitable for certain types of businesses hence limiting competition.
<b>Development standards</b>	
<p>Existing building height and floor space ratio standards in Area B found to be inadequate to encourage development or site amalgamations. Currently construction of two (2) x three (3) storey residential flat buildings containing 25 apartments (DA452/2055) not financially viable.</p>	See comments below.
<p><i>Great Lakes Local Environmental Plan 1996</i> (GLLEP96) did not contain building height or floor space ratio standards. The existing building height of 12m and floor space ratio of 1:1 were introduced with <i>Great Lakes Local Environmental Plan 2014</i> (GLLEP14). No approvals for any significant developments have been issued in this part of Hawks Nest since GLLEP14 was introduced. More development incentives are needed.</p>	<p><u>Building height (GLLEP96)</u> Prior to GLLEP14, Area B was zoned 2(b) Medium Density Residential under GLLEP96. Under GLLEP96 the objective of the 2(b) Medium Density Residential Zone was:  <i>'To enable residential development so that buildings within the zone will consist primarily of a range of residential buildings that generally do not exceed a height of 3 storeys.'</i></p> <p>The existing zoning of Area B under GLLEP14 is R3 – Medium Density Residential. The proposed zoning of Area B under the PP is B4 – Mixed Use Zone.</p> <p>Both the existing R3 – Medium Density Residential Zone and proposed B4 – Mixed Use Zone have a building height limit of 12m. The existing and proposed height limit for Area B is consistent with the height limit which existed under the old provisions of GLLEP96.</p> <p>Council considers that a height limit in Area B of 12m will act to ensure that buildings are compatible with the environmental qualities and desired future urban character of the area.</p> <p><u>Floor space ratio (GLLEP96)</u> At the time that GLLEP96 was in force provisions for floor space ratio were contained within the relevant site specific DCP. In this instance the relevant DCP was DCP No. 30 – Residential Urban Areas (DCP30). Under DCP30 the floor space ratio for Area B was 0.8:1 (page 6). With the introduction of GLLEP14 the floor space ratio in Area B increased to 1:1.</p>

<p>The PP should be amended (in Area B) to include the following uses: 'tourist and visitor accommodation', 'attached dwellings' and dwelling houses.</p>	<p>Council considers that a floor space ratio in Area B of 1:1 will act to ensure that buildings are compatible with the environmental qualities and desired future urban character of the area.</p> <p><u>Tourist and visitor accommodation</u>  <i>Tourist and visitor accommodation</i> in the form of 'hotel or motel accommodation' and 'serviced apartments' are permitted within the existing R3 – Medium Density Residential Zone. These development types are also permitted within the proposed B4 – Mixed Use Zone.</p> <p>The proposed rezoning of Area B to B4 – Mixed Use Zone will actually permit additional forms of <i>Tourist and visitor accommodation</i> with consent, specifically 'backpackers accommodation' and 'bed and breakfast accommodation'. Hotels and motels will continue to be permissible in the B4 – Mixed Use Zone.</p> <p>Attached dwellings and dwelling houses  'Attached dwellings' and 'dwelling houses' are currently permitted within Area B under the R3 – Medium Density Residential Zone.</p> <p>If Council adopts the PP 'attached dwellings' and 'dwelling houses' will be a prohibited land use in this area.</p> <p>Note:  Attached dwellings are defined as: <i>a building containing 3 or more dwellings, where:</i></p> <ul style="list-style-type: none"> <li>(a) <i>each dwelling is attached to another dwelling by a common wall, and</i></li> <li>(b) <i>each of the dwellings is on its own lot of land, and</i></li> <li>(c) <i>none of the dwellings is located above any part of another dwelling</i></li> </ul> <p>Multi dwelling housing is defined as: <i>3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</i></p> <p>Attached dwellings and dwelling houses, while permitted within the R3 – Medium Density Residential Zone are not the predominant form of residential development within this location which is three-storey residential flat buildings.</p> <p>Residential flat buildings are currently permitted within the B4 – Mixed Use Zone.</p>
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	<p>The Planning Proposal seeks to make 'Multi dwelling housing' permissible in the B4 – Mixed Use Zone in Area B only. This will effectively continue to allow attached dwellings (as defined) but allow additional flexibility in how this form of accommodation is designed by not requiring all properties to be "attached to another dwelling by a common wall".</p> <p>Dwelling houses in this location may be considered to represent an under-utilisation of the land. There is also sufficient land zoned R2 - Low Density Residential within Hawks Nest to accommodate additional dwelling house development as required.</p>
<p>In order to make the land (in Area B) economically viable developments plans indicate the following is required: Building height of 18m and floor space ratio of 2.1:1.</p>	<p><u>Building height (GLLEP14)</u> Council is not proposing to change building height controls in Area B. Changing the building height from that which was exhibited (12m) would require the PP to be re-exhibited.</p> <p>Council considers that increasing the building height in Area B from 12m to 18m would not be in keeping with the low-scale character of Hawks Nest.</p> <p><u>Floor space ratio (GLLEP14)</u> Council is not proposing to change the floor space ratio in Area B. Changing the floor space ratio from that which was exhibited (1:1) would require the PP to be re-exhibited.</p> <p>Council considers that increasing the building height in Area B from 12m to 18m would not be in keeping with the low-scale character of Hawks Nest.</p> <p>Densities and building height in this area can be looked at in further detail as part of Council's Housing Strategy and with community input.</p>
<p><b>Environmental</b></p>	
<p>Change in zoning will inevitably reduce the natural vegetation and trees required for native species of wildlife in Area B.</p>	<p><i>Great Lakes Local Environmental 2014</i> – Clause 5.9 Preservation of trees or vegetation requires development consent to harm a species of tree or other vegetation prescribed in a development control plan.</p> <p>Great Lakes Development Control Plan 2014, Section 12.5 requires:</p>

<ul style="list-style-type: none"> <li>• Development consent to harm 'koala feed and habitat trees within those areas identified in Tea Gardens and Hawks Nest' (includes both Area A and B).</li> <li>• Permanent protection under s88B for 'primary Koala food trees', "habitat" and "home range" secondary food or significant shelter trees.</li> </ul> <p>The rezoning of Area B from R3 – Medium Density Residential Zone to B4 – Mixed Use Zone will not change the existing ecological assessment requirements in Area B.</p> <p>The DCP (currently being prepared) will also include additional provisions for any tree removal in Area B.</p> <p>Council is aware that Hawks Nest village forms a crucial part of the habitat/movement corridor for the Hawks Nest/Tea Gardens Endangered Koala Population.</p> <p>To ensure a strategic approach is taken to the protection of the Koala habitat/movement corridors, Councils intention is to eventually apply Clause 7.9 more broadly over Hawks Nest.</p> <p>However, before this can occur Council will need to refine existing habitat maps to ensure a high degree of accuracy. A separate PP will need to be prepared and publicly exhibited for the broader application of Clause 7.9 (Protection of Wildlife Corridors) across Hawks Nest.</p>	
<p>Noted.</p>	<p>Agree with the rezoning of Area A on environmental grounds.</p>
<p>Council's Senior Ecologist has been working closely with the Strategic Planning Team and the landowners in the area to which the PP applies to ensure that all koala corridors have been correctly identified. Field survey data, urban habitat mapping and koala sighting records have also been used to inform the rezoning. Council is confident that the koala habitat corridors proposed as part of this rezoning process are robust.</p>	<p>Concerning the western side of the Area A, have the koala corridors been correctly estimated?</p>



<p><b>Amenity</b></p>	<p>The rezoning from R3 – Medium Density Residential Zone to B4 – Mixed Use Zone (Area B) would detract from the 'family nature' of the area. Liquor shops would be permitted which would be inconsistent with the area.</p>	<p>Noted. 'Retail premises' would be permitted in Area B under the proposed B4 – Mixed Use Zone.</p> <p>Hotel or motel accommodation and Registered clubs are permissible within both the existing R3 - Medium Density Residential Zone and the B4 - Mixed Use zones and may also be registered premises under the <i>Liquor Act 2007</i>.</p> <p>Enabling retail premises in Area B is consistent with feedback from the community for Council to allow for more flexibility close to the beach to facilitate suitable business opportunities. It is also consistent with Council's long term vision for this area to facilitate low-scale complementary tourist type development for locals and visitors.</p> <p>Provisions within the DCP will limit the floor size of any commercial premises in Area B to 120m<sup>2</sup>. Additionally, any proposal for commercial activity in this area would be subject to a merits assessment as part of the development assessment process.</p>
<p>We don't want taller buildings in Hawks Nest.</p>	<p>The existing height limit for Area A and B is 12m. Under this PP no changes to existing height limits are proposed.</p>	<p>Unsure as to which part of the PP this comment refers to. The following is referred to in order to clarify the intent behind the rezoning.</p> <p>The objectives of the PP are as follows:</p> <p><u>Area A</u></p> <ul style="list-style-type: none"> <li>To utilise suitably located land, that is surplus to business needs for well designed, affordable and low impact residential development which will support and enhance the remaining business area.</li> </ul> <p><u>Area B</u></p> <ul style="list-style-type: none"> <li>To allow for tourism-support commercial activities to continue and grow where compatible with the land and adjoining activities; and</li> <li>To broaden the range of land uses permitted as to better meet the needs of</li> </ul>
<p>Encourage tourism but of a sensitive sort. There are other places like Forster or Nelson's Bay that offer 'bright lights'. Let's not destroy the special charm of Hawks Nest.</p>	<p>The objectives of the PP are as follows:</p> <p><u>Area A</u></p> <ul style="list-style-type: none"> <li>To utilise suitably located land, that is surplus to business needs for well designed, affordable and low impact residential development which will support and enhance the remaining business area.</li> </ul> <p><u>Area B</u></p> <ul style="list-style-type: none"> <li>To allow for tourism-support commercial activities to continue and grow where compatible with the land and adjoining activities; and</li> <li>To broaden the range of land uses permitted as to better meet the needs of</li> </ul>	<p>Unsure as to which part of the PP this comment refers to. The following is referred to in order to clarify the intent behind the rezoning.</p> <p>The objectives of the PP are as follows:</p> <p><u>Area A</u></p> <ul style="list-style-type: none"> <li>To utilise suitably located land, that is surplus to business needs for well designed, affordable and low impact residential development which will support and enhance the remaining business area.</li> </ul> <p><u>Area B</u></p> <ul style="list-style-type: none"> <li>To allow for tourism-support commercial activities to continue and grow where compatible with the land and adjoining activities; and</li> <li>To broaden the range of land uses permitted as to better meet the needs of</li> </ul>

	<p>locals and visitors and provide for more diverse economic opportunities which will also boost the local economy.</p> <p>A provision will be included in the DCP to limit the floor size of any commercial premises in Area B to 120m<sup>2</sup>.</p> <p>No changes to height limits are proposed in either Area A or B.</p>
<p>Land should be rezoned for a retirement village to increase permanent population (reference to Area A).</p>	<p>Within GLLP 2014 'seniors housing' is permitted with consent in the R2 - Low Density Residential, R3 Medium Density Residential and proposed B4 Mixed Use zones.</p> <p><i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> also allows for this form of development on any land within New South Wales that is "zoned primarily for urban purposes" or "land that adjoins land zoned primarily for urban purposes", but only if:</p> <p>(a) <i>development for the purpose of any of the following is permitted on the land:</i></p> <ul style="list-style-type: none"> <li>(i) <i>dwelling-houses,</i></li> <li>(ii) <i>residential flat buildings,</i></li> <li>(iii) <i>hospitals,</i></li> <li>(iv) <i>development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i></li> </ul> <p>(b) <i>the land is being used for the purposes of an existing registered club".</i></p>
<p>Land near boat ramp should be rezoned for marina, waterfront restaurant or casual dining etc.</p>	<p>This is outside the scope of the PP. However, investigations into this area are being undertaken by Council's Community Spaces, Recreation and Trades Department.</p>
<p>Our property adjoins Area B proposed to be rezoned to B4 – Mixed Use Zone. We will be victims of Area B. Concerns over overshadowing, privacy loss, noise and potential loss of street parking. We purchased our property we had no idea this would happen.</p>	<p>Under the PP no changes are proposed to existing height levels or floor space ratios. Issues of noise, overshadowing, privacy loss and street parking can be addressed as part of a merit based assessment at the development application stage.</p>

<p>More street art would help to brighten up the area. Existing Mall at Hawks Nest does not have any trees, is bare and concrete, uninviting. Appreciate efforts of Men's shed to beautify area.</p>	<p>Noted and agreed. As part of the PP a Place Making Strategy has been prepared. The Strategy includes actions to capture and catalyse the interests of the community to work collaboratively in improving the existing business centre for all.</p>
<p>We do not need more visitor accommodation. Most existing accommodation is vacant during Christmas and Easter School Holidays.</p>	<p>Investigations to inform the PP have indicated that there is a surplus of land zoned B1 – Neighbourhood Centre in Hawks Nest. In response, the PP proposes to rezone some of the land in Area A currently zoned B1 – Neighbourhood Centre to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.</p> <p>The aim of the rezoning is to facilitate well designed, affordable and low impact residential development which will support and enhance the remaining business area providing additional permanent residential opportunities to support existing local business, infrastructure and services.</p>
<p><b>General</b></p>	
<p>Concerned about changes to rates (R3 - Medium Density Residential to B4 – Mixed Use Zone). Would there be an increase?</p>	<p>All Councils are required to levy rates based on valuations supplied by the Valuer General. Rates would only increase if the valuation of a property increased due to the rezoning. How much the valuation would increase would be up to the Valuer General. Council would suggest contacting the Valuer General in this instance to obtain advice.</p>
<p>Disappointed that the implications of the zoning changes were not advised to property owners in writing.</p>	<p>Notification of the exhibition of the PP was sent to all property owners in the area and in the vicinity of the area affected by the PP. Notice of the exhibition of the PP was placed in local newspapers and a Community Information Session was held during the exhibition period which was well attended. Full details of the PP including supporting information such as Facts Sheets and Maps were made available on Council's website. Hard copies of the PP and supporting information were available for viewing at Council's Tea Gardens and Forster Offices. Council officers were also available during the exhibition period to answer questions on the proposal.</p>
<p>In regards to Area B - 90% of current use is residential.</p>	<p>Noted. The proposed B4 – Mixed Use Zone represents a mid to long term strategic plan for the Hawks Nest beach area. By building on existing infrastructure and taking advantage of the intrinsic natural values of the area the proposed B4 - Mixed Use Zone will enable retention of residential land uses but also facilitate tourist</p>

	related business opportunities as market demand dictates, in turn creating a point of difference for Hawks Nest. A transition will likely occur over time.
<p>Why are parts of Area A being rezoned from B1 - Neighbourhood Centre Zone to Zone R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone rather than Zone B4 - Mixed Use? Proposed rezoning would reduce size of (and attractiveness) of this centrally located commercial and infrastructure hub. Potential future land use shortage.</p> <p>Question why Area B is larger than Area A. Why use an oversupply of commercial space to justify permanent downsizing of established commercial centre, while at the same time increasing overall commercial zoned space? IF there is a surplus of potential space, isn't Area B too large?</p>	<p>There is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre Zone (refer to comments above under 'Competition').</p> <p>As indicated above, findings from the <i>Hawks Nest 3A Business Zone Review and Strategy (2004)</i> along with current population figures and land use audits of the existing business area indicate that there is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre.</p> <p>The downsizing of Area A is proposed in order to consolidate and strengthen the existing business centre ensuring that new and existing businesses are concentrated in one central, defined locality as opposed to the existing fragmented situation.</p> <p>Area B has been proposed to provide an opportunity for low scale commercial and tourism-related activities in an area considered to be well suited to this type of development.</p> <p>The proposed rezoning of Area B to B4 – Mixed Use Zone also responds to community feedback for Council to allow more flexibility in this area for business opportunities.</p> <p>There are distinctive differences in the B1 – Neighbourhood Centre Zone and the B4 – Mixed Use Zone. The B1 – Neighbourhood Centre Zone is primarily intended for neighbourhood centres that include small scale convenience retail premises, business premises or community uses that serve the day to day needs of people who live or work in the surrounding neighbourhood.</p> <p>The B4 – Mixed Use Zone is for areas where a mixture of compatible land uses are encouraged. This zone allows for the development of business, residential, retail and other suitable land uses. Controls will be included in the DCP to limit the gross floor area of any commercial development in Area B to 120m<sup>2</sup>. This will ensure this</p>

	<p>area will only be suitable for certain types of businesses.</p> <p>Given the existing land uses in Area B the size of the proposed B4 – Mixed Use zone is considered reasonable to allow flexibility and diversification of existing land uses in this area.</p>
<p>Locals/visitors would benefit from new businesses in Area B but why is the surf club not included? Surf club would be preferred location. It has better car parking (as compared with most of Area B), is an important focal point for the community and would provide economic benefits for the club and community. Many examples of successful surf club redevelopments e.g. Bateau Bay.</p>	<p>Noted. The rezoning of the surf club is outside the scope of this PP but may be looked at as part of a future PP.</p>
<p>Would prefer to see surf club redeveloped with no rezoning of Area B. Would gauge demand for additional commercial space reduce risk of premature development, empty shops. Would attract visitors to beach area not impact on established food/drink operators, would benefit Area A but increasing visitors to HN.</p>	<p>Noted. The rezoning of the surf club is outside the scope of this PP but may be looked at as part of a future PP.</p>
<p><b>Government agency</b></p>	
<p><i>Note: In accordance with the Gateway Determination (Annexure B) the OEH provided Council with advice on the PP prior to and during the exhibition period. The issues raised during consultations including the planner's response is included below.</i></p>	
<p>The land is subject to flooding</p>	<p>Since preparing the original PP Council's Engineering section have been updating Council's Flood Planning Area maps. Tea Gardens and Hawks Nest flood extents are now based on a Current 1% AEP Level of RL 1.4m AHD compared to that from the 'old PWD study' of RL 2.1 AHD. As a result, the extent and the number of affected properties have reduced considerably. Consequently, the area subject to the PP is no longer affected by flood related development controls and Condition 2 of the Gateway Determination (Annexure B) as it relates to the inconsistency with Section 117 Direction 4.3 Flood Prone Land no longer applies.</p> <p>This issue has now been resolved.</p>
<p>Aboriginal cultural heritage assessments need to be undertaken for this PP.</p>	<p>A summary of the actions undertaken to-date for this matter are included below:</p>

<ul style="list-style-type: none"> <li>• Initially Council questioned the level of Aboriginal cultural heritage assessment required by OEH for this PP. This was primarily due to the fact that the land was already zoned for development i.e. business/residential and the PP only proposed to amend the zoning to part medium density residential, environmental conservation and mixed use. Most of the land was already significantly disturbed and the important Koala corridor was proposed to be rezoned for environmental conservation. OEH still strongly encouraged Council to undertake the Aboriginal cultural heritage assessments in accordance with the original advice.</li> <li>• As directed, prior to exhibition, Council undertook a search of the Aboriginal Heritage Information Management System (AHIMS). The assessment indicated that no Aboriginal sites or Aboriginal places were recorded or declared in or near the area to which the PP applied. Council indicated that further Aboriginal heritage requirements from OEH would be undertaken during the exhibition period.</li> <li>• Council contacted OEH in order to clarify the requirements. OEH provided a document entitled '<i>Planning Proposals Updated Advice Feb 2016</i>'. In accordance with the directions in the document Council wrote to the following 3 Local Aboriginal Land Council's (LALCs) requesting assistance in determining the significance of any Aboriginal cultural values associated with the land: <ul style="list-style-type: none"> <li>- Karuah Local Aboriginal Land Council</li> <li>- Worimi Local Aboriginal Lands Council; and</li> <li>- Forster Local Aboriginal Lands Council.</li> </ul> </li> <li>• Of the 3 LALCs the Karuah Local Aboriginal Land Council (KLALC) was the only one to express an interest in undertaking the Aboriginal cultural heritage assessments required by OEH.</li> <li>• After liaising with the KLALC for some time, Council engaged them to undertake the assessments. However, during the course of the investigations KLALC advised Council that they did not believe that OEHs requirements were necessary as the land to which the PP applies was largely disturbed and already zoned to permit development.</li> </ul>	
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<ul style="list-style-type: none"> <li>The KLALCs advice reflected Council's original position. In this regard it is noted that the OEH requirements for Aboriginal heritage assessment and consultation have significantly delayed completion of this PP.</li> </ul> <p>In order to meet the Aboriginal heritage requirements additional consultations were undertaken with the OEH and the KLALC. As a result of extensive consultations the issues have now been resolved to the satisfaction of all parties.</p> <p>The appropriate level of Aboriginal heritage assessment has been undertaken. No outstanding Aboriginal heritage issues now exist for this PP.</p>	
<p>In 2004 Andrew's Neil prepared the <i>Hawks Nest 3A Business Zone Review and Strategy</i> (the Strategy). The Strategy was prepared to assess existing business zoned land, car parking and koala movement corridors in the Hawks Nest village centre.</p> <p>The Strategy was used to inform the PP specifically in regards to the boundaries of the E2 – Environmental Conservation Zone in Area A.</p> <p>In accordance with Condition 2 of the Gateway Determination (Annexure B), Council consulted with OEH in regards to <i>.....the date and methodology of the Strategy and other studies used to inform the boundaries of the proposed E2 – Environmental Conservation Zone.</i></p> <p>After consulting with OEH on this matter they advised the following: <i>'....it is clear that Council has not solely relied on this source (the Strategy) for the preparation of the plan. OEH is satisfied at this level of investigation of the biodiversity values for the rezoning process.'</i></p> <p><u>No outstanding issues now exist in regards to this matter.</u></p>	<p>Concern regarding the date and methodology of the <i>'Hawks Nest 3A Business Zone Review and Strategy 2004'</i>.</p>

B. Gateway Determination dated 4 January 2016.



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

Our ref: PP\_2015\_GLAKE\_007\_00 (15/12882)  
(QA383768)  
Your ref: SP-PP-14

Att: Rebecca Underwood

Dear Mr Handford,

**Planning proposal to amend Great Lakes Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 25 August 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 12 December 2015 in respect of the planning proposal to rezone land at Hawks Nest village centre.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

I understand that Council has sought delegation to make this plan. Having considered the planning proposal, I have decided not to authorise Council to exercise its delegation to make this plan at the present time.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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

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



Should you have any queries in regard to this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

**Garry Hopkins**  
**Acting General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**

*A. 1. 2016*

Encl:  
Gateway determination

## Gateway Determination

*Planning proposal (Department Ref: PP\_2015\_GLAKE\_007\_00): to rezone land and introduce other provisions at Hawks Nest Village.*

I, the Acting General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to rezone land and introduce other provisions at Hawks Nest Village should proceed subject to the following conditions:

1. Prior to exhibition, Council is to consult with the Office of Environment and Heritage in regards to the date and methodology of the 'Hawks Nest 3A Business Zone Review and Strategy (2004)' and any other studies used to inform the boundaries of the proposed E2 Environmental Conservation Zone.
2. Prior to exhibition, Council is to provide additional information in regards to the inconsistency with Clause (4) of Direction 4.3 Flood Prone Land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - NSW Office of Environment and Heritage
  - NSW Rural Fire Service (S117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 4<sup>th</sup> day of January 2016.

**Garry Hopkins**  
**Acting General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

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### **3 PLANNING PROPOSAL - CIVIC PRECINCT PROJECT, LAKE & WEST STS FORSTER**

**Report Author** Rob Dwyer, RPS Australia East Pty Ltd  
**File No. / ECM Index** Civic Precinct, Library Forster  
**Date of Meeting** 28 June 2017

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#### **SUMMARY OF REPORT**

At the Extraordinary Council Meeting held on 14 March 2017, Council resolved to support lodgement to (and seek Gateway Determination from) the Department of Planning and Environment of the Planning Proposal - Civic Precinct Project, Lake and West Streets, Forster which has the intent of amending the Great Lakes Local Environmental Plan 2014 Height of Building control map and Floor Space Ratio control map affecting Lots 11 to 13 DP 479876 Lake and West Streets Forster by increasing height and floor space ratio control applying to the subject site.

It was also resolved at that meeting to place the Planning Proposal on public exhibition in accordance with the Gateway Determination.

Gateway Determination was received from the Department of Planning and Environment in connection with the Planning Proposal on 6 April 2017 and the Planning Proposal was placed on public exhibition throughout the period from 17 May 2017 to 16 June 2017 (public exhibition of a Development Application for development of the subject site occurred at the same time).

During that exhibition period, Council undertook three community consultation drop-in sessions and displayed the model and Planning Proposal documentation at its office at Breese Parade, Forster. Copies of the Planning Proposal and an opportunity to make submissions were also available on Council's website.

At the time of publishing the business paper this matter is still being finalised - being the assessment of all submissions and preparation of a final report following the conclusion of the public exhibition period for the Planning Proposal at 4.30pm on 16 June 2017. It is intended that a Late Report will be made available by 4.30pm on 23 June 2017 on Council's website and tabled at the meeting.

#### **SUMMARY OF RECOMMENDATION**

That Council note the contents of this report.

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

Nil.

#### **LEGAL IMPLICATIONS**

Nil.

#### **RECOMMENDATION**

That Council note the contents of this report and acknowledge that a Late Report will be tabled at the Ordinary meeting on 28 June 2017.

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## **4 HOUSING DIVERSITY & AFFORDABILITY STRATEGY - COMMENCEMENT REPORT**

**Report Author** Richard Pamplin, Project Manager  
**File No. / ECM Index** SP-STRAT-16 S1656; Housing Diversity & Affordability Strategy  
**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

The Housing Diversity and Affordability Strategy (HDAS) is a merger project required as a component of a new Local Strategy across the MidCoast Council (MCC) Local Government Area (LGA) and will align housing zones and development controls across MidCoast Council. The HDAS is a significant body of work and will shape the future residential form of our settlements and identify future expansion areas and development opportunities as well as provide strategies for the provision of affordable housing.

### **SUMMARY OF RECOMMENDATION**

That Council resolve to endorse the commencement of the Housing Diversity and Affordability Strategy.

### **FINANCIAL/RESOURCE IMPLICATIONS**

There is \$100,000 in the 2016/17 budget allocated to this project which will need to be revoted for next financial year.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

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

A Local Strategy will not only set the future direction for planning in our area but is also required due to the merger to inform the preparation of a new Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP).

The above Council report advised that due to the scale and complexity of the Local Strategy it will be undertaken in stages through the following documents:

- Rural Economic Diversity Strategy (REDS);
- Housing Diversity and Affordability Strategy (HDAS);
- Economic and Employment Strategy (EES); and
- Biodiversity Strategy.

### **DISCUSSION**

REDS has commenced and the next strategy to progress will be the HDAS.

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The scope of the HDAS was outlined in the abovementioned Council report as being:

- Respond to the directions of the Hunter Regional Plan relating to housing diversity;
- review the current type and form of housing area;
- assess appropriate lot sizes to deliver diversity;
- review demographic trends and policies to determine whether the current style of housing will effectively provide for the housing needs of the future population;
- identify the types and form of housing that will be of benefit to the future population;
- determine whether there are any gaps in the housing needs of the existing and future population;
- identify practical means of achieving a greater variety in form and type of housing for the future population and satisfying special needs groups;
- identify opportunities for maximising residential densities (in appropriate locations);
- identify planning measures to ensure that the desired urban form and densities for residential precincts are practically achieved;
- identify key needs and issues in regard to greater access to affordable housing;
- identify what strategies Council can implement in order to address affordable housing needs and issues;
- detail a strategic action plan to deliver sustainable affordable housing options;
- recommend modifications to Council's planning instruments to better achieve affordable housing;
- assess the affordability of housing in the Study Area for a broad demographic and socio-economic range including, young and single parent families, the unemployed and the retired; and
- investigate mechanism to achieve better affordability of housing for disadvantaged groups.

The HDAS will draw upon and respond to many of the issues and actions from the Draft Manning Valley Local Strategy. When the merger was proclaimed the Manning Valley Local strategy did not proceed as Council and the NSW Department of Planning and Environment were of the view that a Local Planning Strategy should be prepared for the entire MCC LGA.

Anticipated outcomes of the HDAS are:

- Provisions for inclusion in a comprehensive MidCoast Local Environmental Plan (LEP) including but not necessarily limited to:
  - a hierarchy of residential zones (including rural residential) to apply to land across the LGA so as to meet the housing needs of the population;
  - where these zones should be applied;
  - a new landuse table for uses permitted and prohibited in each residential zone;
  - new height maps for all residential zones;
  - new floor space ratio maps for all residential zones;
  - new lot size maps for all residential zones;
- new provisions for inclusion in a Comprehensive MidCoast Council Development Control Plan for residential development;
- identification of any infill areas that may be investigated for future rezoning to residential;
- strategies and mechanisms (including LEP provisions) to promote and encourage housing diversity and affordability, particularly to disadvantaged groups within our community.

There will be a cross-over between the HDAS and other strategies such as the Economic and Employment Strategy and the Manning Health and CBD Precinct Strategy, particularly in relation to recommendations for any increase in densities in centres and the zones proposed to achieve this. In light of this, these other strategies will also commence soon so that alignment in outcomes is achieved.



Following endorsement of the commencement of the HDAS a brief will be prepared and issued to relevant consulting firms and a project team established to manage the preparation of the strategy.

## **CONSULTATION**

A community engagement plan for the HDAS will be developed in conjunction with the preferred consultant. It is expected that there will be significant consultation across the LGA, with an emphasis on more in-depth consultation with residents in areas identified for any significant changes in housing outcomes.

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

Consultation will also occur with the various housing providers across the LGA.

## **COMMUNITY IMPACTS**

The HDAS is expected to positively impact the community by enabling appropriate zoning and development provisions to apply within the MCC LGA for current and future residents.

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

Former Great Lakes Council had identified a review of its Conservation and Development Strategies in its Operational Plan and Greater Taree City Council was well advanced with the preparation of Manning Valley Local Strategy when the merger was proclaimed. It is now a matter of bringing the former Gloucester Council into the strategic planning process of the other two former Councils.

## **TIMEFRAME**

The HDAS is expected to take up to 12-18 months to complete.

## **BUDGET IMPLICATIONS**

Funds have been allocated in the 2016/17 budget to undertaking the HDAS. These funds will need to be revoted next financial year to engage consultants to undertake this work.

## **RISK CONSIDERATION**

There is risk to Council in not having in place a strategic planning framework to guide the future sustainable growth of the area so as to achieve the aspirations of the community.

## **RECOMMENDATION**

That a brief be prepared, based on the scope and outcomes set out in the report, and consultants engaged to prepare a Housing Diversity and Affordability Strategy for MidCoast Council.

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## DIRECTOR ENGINEERING & INFRASTRUCTURE

### 5 CEDAR PARTY CREEK BRIDGE REPLACEMENT - PREFERRED DESIGN OPTION

**Report Author** Rhett Pattison, Acting Manager Projects & Engineering

**File No. / ECM Index** CW0097

**Date of Meeting** 28 June 2017

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#### SUMMARY OF REPORT

The purpose of this report is to provide feedback on the community consultation and to seek endorsement for the preferred design option for replacement of the Cedar Party Creek Bridge to proceed to detailed design.

#### SUMMARY OF RECOMMENDATION

1. That the Cedar Party Creek Bridge replacement option with alignment through the Wingham Memorial Swimming Pool proceed to detailed design.
2. That the detailed design also include investigation of the feasibility of conversion of the current bridge into a pedestrian/cycle bridge linking the Wingham Central Business District to Chrissy Golan Park.
3. That grant funding from the State and / or Federal Governments (circa \$19m) be sought to fund construction of the Cedar Party Creek Bridge replacement following completion of the detailed design.
4. That any grant application for the Cedar Party Creek Bridge replacement include the full cost of building a new swimming pool complex including a 50m pool, children's aquatic facilities and amenities.
5. That the Cedar Party Creek Bridge replacement project be contingent upon constructing the new pool before removing the current pool.
6. That authority be delegated to the General Manager to negotiate the purchase and enter into any contracts on behalf of Council utilising former Greater Taree City Council section 94 developer contribution funds for the Wingham Bowling Club site with a view to relocating the pool to this site prior to demolition of the current pool.
7. That, in the event that negotiations with the Wingham Bowling Club are unsuccessful, the General Manager be delegated authority to hold discussions with landowners with suitable sites for a new pool with the aim of entering into a Deed of Agreement or Memorandum of Understanding for the purchase of the site following receipt of bridge grant funding and report back to Council before entering into any agreement.
8. That consultation be undertaken with the Wingham community on planning for the construction of a new pool following a site being secured.

#### FINANCIAL/RESOURCE IMPLICATIONS

Funding for the bridge replacement options analysis and for the detailed design of the preferred option is provided by a NSW Roads and Maritime Services (RMS) Fixing Country Roads grant to a total value of \$350,000.

Preliminary estimates indicate that construction costs will be in the order of \$19m (including the replacement cost for construction of a new pool complex). The recommended option to proceed to detailed design meets all the requirements desired by grant schemes including being above the 1 in 100 year flood event, improving the intersection safety and flow, providing appropriate capacity, and meeting the required asset life.

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Should Council be unsuccessful in attracting sufficient grant funding, the alternate option would be that Council fund the design and construction of a replacement concrete bridge. Due to Council funding constraints, this bridge would not significantly increase the deck height and therefore not provide flood free access or permit an improvement to the current Wingham entry intersection.

Funding for the purchase of a suitable site for the relocation of the swimming pool is available from section 94 developer contribution funds.

## **LEGAL IMPLICATIONS**

Nil.

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## **BACKGROUND**

Cedar Party Creek Bridge is located at the gateway to Wingham on Wingham Road, a key regional road connecting local communities and a key freight route. Built in the early 1960's the bridge is constructed with timber trestles and abutments, with the timber headstocks and stress laminated timber deck being replaced circa 1994. Approximately 10,000 vehicles use this bridge each work day including more than 150 trucks and busses. The existing bridge deck is approximately 3 metres below the 1 in 100 year flood level and flood records indicate that the bridge has been closed due to flooding on 8 occasions (shown on SES and Council records).

The condition of Cedar Party Creek Bridge was assessed by Royal Haskoning DHV in December 2015 with the Assessment Report published in February 2016. The report identified approximately \$70,000 of defects that were immediately repaired. It also identified issues with trestles 3 and 4 and to the deck. Options offered to manage the condition included:

1. Load limiting (22 tonnes articulated, 20 tonnes rigid vehicle)
2. Restrict traffic to single lane
3. Replace / strengthen trestles 3 & 4
4. Replace deck

Trestles 3 & 4 were reinforced in 2016. The assessment report identified the estimated remaining life of the bridge as 5 – 10 years, constrained by the life of the trestle sills and abutment sheeting. Asset management needs also consider the risk of sudden and permanent damage from a significant flood event, requiring immediate load limiting or closure. Replacement of the deck and ongoing repairs presents a financial burden to Council that could be considered irresponsible asset management.

Council has been considering options to replace Cedar Party Creek Bridge since the mid 1980's. Previously 6 potential alignment options were considered but lack of funding being allocated to the project has resulted in none of the options proceeding to detailed design.

In 2016, Council was successful in applying for and receiving a \$350,000 grant from the RMS Fixing Country Roads scheme for the purpose of investigating and selecting the best option for replacement of Cedar Party Creek Bridge, including detailed design and cost estimate.

The core project objectives included:

- Provide 1 in 100 year flood immunity access
- Improve the road alignment and intersection into Wingham
- Improve access for heavy vehicles
- Enable construction of a new road over rail overpass now or at some future time

Midcoast Council engineers, in conjunction with bridge specialists Focus Bridge Engineering, RMS and the Australian Rail Track Corporation (ARTC) conducted an extensive investigation to identify possible options for replacement of the bridge. Supporting studies including survey, geotech, flora & fauna, cultural heritage and traffic were undertaken to guide the investigation as to what was feasible and what was not. Further to the 6 options previously identified, two additional options were identified.

One of the new options identified evolved through seeking an alignment that eliminated the 4-way intersection by directing the traffic from Wingham Rd to Combined St via a sweeping bend. This was an objective given that the majority of traffic currently travels this route. The only way technically feasible to achieve this in the vicinity of the existing bridge was an alignment through the location of the Wingham Memorial Pool. Although initially discounted due to the desire to maintain a community swimming pool facility in Wingham and the lack of Council funds allocated to relocate the facility, a discussion with RMS about including the cost of pool relocation within the construction grant was supported, provided it was considered and could be demonstrated as the best option.

Options were assessed using a weighted multi-criteria analysis and included a strategic cost comparison. The criteria assessed included: cost, ability to include a rail overpass, Higher Mass Limits (HML) route capable, access and safety, flood immunity, constructability, land acquisitions, regional economy, community, noise and visual impact, and aesthetics. Two preferred options fell out of this process, though all were included for public consultation purposes to show the range of options considered.

## **DISCUSSION**

Although all 8 options were presented to the community as part of the consultation, two preferred options were highlighted. These were the options that came out on top of the multi-criteria assessment. These were the "Pool Relocation Option" (Preferred Option 1) and the "Existing Alignment Option" (Preferred Option 2). In general terms, the community agreed that the 6 options discounted by staff were not feasible.

**Pool Relocation Option** – this option involves a curved bridge with abutment just west of the existing bridge and swings through the site of the Wingham Memorial Pool to connect with Combined St. A left turn lane off the bridge allows vehicles to turn up to Wynter St and proceed to Isabella St.

Pro's for this option include: cost effective; attractive town entry; best option for cars and trucks to manoeuvre; minimal land acquisition; constructed offline – option with least disruption to traffic; can be implemented with or without the bridge over the rail line.

Con's for this option include: pool requires relocation; some impact on Chrissy Gollan Park; bridge located on a radius / extra width for turning lanes.

**Existing Alignment Option** – this option involves a new bridge on the same alignment as the existing bridge, however approximately 3.5m higher to be above the 1 in 100 year flood level. Raising the bridge height means the road and bridge is almost flat between the rail crossing and Combined St / Wynter St intersection. This provides the opportunity to construct a roundabout at this intersection.

Pro's for this option include: cost effective; minimal change to the current approach to Wingham; can be implemented with or without the bridge over the rail line.

Con's for this option include: significant impact on traffic during construction; visual impact of concrete retaining walls and roundabout; more difficult for trucks to manoeuvre; impact to Chrissy Gollan Park.

## Consultation

The single largest objective Council had in the consultation phase of this project was to present the options investigated to provide the public with a thorough understanding of the challenges and opportunities with each. The complexity of the information that surrounds each of the options made this a difficult task and it proved that the only effective way to disseminate the information was with face-to-face discussion. A pop-up consultation display with posters and a monitor showing images of the options was set up in the CWA rooms in Isabella St Wingham from 27 April to 3 May 2017. Council staff walked attendees through the objectives of the project, the options, the challenges and answered many questions. On average, most attendees who visited the pop-up consultation would spend a minimum 20 minutes going through the presented material and asking questions of and making suggestions to Council staff.

The single largest issue that was faced in consultation was the community's lack of trust in Council to deliver what was being proposed – this was a result of previous decisions of all three levels of government to not follow through on promises. A significant part of the community doubted that they would get a new swimming pool if the existing pool was removed. If there was going to be a new pool, there was also concern that it would not be of equivalent standard to the existing complex.

A survey was made available for all who attended the pop-up consultation and on Council's website. The purpose of the consultation, including the survey, was to inform the community of the options in order to obtain their informed views so that these could be considered in Council's deliberations. The recommendations made in this report have been based on discussions held with 500 people at the drop-in centres, together with the survey results and submissions received.

### Survey

There were 288 responses to the survey. Key statistics include:

- Most important factors for new bridge:
  - Improving the intersection
  - Safely moving traffic into and around Wingham
  - Making it flood free
- How often do you cross the bridge:
  - More than twice daily - 23%
  - Twice daily – 14%
  - Daily – 10%
  - Every few days - 38%
  - Other – 15%
- How often are you held up at the rail crossing:
  - At least once a day – 4%
  - Every few days – 13%
  - Once a week – 10%
  - Less than once a week – 19%
  - A few times a month – 14%
  - Rarely / never – 40%
- Important considerations for new bridge:
  - Making the main intersection into town simpler and safer
  - Securing funding for a new pool at Wingham
  - Ensuring the freight route is safe and diverts trucks around town
- Preferred option:
  - Pool relocation option – 57%
  - Existing alignment option – 28%
  - Neither / can't decide – 15%

- Why did you choose this option:
  - Traffic flow improvement – 24%
  - The intersection design – 18%
  - The pool relocation – 16%
  - The opportunity to source funding for a new pool – 10%
  - The town entry is visually appealing – 7%
  - No response – 5%
  - Other – 20%
- If the pool relocation option was selected, what is the preferred type of pool:
  - A 50m outdoor pool – 54%
  - A 25m pool with water play facilities – 16%
  - Other/not stated – 30%
- If the pool relocation option was selected, where should it be located:
  - Located in town – 50%
  - Located with other sporting facilities – 14%
  - Close to schools – 9%
  - Near pedestrian and cycle access – 7%
  - Other/not stated – 20%

The survey results tend to match the sentiments of the community members that attended the pop-up consultation and those that have made written submissions. The important messages coming from the survey are:

- Improving the intersection to make it simpler and safer is critical to this project.
- A bridge over the rail line at this point in time is not a major need.
- If the pool complex is to be relocated, it must be somewhere close to the CBD and must include a 50m competition standard swimming pool.

#### Simpler and Safer Intersection

The existing intersection adjacent to the Cedar Party Creek Bridge currently provides priority for vehicles proceeding over the bridge and turning right into Combined Street. All other approaches have Give Way signs. It is configured to give priority to this direction due to two reasons:

1. 65% of traffic travels this direction
2. Due to the incline leading up to this intersection, it is not advisable to have heavy vehicles, especially large trucks, needing to stop, queue, and accelerate. This is not good due to noise, waste overflow from cattle trucks, pavement fatigue, and potential to queue static loads on the existing bridge.

Given the unusual configuration of the intersection, motorists often experience confusion and there have been numerous accidents and near misses.

A raised bridge over the existing alignment provides an opportunity to construct a roundabout, which would be an improved configuration compared to the existing. It would however mean that the priority right turn is eliminated and vehicles, including trucks, would need to stop and queue at this roundabout at times. This would continue to pose some of the issues raised above that exist with the current configuration. The roundabout would need to include a trafficable central island to permit large trucks to negotiate the 270 degree turn.

The pool relocation option provides a simpler and safer intersection, when compared to the roundabout, as it maintains the most utilised route as priority. In fact it becomes the through road and there would be no intersection to negotiate for 65% of vehicles. Wingham Road to Combined Street is a B double route, so eliminating an intersection for these trucks, as well as all other vehicles, provides a safety benefit.

## The Rail Crossing

One of the initial objectives of the bridge replacement project was to eliminate the rail level crossing on Wingham Road adjacent to the Cedar Party Creek Bridge. ARTC were consulted early in the project and provided feedback that this is not a priority level crossing for them and does not have any inherent safety concerns. They advised that if this project required relocation of the existing level crossing, they would not permit a new level crossing and it would need to be grade separated (i.e. a bridge over rail). They also advised that this rail bridge would need to provide for dual rail lines (additional width) and for double stacking of containers (8 metres in height). They also confirmed that they would not contribute funding toward this project, so Council would need to source all additional funds.

Bridge replacement options were considered where the rail and Cedar Party Creek were close together with the intent to span both with a single bridge. Locations were also investigated where the rail line was in a deep cutting to lessen the vertical elevation required to bridge the rail line. The cost penalty to bridge the rail line was a minimum of \$10m and could not be justified given the minimal disruption and current safety performance of the existing level crossing. The fact that train numbers using the rail have reduced over the years to a current situation of around 4 freight and 4 commuter trains a day, means that occurrence of trains disrupting vehicular traffic is low. This is supported by the survey results.

In the multi-criteria assessment, alignment options that incorporated the flexibility to utilise the existing level crossing now but that would enable an overpass at a future date were rated higher. The options that incorporated the bridge over rail and creek in one were rated lower as the cost was high and there was no option to split the investment into stages.

## The Swimming Pool

The Wingham Memorial Swimming Pool was constructed in 1968, predominantly funded by the community. The pool is an important social asset for Wingham and aside from casual swim visitations, it is utilised by many schools for swimming carnivals, the swimming club and for water polo competitions. The pool's age and the fact that it started as a 33m pool and was extended, means that today it is in a condition that requires significant maintenance. Drains have been installed to catch water that leaks and recycle it back into the pool but this is a short term solution and an entirely new shell is required. There is also a substantial amount of concrete cancer within the pool and as a result tiles are dislodging. Inspection of the pool gutters indicates the extent of silicone repair that has taken place but this is virtually the limit of what can be done without major reconstruction.

There is a minimum of around \$500,000 required for a new filtration system, given that requirements for pool filtration are about to be upgraded (the existing filtration does not even meet current standards), and will be required to be upgraded should a new shell be installed. Based on its current age and condition, it is estimated that funding of at least \$1m will be required within the next 5 years or the pool will potentially close. This funding will need to come from Council if it does not form part of the current bridge proposal.

Consultation at the drop-in sessions often tended to divert to a discussion about the pool rather than the replacement of the bridge. Significant attention was required to explain that the swimming pool complex relocation would be funded as part of a grant for the entire project. Either funding would be gained for the complete project including bridge works, road works and pool relocation, or no funding be awarded and this project would not proceed. It was also explained that once a funding agreement is signed by Council with the grant funding body, that there is no option to transfer the funds elsewhere and not build a new pool complex.



Consensus of staff in attendance at the pop-up sessions was that everyone agreed that a new pool would shortly be required at Wingham to replace the current ageing asset. However, those who trusted that Wingham would get a new swimming pool complex to the same standard as current typically chose the pool relocation option, whereas people that doubted a new pool complex would ever be delivered or that it may not be of the same standard as currently exists typically chose the existing alignment option. Again generalising, it tended to become a decision of do I choose the option better for traffic or do I choose the option that retains the existing pool as this then is the least risk to permanently losing the pool?

Of the feedback received at the consultation pop-up and in the survey responses, the majority support the pool relocation option, provided Council could guarantee that a new swimming pool complex would be provided, would be built before the existing pool is demolished, would provide the same facilities (50m competition pool, children's aquatic facilities, and amenities) and is located close to the CBD. Aside from wanting to maintain some of the history of the existing pool by relocating certain features of significance to any new site, there was limited, if any, sentiment that the pool had to remain at its current site.

Feedback from the community was that there are three obvious sites for the location of a new pool, being the Wingham Bowling Club (as they could be moving – see comments further below), the former “bottom pub” vacant land or the former car dealership site opposite the former bottom pub (this last site is not large enough to cater for a pool complex similar in size to that which currently exists). Another idea raised was a possible joint venture between the NSW Department of Education and Council for relocation to the Wingham High School land. The site most favoured by the community was the Wingham Bowling Club site.

During the consultation in Wingham, it came to attention of staff that the Wingham Bowling Club was considering an arrangement that would see them leave their current location adjacent to the Cedar Party Creek Bridge, to relocate to the Wingham Golf Club. Discussions held between staff and the Bowling Club Board during the consultation period indicated that there may be potential for the club to sell the property to Council.

The Bowling Club site is considered ideal for a swimming pool complex as it is close to Wingham CBD and the three nearby Schools, eliminating the need for students to cross a busy road when walking there. The pools could go where the greens currently exist, the existing buildings could be converted as an amenity building and the existing carpark could be used for people visiting the pool.

With agreement of the Wingham Bowling Club Board, Council have sourced a property valuation of the Bowling Club (see confidential Attachment) and as a result of its suitability as a pool relocation site recommend that the General Manager be delegated authority to negotiate the purchase and sign any contracts for purchase of the Wingham Bowling Club site, using S94 funds, with a view to relocating the pool to this site prior to demolition of the current pool.

### Community suggested options

Although there were quite a few suggestions from the community that were variations to the 8 considered alignments, there was also a sentiment presented by a few community members that indicated a desire to have heavy vehicles routed further away from Wingham's CBD.

There were two specific proposals:

1. Construct a new road from the intersection of Wingham Rd and Youngs Rd across to Comboyne Rd near the intersection of Khatabundah Rd. Heavy vehicles would then take this route and travel along Queen St and Price St before turning left onto Farquhar St over the rail bridge to the roundabout at the intersection of Farquhar St and Dennes St. Maintain Cedar Party Creek Bridge for light traffic.

2. Restrict heavy vehicles from using Wingham Rd and send them to Wingham via The Bucketts Way from Purfleet to Burrell Creek then Gloucester Rd to Wingham. Maintain Cedar Party Creek Bridge for light traffic.

In principle, the concept to re-route heavy traffic further from the CBD shows merit but in practice it is problematic.

Both options require the existing Cedar Party Creek Bridge to remain in place to service light vehicles. Even though the life of the current bridge would be extended if heavy vehicle traffic was eliminated, it is still a timber structure that poses a risk of failure and will deteriorate and require ongoing and increased maintenance. Aside from the financial burden of maintenance, it will get to a stage in the not too distant future, where there will be no option other than replacing it. Any option that does not seek replacement of Cedar Party Creek Bridge does not meet the objective of the current available grant funding. In the event that grant funding was used for a heavy vehicle bypass, it is considered that it would not be possible to attract grant funding for replacement of Cedar Party Creek Bridge to support light traffic only. This would need to be funded by Council. The potential exists in this scenario that the existing bridge may be closed and all traffic diverted via the heavy vehicle bypass routes thereby having a significant impact on Wingham business and those living within the township.

The bypass for heavy vehicles across to Comboyne Rd also presents some specific issues. Heavy vehicles would be directed past 37 homes and a pre-school that currently does not see this traffic. A large portion of Queen St is affected by the 1 in 20 year flood event. The bridge over rail at Farquhar St is not suitably rated to take heavy vehicle traffic expected into the future. Road works would be required to provide for truck turning movements from Price St to Farquhar St and at the roundabout at Farquhar St and Dennes St. The cost of such a by-pass would be in excess of the preferred options, without considering the additional cost needed to address Cedar Party Creek Bridge.

An alternate heavy vehicle route via The Bucketts Way and Gloucester Rd would not be supported by the freight industry. Currently approved as a B-double route, Purfleet to Wingham via Taree is 9km versus 35km via Burrell Creek. The freight industry value this difference at approximately \$10 million per year. Other concerns regarding this option are that The Bucketts Way, between Purfleet and Burrell Creek, is not classified as a Regional Road and as such does not attract RMS Regional Road funding whereas Wingham Rd does. Therefore maintenance of this road would need to be funded solely by Council. Gloucester Rd over Dingo Creek is also flood prone in a 1 in 20 year event.

Although the current freight route through Wingham is only one street away from the CBD, the fact that Combined St and Dennes St run parallel to the rail line limits the number of residences it passes to 28.

#### Community visual and heritage concerns

“Town entry would be spoiled by a large concrete bridge” was raised as a concern – the existing bridge is 85m long whereas the proposed curved bridge is 102m long and higher than the current bridge, therefore more visually prominent.

The fact that the proposed bridge and road are flat between the rail line and the intersection point with Combined St, will limit the visual impact of this bridge. With the proposed pool relocation option, landscaping opportunities exist where the pool was located and opposite it on the southern side of the road.

“The timber bridge is a part of Wingham heritage and should be maintained”, particularly as Wingham is promoted and well known as ‘the heritage town’ was raised as a concern – both proposed options presented to the community involved the removal of the current bridge.

It is recommended that Council investigate the feasibility of leaving the timber bridge in place and converting it to a pedestrian / cycle bridge. The concept would involve stripping the existing deck and guardrails then replacing it with a 3 metre wide walkway/cycleway with handrails. This would expose the attractive part of the existing bridge being the timber trestles. It is envisaged that this would tie Chrissy Gollan Park and potential new pool site together with the CBD and would not pose a large maintenance cost given the limited loads.

### **Considerations**

Apart from being the best option for traffic, the pool relocation option has the added benefit of obtaining a new pool complex for Wingham - there are currently no grants available for 100% funding for construction of pools.

What happens if no grant funding is attracted? The options available to Council would be to either close the bridge completely and have traffic use existing alternate routes, upgrade and maintain the current timber bridge at Council's cost, or replace the bridge with the most economical concrete bridge available. Upgrading and maintaining the current timber bridge could only be considered an interim solution to buy enough life to budget for a concrete replacement. The most economical concrete bridge would be at the same height as the existing bridge level and funded by Council as new bridges with no improvement over existing conditions do not attract grant funding. Hence, there would be no choice but to restrict the design criteria in the interests of affordability. As the deck height would be similar to existing, flood free access would not be achieved and there would be no opportunity to improve the existing intersection.

Based on the technical benefits for traffic improvement, the ability to achieve a new pool complex and the results of community feedback the preferred pool relocation option is recommended to proceed to a detailed design and for funding to be sought from the State Government to enable construction in the near future.

### **CONSULTATION**

It was recognised early in the project that the community would be very interested in this project and would be particularly concerned about the impact it might have on the swimming pool. Staff selected a cross section of the community to form a Reference Group to advise on how to best undertake community consultation. The Reference Group met on two occasions to determine the best way of consulting with the broader community.

It was the reference group, consisting of representatives from the school, the pool committee, Chamber of Commerce, freight industry, bus companies and community representatives that recommended the use of the “pop-up” (also known as “drop-in”) consultation rather than a public meeting. The Reference Group felt that this method would have a greater reach into the community, particularly if held in a venue in the Wingham CBD. The overwhelming majority of feedback from the community who attended the pop-up consultation was that it was the preferred form of consultation for this project as it enabled people to gain an understanding of the project at their own pace and to talk one-on-one with staff as to how this may affect them personally.

There were in excess of 500 people who attended the consultation between 27 April and 3 May 2017 at the CWA Rooms in Isabella St Wingham. Staff from Engineering, Strategic Planning, Parks & Recreation and Community Engagement made themselves available for the open hours, Thursday and Friday 12pm – 6pm, Saturday morning 8am – 12pm, and Monday to Wednesday 7am – 1pm.

The alternative being a public meeting would likely have attracted significantly less attendees as there would have been a single opportunity rather than 6 separate days/times which better met availability for the community to attend. In addition, the concern of the reference group was that members of the public are often reluctant to ask questions in such a forum and such a forum would be dominated by a vocal minority. Comments made to staff support this.

The Reference Group wanted staff to be available some mornings to enable people to stop in on their way to work. Staff found that despite being open from 7am that people generally were not coming in until 9am and that the afternoon/evening sessions were generally better attended, with the first day and the Saturday morning being the standout in regard to overall numbers.

Individual sessions were held at the CWA Rooms with interest groups including Wingham Advancement Group (WAG), Wingham Chamber of Commerce, Manning Alliance, Swimming Club, and Wingham Bowling Club Board. It was at this meeting with the Wingham Bowling Club Board that an agreement was made for Council to obtain a valuation on their property.

While there was support for the idea of a Reference Group helping Council decide upon the format of community consultation there was criticism that membership was by invitation only. It is suggested that any future use of reference groups for this purpose would be better if formed via an expression of interest and subsequent selection process, rather than by initial direct invitation.

## **COMMUNITY IMPACTS**

Assuming grant funding is received and this project proceeds to construction, positive community impacts include:

- a bridge that provides flood free (to the 1 in 100 year flood level) access over Cedar Party Creek for at least the next 100 years (design life);
- a safer intersection leading to Combined St with improved traffic flow;
- capability to support freight traffic to the local businesses; and
- replacement of a 50 year swimming pool facility with a new facility capable of serving the community for the next 50 years.

The negative impacts include:

- disruption to traffic during construction of the bridge (albeit this option has less impact than other options);
- that the new bridge will be more noticeable as it will be approximately 3.5m higher than the current bridge (as will any of the options); and
- loss of the historical link to the CBD and original pool via timber bridge (though to minimise this aspect it is recommended that investigation into maintaining the existing bridge as a walkway/cycleway across to Chrissy Gollan Park be undertaken. Also transferring the personalised tiles from the existing memorial pool and displaying them at a new pool complex would help to maintain the heritage of the current memorial pool).

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

The recommendations in this report align with the Community Plan, specifically:

- *The Manning Valley Community Plan 2010-2030*

Key Direction: Looking after what we've got

**Strategy 1:** Public assets and infrastructure will be planned, managed and funded to meet community needs and agreed levels of service.

**Action:** *Encourage community involvement in the design and care of community assets*

Strategy 2: Ensure the road system meets the transport needs of the community.

*Action: Replace all timber bridges, culverts and causeways on a priority basis, during the life of the Plan.*

## **TIMEFRAME**

Following endorsement of the preferred option, tenders for the detailed design will be sought in August. The RMS grant has a milestone to complete the detailed design by end of December 2017.

Construction grants would be sought in 2018. If successful, best case would be construction to commence in 2019.

## **BUDGET IMPLICATIONS**

- Design phase 100% funded by State Government grant.
- Land purchase for pool relocation funded from section 94 developer contribution funds.
- 100% grant funding to be sought for construction.

## **RISK CONSIDERATION**

Risk of doing nothing is the need to load limit or worse case is that the deck is permanently damaged through a storm event. This would require lengthy, time consuming and costly detours.

## **RECOMMENDATION**

1. That the Cedar Party Creek Bridge replacement option with alignment through the Wingham Memorial Swimming Pool proceed to detailed design.
2. That the detailed design also include investigation of the feasibility of conversion of the current bridge into a pedestrian/cycle bridge linking the Wingham CBD to Chrissy Golan Park.
3. That grant funding from the State and / or Federal Governments (circa \$19m) be sought to fund construction of the Cedar Party Creek Bridge replacement following completion of the detailed design.
4. That any grant application for the Cedar Party Creek Bridge replacement include the full cost of building a new swimming pool complex including a 50m pool, children's aquatic facilities and amenities.
5. That the Cedar Party Creek Bridge replacement project be contingent upon constructing the new pool before removing the current pool.
6. That authority be delegated to the General Manager to negotiate the purchase and enter into any contracts on behalf of Council utilising former Greater Taree City Council section 94 developer contribution funds for the Wingham Bowling Club site with a view to relocating the pool to this site prior to demolition of the current pool.
7. That, in the event that negotiations with the Wingham Bowling Club are unsuccessful, the General Manager be delegated authority to hold discussions with landowners with suitable sites for a new pool with the aim of entering into a Deed of Agreement or Memorandum of Understanding for the purchase of the site following receipt of grant funding and report back to Council before entering into any agreement.
8. That consultation be undertaken with the Wingham community on planning for the construction of a new pool following a site being secured.

## ATTACHMENTS

- A: Picture of preferred option
- B: Consultation Displays
- C: Survey results
- D: Bowling Club valuation (Confidential)

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

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

Details, should they be revealed, may result in commercial disadvantage to parties involved in the negotiations. Some information provided to Council by the other party 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 negotiations at this point in time.

## **6 CAPITAL WORKS REPORT - MAY, JUNE & JULY 2017**

**Report Author Rhett Pattison – Team Leader Project Delivery**

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

**Date of Meeting 28 June 2017**

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### **SUMMARY OF REPORT**

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

### **SUMMARY OF RECOMMENDATION**

That Council note the information included in this report.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Projects listed within this report are included in the 2016/17 Operational Plan of MidCoast Council or grant funding that has subsequently been accepted by Council.

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

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

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

### **DISCUSSION**

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

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

#### **Manning Region**

- Footpath upgrade on Manning St Taree is complete.
  - Drainage improvement works in Wootton Crescent Taree are due for completion late June.
  - Rehabilitation works on Combined Street and Dennes Street has recommenced and due for completion in June.
  - AC works in Victoria St Taree are due for completion late June then Crescent Ave resurfacing is due to commence.
-

- Diamond Beach Road reconstruction is progressing with current works between Pacific Drive and Diamond Drive.
- Kellys Bridge replacement including roadworks on The Bucketts Way Burrell Creek has commenced.

### **Great Lakes Region**

- The construction of a roundabout at the intersection of Kent St and Peel St, Tuncurry is completed.
- The rehabilitation of Manns Rd is complete.
- The reconstruction of Memorial Drive is progressing well. The conduits for underground power have been placed, the kerb and gutter on the water side has been completed and the first structural layer of asphalt has been placed. The final layer of asphalt is planned for late June. Works have commenced on the footpath on the water side of Memorial Drive.
- Coomba Road shoulder widening has commenced. This will see a section of road widened to improve road safety. This work will include the widening of a culvert to allow for the additional road width. Progress on this project has been hampered by wet weather causing significant delays.

### **Bulahdelah**

- The rehabilitation of the eastern end of Booral Rd is completed.
- The rehabilitation of the section of Willina Rd, adjacent to the Pacific Highway has been completed.
- Works have commenced on extending the seal on Willina Rd with works planned to be completed by the end of June.

### **Stroud**

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

### **Tea Gardens / Hawks Nest**

- Work has recommenced on Marine Drive reconstruction. These works will include reconstruction of the road.
- Charles St Reconstruction has commenced. The kerb and gutter replacement is underway.
- Works to rehabilitate and seal Cove Ave, Second Ave and Pleasant View Pde, Bundabah has been completed.
- The rehabilitation of a section of Toonang Dr is planned to commence in two weeks. This work will be undertaken between Petrel Place and Boondelbah Rd.

### **Gloucester**

- The Bucketts Way Upgrade - Project #84 reconstruction of the southern approach to the bridge over the Avon River at Stratford is complete. Completion of the northern approach is expected late in June.
- Geales Bridge Deck Replacement is progressing and due for completion in June.
- Tate Street Reconstruction / Rehabilitation works have commenced.

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



## **CONSULTATION**

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

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

## **COMMUNITY IMPACTS**

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

## **TIMEFRAME**

Details are reported within the attachment.

## **RECOMMENDATION**

That Council note the information in this report.

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## **ATTACHMENTS**

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

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

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## DIRECTOR COMMUNITY SPACES & SERVICES

### 7 INVESTIGATION INTO A BOAT LAUNCHING FACILITY AT NORTH ARM COVE

**Report Author** Andrew Morris, Parks Natural Assets Officer  
**File No. / ECM Index** Wharves, Boat Ramps, Jetties, North Arm Cove  
**Date of Meeting** 28 June 2017

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#### SUMMARY OF REPORT

The local community and the North Arm Cove Residents Association (NACRA) have campaigned over many years for a boat ramp and jetty with numerous submissions having been submitted to Council.

There is limited publicly owned foreshore land in North Arm Cove (see Annexure 1) and over time the majority of these publicly owned sites have been explored and discarded for reasons such as insufficient nearshore water depth or lack of protection from south-west wind waves.

Due to the lack of available public land, pursuing a boat ramp has caused significant angst within the community between proponents of the ramp and those who would be impacted by such a development.

This report and the supporting documentation developed by Royal Haskoning DHV (Attachment A) details the investigation undertaken in 2016 into potential sites for a boat ramp in North Arm Cove.

Two sites within North Arm Cove were identified for further investigation (Brackens Bay and Medina Bay). Concept designs and a rough order of magnitude costing were developed for these sites and presented to the community. Both sites have significant site constraints, and construction costs would be substantial relative to the size of the proposed boat ramps.

Medina Bay was seen as the preferred site, and a final concept design was developed and costed. While many community issues were addressed in this revised concept design, the site still presents significant constraints and it would be expected that construction and ongoing use of the boat ramp would impact neighbouring properties. There has been significant community response both supporting and opposing this site.

#### SUMMARY OF RECOMMENDATION

1. Based on the report developed by RHDHV, and citing the significant costs and associated impacts of constructing a boat launching facility (specifically, a boat ramp) at Medina Bay, it is recommended that no boat ramp be constructed in this location.
2. That no publicly owned land within the Village Zone (RU5) of North Arm Cove is dedicated to the development of a boat ramp.
3. That Council staff liaise with the RMS (Boating Now program) to undertake a bathymetric study of alternate sites for a boat ramp outside the Village Zone (RU5).

## FINANCIAL/RESOURCE IMPLICATIONS

Rough order of magnitude costs for a single lane Boat Ramp with limited parallel parking for 7-8 car and trailer combinations at Medina Bay have been estimated at \$1,293,416. Additional car parking options for future development have been identified, but not costed at this stage.

A portion of this amount could potentially be funded by Transport for NSW's Boating Now program. Transport for NSW has been contacted about funding contributions through the Boating Now program, however, at this time Transport for NSW is unable to provide a specific dollar value, as there are likely to be a large number of applicants to future Boating Now programs.

## LEGAL IMPLICATIONS

Nil

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## BACKGROUND

Following World War 1, plans were developed to establish Port Stephens City at the area known as North Arm Cove (NAC). The plans included provision for wharves, jetties, two railway stations and 2,000 residential lots. Subsequently, streets were laid out and development commenced, particularly along the foreshore. However, in 1963, Great Lakes Council (Council) closed most of the roads planned in the subdivision, setting aside a small area for residential expansion and zoning the remaining areas non-urban. At the time, planned boating infrastructure including wharves, jetties and pontoons were not considered.

Over this time, the local community and the North Arm Cove Residents Association (NACRA) have campaigned for a boat ramp and jetty, or wharf, with numerous requests submitted to Council. Due to the factors described above there is limited publicly owned foreshore land in North Arm Cove (see Annexure 1) and over time the majority of these publicly owned sites have been explored and discarded for reasons such as insufficient nearshore water depth or lack of protection from south-west wind waves.

Due to the lack of available public land, pursuing a boat ramp has caused significant angst within the community between proponents of the ramp, and those who would be impacted by such a development. In 2007, NACRA investigated the development of a boat launch facility on Merriwa Boulevard, north of the village zone. The costs associated with construction and proximity to a Marine Park Conservation Zone deemed this site unsuitable at the time.

As such, in 2012 it was resolved at Council's 27 March meeting to:

1. *Not pursue the formation of a formalised boat ramp in NAC within the current community reserves.*
2. *Investigate the possibility of a long jetty at Casuarina Reserve.*
3. *Ensure provisions, where appropriate, for boat launching facilities in any existing or new development that occurs in the area.*
4. *Develop a Plan of Management for Heros Bay Reserve dedicating the area for passive recreation, excluding other uses.*

Importantly, the report to Council highlighted:

*'the issue of not being able to launch a boat in NAC has developed a high level of frustration within the community as this need has become paramount in the local community's eyes. Recognising that NAC is surrounded by water, it is an unfortunate reality that at this point in time, and with the land resources currently under Council's ownership, the ability to provide for this community desire is limited'.*

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The Plan of Management for Heros Bay was developed and adopted by Council at its meeting of 25 February 2012.

On 14 August 2012 via a Notice of Motion, Council resolved to seek grant funding, or alternatively use existing finances if available, to conduct a study into the establishment of a boat ramp at Medina Bay.

Based on this resolution, this report details the investigation undertaken in 2016 into potential sites for a boat ramp in North Arm Cove.

### **INVESTIGATION PROCESS**

In 2016 funding was allocated through Transport for NSW's Boating Now program to investigate options for a potential boat ramp in North Arm Cove. This funding was administered by NSW Roads and Maritime Services (RMS) on behalf of the former Great Lakes Council and was included with a suite of other boating infrastructure investigation projects across the Local Government Area.

Royal Haskoning DHV (RHDHV) was engaged by RMS through a competitive tender process to undertake these investigation projects.

RHDHV undertook a review of background information as well as the existing planning, geographical, environmental and social contexts that would determine likely boat ramp locations. A site visit, community meeting and telephone interviews were held with both stakeholder representatives who were advocating for a boat ramp in the town and government agency representatives.

Nine sites were identified as potential boat ramp sites in or near the township (Annexure 2) and from this the two most likely locations were identified for further investigation (Medina Bay and Brackens Bay). Subsequent concept designs and indicative costings were developed for both sites and incorporated into a draft report.

The draft report was placed on public exhibition from 4 October 2016 to 23 October 2016. A drop-in centre was held at the North Arm Cove Community Centre on 18 October 2016. 38 people attended the drop-in centre and a further 51 email submissions were received regarding the project. The draft report was also presented at a meeting to State Government agency representatives for additional comment.

The draft report has been reviewed and updated based on feedback received through these processes and is provided as Attachment A. The findings summarised below are explored in greater depth in this report.

Upon request, Council staff met with residents who neighbour the proposed Medina Bay site on 23 January 2017 who were concerned about the potential impacts of a boat ramp on their premises with respect to noise, view, property value, removal of trees etc. Due to the small size of the reserve, the boat ramp would be constructed within 30m of the neighbouring resident's houses and as close as 19 metres from the rear elevation of one neighbouring house. Residents had also taken regular tidal measurements and conveyed their concern that the proposed boat ramp would only be usable no more than 40% of the time due to tidal variation.

On 29 March 2017 Council received a letter accompanied by 167 signatures requesting that Council give favourable consideration to the establishment of a boat ramp at Medina Bay.

## DEMAND FOR FACILITIES

The 2011 Census indicated the population of North Arm Cove was 422 people and the median age was 60. There were 308 dwellings in North Arm Cove, of which 123 were private unoccupied dwellings. During the peak holiday season and given the high proportion of unoccupied dwellings, it is possible that the population would double. It is however difficult to ascertain demand for a facility and boat ownership within the local community. RMS boat registration details by postcode have been reviewed, however the post code for North Arm Cove (2324) covers a large region that includes Raymond Terrace, Seaham, Karuah, Tea Gardens and Hawks Nest.

A survey by North Arm Cove community members in 2007 identified that approximately 100 of 407 residential allotments in the village zone have water frontage suitable for all tide access and some of these landholders have private launching facilities.

It is understood that North Arm Cove residents currently launch their boats from waterfront properties on private boat ramps or by informally accessing the foreshore through vacant blocks of land or through reserve areas with 4WD vehicles.

*Note: Launching (and storage) facilities for passive recreation craft such as dinghies, kayaks and canoes have recently been established at Casuarina Reserve and Water Street Reserve through funding pursued by the North Arm Cove Residents Association (NACRA) and provided through the NSW Government's Boating Now program. The bulk of the dinghies stored on site service the large number of moorings near NAC.*

## SUMMARY OF FINDINGS

The project scope for the investigation proposed that the boat launching facility would comprise a single lane ramp suitable for all-tide access as well as parking for car and trailer combinations. Nine potential locations for a boat ramp were identified, a summary of each location with regard to the main constraints is provided below.

Location	Land Tenure	Nearshore Water Depth and Foreshore Slope	Exposure to Coastal Processes	Proximity to Residents	Proximity to 'Priority Oyster Aquaculture Areas'
Heros Bay	Council owned	Unsuitable	Exposed to southwest wind waves	Both Sides	No
Wide Bay	Council owned	Suitable	Exposed to south and southwest wind waves. Sand regularly comes and goes from the site.	Both Sides	No
<b>Medina Bay (Lot 521)</b>	<b>Council owned land</b>	<b>Suitable</b>	<b>Protected</b>	<b>Both Sides</b>	<b>No</b>
Water Street	Public roadway	Unsuitable	Protected	Both Sides	Yes
Casuarina Reserve	Council owned land	Unsuitable	Protected	Both Sides	Yes
North of Community (Lot 1439 to 1458)	Private ownership	Unsuitable	Protected	No	Yes
Carrington	Council owned land	Suitable	Very exposed to south wind waves	No	No
Beauty Point	Private ownership	Suitable	No	No	No
<b>South side of Brackens Bay (Lot 829)</b>	<b>Private ownership</b>	<b>Suitable</b>	<b>Mostly protected, however, would be exposed to southwest wind waves</b>	<b>One Side</b>	<b>No</b>

The majority of the sites are not deemed to be suitable for a boat launching facility due to shallow water depths and/or exposure to adverse wave conditions associated with long south and southwest wind fetches across the Port Stephens waterway. The two sites deemed to be potentially suitable for future development and thus further investigation are Medina Bay (Lot 521) and the southern side of Brackens Bay (Lot 829). These sites:

- Have access to deep water;
- Are relatively protected from wind waves; and
- Are accessible from existing sealed public roads.

#### **A. Brackens Bay (Lot 829)**

Lot 829 is currently owned by Walker Corporation and zoned RU2 Rural Landscape. It is accessible from Promontory Way, which is a sealed road managed by Council. The block of land is relatively steep for access to the foreshore, however it does have access to deep water. The site would be protected from southerly wind waves and would be mostly protected from southwest wind waves. The site would be suitable for development with adjacent blocks on the opposite side of Promontory Way utilised for car and trailer parking. A sandy beach area is available at the head of Brackens Bay which would be suitable for small craft to pick up and drop off passengers.

Potential constraints at Brackens Bay include:

- Land tenure of Lot 829. Initial correspondence with Walker Corporation by RHDHV on this matter has indicated that they would be open to negotiate the use or sale of land holdings affected by boating infrastructure development proposals.
- Grade of the block, which is relatively steep and would require retaining walls or similar to level part of the site.
- Site topography and available area limits the ability to construct level parking areas without significant earthworks, therefore all parking needs to be located along the Promontory Way road reserve which fronts several privately owned lots.
- Proximity of seagrass beds, which a marine survey indicates are present and include highly valued Posidonia seagrass.
- Proximity of residents on the southern side of the block.

Community consultation identified additional community concerns with the site:

- Exposure to adverse weather conditions from SSE through to NW, with southerly wind waves reported to wrap around the point onto the site.
- Steep hill on approach to the ramp from the NE along Promontory Way encourages cars to travel over the existing speed limit of 50km/hr.

A concept plan has been developed for Brackens Bay, which includes:

- Single-lane, 25m long and 4.5m wide concrete ramp at the southern end of the site.
- 8m wide access from Promontory Way to allow two way traffic and comfortable passing of trailers.
- Manoeuvring area with a slope of 1:20 from the crest of the boat ramp. A retaining wall up to 4m high would need to be constructed around the manoeuvring area and part of the access road.

This concept plan is provided as Annexure 3.

A rough order of magnitude (ROM) cost estimate for construction of Brackens Bay boat ramp, based on the draft concept design has been developed by RHDHV:

Item No.	Description	Cost (excl. GST)
1	General and Preliminary Work	\$95,000
2	Site Preparation	\$7,500
3	Earthworks and Retaining Walls	\$555,500
4	Rock Protection along Access Road	\$23,625
5	Access Road, Manoeuvring and Derigging Area	\$100,080
6	Boat Ramp	\$111,975
7	Car and Trailer Parking Areas (30 spaces)	\$67,170
8	Installation of Services	\$33,800
9	Pedestrian Access	\$8,500
10	Site Disestablishment and Restoration	\$20,000
	Total	\$1,023,650
	30% Contingency	\$307,095
	<b>Construction Cost Estimate</b>	<b>\$1,330,745</b>
	Topographic Survey	\$5,000
	Hydrographic Survey	\$5,000
	Marine Ecology Survey and report	\$10,000
	Geotechnical Investigation	\$30,000
	Design Fees	\$80,000
	Environmental Assessment and Approvals	\$30,000
	Private land acquisition costs	Subject to negotiations
	Preparing, advertising and assessing tenders	\$25,000
	Site supervision and certification of the Works	\$40,000
	Administration	\$15,000

Construction plus investigation/approvals/administration costs as identified above are estimated at \$1,570,745. It should be noted that the ROM cost estimate above does not include land use or acquisition costs for Lot 829.

## B. Medina Bay (Lot 521)

The site has access to deep water and is protected from the large southerly wind wave fetch across Port Stephens. However, the water frontage is limited to approximately 19 metres. Access to the site from Cove Boulevard is relatively steep. Oyster leases are not located near the site and seagrass beds in the vicinity of the site are in small and localised patches. It would be suitable for development of a boat ramp facility and the site was the preferred location in a NACRA submission to Council in the 1990's. However, the proposal was reported to have received strong opposition from nearby residents and the submission was later retracted.

Potential constraints at Medina Bay include:

- Grade of the lot, which is relatively steep and would require large amounts of vegetation clearing as well as deep excavation and retaining walls to establish vehicular access and ramp manoeuvring area.



- Proximity of residents on both sides of the lot and subsequent impacts during construction and subsequent use (such as noise generated from increased road traffic, boat and jet ski engines).
- Only limited car and trailer parking space is available on existing available public land without undertaking substantial earthworks to manage steep topography.
- Possible future staged car and trailer parking options require acquisition of private land. Alternatively, parking along Cove Boulevard road reserve is an additional staged option, but this fronts several privately owned lots.
- Potential impact of the development on water access to the private property to the east of the boat ramp (ie Lot 525) relates to the definition 'Division of Waterways' by RMS. Although the property does not currently have a wharf facility, the impact on the ability of the property owner to construct a wharf in the future and/or to safely access their beach water frontage would need to be considered as part of boat ramp proposal.

A draft concept design was developed and presented to the community (Annexure 4). Additional constraints were identified through the community consultation process. As well as the impact of the development on neighbouring properties. The majority of concerns related to road safety due to the positioning of the ramp access way at the low point between two crests in Cove Boulevard and the location of the proposed trailer parking bays within the road reserve. Manoeuvring of trailers along small local roads, and reversing down a curved and steep (1:12 max slope) ramp were also raised. Other concerns included, but were not limited to:

- Roads leading into North Arm Cove are not designed for extra traffic that a boat ramp would generate and are too narrow for vehicles with boat trailers.
- Loss of the publicly accessible sandy beach area at Medina Bay.
- Requirement for toilets at a boat ramp.
- Boat ramp would attract jet ski owners into the sheltered area of the Cove, which doesn't currently have navigation restrictions.
- Rubbish disposal and anti-social behaviour associated with the boat ramp.

Concerns also related to approval of the project under the Environmental Planning and Assessment Act. If this project was to proceed beyond the concept stage, a detailed environmental assessment of the project would be required. Such an approvals process has been included in the rough order of magnitude costing developed by RHDHV.

A neighbouring resident has undertaken regular tidal surveys of the beach and believes that the proposed boat ramp length will only be usable 40% of the time. RMS guidelines and subsequently the concept design has been developed to be usable 80% of the time. Seabed levels in the report have however been derived from limited boat depth soundings taken during RHDHV site inspections and need to be confirmed via collection of bathymetric survey data if the project is to proceed.

A final concept plan has been developed for Medina Bay (Annexure 5) site which includes:

- Sealed 6m wide ramp, 26.7m long (ramp would be 4m from common boundary with 132 Cove Boulevard, and a retaining wall up to 4m high would extend for the length of the ramp along the common boundary).
- 8m wide 2-way access road.
- Parallel car and trailer parking.
- Options for future stage parking via purchase of nearby undeveloped privately owned lots.

A rough order of magnitude cost estimate for construction of Medina Bay boat ramp, based on the amended final design has been developed by RHDHV:

Item No.	Description	Cost (excl. GST)
1	General and Preliminary Work	\$95,000
2	Site Preparation	\$11,250
3	Earthworks and Retaining Walls	\$154,530
4	Access Road and Manoeuvring Area	\$87,550
5	Boat Ram	\$122,200
6	Car and Trailer Parking Areas	\$183,255
7	Stormwater Services and Drainage	\$109,150
8	Pedestrian Access	\$12,000
9	Site Disestablishment and Restoration	\$25,000
	Total	\$794,935
	30% Contingency	\$238,481
	<b>Construction Costs Subtotal</b>	<b>\$1,033,416</b>
	Topographic Survey	\$5,000
	Hydrographic Survey	\$5,000
	Marine Ecology Survey and report	\$10,000
	Geotechnical Investigation	\$30,000
	Detailed Design Fees	\$100,000
	Environmental Assessment and Approvals	\$30,000
	Preparing, advertising and assessing tenders	\$25,000
	Site supervision and certification of Works	\$40,000
	Administration	\$15,000
	<b>Other Costs Subtotal</b>	<b>\$260,000</b>

Total ROM cost estimate including construction plus other costs (as outlined above) equals \$1,293,416.

### C. Public Jetty

A public jetty for use by recreational boats as well as potentially providing a ferry link between North Arm Cove and the rest of Port Stephens was also investigated by RHDHV to potentially be incorporated into a boat launching facility.

Design vessel depth for identifying potential sites was 2m, which would cater for most cruisers and many of the yachts up to 40 feet in length that are moored within North Arm Cove. Based on discussions with local ferry operators it is understood that a depth of 2m at low tide is acceptable for ferry berthing at a public wharf facility. Ideally, parking would be provided for up to 20 cars.

Justification for such a jetty has also been presented by community members as a potential evacuation point during bushfire events. However this use of such a jetty is not supported by Rural Fire Service, and is thus not incorporated into this study. This stance has been previously conveyed to residents.

A total of ten sites were considered for the siting of a public jetty. With the exception of Brackens Bay and Medina Bay the sites were not deemed suitable for a jetty due to shallow water depths and/or exposure to adverse wave conditions. However, both sites are space constrained and would not be able to accommodate a boat launching facility and a public jetty. Furthermore, Brackens Bay is located on the outskirts of the North Arm Cove village area further away from the main tourist hubs of Tea Gardens and Port Stephens, which increases the distance for ferry operations to service the community.

An easement between No 53 and 55 Point Circuit is located in close proximity to Medina Bay and could potentially provide pedestrian access to a jetty. This was investigated further and included on the initial concept sketches for the Medina Bay boat launching facility. A ROM was developed for this project estimating total project costs to equal \$787,533.

The easement is approximately 6m wide x 80m long and is quite steep, with an average grade of 1:6. The steep grade and narrow width of the easement does not allow vehicle access to the jetty landing point, which was identified as an issue for North Arm Coves ageing population. There are also residents on both sides of the proposed access way.

The need for a public jetty was supported by most residents during the consultation phase, but was considered a lower priority than a boat ramp. In particular the issues with access to this jetty indicated that the proposed jetty location was not supported by the North Arm Cove community. It was considered that the primary function of the jetty should be for loading/unloading of supplies, equipment and personnel, and not as a ferry terminal. For these reasons, a jetty at this location was removed from the final design. In addition, stakeholders suggested that an on-ramp pontoon could serve both purposes of boat holding, as well as loading/unloading from recreational boats. To this end, an L-shaped on-ramp pontoon has been included in the final concept design for Medina Bay as a future staged facility.

## **ASSESSMENT OF CONCEPT DESIGN**

It was generally considered through community consultation that Brackens Bay was a less favourable site for a boat ramp in comparison to Medina Bay for several reasons:

- Private ownership of land parcel.
- Higher cost of construction.
- Presence of Posidonia seagrass, which the proposed boat ramp would likely have a significant impact on.
- Exposure to adverse weather conditions from the SSE through to NW, with southerly wind waves reported to wrap around the point into the site.

To this end, a final concept design has been developed for Medina Bay (Annexure 4). This final design addresses some of the issues identified through community consultation (for instance, total car and trailer parking has been reduced).

Despite a final concept design being developed for Medina Bay, there are still a number of unfavourable design aspects and environmental issues associated with this proposal that are related to problematic site constraints. These include:

- large amounts of vegetation clearing and earthworks required to provide site access;
- deep excavation and retaining walls required to establish vehicular access and ramp manoeuvring area;
- close proximity of surrounding existing residential dwellings;
- potential impacts of ramp footprint on water access to adjacent private property (subject to confirmation with hydrographic survey and navigation assessment to determine 'Division of Waterway');
- limited car and trailer parking space is available on existing available public land without undertaking substantial earthworks to manage steep topography; and
- possible future staged car and trailer parking options require acquisition of private land and these areas are located some distance away from the boat ramp, which is not ideal for the high median age of the North Arm Cove community.

## Comments on construction costs

Total ROM costs for construction of a boat launching ramp at Medina Bay are estimated at **\$1,293,416** including design and investigation costs.

It should be noted that it is considered that the costs of a boat ramp development at Medina Bay would be very high relative to typical installations in more suitable sites elsewhere in NSW. This is due to the challenging nature of the site which has steep terrain and requires establishment of vehicular access. Based on an appraisal of new boat ramp facilities built in the last 10 to 15 years, the costs of construction are typically in the order of \$300,000 to \$500,000 with smaller rural ramps costing less than \$100,000.

As a comparison, recent replacement of a single lane boat ramp at Smiths Lake and upgrades to associated car parking were costed at \$80,000 in 2016.

Comment from Roads and Maritime Services (RMS):

*Given that Council is likely to be the asset owner for this potential project, consent from the Council will be required prior to considering any funding requests for the project. Transport for NSW will be inviting Delivery Partners to submit applications for potential projects to be funded from Round Two of Boating Now in mid-2017. There are likely to be a large number of applicants for a limited budget therefore each project will need to be considered on its merits in providing value for money outcomes for recreational boating.*

## CONCLUSION

Due to the high cost, unfavourable design aspects and social issues associated with the chosen site (Medina Bay) it is difficult to justify public expenditure on the proposal from a 'value for money' perspective unless some resolution of these aspects/issues is achieved or alternative funding mechanisms are considered. Alternatively, opportunities may exist to upgrade/expand facilities in neighbouring areas that are currently utilised by boaters in the North Arm Cove area. These include existing boat ramps at Karuah and Tea Gardens.

As previously mentioned, a boat ramp at Medina Bay has *significant* support from a large portion of the North Arm Cove community and alternatives as described above will unlikely be supported by these community members.

In light of this situation, and expected dissatisfaction with this outcome, a third option has also been put forward by one North Arm Cove resident following the community consultation. This resident has investigated a site north of the village (Lot 1439 - 1458) and believes that it would provide suitable depth for a boat ramp, without impacting on neighbouring residents, as well as providing scope for jetty, parking and on ramp pontoon. This site is privately owned, but being outside the Village Zone (RU2 - Rural Landscape) would be unlikely to be developed under current planning arrangements. This site has previously been investigated by residents in the early 2000's but subsequently rejected. It may be worthwhile to pursue a formal bathymetrical survey of this site to confirm its suitability.

It is acknowledged that if this survey demonstrates that this site would be suitable, there are still significant barriers and costs to development of a formal boat ramp at this location.

## **RECOMMENDATION**

1. Based on the report developed by RHDHV, and citing the significant costs and associated impacts of constructing a boat launching facility (specifically, a boat ramp) at Medina Bay, it is recommended that no boat ramp be constructed in this location.
  2. That no publicly owned land within the Village Zone (RU5) of North Arm Cove is dedicated to the development of a boat ramp.
  3. That Council staff liaise with the RMS (Boating Now program) to undertake a bathymetric study of alternate sites for a boat ramp outside the Village Zone (RU5).
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## **ATTACHMENTS**

- A: Great Lakes Region Boating Development Studies, North Arm Cove Boating Development Plan

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

# 1. Land ownership and heritage, North Arm Cove



### NOTES


1. AERIAL PHOTOGRAPH DATED NOVEMBER 2012.


### LEGEND

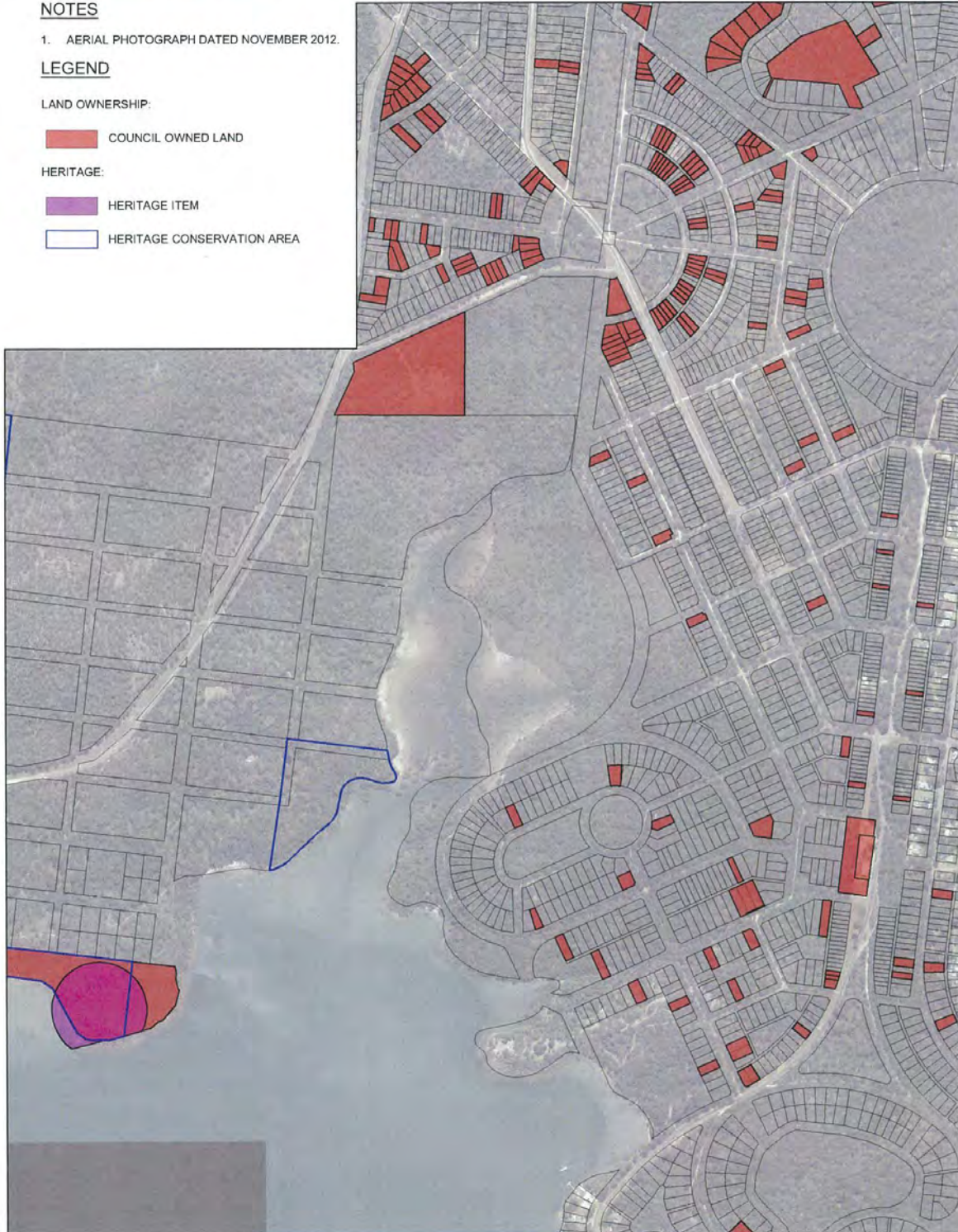
LAND OWNERSHIP:

 COUNCIL OWNED LAND

HERITAGE:

 HERITAGE ITEM

 HERITAGE CONSERVATION AREA



## 2. Study sites for potential boat ramp, North Arm Cove



NORTH ARM COVE  
STUDY AREA  
MAP 1

**NOTES**

1. AERIAL PHOTOGRAPH DATED NOVEMBER 2012.



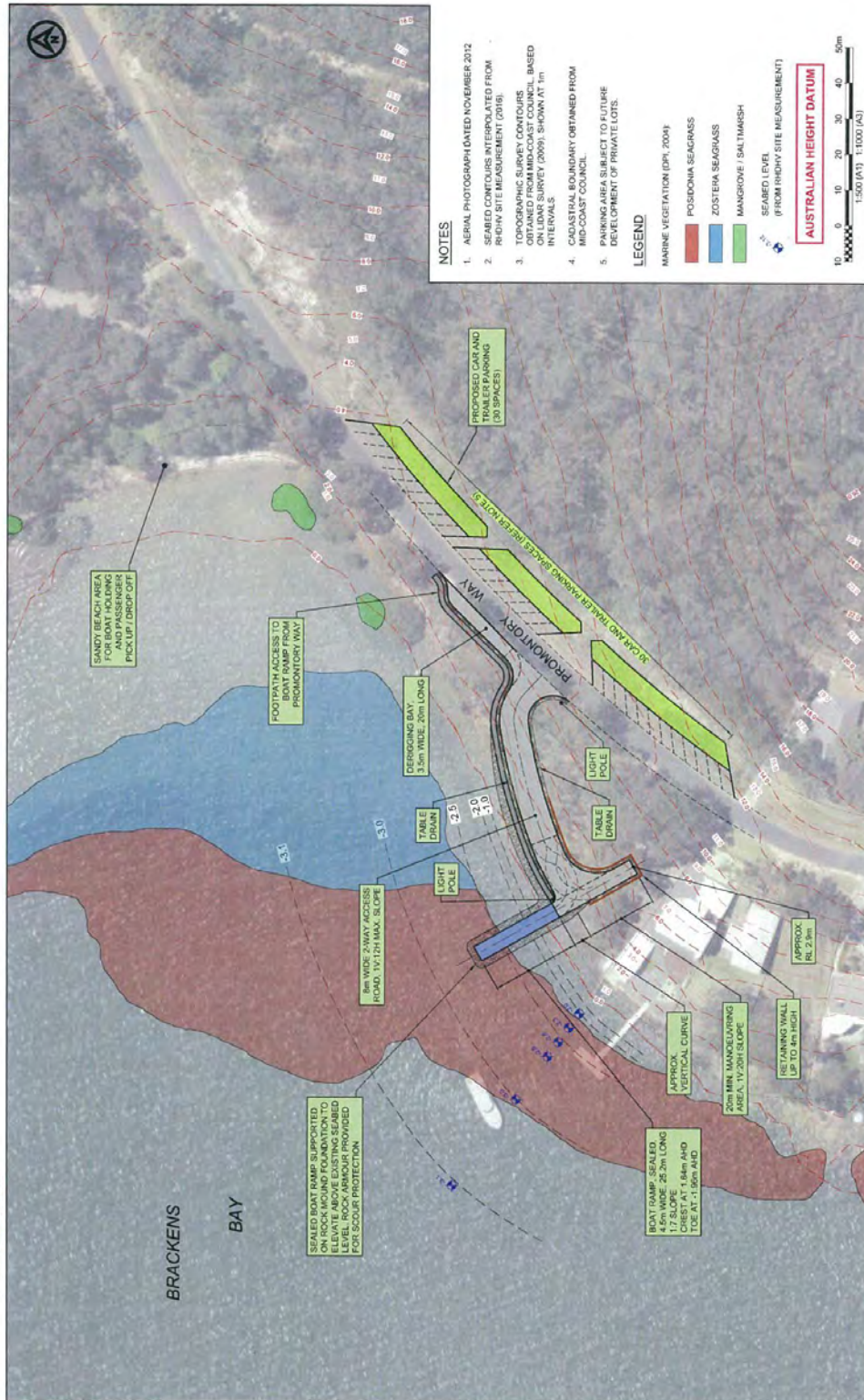
PA1268 - GREAT LAKES BOATING STUDIES

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SAVED: 10-Aug-16

### 3. Draft concept design, Brackens Bay

NORTH ARM COVE  
CONCEPT DESIGN  
POTENTIAL SITE - BRACKENS BAY  
MAP 3.1





#### 4. Draft concept design (as presented to community), Medina Bay

NORTH ARM COVE  
CONCEPT DESIGN  
POTENTIAL SITE - MEDINA BAY  
MAP 3.2



# 5. Final concept design (based on feedback from community), Medina Bay

NORTH ARM COVE  
FINAL CONCEPT DESIGN  
MEDINA BAY  
MAP 4



## 8 SOUTHERN PARKWAY STREET TREES

Report Author Kerrie Simmons, Recreation Coordinator

File No. / ECM Index Roads - Street Trees

Date of Meeting 28 June 2017

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### SUMMARY OF REPORT

In 2015, the former Great Lakes Council received a request from residents living on the Southern Parkway and Tandara Place, to remove seventeen Cook Pine (*Araucaria columnaris*) trees and one Norfolk Island Pine (*Araucaria heterophylla*) tree.

The trees were planted by the developer during the construction of the subdivision, (twenty years ago) to provide an avenue style planting with a high visual effect. The Southern Parkway is a wide feeder road and is able to sustain the species selection.

Council undertook a condition report on the trees which recommended that they should be retained, with correctional pruning to improve their vigour and appearance.

There are a further nine Cook pine trees (*Araucaria columnaris*) that are contained on the Southern Parkway that are not affected by the residents request for removal.

### SUMMARY OF RECOMMENDATION

1. That Council retain the seventeen Cook Pine (*Araucaria columnaris*) trees and one Norfolk Island Pine (*Araucaria heterophylla*) tree and undertake initial correctional pruning to develop a single leader to promote a healthy specimen tree.
2. That correctional pruning is undertaken as required to inhibit the growth of any co dominant stems that may have formed.
3. That Council provide additional funding of \$7,200 in the 2017/18 budget to undertake the initial pruning of the trees.
4. That Council carry out an additional assessment on the trees every two years.

### FINANCIAL/RESOURCE IMPLICATIONS

- The cost of correctional pruning is estimated at \$350 - \$400 per tree.
- Funding of \$7,200 is required be provided to undertake the initial pruning of the trees in 2017/18.
- Funding will also need to be provided on a biannual basis to allow any further works to be undertaken if identified in the additional tree assessments.

### LEGAL IMPLICATIONS

There is a legal requirement for Council to manage trees on Council land.

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### BACKGROUND

In 2015, the former Great Lakes Council received a request from residents living on the Southern Parkway and Tandara Place, to remove seventeen Cook Pine (*Araucaria columnaris*) trees and one Norfolk Island Pine (*Araucaria heterophylla*) tree.

The trees were planted by the developer during the construction of the subdivision, (twenty years ago) to provide an avenue style planting with a high visual effect. The Southern Parkway is a wide feeder road and is able to sustain the species selection.

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The residents raised a number of issues in relation to the trees including:

- The exposed root systems making lawn areas difficult to mow
- Pine cones dropping with the potential of hitting someone
- The mess from falling needles and branches including blocked gutters
- The expected height of the trees at maturity
- The possible damage to infrastructure
- The trees being unsuitable in their current location

## **DISCUSSION**

Council undertook an audit of each individual tree which determined that the majority of trees are Cook Pines (*Araucaria columnaris*), and not Norfolk Island Pines (*Araucaria heterophylla*) as originally believed by the residents.

The Cook Pine is often confused with the Norfolk Island Pine, due to the fact that they have a similar appearance. In this regard, it is important to note that the Norfolk Island pine grows twice as large as the Cook Pine and generally is not promoted as a street tree.

There are a further nine Cook Pines (*Araucaria columnaris*) that are contained on the Southern Parkway that are not affected by the residents request for removal. In conjunction with the trees which are the subject of this report they form part of a semi mature/mature corridor of trees with an aesthetic appeal that will take many years to replace should they be removed.

The audit had two specific recommendations

- That the trees be retained and correctional pruning be undertaken; or
- That the trees be removed and replaced at the cost of the property owners.

## **CONSULTATION**

Council met with the residents regarding the two recommendations outlined in the audit.

Council could not get concurrence from the residents with some wanting the trees removed and some wanting the trees retained.

- Ten residents indicated they would be willing to pay for the removal, however would prefer Council to pay.
- Seven residents were unavailable for comment.
- One resident requested that their tree remain.

The trees provide value to the amenity of the Southern Parkway by way of avenue planting and the ad hoc removal of some trees is not considered to be a suitable option.

## **RECOMMENDATION**

1. That Council retain the seventeen Cook Pine (*Araucaria columnaris*) trees and one Norfolk Island Pine (*Araucaria heterophylla*) tree and undertake initial correctional pruning to develop a single leader to promote a healthy specimen tree.
2. That correctional pruning is undertaken as required to inhibit the growth of any co dominant stems that may have formed.
3. That Council provide additional funding of \$7,200 in the 2017/18 budget to undertake the initial pruning of the trees.
4. That Council carry out an additional assessment on the trees every two years.

## **9 TUNCURRY SWIMMING POOL**

**Report Author** Kerrie Simmons, Recreation Coordinator  
**File No. / ECM Index** Parks & Reserves - Tuncurry Swimming Pool  
Parks & Reserves - Landscaping Major Design  
**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

This report seeks approval to commence a public consultation process surrounding the future use of the Tuncurry swimming pool. A further report will be presented outlining the findings of the consultation process and will include recommendations for the future use of the facility.

### **SUMMARY OF RECOMMENDATION**

1. That Council undertake community engagement (as outlined in this report) in relation to the future use of the Tuncurry Pool.
2. That alternate options for the use of the site including but not limited to its conversion into a water based play facility that provides inclusive activities for younger people be canvassed with the community.
3. That at the conclusion of the engagement period, a further report be provided to Council which outlines the input gained from the community in relation to the future use of the site.

### **FINANCIAL/RESOURCE IMPLICATIONS**

- \$70,000 has been provided from general revenue annually to undertake major repairs to the Tuncurry Swimming Pool facility.
- Council has undertaken the necessary repairs to allow the pool to remain open pending a decision on its long term viability.
- Council currently has \$205,699 in reserve for future repairs to the existing pool facility. This funding could also be used to convert the facility into a range of other uses.

### **LEGAL IMPLICATIONS**

There is a legal requirement for Council to manage all of its public facilities to ensure that they do not compromise public safety.

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### **BACKGROUND**

Tuncurry Swimming Pool was constructed in 1971/72 from funds raised by the community. The pool is 17m in length and 9m in width and has a number of inherent design issues that are not compliant with the best practice design for public swimming pools.

It is important to note however that there is no Australian Standard for Public Swimming Pools. Council manages all public pools within the guidelines of Practice Note 15 ( NSW Department of Health) and the Guidelines for Safe Pool Operation (Royal Life Saving Society of Australia).

Never the less, the design issues identified with the pool have the potential to compromise public safety, placing Council at risk of litigation should an accident occur. As a result, the longevity of the Tuncurry Swimming Pool, as a public facility, was a point of discussion for the former Great Lakes Council.

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A report on the condition of the Tuncurry Swimming pool was presented to Council in November 2013. The report contained a Building Condition Audit that was undertaken by Plan Solution Management in January 2011 and outlined both the current and long term condition of the swimming pool and its associated facilities.

The report to Council recommended that:

*Council reopen the Tuncurry Pool for 2013/14, and allocate the \$45,000 required to open the pool and that a further report be provided on accurate ongoing costs and usage of the pool.*

Council undertook the necessary work to reopen the pool which included repairs to the security fencing, dump shower (WH&S issue), an upgrade to the water supply and pump system.

Council also upgraded the signage at all four freshwater pools located in the former Great Lakes Area.

Council spends on average, \$55,000 annually to operate the Tuncurry Swimming Pool and maintain the associated facilities.

## **DISCUSSION**

MidCoast Council manages ten (10) swimming pools with Nabiac coming on line at the end of the 2015 swim season. 50% of these pools are managed by Council using the Statewide Best Practice "Remote supervision" risk management methodology for unsupervised pools. This effectively means that 50% of Council pools are not manually supervised and rely on signage to provide supervision.

This has made it difficult to provide accurate figures for usage of the Tuncurry pool however anecdotally usage is considered to be generally low by comparison to the running costs for the facility.

The size of the pool is also restrictive in relation to organised events and Council generally restricts this type usage at Tuncurry Pool, because it does not have the capacity to accommodate both organised and passive use.

The Building Condition Audit report referred to above examined the structural integrity of the pool and associated facilities and has identified that as a minimum a further \$450,000 is required to ensure the continued operation of the pool. This does not take into account the design of the pool and the potential for Council's exposure to public risk, which can only be rectified by reconstruction of the pool cell.

To this end, the pool is not typical in design to that of general public swimming pools and has the following issues regarding public risk:

- The height of the water to the concourse does not allow visible water depth signage to be placed within the shell of the pool advising the public of water depth.
- There are no entry, exit points at the deep end of the pool
- There is no equal access to the pool or entry to the pool area
- The unique design of the pool shell distorts the accuracy of the pool depth by making the water shallower at either end of the pool, approximately half a metre from the edge of the pool.

Council has on a number of occasions given consideration to the closure of the Tuncurry Swimming Pool, however it has not considered whether an alternate use of the facility could be accommodated that encompasses water play.

In this regard, it is important to note that history indicates that a section of community desperately want to keep the facility open and are of the view that there are no other comparable facilities in the locality. Staff however are of the view that alternate venues are provided at the following locations, within 2.3km (by road) of the existing pool site:

- Tuncurry Rock pool
- Forster Ocean Baths
- Little Street Baths
- Great Lakes Aquatic Centre

While the value of the Tuncurry pool to the community is acknowledged, it should not stop the exploration of other uses for the site given the issues previously outlined in this report. One of these options is to convert the facility into a wet play area (water park) which has the potential to receive far greater use by the community and fill a recreational gap in the provision of family based water activity that is accessible to all members of the community.

A water park allows for active wet play without a parent or care giver having to enter the water with the child. This provides a much safer and accessible space for parents, grandparents and caregivers to take younger children. The wet play also accommodates older children and those who are young at heart.

An example of this is the small wet play facility that was opened as part of the Nabiac Swimming Pool Complex. This has proven to be very popular with the community and has highlighted a need within the Forster Tuncurry area for the provision of a similar facility that targets the younger population as there are limited opportunities for safe play, particularly around water for this age group.

### **Tuncurry Recreation Precinct**

The Tuncurry Recreation Precinct contains:

- Point Road Boat ramp and jetty
- Tuncurry Skate Park
- Fazio Park
- Tuncurry Swimming Pool
- Lone Pine Park
- John Wright Park (pedestrian linkage under the Forster Tuncurry Bridge)

Council has been developing this area as a regional recreation precinct for the Forster Tuncurry locality and as part of this development Council is currently looking at the connectivity of these areas for pedestrian/cycle traffic.

The precinct is currently serviced by two small toilet facilities attached to the swimming pool amenities and does not have an all abilities facility available to the public. The closest accessible toilet is located in John Wright Park.

If the pool were to be closed and replaced with a water park, it would create an opportunity to refurbish the amenities to allow for equal access. This is not currently possible while the pool is in situ, as access to the pool is not available during the winter season.

## Forster Main Beach Precinct

Council is proposing to engage with the public to look at options to improve the recreation useability and value of the Forster Main Beach Precinct.

Whilst the two projects are separate it is important to look at the connectivity between the two spaces and associated facilities, so that a unique recreation experience is provided at both locations, which does not duplicate facilities.

## COMMUNITY ENGAGEMENT

Engagement is a core component of good governance and effective decision making. The International Association for Public Participation (IAP2) provides a five-point framework for measuring effective community engagement. Within this scale, we will aim to “Consult” and “Involve”, as we will listen to and acknowledge the communities input on the facility and possible future uses. We will also provide feedback on how this input has influenced any future recommendations.

While potentially linking in with the Forster Main Beach Precinct consultation, specific activities will be held to gather input from the community on the usage of the pool and the potential for other uses such as a water based play area.

We recognise the importance of the facility within the locality so the engagement will aim to get input from a number of communities of interest, including but not limited to families, children, older people, local businesses, visitors and nearby residents.

The proposed engagement activities are detailed in the table below:

Timeframe	Activity	Detail
July	Meetings with key stakeholders	These will be one on one meetings with people and groups who have an interest in the pool site. The aim of these will be to educate community representatives and discuss the potential use of the site for other purposes.
July	Pop up conversation hubs	These will provide an opportunity to have one on one conversations with the public about the potential options for the space. These will be set up as inviting, comfortable spaces to encourage people to come and talk to Council. Locations will include Lone Pine Park and popular local shopping precincts.
July/August	Online participatory budgeting tool	This is an online tool that will link to Council’s website and social media pages that asks people to prioritise the type of equipment and facilities they would like to see on the site, within a specified budget.
July/August	Engagement with hard to reach audiences	Specific activities will be held within local preschools, schools, playgroups and disability groups to target children, families and people who have a disability. These groups are considered to be key stakeholders and are also hard to reach audiences. By hosting specific activities with these groups it will ensure their input is captured.
Ongoing	Closing the feedback loop	Members of the community who have participated in any of the activities will be informed of the outcomes of the engagement process. This will ensure participants feel valued and understand how their input has influenced the decision making process.



Various communication channels will be utilised throughout the engagement process, to ensure that input is gained from a broad cross section of the community. These will include:

- MidCoast Council's website
- Facebook
- Newspaper and television
- School and preschool newsletters
- Posters and flyers
- Local email networks

A report will be compiled upon completion of the engagement detailing the input gained from the community on the project.

### **RECOMMENDATION**

1. That Council undertake community engagement (as outlined in this report) in relation to the future use of the Tuncurry Pool.
2. That alternate options for the use of the site including but not limited to its conversion into a water based play facility that provides inclusive activities for younger people be canvassed with the community.
3. That at the conclusion of the engagement period, a further report is to be provided to Council which outlines the input gained from the community in relation to the future use of the site.

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## **10 VIBRANT SPACES**

**Report Author Paul De Szell, Director Community Spaces and Services**

**File No. / ECM Index S503/02**

**Date of Meeting 28 June 2017**

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### **SUMMARY OF REPORT**

In late 2016 interest was expressed by both the business community and the Local Representative Committee (LRC) in extending the provisions of the Vibrant Spaces initiative detailed in the “Footpath activities in town centres” policy adopted in 2015 by the former Greater Taree City Council (GTCC).

This report discusses the results of the 6 month trial undertaken between December 2016 and May 2017 which extended the Vibrant Spaces initiative to the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.

### **SUMMARY OF RECOMMENDATION**

1. That the Vibrant Spaces initiative undertaken across the Manning Valley be permanently extended to the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.
2. That the existing policies and procedures which applied to footpath use in the former Gloucester and Great Lakes Local Government Areas be permanently suspended in Gloucester, Bulahdelah, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.
3. That a new MidCoast Council “Footpath activities in town centres” policy be adopted as per attachment C.

### **FINANCIAL IMPLICATIONS**

Extension of the Vibrant Spaces initiative to the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud will have a minor ongoing budgetary impact in the order of \$1,000 - \$2,000.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

An initial Vibrant Spaces trial was conducted in Taree in 2014. The trial concluded that the most appropriate way to manage footpath space in town centres is not through existing regulation but by way of policy. Consequently the “Footpath activities in town centres” policy was adopted by the former GTCC in 2015.

On 23 November 2016 a report was presented to Council seeking a proposed trial extension of the Vibrant Spaces initiative undertaken across the Manning Valley. As a result of the report an amended policy (see Attachment A) was adopted and it was resolved that a 6 month trial would be undertaken in discreet areas within MidCoast Council – specifically the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.

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## DISCUSSION

The purpose of the 6 month trial period was to assess the impacts of:

1. taking a minimalist approach to regulating the use of footpaths;
2. imposing just three key requirements for business owners; and
3. suspending the fees payable to use the footpath.

Specifically in the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.

Taking a policy position based on these principles, has historically delivered benefit where businesses are operating but would not otherwise choose to go through the process of obtaining development approval, then entering a subsequent licence arrangement with Council due to cost and regulatory impediments.

Additionally, the use of footpaths typically presents a “low risk” environment for the removal of traditional regulatory approaches to the management of footpaths in smaller town centres.

### Key Trial Themes

#### *Simplicity:*

Simplicity was crucial to the success of the trial. Providing a simple brochure outlining the three simple rules allowed for a clear understanding of the trial (see **Attachment B**). The sign-up process was very easy and provided an element of trust. Businesses need only to ‘tick a box’ confirming that they have undertaken the relevant steps.

#### *Facilitate vs Regulate:*

There is great potential for MidCoast staff to change and shift from being enforcers of rules and regulations to being advisors. With a better understanding of the barriers Council imposes on businesses, we were able to work together to remove the red tape that impedes business success.

#### *Access:*

The Australian Human Rights Commission outlines that for as far as possible, a footpath should allow for a continuous accessible path of travel. They have a range of footpath requirements including “a minimum clear width of 1.8 metres at the narrowest point and a minimum clear height of 2 metres”. This width is based on two people using wheelchairs having enough room to pass each other or turn around if required.

#### The Commission:

*... encourages local government authorities with responsibility for footpaths to develop policies that reflect this good practice, however, individual authorities must make their own decisions on how to proceed based on the needs of local communities, local conditions, historical practice and any unique heritage or environmental issues.*

In summary, the application of these guidelines is at the discretion of each Council and we need to consider better ways to engage community members who can provide advice to business and Council on access issues but also recognise that following these guidelines has been critical to the success of the trial.

### *Business Partnerships:*

The successful application of the trial has also been dependent on ongoing monitoring and coaching of business to respond quickly when things don't work. It is therefore imperative that we work with local Chambers of Commerce and anticipate that members of the Chamber can be trained to encourage and support the trial.

### **Outcomes from the 6 month trial period**

- the majority of participating businesses reported an increase in their sales and the number of people entering their store
- the number of cafes with outdoor dining increased
- improvements were implemented by local businesses at their cost to further improve the look of the street
- both the community and businesses reported wanting more chairs, more colour, more activity, more shops involved and the concept allowed across all our town centres
- improved perceptions about the town centres being more “friendly and inviting”
- no personal injury claims were received during the trial period in relation to any “Vibrant Spaces footpath activities”
- no complaints were received during the trial period in relation to any “Vibrant Spaces footpath activities”

The success of the trial was attributed to the:

- use of simple rules
- easy sign-up process
- removal of fees
- cooperation between businesses, the community and Council
- willingness of Council to trial and explore new ideas.

### **Benefits**

- Compliance staff (rangers) are able to dedicate more time to more significant unlawful activities (such as pollution and illegal dumping).
- Improved relationships between the business community and Council
- Better collective thinking between business in town centres to improve the streetscape.

### **COMMUNITY IMPACTS**

The Draft “Footpath activities in town centres” policy outlines the principles and activities that will guide practices to ensure that our town centres are vibrant and attractive.

### **RECOMMENDATION**

1. That the Vibrant Spaces initiative undertaken across the Manning Valley be permanently extended to the town centres of Bulahdelah, Gloucester, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.

2. That the existing policies and procedures which applied to footpath use in the former Gloucester and Great Lakes Local Government Areas be rescinded as they apply in Gloucester, Bulahdelah, Tea Gardens, Hawks Nest, Pacific Palms & Stroud.
  3. That a new MidCoast Council "Footpath activities in town centres" policy be adopted as per attachment C to this report.
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## **ATTACHMENTS**

- A. "Footpath activities in town centres" policy adopted by MidCoast Council in November 2016
- B. Vibrant Spaces Brochure
- C. Draft "Footpath activities in town centres" policy

## **ATTACHMENTS**

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

## **11 DRAFT COMMUNITY ENGAGEMENT POLICY**

**Report Author Jane Ree - Manager Engagement & Communication**

**File No. / ECM Index S1537**

**Date of Meeting 28 June 2017**

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### **SUMMARY OF REPORT**

This report proposes to place a draft Community Engagement Policy on public exhibition for a period of 28 days.

### **SUMMARY OF RECOMMENDATION**

That the Draft Community Engagement Policy be placed on public exhibition for a period of 28 days.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Funding required to administer the Policy and undertake community engagement activities will be made available through Council's adopted budget.

### **LEGAL IMPLICATIONS**

Under the Integrated Planning and Reporting Framework, Councils are required to engage with their communities. The Community Engagement Policy also fulfils requirements under the Local Government Act 1993 for a public policy that provides a clear standard for community engagement by Council that is commensurate with the nature, complexity and impact of the issues(s) or project.

Adoption of the Policy will eventually supersede the previous policies adopted by the former Great Lakes, Gloucester and Greater Taree City Councils.

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### **DISCUSSION**

This report recommends the public exhibition of a draft Policy that supports Council's Community Engagement activities and provides an outward-facing statement of Council's commitment to ongoing and meaningful engagement with its stakeholders.

The draft Policy outlines the principles and activities that will guide Council's community engagement practices to effectively contribute to Council's decision-making process, and ensure the delivery of an appropriate standard of service to residents within the MidCoast Local Government Area.

Additionally, the Policy will outline the circumstances under which Council will undertake community engagement activities using the International Association for Public Participation Australasia (IAP2) Community Engagement Spectrum as its base model for engagement.

The Community Engagement Policy is applicable to Councillors, Council staff, contractors and consultants undertaking engagement on behalf of Council, and will be supported by the MidCoast Community Engagement Framework and Toolkit.

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## **CONSULTATION**

Staff and community members have been consulted in the drafting of this policy.

## **COMMUNITY IMPACTS**

This policy outlines the principles and activities that will guide our community engagement practices to ensure they effectively contribute to Council's decision-making process.

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

Community Engagement practice is required to develop the MidCoast Community Strategic Plan and support its areas of focus across all elements of the quadruple bottom line i.e. Economic, Environmental, Social and Governance.

## **TIMEFRAME**

It is recommended that the Draft Community Engagement Policy be exhibited for a minimum period of 28 days.

## **RECOMMENDATION**

That the Draft Community Engagement Policy be placed on public exhibition for a period of 28 days.



## Policy

<b>Name:</b>	Community Engagement
<b>Policy code:</b>	
<b>Adoption by Council:</b>	<b>Minute number:</b>
<b>Last review date:</b>	June 2017
<b>Review timeframe:</b>	Every four years
<b>Next scheduled review date:</b>	2021
<b>Related legislation:</b>	<ul style="list-style-type: none"><li>• Local Government Act 1993</li><li>• Local Government Amendment (Governance and Planning) Bill 2016</li><li>• Environmental Planning and Assessment (EPA) Act 1979</li><li>• State Records Act 1998</li><li>• Government Information (Public Access) Act 2009</li><li>• Privacy and Personal Information Protection Act 1998</li></ul>
<b>Associated policies / documents:</b>	Nil
<b>Responsible department:</b>	Engagement and Communication

### 1. Policy Objective

MidCoast Council (Council) is committed to undertaking ongoing and meaningful engagement with its community and stakeholders. This policy outlines the principles and activities that will guide our community engagement practices to ensure they effectively contribute to Council's decision-making process.

### 2. Policy Statement

MidCoast Council will engage with community in an effective, timely and transparent manner to foster collaboration, cooperation, and increased understanding on issues that affect community and to ensure that community views are considered in the decision making of Council.

Council recognises that the level and extent of engagement must vary according to the nature, complexity and level of impact of the decision in question. The community engagement that Council undertakes will be guided by the level of community impact the potential decision has.

This Policy outlines the principles and activities that will guide the planning, design, implementation and evaluation of community engagement practices at Council and will be supported by operational procedures and documentation.

### 3. Scope

The Community Engagement Policy applies to all Councillors, Council staff, contractors and consultants undertaking engagement on behalf of Council.

This policy covers all processes implemented by Council to facilitate, encourage and enhance the level of community participation, and input to, MidCoast Council decision making.

### 4. Strategic Plan Link

Community Engagement is required to develop the MidCoast Community Strategic Plan and support its areas of focus.

### 5. Policy principles

- 5.1 Council acknowledges its obligations under the Local Government Act 1993 as they relate to consultation, participation and engagement.
- 5.2 The basis for community engagement is a five-point framework developed by the International Association for Public Participation (IAP2), namely:
  - **Inform** - to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, benefits and/or solutions
  - **Consult** - to obtain public feedback on alternatives, projects and/or designs
  - **Involve** - to work directly with the public throughout the decision-making process to ensure that community concerns and aspirations are consistently understood and considered
  - **Collaborate** - to partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.
  - **Empower** - where Council and community work in partnership to implement action and build community capacity (*Note - In the local government context elected representatives are responsible for making the final decision but this decision is informed based on engagement with community.*)

In line with this, Council will use a variety of methods for its engagement, ensuring the chosen method is appropriate to the project and the needs of the affected community.

- 5.3 Engaging the community is a core component of good governance and effective decision making.
- 5.4 Non negotiable elements that are unable to be influenced by community and other stakeholders will be made clear to ensure the transparency of the process and assist in setting realistic expectations.
- 5.5 Community satisfaction will be improved through engagement that is timely, clear and open about its purpose and the level of community input to decision making.
- 5.6 The engagement approach may be reframed as engagement progresses and more information is obtained from participants.
- 5.7 The outcome of engagement and the ways in which community input has influenced decisions will be communicated to participants. Council will avoid duplication or over-consultation.

5.8 Community feedback will be used to continuously improve the services Council provides.

5.9 In addition to community feedback Council takes into consideration other components that may impact on decisions that affect communities including:

- existing Council policies and resolutions
- assessed financial impact
- relevant State and Federal legislation
- technical and professional assessment and industry best practice as it relates to the issue
- the quadruple bottom line i.e. Economic, Environmental, Social and Governance impacts surrounding the issue.

## 6. Definitions

**Community** Community means the people who have a stake and interest in the MidCoast Council region and its future. It includes but is not limited to

- people who live, work, study or conduct business in Council's area, visit, use or enjoy the services, facilities and public places located within our region
- government and non-government agencies, community and businesses groups

**Engagement** Engagement is about asking the community to help Council make better decisions

Engagement allows Council to benefit from the local knowledge to create shared visions and find solutions.

Each engagement will be designed according to the needs of the project and the community. A variety of ways to be informed and provide feedback will be provided.

The level of input the community can have into decisions will vary depending on the range of circumstances.

**Process of engagement** The decision to engage with the community and the methodology to be used will be dependent upon specific circumstances.

Council will strive to ensure that stakeholders directly and indirectly affected by a decision and those likely to be interested in a decision are involved.

Council will consider the appropriate timing and duration, including the availability of community members and cultural sensitivities, in planning engagements. Council notes that its program of works, finance and other constraints will influence timing.

**References and Related Documents**

- Local Government Act 1993
- Local Government Amendment (Governance and Planning) Bill 2016
- Environmental Planning and Assessment (EPA) Act 1979
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998

**Responsible Officer**

Manager Engagement and Communication

**Attachments**

Sample community engagement plan framework

DRAFT

**Sample Engagement Plan template**

**Project Name:**

**Project Approved:**

**Project Owner:**

**Project due for Delivery:**

<b>Objective</b>	What are we aiming to achieve through this engagement stage? Objectives should be measurable.
<b>Scope</b>	What is the extent of the project and the focus for engagement?  Include: <ul style="list-style-type: none"> <li>• Size of project</li> <li>• Stages of engagement</li> </ul> Size/scope of project will determine which of these stages are required, and stages may need to be repeated throughout the project.  What is the level of engagement/influence? Explain the role of the community in determining the outcome. <ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult</li> <li>• Involve</li> <li>• Collaborate</li> <li>• Empower</li> </ul>
<b>Non -negotiable elements</b>	What decisions or project elements cannot be influenced by stakeholders eg: budget, viability, safety or legislative requirements? And what are the reasons?
<b>Timing</b>	When will the engagement commence and when it will be completed?
<b>Key Stakeholder/s</b>	Who is required to provide information, input or approval while developing the engagement (internal and external)?  Who is likely to be involved in the implementation of the decision?
<b>Communities of interest:</b>	Who would be interested or impacted by the decision? What sections of the community do we want to invite to engage?  Are there any hard to reach audiences? How do we target these?  Who are key influencers?
<b>Engagement methods</b>	What are the planned approaches? And will we build on the information obtained?
<b>Communications Channels</b>	What communication channels will best achieve our objectives?
<b>Risk</b>	What are the likely risks identified for this project? And how are they mitigated? Or are they accepted? Reference Risk Framework.
<b>Key messages</b>	What is the core message to deliver? Eg; what one thing do we need the audience to understand or do, as a result of the engagement? What is the engagement purpose?  What do we need to understand?
<b>Outcome / Next Steps</b>	What will happen as a result of the engagement and what is required next?  How will we inform/involve the community of the outcome?

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## 12 DISABILITY INCLUSION ACTION PLAN

Report Author Lyndie Hepple, Coordinator Community Strengthening

File No. / ECM Index Community Services - Disability Inclusion

Date of Meeting 28 June 2017

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### SUMMARY OF REPORT

The Draft Disability Inclusion Acton Plan was endorsed for public exhibition at the Council meeting on 24 May 2017. The draft plan was placed on public exhibition from 24 May to 20 June 2017, and submissions received have been considered.

The purpose of this report is to adopt the draft plan.

### SUMMARY OF RECOMMENDATION

1. That the draft Disability Inclusion Action Plan provided in Attachment A be adopted.
2. That a copy of the adopted Disability Inclusion Action Plan be lodged with the NSW Disability Council prior to 30 June 2017.

### FINANCIAL/RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

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

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### BACKGROUND

The Draft Disability Inclusion Action Plan was placed on public exhibition following the Ordinary Council meeting on 24 May 2017. The exhibition period ended at 4pm on 20 June 2017.

The Plan was developed in compliance with the NSW Disability Inclusion Act, 2014, and was the result of feedback obtained during consultation with the community.

### DISCUSSION

The exhibition period resulted in 6 responses from community and Council staff members.

The feedback has been overwhelmingly positive, with the following a sample of comments received:

*"As a person with various disabilities from military service, and also as a ratepayer and resident of MidCoast Council, I fully support the draft Disability Inclusion Action Plan (DIAP). I also commend Council for the work involved with this important initiative".*

*"Congratulations on a comprehensive, thoughtful document".*

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The following summarises the amendments that have been made to the document:

- A number of minor corrections (typographical errors and clarification of wording)
- The Strategy to conduct an audit of Council buildings has been amended to reflect the need to source funding to resource the strategy. This change was made after discussion with Council's accredited Access Assessor regarding the scale of the process. The timeframe has also been amended to 'ongoing' in recognition of this change.

## **RECOMMENDATION**

1. That the draft Disability Inclusion Action Plan provided in Attachment A be adopted.
  2. That a copy of the adopted Disability Inclusion Action Plan be lodged with the NSW Disability Council prior to 30 June 2017.
- 

## **ATTACHMENTS**

A: Disability Inclusion Action Plan

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



## **DIRECTOR CORPORATE & BUSINESS SYSTEMS**

### **13 ADOPTION OF 2017-2018 OPERATIONAL PLAN**

**Report Author** Lynn Duffy, Corporate Strategy Coordinator

**File No. / ECM Index** MidCoast Council - Delivery Program/Operational Plan 2017/2018

**Date of Meeting** 28 June 2017

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#### **SUMMARY OF REPORT**

This report allows for the consideration of submissions received in response to the public exhibition of the draft 2017-2018 Delivery Program / Operational Plan which also incorporates the Statement of Revenue Policy, Budget and Fees & Charges Schedule.

The 2017-2018 Delivery Program / Operational Plan represents the first fully integrated Operational Plan for MidCoast Council. The high level framework for the Plan is based on four key directions, objectives and strategies that reflect the Community Strategic Plans of the three former Councils as well as the values and attributes identified by the MidCoast community during recent consultation and engagement activities.

In future years, the framework for the Delivery Program and Operational Plan will be based on the Community Strategic Plan for the MidCoast Council area. This Plan is currently being developed with the community and will be presented to Council for endorsement by June 2018 in accordance with requirements for merged Councils.

There are a number of proposed adjustments to the draft Fees & Charges and these are detailed in the report.

#### **SUMMARY OF RECOMMENDATION**

1. That Council adopt the draft 2017-2018 Operational Plan (incorporating the Statement of Revenue Policy, Budget and Fees & Charges Schedule) including the proposed changes to the Fees & Charges as presented in the report.
2. That the rate of interest on overdue rates, pursuant to the provisions of Section 566 (1)(3) of the Local Government Act 1993, be set at 7.5% which is the maximum rate allowable by the Minister for Local Government for the 2017-2018 year.

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

Adoption of the recommendation will ensure that Council has the resources and finances available to provide services to the community for 2017-2018.

#### **POLICY IMPLICATIONS**

Nil.

#### **LEGAL IMPLICATIONS**

Consideration of public submissions and adoption of the Delivery Program / Operational Plan before 30 June is required by legislation.

## **BACKGROUND / REPORT**

The Local Government Act 1993 requires the following (in part) in relation to the adoption of its Delivery Program and Operational Plan:

### *404 Delivery Program*

- (4) *A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by council must be considered by the council before the delivery program is adopted by the council.*

### *405 Operational Plan*

- (1) *A council must have a plan (its operational plan) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.*
- (2) *An operational plan must include a statement of council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.*
- (3) *A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.*
- (5) *In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.*

In addition the plan aligns with the relevant Community Strategic Plans of the three former councils prepared prior to the amalgamation. This is in accordance with the guidelines for merged councils issued by the NSW Department of Premier and Cabinet, "a community strategic plan will be fulfilled by the community strategic plans of the former councils until the community strategic plan is reviewed and adopted by the new council following its first ordinary election."

The draft Operational Plan was presented to an Extraordinary Meeting held on 10 May 2017 where it was resolved:

*"That Council place the draft 2017-2018 Operational Plan on public exhibition for a period of not less than 28 days to allow consideration of its contents by the public and the lodgement of submissions during the exhibition period."*

The public exhibition period ran from Monday 15 May 2017 until Tuesday 13 June 2017 during which time members of the public were invited to lodge submissions on the contents of the plan. The documents were advertised and made available for review at Council offices. Council's website also contained a prominent link to where members of the community could access the draft plan and lodge a submission through a 'Have your Say' portal.

Public meetings were held in March 2017 which also highlighted the upcoming opportunity to comment on Council's plans for 2017/2018.

## **DISCUSSION**

### **Submissions**

Council received one submission from Mr D Poole in relation to the draft 2017-2018 Operational Plan. A copy of the submission is included as Annexure A.

Mr Poole's submission requests additional information from Council and asks a number of specific questions, rather than proposing any specific changes to the draft content of the 2017-2018 Operational Plan. It should be noted that Mr Poole regularly requests information from Council which is provided wherever possible and reasonable, which includes some of the same items raised in the submission.

A summary of the information requested or queried in the submission includes:

- Specific details on the revenue from and value of investments of Council including how 'investments' are defined
- General query on whether measures are quantifiable, and queries what level of detail is provided in the Plan
- Query as to why specific project measures are not listed under the section which discusses in general terms how Council will report to the community on the Integrated Planning & Reporting framework
- Query as to why the plan includes simple performance measures against actions rather than very specific measures on projects
- Request for extensive details on a number of asset and project management items

The 2017-2018 Operational Plan is based on an interim framework which complies with Integrated Planning & Reporting (IP&R) guidelines. A major review of Council's IP&R documents will be undertaken in association with the development of the first Community Strategic Plan for the MidCoast area and in consultation with the newly elected Councillors in late 2017 or early 2018. This review will inform the structure and information provided in the 2018-2019 IP&R documents.

Mr Poole's requests for additional information to be included in Council's plans will be considered as part of that review and it is not proposed to change the level of detail included in the draft 2017-2018 Operational Plan.

In terms of Investments, an Investment Report is provided monthly to the Ordinary Council meeting. Council's investment portfolio is managed in accordance with the Minister for Local Governments Ministerial Investment Order and Council's Investment Policies.

### **Summary of submissions**

The submission provided does not require a specific resolution to action.

### **2017-2018 Fees & Charges Schedule**

There are a number of proposed changes to the draft Fees & Charges schedule that was placed on public exhibition. The changes represent items that were duplicated or omitted from the draft due to the complexity of combining three Fees and Charges schedules into a single document. Further review by staff since the draft was placed on exhibition have highlighted adjustments that need to be made prior to the adoption of the Fees & Charges schedule.

Also attached is a confidential set of fees and charges for Council's Building Services (Confidential Attachment A). Due to the competitive nature of these services, these are considered to be commercial in confidence.

The page references below align with the draft Fees & Charges schedule that was placed on public exhibition.

## Page 26

### Caravan Parks

*The following lines have been removed as they were duplicated:*

- New caravan park
- New caravan park - Minimum fee
- Annual Fee
- Annual Fee - Minimum Fee
- Replacement approval to new owner

## Page 37

### Certificates – 603

- Amended amount to \$80.00

### Fax or Email Certificates additional fee

- Deleted "\$5.50 fee" - Fee is being provided for free at one office therefore, inconsistent to charge at other locations.

## Page 59

### Footpath – Outdoor Eating etc

As the Vibrant Spaces trial has now finished the following amendments have been made.

- Heading - "Footpath – Outdoor Eating, Occupation & "A" Frame Sign Policies" has had "for Forster & Tuncurry only" added.
- Deleted "Vibrant spaces trial except Forster & Tuncurry"
- Deleted "Pacific Palms through to other villages"
- Deleted "Taree" below "Footpath Approval fee – Exclusive use/permanent structure (per Square metre per annum)"

## Page 66

### Health Inspections

*Whole Health Section deleted and replaced with:*

#### Health inspections

- |  |         |
|--|---------|
| - Skin Pen, Hair, Beauty, Public Health (other) Inspection | \$140*  |
| - Inspection- Pre-purchase & Report                        | \$250   |
| - Inspection- Follow-up                                    | \$125   |
| - Inspection- Public Swimming Pool                         | \$160   |
| - Inspection- Legionnaires                                 | \$165   |
| - Sampling   | At Cost |
| - Inspection- Environmental Industrial Compliance          | \$140   |

#### Food

- |  |         |
|--|---------|
| - Annual Administration Fee                              | \$310   |
| - Inspection Fee   | \$140   |
| - Inspection- Follow-up                                  | \$125   |
| - Inspection- Pre- purchase & Report                     | \$250   |
| - Inspection- Food Vending Vehicle                       | \$140*  |
| - Inspection- Temporary Food Stall Inspection- High Risk | \$70*   |
| - Inspection- Temporary Food Stall Inspection- Low Risk  | \$50*   |
| - Sampling   | At Cost |

## Page 71

### Memorial Benches

- Deleted "Memorial Benches" as per Council resolution

## Page 73

### Onsite Sewage Management Systems

Entire page deleted and replaced with the following:

#### On-site Sewage Management Systems s68 Applications

- Application to Install an On-site Sewage Management System	\$400
- Commercial (non-domestic OSMS <10,000L/d capacity)	\$835
- Commercial (non-domestic OSMS >10,000L/d capacity)	\$1,650
- Application to Alter an On-site Sewage Management System	\$350*
- Amended Plan	\$100*
- Application to amend an Approval	\$215

#### On-site Sewage Management Program- registration, annual fees & inspections

- Registration fee (OSMS never been registered)	\$215
- Inspection- Pre-purchase & Report	\$310
- Inspection- Follow-up	\$230*
- Annual Approval to Operate Fee	\$70

## Page 112 to 117

### Waste

- Sect 88 Levy increased from \$78.20 to \$79.60 on multiple pages

#### Contaminated Bin reinstatement fee - \$75 for all 3 areas

- Currently advertised as - Great Lakes \$40, Taree \$125, Gloucester NIL - Changed to align fees, was missed in initial alignment.

#### Treated Timber - \$170 per tonne

- Currently advertised as \$175 - Changed to align with mixed waste charges.

#### Tyres - \$375 per tonne

- Currently advertised as \$350 - Changed to reflect increase in recycling processing fee.

### New fee

#### Maximum interest on overdue rates & charges

The Office of Local Government have advised that in accordance with Section 566(3) of the Local Government Act that the maximum rate of interest payable on overdue rates and charges for the 2017-2018 rating year will be 7.5%. It is recommended that Council adopt this rate of interest to apply from 1 July to apply on all outstanding rates and charges.

## 2017-2018 Budget

There have been a number of events that have occurred since the completion and exhibition of the draft 2017-2018 budget that will impact on the projected Operating Result. The Federal Government has handed down the 2017-2018 Budget which announced the re-indexation of the Financial Assistance Grants to local government. This will have a positive impact on the Long Term Financial Plan. The actual impact is unknown at this time due to the nature of the allocation calculation undertaken by the NSW Grants Commission, however as a merged Council we will continue to receive at least the same amount that would have been allocated to the former 3 councils individually.

The Federal Government has also made advance payments to all councils during the 2016-2017 financial year. This will result in a larger projected Operating Deficit for 2017-2018 as income that was budgeted to be received in that financial period has been received earlier than anticipated. This amount was approximately \$8.5 million. This amount has been transferred into a restricted investment and will be redeemed during 2017-2018, the year in which it was expected to be received.

The structure for the Growth, Economic Development & Tourism section has also been finalised since the completion of the draft budget. The costing of this structure does have an impact on the projected bottom line but the final impact has not been determined at present given other changes in staffing. There are vacancies within the structure that will not be filled at 1 July which will create savings and there are some staff who were budgeted for in 2017-2018 who have chosen to leave Council at 30 June 2017 which will also result in savings which will also off-set other increased costs. Any net increase in expenditure will be funded from the former Great Lakes Quarantine Reserve and will ensure that the working budget result is a balanced budget for 2017-2018.

The actual impact of these items will be included within the September Quarterly Budget Review.

## **CONSULTATION**

The draft 2017-2018 Operational Plan was placed on public exhibition as required by legislation and provided an opportunity for members of the public to make submissions on its content. Only one submission was received during the exhibition period.

There are a few extenuating circumstances that may have influenced the minimal number of submissions received and although there is no evidence-base for these it may provide some insight as to the minimal interest shown by the community, including:

- Since MidCoast Council was created on 12 May 2016 an extensive and regular community engagement program has been undertaken on a wide-range of topics including: corporate strategy, MidCoast identity and branding and project specific engagement across the Council area. This can lead to 'engagement overload' where the community focuses on specific areas of interest rather than the broad plans of Council.
- MidCoast has ensured regular communication through multiple channels regarding Council's focus areas. The primary focus has been on the increased funding being provided through the merger for the community's top priority area, the condition of local roads. Regular media is also provided on the wide range of services offered by MidCoast Council to its community, and the increased capacity of Council to deliver these more efficiently and effectively to its customers.

## **RECOMMENDATION**

1. That Council adopt the draft 2017-2018 Operational Plan (incorporating the Statement of Revenue Policy, Budget and Fees & Charges Schedule) including the proposed changes to the Fees & Charges as presented in the report.
2. That the rate of interest on overdue rates, pursuant to the provisions of Section 566 (1)(3) of the Local Government Act 1993, be set at 7.5% which is the maximum rate allowable by the Minister for Local Government for the 2017-2018 year.

## **ATTACHMENTS**

A: Confidential Fees & Charges - Part 4A Contestable Services Fees

### **REASON FOR CONFIDENTIALITY**

Attachment A has been classified as confidential and circulated to the Administrator and Senior Staff only. The Attachment has been classified as **CONFIDENTIAL** in accordance with Section 10A(2) of the Local Government Act 1993, 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:
- (ii) confer a commercial advantage on a competitor of the council

**ANNEXURE**

**A: Submission to draft plan - Mr D Poole**

- Submission questions/ comments and recommendations  
 “Council’s main sources of revenue are rates, government grants, investments, fees and other charges. This income is used to provide the community with a range of services.”  
*Please advise how much revenue is provided from investments, and the value of those investments. (a simple return on investment calculation can then be made)*  
*Please advise what the investments are. For example, is plant and equipment owned by council seen as an investment? Does it have a return? What is the return? How is the return calculated?*

“About the plan..... It includes measures to track our progress in achieving the activities.”

*Are these measures quantifiable, and what level of detail is provided?*

“Objective 7: Provide a transport infrastructure network that meets current and future needs

7.1 Identify, plan and manage a transport network that is based on recognised asset management principles

7.2 Maintain the transport network infrastructure to agreed service standards

7.3 Plan and develop safe pedestrian and cycle traffic paths

7.4 Develop and implement a stormwater plan that meets environmentally sustainable standards”

“How we will report on progress ..... Budget review • Quarterly • Reports on performance against the adopted budget Performance report • Six monthly • Reports on performance in implementing the activities in the Delivery Program and Operational Plan”

*Why are reports against projects not described here? If there are reports against projects, how often are they made, who to, in what format?*

Activity ref.	2017/18 Actions	Performance Measure	MidCoast Council Responsibility
7.2.1	Deliver annual programs for: - urban, rural and regional road renewal and construction - urban, rural and regional road maintenance - bridge upgrade/replacement - wastewater upgrade - fill management inspectors - compliance with allocated budgets	% of individual programs completed % of individual programs budget expended	Operations
7.2.2	Deliver renewal, rehabilitation, resurfacing and maintenance program as per RMS contract specifications	% of individual programs completed within contract specifications	Operations
7.2.3	Develop a procedure to outline how the maintenance of transport assets will be delivered across MCC specifying interventions levels and response times.	% developed	Operations
7.2.4	Review and update the 3 year rolling capital works program for regional roads, local roads & bridges	Annual program report to Council for adoption	Transport Assets
7.2.5	Assign the annual maintenance and capital budgets to Projects & Design and Operations sections for capital projects and maintenance delivery	Annual budget development and approval by council	Transport Assets
7.2.6	Seek alternative funding sources for capital enhancement and renewal programs including routes and one-off grants	Additional annual funding sources	Transport Assets
7.2.7	Develop and implement traffic management strategy and plans for priority areas	Actions implemented for priority traffic management issues	Transport Assets
7.2.8	Ongoing management and support of the Mid North Weight of Loads group (including protection of road pavements) through ongoing surveillance and education programs	Surveillance and education activities undertaken	Transport Assets

*Why are the performance measures so simple? For example, percentage of individual programs budget expended. Does this mean that there has been poor performance if over 100% of the budget has been expended on completing the project within the program?*



*Why cannot the performance measures be a series of performance measures for each project? For example, the scope of work completed within the budget and within the timeframe planned for.*

From the asset management program capital works.

Roads, bridges, footpaths and drainage make up the majority of the program with a total expenditure of approximately \$30 million on these assets..... These programs are based on detailed condition ratings regularly undertaken by Council.

*Could Council please explain and show the plan and program of activities, and the budgeted costs, and the output from these detailed condition ratings regularly undertaken by Council.*

*Could council also explain how whole of life cost plans are utilised in developing this figure and how this expenditure relates to whole of life cost plans? Could council please provide copies of the whole of life cost plans?*

Council utilises the condition data and asset hierarchy as the basis for developing asset management plans. Based on these plans, the priority projects are as follows. Additional information on the priority of a particular road can be obtained by contacting Council's Transport Assets Section.

PLANNED CAPITAL WORKS PROGRAMS	NOTES	Budget
<b>Roads, Bridges, Footpaths &amp; Drainage</b>		
<b>Urban road rehabilitation</b>		
Point Rd/Boat Ramp Access & Point Road (joint project with Parks & Recreation)		
Hadley St/Start kerb & gutter left hand side - Lake (Forster primary school frontage)		
Townsend St Strand to Chevrons		
Albert St - Florence to Manning		
Muldoon St - Whitbread to Kanangra		
Pulteney St - Albert to Wynter		
Queen Street		
Britten St Cemetary Rd to End		
Hume St Barrington St to Church St		
Tate St Tate St and Kendall St		
Tate St Kendall St to Lowe St		
		<b>\$5,092,000</b>

*Council should provide more information in relation to this expenditure. For each of the projects within the program, as a minimum a set of project plans should be developed even in high-level format, with a scope of works, a program (a time scaled bar chart is appropriate, with the major activities) and a cost plan, showing costs for each item of the scope of work, along with the S-curve based on the program, and this information should be provided in the plan.*

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## **14 MAKING OF ANNUAL AND OTHER CHARGES FOR 2017-2018**

**Report Author** Lee Howard, Revenue Coordinator

**File No. / ECM Index** MidCoast Council Operational Plan 2017/2018

**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

This report recommends that Council make the Annual Charges for 2017/2018.

### **SUMMARY OF RECOMMENDATION**

That the recommendations detailed in this report in relation to Annual Waste Management Services, Domestic Waste Management Charges, Stormwater Management Charges and On-site Sewage Management Fees / Charges for the 2017-2018 rating year be adopted.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Council's 2017-2018 budget has been developed and advertised on the basis of income received from these charges and fees.

### **LEGAL IMPLICATIONS**

The Local Government Act provides the legislative requirements that need to be complied with to ensure the legality of rates and charges.

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### **BACKGROUND**

Council is required on an annual basis to make and levy rates and charges through the service of a rates and charges notice. There are specific statutory steps that must be complied with to ensure the validity of these rates and charges.

The Local Government (Council Amalgamations) Proclamation 2016 provides that *"the structure for rates applied by a former council to rates levied for a parcel of land in a former area for the 2015/2016 rating year is to be applied by the new council to that parcel"*.

This means that for the 2017-2018 rating year there will be 3 rating structures operating for Mid-Coast Council based on the structures of the former councils. This extends to the area of Annual and other charges made and levied by Council.

The balance of this report sets out the individual recommendations for the making of the annual charges and fees for the three structures, together with ancillary items for which a resolution is required.

### **FORMER GREAT LAKES COUNCIL AREA**

#### **WASTE MANAGEMENT SERVICE CHARGES**

Properties subject to waste management charges will also be subject to the (S501) waste management charge. The (S501) charge is to be applied to each property where the service is available.

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**IT IS HEREBY RECOMMENDED THAT** in accordance with the provisions of Section 501 of the Local Government Act 1993, the following Annual Waste Management Charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge Per Unit</b>
Waste Management Charge	\$44.15

The Waste Management Charge is to be levied on all properties where the service is available. Properties containing more than one dwelling or utilising more than one service will be levied a waste management charge for each dwelling or service provided (includes units, retirement villages and other multiple dwellings where bulk bin containers may be supplied).

<b>Particulars</b>	<b>Charge per service</b>
Waste Management Commercial/Industrial (Standard)	\$440.50
Waste Management Commercial/Industrial (Weekly)	\$502.00
Full Rubbish Bin	\$338.50
Full Recycling Bin (fortnightly)	\$192.00
Recycling Bin(Weekly)	\$338.50
Organic Bin (fortnightly)	\$158.50

- The Waste Management Commercial/Industrial Charge (Standard) is to be levied on all non residential properties that are not currently being serviced by a privately arranged and approved waste service (excludes vacant land).
- The Waste Management Commercial/Industrial Charge (Weekly) is to be applied to non residential properties that are utilising a weekly pick up of recycling bins.
- Rubbish, Recycling and Organic waste charges are to be levied on all commercial properties requesting this service.

Provided that where the service to any premises shall be commenced after 1 July 2017 the above charge shall be reduced in proportion to the number of weeks which has expired before such service commenced.

## **ANNUAL DOMESTIC WASTE MANAGEMENT CHARGES**

**IT IS HEREBY RECOMMENDED THAT** the following charges for Domestic Waste Management be made in accordance with Section 496 (1) & (2) of the Local Government Act 1993 and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge per service</b>
Domestic Waste Charge	\$395.00
Vacant Domestic Waste Charge	\$22.00
Domestic Waste Rural Area	\$360.00
Waste Management Common Collection	\$360.00
Domestic Waste Charge - 75% charge	\$296.25
Additional 140 Ltr Domestic Waste Bin	\$225.60
Additional 240 Ltr Organic Bin	\$158.50
Additional 240 Ltr Domestic Waste Bin	\$338.50
Additional 240 Ltr Recycling Bin	\$192.00
Wheel in Wheel Out Service	\$360.00
Waste Management (non rateable)	\$395.00

- A domestic waste service charge for the removal of household waste (including kerbside recycling and organic where available) is to be levied on each domestic premises/non rateable property where the service is deemed to be available, or for the use of a common collection point.
- Properties containing more than one habitable dwelling will be subject to an additional domestic waste service charge for each habitable dwelling (includes units, retirement villages and other multiple occupancy dwellings where bulk bin containers may be supplied).
- A vacant domestic waste management charge to meet a proportion of the cost of administrative and fixed cost of the domestic waste management service will be levied on all vacant land where the service is deemed available.
- Properties that require additional bins will be charged for the additional services as detailed in the table above.
- An annual charge of 75% of the domestic waste charge applies to granny flats which meet the adopted criteria.
- Where the service to any premises is commenced after 1 July 2017 the charge/charges shall be reduced in proportion to the number of weeks that have expired before such service commences.

### **STORMWATER MANAGEMENT SERVICE CHARGE**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 496A of the Local Government Act 1993, the following stormwater charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Category</b>	<b>Charge</b>
Residential	\$25.00
Residential Strata	\$12.50
Business Strata	\$12.50
Business 0-700m <sup>2</sup>	\$25.00
Business 701 - 1400m <sup>2</sup>	\$50.00
Business 1401 - 2100m <sup>2</sup>	\$75.00
Business 2101 - 2800m <sup>2</sup>	\$100.00
Business 2801 - 3500m <sup>2</sup>	\$150.00
Business 3501 - 6300m <sup>2</sup>	\$200.00
Business 6301 - 10150m <sup>2</sup>	\$350.00
Business >10150m <sup>2</sup>	\$500.00

The charge for business properties is to be based on the area of impervious surfaces within a property, or if unknown the area of the property.

Properties created or built upon after 1 July 2017 will be subject to the appropriate Stormwater Charge.

### **ON-SITE SEWAGE MANAGEMENT**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 608 of the Local Government Act 1993, the following on-site sewage management approval fee be made and that such fee be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Fee Per System</b>
On-site Sewerage Management Approval Fee	\$70.00

The fee is to be applied to all properties containing a system that stores and disposes of sewage and wastewater on-site.

Properties containing more than one system will be subject to an additional on-site sewage management/approval fee for each system.

Properties installing a system that stores and disposes of sewage and wastewater on-site after 1 July 2017 will be subject to the full fee.

## **FORMER GREATER TAREE CITY COUNCIL AREA**

### **WASTE MANAGEMENT SERVICE CHARGES**

**IT IS HEREBY RECOMMENDED THAT** in accordance with the provisions of Section 501 of the Local Government Act 1993, the following Annual Waste Management Charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge per service</b>
Mobile 240L Waste/240L Recycling Bin Service	\$470.00
Mobile 240L Recycling Bin Service Only	\$240.00
Additional Mobile 240L Recycling Bin Service	\$175.00
Additional Mobile 240L Waste Bin Service	\$355.00
Mobile 240L Greenwaste Bin Service	\$210.00
Additional Mobile 240L Greenwaste Bin Service	\$185.00

- An annual charge for the removal of waste is to be applied to all commercial/industrial properties utilising Council's Mobile Garbage Collection Service.
- Provided that where the service to any premises shall be commenced after 1 July 2017 the above charge shall be reduced in proportion to the number of weeks which has expired before such service commenced.

### **ANNUAL DOMESTIC WASTE MANAGEMENT CHARGES**

**IT IS HEREBY RECOMMENDED THAT** the following charges for Domestic Waste Management be made in accordance with Section 496 (1) & (2) of the Local Government Act 1993 and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge per service</b>
Mobile 140L Waste, 240L Recycling, 240L Greenwaste Bin Service	\$430.00
Mobile 140L Waste, 240L Recycling Bin Service (Rural)	\$410.00
Waste Management Common Collection Point (140L Waste, 240L Recycling Bin)	\$410.00
Additional Mobile 240L Recycling Bin Service	\$170.00
Additional Mobile 140L Waste Bin Service	\$345.00
Additional Mobile 240L Greenwaste Bin Domestic Service	\$210.00
Domestic Waste Vacant Land	\$67.00

- An annual charge for the removal of household waste is to be applied to each domestic premise where the service is deemed available.

- A domestic waste management charge to meet a proportion of the cost of administrative and fixed cost of the domestic waste management service will be levied on all vacant land where the service is deemed available.

### **STORMWATER MANAGEMENT SERVICE CHARGE**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 496A of the Local Government Act 1993, the following stormwater charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Category</b>	<b>Charge</b>
Residential	\$25.00
Residential Strata	\$12.50
Business Strata	\$12.50
Business 0-350m2	\$25.00
Business 351 - 700m2	\$50.00
Business 701 - 1050m2	\$75.00
Business 1051 - 1400m2	\$100.00
Business 1401-1750m2	\$125.00
Business >1751m2	\$150.00

The charge for business properties is to be based on the area of impervious surfaces within a property or if unknown the area of the property.

Properties created or built upon after 1 July 2017 will be subject to the appropriate Stormwater Charge.

### **ON-SITE SEWAGE MANAGEMENT**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 608 of the Local Government Act 1993, the following on-site sewage management approval fee be made and that such fee be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Fee Per System</b>
On-site Sewerage System Administration Charge	\$70.00

The fee is to be applied to all properties containing a system that stores and disposes of sewage and wastewater on-site.

Properties containing more than one system will be subject to an additional on-site sewage management/approval fee for each system.

Properties installing a system that stores and disposes of sewage and wastewater on-site after 1 July 2017 will be subject to the full fee.

### **FORMER GLOUCESTER SHIRE COUNCIL AREA**

#### **WASTE MANAGEMENT CHARGES**

**IT IS HEREBY RECOMMENDED THAT** in accordance with the provisions of Section 501 of the Local Government Act 1993, the following Annual Waste Management Charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge per service per annum</b>
Tip Facility Charge	\$92.40
Waste Management Commercial/Industrial	\$484.00
Additional 240L Garbage (weekly)	\$187.00
Additional 240L Recycling (fortnightly)	\$110.00
Additional 240L Organics (fortnightly)	\$110.00

- Provided that where the service to any premises shall be commenced after 1 July 2017 the above charge shall be reduced in proportion to the number of days which has expired before such service commenced.

### **ANNUAL DOMESTIC WASTE MANAGEMENT CHARGES**

**IT IS HEREBY RECOMMENDED THAT** that the following charges for Domestic Waste Management be made in accordance with Section 496 (1) & (2) of the Local Government Act 1993 and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Charge service annum per per</b>
Waste Management Domestic (Standard)	\$484.00
Additional 240L Garbage (weekly)	\$187.00
Additional 240L Recycling (fortnightly)	\$110.00
Additional 240L Organics (fortnightly)	\$110.00

- A domestic waste service charge for the removal of household waste (including kerbside recycling and organic where available) is to be levied on each domestic premises/non rateable property where the service is received.
- Properties that require additional bins will be charged for the additional services as detailed in the table above.
- Where the service to any premises is commenced after 1 July 2017 the charge/charges shall be reduced in proportion to the number of weeks that have expired before such service commences.

### **STORMWATER MANAGEMENT SERVICE CHARGE**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 496A of the Local Government Act 1993, the following stormwater charges be made and that such charges be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Category</b>	<b>Charge per annum</b>
Stormwater charge	\$25.00

Properties created or built upon after 1 July 2017 will be subject to the appropriate Stormwater Charge.

### **ON-SITE SEWAGE MANAGEMENT**

**IT IS RECOMMENDED THAT** in accordance with the provisions of Section 608 of the Local Government Act 1993, the following on-site sewage management approval fee be made and that such fee be in respect to the 2017-2018 rating year commencing on 1 July 2017.

<b>Particulars</b>	<b>Fee Per System</b>
On-site Sewerage Management Approval Fee	\$70.00



The fee is to be applied to all properties containing a system that stores and disposes of sewage and wastewater on-site.

Properties containing more than one system will be subject to an additional on-site sewage management/approval fee for each system.

Properties installing a system that stores and disposes of sewage and wastewater on-site after 1 July 2017 will be subject to the full fee.

## **ALL FORMER COUNCIL AREAS**

### **IT IS FURTHER RECOMMENDED THAT:**

- A. In accordance with the provisions of Section 546 of the Local Government Act 1993 and Clause 127 of the Local Government (General) Regulations of 2005, Annual Waste Management Services, Domestic Waste Management Charges, Stormwater Management Charges and On-site Sewerage Management fee be included on the rate notice and the Interim General Manager is hereby authorised to prepare and serve such notices for and on behalf of Council.
- B. The rate of interest on overdue waste charges and stormwater management charges pursuant to the provisions of Section 566 (1)(3) of the Local Government Act 1993 be set at 7.5% which is the maximum rate allowable by the Minister for Local Government for the 2017-2018 year.

### **RECOMMENDATION**

That the recommendations detailed in this report in relation to Annual Waste Management Charges, Domestic Waste Management Charges, Stormwater Management Charges and On-site Sewerage Management Fees / Charges for the 2017-2018 rating year be adopted.

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**15 SUSPENSION OF ALCOHOL FREE ZONE - GLOUCESTER CHILL OUT 22 JULY 2017**

**Report Author Rob Griffiths, Manager Governance**

**File No. / ECM Index Alcohol Free Zones**

**Date of Meeting 28 June 2017**

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**SUMMARY OF REPORT**

The Gloucester Business Chamber has requested Council approve the suspension of the Alcohol Free Zone in the car park adjacent to the intersection of Denison Street and Billabong Lane to allow wine tasting to take place as part of the Gloucester Chill Out Festival.

**SUMMARY OF RECOMMENDATION**

That Council grant approval for the suspension of an alcohol free zone in the car park adjacent to the intersection of Denison Street and Billabong Lane, Gloucester, as outlined in red on the attached plan for the period of 9am to 3pm on Saturday 22 July 2017.

**FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Suspension of a specific area is permitted under Section 645 of the Local Government Act 1993.

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As part of the organisation by the Gloucester Business Chamber Chill Out promotion for 2017, Council has received a request to suspend part of the alcohol free zone in the car park adjacent to the intersection of Denison Street and Billabong Lane, Gloucester to permit local wineries to have wine tasting and sales stalls.

The chamber have liaised with police who have granted approval subject to the suspension of the alcohol free zone for the period and location of the activity (see plan attached). Section 645 of the Local Government Act 1993 allows for the suspension of an alcohol free zone for a particular location and a particular period. Such suspension must be advertised in a local newspaper circulating in the area.

**COMMUNITY IMPACTS**

The Chill Out Festival is a feature event on the Gloucester events calendar and is run annually.

**BUDGET IMPLICATIONS**

Nil.

**RISK CONSIDERATION**

Section 645 of the Local Government Act 1993 allows for the suspension of an alcohol free zone. The event is of a family nature and the risk of unruly behaviour due to the alcohol zone being lifted in a small supervised location is unlikely. This event has been running for many years and has been incident free.

**RECOMMENDATION**

That Council grant approval for the suspension of an alcohol free zone in the car park adjacent to the intersection of Denison Street and Billabong Lane, Gloucester, as outlined in red on the attached plan for the period of 9am to 3pm on Saturday 22 July 2017.

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**ANNEXURE:**

A: Site map showing location of the activity



## **16 SUSPENSION OF ALCOHOL FREE ZONE - TASTEFEST ON THE MANNING 2018**

**Report Author** Rob Griffiths, Manager Governance

**File No. / ECM Index** Alcohol Free Zones

**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

The Lions Club of Taree have requested Council approve the suspension of the Alcohol Free Zone in Queen Elizabeth Park between Pulteney Street and Manning Street to allow for food and beverage stalls as part of the second annual TasteFest on the Manning Event to be held on Saturday 13 January 2018.

### **SUMMARY OF RECOMMENDATION**

That Council grant approval for the temporary suspension of the Alcohol Free Zone in Queen Elizabeth Park between Pulteney Street and Manning Street, as outlined in red on the attached plan, for the period 10am to 10pm on Saturday 13 January 2018.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Suspension of a specific area is permitted under section 645 of the Local Government Act 1993.

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### **BACKGROUND**

The Lions Club of Taree are conducting the running of the second annual TasteFest on the Manning in Queen Elizabeth Park, Taree. This event includes live background music, street activities such as stilt walkers, food and beverage stalls, kitchen and cooking shows, a family alcohol free area with face painting, food demonstrations and petting zoo. The Lions Club have requested that Council approve the temporary suspension of the Alcohol Free Zone in Queen Elizabeth Park (as shown on the site map at the end of this report) to allow for the food and beverage stalls. The Lions Club will ensure that all legislative issues relating to the serving of alcohol are implemented including, licencing, security, segregation of the area and responsible service of alcohol.

### **DISCUSSION**

This report is for the temporary suspension of the alcohol free zone and is not an approval for the event. The Lions Club will lodge a separate event application with event organising staff at the MidCoast Council Taree Office.

### **CONSULTATION**

The Manager Community Spaces, Recreation and Trades has been consulted in relation to this event and the specific location.

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## **COMMUNITY IMPACTS**

The Lions Club aim to make the TasteFest on the Manning event an annual event of significance to the MidCoast community which will support tourism and economic development.

## **BUDGET IMPLICATIONS**

Nil.

## **RISK CONSIDERATION**

Section 645 of the Local Government Act 1993 allows for the temporary suspension of an alcohol free zone.

The event is of a family nature with security services on site. The Lions Club will make application with the Department of Liquor and Gaming and the Licencing Officer at Manning-Great Lakes Area Command as part of the event application process.

## **RECOMMENDATION**

That Council grant approval for the temporary suspension of the Alcohol Free Zone in Queen Elizabeth Park, Taree between Pulteney Street and Manning Street, as outlined in red on the attached plan, to allow for food and beverage stalls as part of the second annual TasteFest on the Manning Event for the period of 10am to 10pm on Saturday 13 January 2018.

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**ANNEXURE:**

A: Site map showing location of the activity



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## **17 SECONDARY EMPLOYMENT POLICY**

**Report Author** Rob Griffiths, Manager, Governance

**File No. / ECM Index** Governance/Policy Registers

**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

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

The Policy has been prepared to ensure Council meets its legislative requirements as well as providing clear guidance to staff undertaking secondary employment to effectively manage any potential conflicts of interest.

### **SUMMARY OF RECOMMENDATION**

That Council adopts the attached Secondary Employment Policy.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a new Policy for the handling of secondary employment has been developed.

### **CONSULTATION**

Senior Management of MidCoast Council as well as the Consultative Committee have been consulted on this Policy and the supporting Procedures.

### **TIMEFRAME**

Immediate effect.

### **RISK CONSIDERATION**

This Policy will provide clear guidance which will minimise Council's exposure to the risk of a loss suffered by Council arising from staff undertaking secondary employment.

### **RECOMMENDATION**

That the attached Secondary Employment Policy be adopted.

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## ANNEXURES

A: Secondary Employment Policy

# Policy

<b>Name of Policy:</b>	<b>Secondary Employment Policy</b>		
<b>Policy code:</b>			
<b>Adoption by Council:</b>		<b>Minute number:</b>	
<b>Last review date:</b>	<b>June 2017</b>		
<b>Review timeframe:</b>	<b>Every two years</b>		
<b>Next scheduled review date:</b>	<b>June 2019</b>		
<b>Related legislation:</b>	<b>Local Government Act 1993 Section 353</b>		
<b>Associated policies / documents:</b>	<b>Code of Conduct Secondary Employment Procedure Secondary Employment Application Form</b>		
<b>Responsible department:</b>	<b>Governance</b>		

### Policy Objective

To ensure Council meets its legislative requirements under section 353 of the Local Government Act 1993 and effectively manages any potential conflicts of interest in relation to staff undertaking secondary employment

### Policy Statement

Council requires employees to obtain the written approval of the General Manager to undertake any secondary employment or contract work.

### Coverage of the Policy

This policy applies to all employees of Council.

### Strategic Plan Link

Direction 4 – Civic Leadership

## Policy Content

Section 353 of the Local Government Act 1993 as amended deals with the matter of other work performed by staff members.

Section 353 (2) states "a member of staff must not engage, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member's Council duties unless he or she has notified the General Manager in writing of the employment or work".

Also, Section 353 (3) states that "the General Manager may prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the Council that relates to the business of the Council or that might conflict with the member's Council duties".

The general rules relating to secondary employment are:

- An employee must not engage in secondary employment unless they have received the General Manager's written consent for such employment.
- Approvals for secondary employment will be valid for a period of no more than 12 months.
- The employee is responsible for submitting a request to renew an approval for secondary employment by 30 June of each year. Previously approved arrangements will not necessarily be continued and/or continued under the same conditions.
- An employee must not carry out secondary employment on Council premises, wearing Council uniform, using Council assets or facilities of any kind or using Council information or resources unless such use is lawfully authorised and proper payment is made where appropriate.
- An employee must not carry out secondary employment in a manner that may give the perception that it is being performed in their capacity as a Council employee.
- An employee must not carry out secondary employment in a manner that references or represents their employment or that leverages off their employment with Council.
- An employee must not carry out secondary employment within their Council hours of work.
- An employee must not carry out secondary employment in a manner that impacts their capacity to perform their Council role in a safe and efficient manner. This includes provisions under the Award relating to maximum hours of work and minimum break periods.
- Consent to requests for secondary employment will not be unreasonably withheld.
- Approvals for secondary employment in the same vocation as the employee's Council vocation will require the employee to prove there is no conflict of interest with their Council duties. Approval for such requests may be refused.
- An employee who engages or continues to engage in secondary employment without the written approval of the General Manager may be subject to a range of actions including counselling or disciplinary action which may ultimately result in dismissal.
- In accordance with the Local Government (State) Award provisions relating to sick leave, employees are obliged to declare if their injury or illness arose from engaging in other employment.

It should be noted that the Independent Commission Against Corruption (ICAC) strongly recommends that councils implement a policy on secondary employment. This particularly follows instances where officers have family companies who may also enter into trading with Council for the supply of goods or services.

#### **Definitions**

**Secondary Employment:** private employment or contract work for remuneration with any employer other than MidCoast Council including employment with another organisation, self-employment, employment in a family business, contracting or consulting for money or in-kind.

#### **References and Related Documents**

- Secondary Employment Procedure
- Secondary Employment Application Form
- Section 353 of the Local Government Act 1993
- Council's Code of Conduct

#### **Responsible Officer (Position)**

Manager Governance

#### **Attachments**

Nil

## **18 COMPLAINT HANDLING POLICY**

**Report Author** Rob Griffiths, Manager, Governance

**File No. / ECM Index** Governance/Policy Registers

**Date of Meeting** 28 June 2017

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### **SUMMARY OF REPORT**

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

The Policy has been prepared to inform the Community of the process used to handle complaints and to provide guidance to Council staff on the service expectations and importance of complaints in improving our services.

The Policy aligns with NSW Ombudsman Model Guide to Complaint Handling.

### **SUMMARY OF RECOMMENDATION**

That Council adopts the attached Complaint Handling Policy.

### **FINANCIAL/RESOURCE IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Nil.

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### **BACKGROUND**

Following the amalgamation of Gloucester Shire Council, Great Lakes Council and Greater Taree City Council a new Policy for the handling of complaints has been developed.

### **CONSULTATION**

Senior Management of MidCoast Council as well as the Consultative Committee have been consulted on this Policy and the supporting Procedures.

### **TIMEFRAME**

Immediate effect.

### **RISK CONSIDERATION**

This Policy will provide clear guidance which will minimise Council's exposure to the risk of a loss suffered by Council arising from complaint handling procedures.

### **RECOMMENDATION**

That the attached Complaints Handling Policy be adopted.

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## ANNEXURES

### A: Complaint Handling Policy

## Policy

<b>Name of Policy:</b>	<b>Complaint Handling Policy</b>		
<b>Policy code:</b>			
<b>Adoption by Council:</b>		<b>Minute number:</b>	
<b>Last review date:</b>	<b>June 2017</b>		
<b>Review timeframe:</b>	<b>Annually</b>		
<b>Next scheduled review date:</b>	<b>June 2018</b>		
<b>Related legislation:</b>	<b>NSW Ombudsman's Model Guide to Complaint Handling</b>		
<b>Associated policies / documents:</b>	<b>Complaint Handling Procedure Code of Conduct</b>		
<b>Responsible department(s):</b>	<b>Community Spaces and Services / Corporate and Business Systems</b>		

### Policy Objective

The objectives of this policy are:

- a) to promote a high standard of customer service in all areas of Council's operations by responding effectively and positively to complaints received.
- b) to ensure that complaints are managed in a manner that endeavours to provide satisfaction to complainants.
- c) to inform Council's customers and citizens of the process used to handle complaints received.
- d) to recognise the importance of complaints in providing feedback about Council's services and performance, and to utilise that information to improve services and identify appropriate training or resource needs.

### Policy Statement

Council is committed to providing excellent customer service in accordance with the Model Code of Conduct. This policy provides customers with an avenue to make a complaint should those standards not be met, with the objective of the process being performance and/or process improvement.

## Coverage of the Policy Statement

The policy applies to all staff and Councillors of MidCoast Council

## Policy Content

Council recognises, promotes and protects the rights of individuals or organisations to make a complaint, and promotes and manages complaints in a timely and confidential manner at the first point of contact.

Complaints will be managed in line with Council's policies and procedures.

The following principles apply to Council's complaints policy:

- a) any person, group or organisation (or their representative) using Council's services or impacted by Council's decisions, actions or lack of actions, has the right to lodge a complaint;
- b) staff will be appropriately trained to assist customers to make complaints whether presented in person at Council offices, by telephone or in writing (fax, letter, email). This may include directing customers to the online options or customer service as required dependant on the nature of the complaint. Staff will record the complaint and initiate appropriate action;
- c) if the matter falls outside this policy staff will assist in directing the person to the appropriate person or authority or assist with any request for service as warranted;
- d) all complaints will be acknowledged within ten working days and every endeavour made to finalise them within twenty working days;
- e) if Council is unable to resolve the matter to the complainants satisfaction advice will be given as to how they may pursue their complaint further or referred to the appropriate statutory authority;
- f) complainants will not be subject to disadvantage or victimisation pursuant to lodging a complaint and any such allegations received will be investigated by the General Manager;
- g) confidentiality will be maintained where warranted and/or specifically requested by the complainant, in accordance with relevant legislation and policies;
- h) anonymous complaints will be accepted however Council's ability to action and investigate will be dependent on the information supplied; and
- i) reports on the number and types of complaints received will be monitored by Council's Management Team.
- j) Unreasonable complainant conduct will be managed in accordance with the *NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual*

## Definitions

**Complainant** – member of the public or organisation making the complaint.

**Complaint** – an expression of dissatisfaction with a decision, policy, procedure, charge, employee, agent or the quality of the service provided.

A complaint in the context of this policy will not include requests for:

- Service;
- reports of infrastructure faults or requests for maintenance of infrastructure;
- information/explanation of Council policies, decisions or procedures (unless there was no response to a previous request); and
- appeals or objections regarding planning applications.

These matters will be dealt with as Customer Service Requests through Council's Customer Request Management (CRM) system.

## References and Related Documents

- MidCoast Council's Complaint Handling Procedure
- MidCoast Council Customer Complaint Form
- MidCoast Council's Code of Conduct
- Department of Local Government Practice Note 9
- NSW Ombudsman's Model Guide to Complaint Handling
- NSW Ombudsman Complaint Management Framework (June 2015)

## Responsible Officer

Manager Engagement and Communications / Manager Governance

## Attachments

Nil



## 19 INVESTMENTS REPORT - MAY 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 28 June 2017

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### SUMMARY OF REPORT

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

### SUMMARY OF RECOMMENDATION

That the report be received and noted.

### FINANCIAL/RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

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

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### BACKGROUND

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

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

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

### DISCUSSION

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

#### ***Gloucester Office***

Total invested funds held by the Gloucester Office at 31 May 2017 amounted to **\$6,045,094.19**. The average return on invested funds was 2.58%. It should be noted that this is not a weighted average return.

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

<b>Per rating</b>	<b>Policy Limit</b>	<b>Actual</b>
A1+ or above	100%	40%
A1 or below	65%	60%
Unrated (max. of \$250k)	34%	4%
<b>Per Single Institution</b>		
A1+ or above	80%	29%
A1 or below	34%	20%
Unrated	34%	5%

On 22 May 2017 Standard & Poors (S&P) lowered their rating of 23 Australian Deposit-Taking Institutions (ADIs). As a result of S&P's review Council presently holds an investment that has been re-rated as A3 for short-term investments.

This ADI is Auswide Bank and Council has \$350,000 invested which will mature on 21 November 2017. The former Gloucester Shire Council policy limits allow for investments with a rating below A1 and this investment is within those limits.

While Auswide Bank has assets in excess of \$3 billion it is unlikely that Council will invest in A3 rated institutions under its new Investment Policy. It is recommended that this investment be retained until maturity however that investment will then be redeemed and invested with higher rated institution.

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

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

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

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

#### **Taree Office**

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

	<b>Balance</b>
	<b>(\$'000)</b>
Cash on Hand and at Bank (Ledger balance)	\$7,288
Investment Portfolio (Attachment A)	\$41,308
<b>Total Funds</b>	<b>\$48,596</b>

Investment movements during the month were:

Opening Balance	\$42,608
New Investments	\$5,000
Withdrawn Investments	(\$6,300)
Net Movement Cash at Call	\$0
<b>Closing Balance</b>	<b>\$41,308</b>

The weighted average return on the Taree Office investment portfolio at the end of May 2017 was 2.55%.

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

### **Forster Office**

The Forster Office investments at 31 May 2017 amounted \$76,401,484. This includes the \$20 million from the NSW Government as part of the merger arrangements. This includes \$15 million in Stronger Communities Fund investments and \$4 million in New Councils Implementation Fund investments.

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

On 22 May 2017 Standard & Poors (S&P) lowered their rating of 23 Australian Deposit-Taking Institutions (ADIs). The former Great Lakes Council's Investment Policy requires ADIs to have a short term credit rating of A2. As a result of S&P's review two ADIs that presently hold Council funds have been re-rated as A3 for short-term investments.

Those ADIs (and the amounts invested and maturity dates) are Auswide Bank (\$1,500,000 - 12 October 2017) and the Queensland Police Credit Union (\$1,000,000 - 14 September 2017). The Investment Policy provides that these placements will remain until maturity at which time they will redeemed and no further investments will be made with these ADIs until such time as their credit rating meets the Policy benchmarks.

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

<b>Investment Type</b>	<b>Opening Balance 01/05/2017</b>	<b>Movement</b>	<b>Closing Balance 31/05/2017</b>	<b>Portfolio %</b>
Term Deposits	\$44,000,000	\$500,000	\$44,500,000	58.24%
Managed FRNs & FTDs	\$28,800,000	-\$1,000,000	\$27,800,000	36.39%
On Call Deposits	\$3,095,486	\$1,005,998	\$4,101,484	5.37%
<b>Total</b>	<b>\$75,895,486</b>	<b>\$505,998</b>	<b>\$76,401,484</b>	<b>100.00%</b>

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

<b>Investment Horizon</b>	<b>Amount Invested</b>	<b>Actual % of Portfolio</b>	<b>Targeted Minimum Return</b>	<b>Weighted Average Monthly Return</b>	<b>Investment</b>
On Call	\$4,101,484	5.37%	Cash Rate (1.73%)	1.93%	On Call Accounts
0-3 Months	\$21,000,000	27.49%	BBSW +20-40 (1.93%)	2.81%	Term Deposits, FRNs, FTFDs
3-6 Months	\$23,500,000	30.76%	BBSW +30-50 (2.03%)	2.82%	Term Deposits, FRNs, FTDs
6-12 Months	\$4,300,000	5.63%	BBSW +40-60 (2.13%)	2.83%	Term Deposits, FRNs, FTDs
1-2 Years	\$1,000,000	1.31%	BBSW +80-100 (2.53%)	3.03%	Term Deposits, FRNs, FTDs
Greater	\$22,500,000	29.45%	BBSW +100 (2.73%)	3.11%	Term Deposits, FRNs, FTDs
<b>Total</b>	<b>\$76,401,484</b>	<b>100.00%</b>			

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

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

<b>Long Term Credit Rating</b>	<b>% of Portfolio</b>	<b>Short Term Credit Rating</b>	<b>% of Portfolio</b>
AA	7.85%	A1	21.07%
A	8.83%	A2	39.66%
BBB & Unrated	12.76%	Unrated	9.82%
<b>Total</b>	<b>29.45%</b>	<b>Total</b>	<b>70.55%</b>

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

### **CONSOLIDATED INVESTMENT POSITION**

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

<b>Office</b>	<b>Amount Invested</b>
Gloucester Office	\$6,045,094
Taree Office	\$41,308,729
Forster Office	\$76,401,484
<b>Total</b>	<b>\$123,755,307</b>

### **RECOMMENDATION**

That the report be received and noted.

**ANNEXURES**

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

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

<u>On Call Bank Accounts</u>									
	31/05/2017	1.4000%	On call						A1/AA+
	31/05/2017	2.1100%	On call						A1/AAA
			<b>On Call</b>						
								\$1,053,544.63	CBA
								\$3,047,939.54	T-Corp
								<b>\$4,101,484.17</b>	
<b>Term Deposits</b>									
	18/05/2017	2.6000%	Term Deposit	175	\$1,750,000.00	9/11/2017	AMP		A1/A
	16/03/2017	2.9500%	Term Deposit	189	\$1,250,000.00	21/09/2017	AMP		A1/A
	11/05/2017	2.6700%	Term Deposit	154	\$1,500,000.00	12/10/2017	Auswide Bank		A3/BBB-
	16/02/2017	2.8000%	Term Deposit	182	\$1,000,000.00	17/08/2017	Banacoast CU		NR
	29/05/2017	2.8000%	Term Deposit	178	\$2,000,000.00	23/11/2017	Bank Australia		A2/BBB
	5/01/2017	2.7500%	Term Deposit	182	\$1,000,000.00	6/07/2017	Bank of Queensland		A2/BBB+
	20/07/2017	2.7000%	Term Deposit	182	\$1,000,000.00	19/10/2017	Beyond Bank		A2/BBB+
	6/12/2016	2.8000%	Term Deposit	184	\$1,000,000.00	8/06/2017	Beyond Bank		A2/BBB+
	2/03/2017	2.7000%	Term Deposit	189	\$1,000,000.00	7/09/2017	Beyond Bank		A2/BBB+
	28/02/2017	2.7000%	Term Deposit	184	\$1,000,000.00	31/08/2017	CUA		A2/BBB
	9/03/2017	2.6700%	Term Deposit	203	\$1,000,000.00	28/09/2017	Greater Bank		A2/BBB
	12/01/2017	2.8000%	Term Deposit	189	\$1,000,000.00	20/07/2017	ING		A1/AA
	23/10/2014	5.5400%	Term Deposit	1096	\$1,000,000.00	23/10/2017	ING		A1/AA
	14/02/2017	2.6700%	Term Deposit	184	\$1,000,000.00	17/08/2017	ME BANK		A2/BBB
	21/02/2017	2.6900%	Term Deposit	182	\$1,000,000.00	22/08/2017	ME BANK		A2/BBB
	27/04/2017	2.7000%	Term Deposit	189	\$1,000,000.00	2/11/2017	My State Bank		A2/BBB
	25/11/2016	2.7500%	Term Deposit	188	\$1,000,000.00	1/06/2017	My State Bank		A2/BBB
	6/03/2017	2.7500%	Term Deposit	199	\$1,000,000.00	21/09/2017	My State Bank		A2/BBB
	25/11/2016	2.7400%	Term Deposit	188	\$1,000,000.00	1/06/2017	NAB		A1/AA
	7/10/2016	2.8000%	Term Deposit	300	\$1,000,000.00	3/08/2017	NAB		A1/AA
	9/01/2017	2.8000%	Term Deposit	185	\$1,000,000.00	13/07/2017	Newcastle Permanent		A2/BBB
	3/03/2017	2.7500%	Term Deposit	195	\$1,000,000.00	14/09/2017	Police Credit Union SA		NR
	30/03/2017	2.8000%	Term Deposit	189	\$1,000,000.00	5/10/2017	Police Credit Union SA		NR
	23/02/2017	2.6000%	Term Deposit	196	\$1,000,000.00	7/09/2017	Rural Bank		A2/BBB+
	6/12/2016	2.8000%	Term Deposit	212	\$1,000,000.00	6/07/2017	Suncorp		A1/A+
			<b>Term Deposits</b>					<b>\$27,500,000.00</b>	

<b>Stronger Communities Investments</b>									
22/12/2016	2.8000%	Term Deposit	182	\$2,000,000.00	22/06/2017	AMP	A1/A+		
27/06/2016	BBSW+148	FRN	175	\$1,000,000.00	18/05/2021	Bank of Queensland	A2/BBB+		
20/04/2017	2.7000%	Term Deposit	364	\$1,000,000.00	12/10/2017	Beyond Bank	A2/BBB+		
24/06/2016	3.0000%	Term Deposit	371	\$2,000,000.00	23/06/2017	CUA	A2/BBB		
23/06/2016	3.0000%	Term Deposit	154	\$1,000,000.00	29/06/2017	CUA	A2/BBB		
20/04/2017	2.5500%	Term Deposit	182	\$1,000,000.00	21/09/2017	ME Bank	A2/BBB		
18/05/2017	2.6500%	Term Deposit	183	\$1,000,000.00	16/11/2017	ME Bank	A2/BBB		
25/05/2017	2.6500%	Term Deposit	188	\$2,000,000.00	24/11/2017	ME Bank	A2/BBB		
23/12/2016	2.8500%	Term Deposit	161	\$1,000,000.00	29/06/2017	My State Bank	A1/AA		
20/04/2017	2.5500%	Term Deposit	147	\$1,000,000.00	28/09/2017	NAB	A3/BBB-		
20/04/2017	2.6000%	Term Deposit	195	\$1,000,000.00	14/09/2017	Queensland Police Credit Union	A1/A+		
25/11/2016	2.7600%	Term Deposit		<u>\$15,000,000.00</u>	8/06/2017	Suncorp			
<b>Implementation Funds Investments</b>									
27/10/2016	2.7500%	Term Deposit	365	\$1,000,000.00	27/10/2017	Banacoast CU	NR		
27/06/2016	BBSW+148	FRN	178	\$1,000,000.00	18/05/2021	Bank of Queensland	A2/BBB+		
29/05/2017	2.7000%	Term Deposit	273	\$1,000,000.00	23/11/2017	Defence Bank	A2/BBB		
23/03/2017	2.8500%	Term Deposit		<u>\$4,000,000.00</u>	21/12/2017	Police Credit Union SA	NR		
<b>TOTAL FORSTER OFFICE INVESTMENTS</b>									
<u>\$76,401,484.17</u>									
<b>GLOUCESTER OFFICE INVESTMENTS</b>									
<b>Term Deposits</b>									
14/03/2017	2.6100%	Term Deposit	210	\$1,000,000.00	10/10/2017	Bankwest	A1+		
24/05/2017	2.8000%	Term Deposit	181	\$350,000.00	21/11/2017	Auswide Bank	A3		
24/01/2017	2.5500%	Term Deposit	147	\$500,000.00	20/06/2017	Bankwest	A1+		
31/10/2017	2.8500%	Term Deposit	126	\$250,000.00	6/06/2017	Bank of Sydney	unrated		
21/02/2017	2.6500%	Term Deposit	140	\$500,000.00	11/07/2017	ME Bank	A2		
21/03/2017	2.5900%	Term Deposit	182	\$506,482.19	19/09/2017	People's Choice Credit Union	A2		
4/04/2017	2.5000%	Term Deposit	112	\$500,000.00	25/07/2017	ME Bank	A2		
11/04/2017	2.7000%	Term Deposit	197	\$500,000.00	25/10/2017	Beyond Bank Australia	A2		

9/05/2017	2.6500%	Term Deposit	91	\$500,000.00	8/08/2017	Beyond Bank Australia	A2
6/12/2016	2.8000%	Term Deposit	210	\$500,000.00	4/07/2017	Suncorp	A2
<b>On Call Bank Accounts</b>		<b>Term Deposits</b>		<b>\$5,106,482.19</b>			
31/03/2017	1.6500%	On Call		\$938,611.00			
		<b>On Call Deposits</b>		<b>\$938,611.00</b>			
<b>TOTAL GLOUCESTER OFFICE INVESTMENTS</b>				<b>\$6,045,093.19</b>			

**TAREE OFFICE INVESTMENTS**

<b>Term Deposits</b>							
20/02/2017	2.6500%	Term Deposit	107	\$1,000,000.00	7/06/2017	Beyond Bank	A2/BBB+
23/02/2017	2.5600%	Term Deposit	104	\$1,200,000.00	7/06/2017	IMB Bank	A2/BBB+
23/02/2017	2.5600%	Term Deposit	111	\$1,000,000.00	14/06/2017	NAB	A1+/AA-
1/03/2017	2.6000%	Term Deposit	105	\$2,000,000.00	14/06/2017	Members Equity Bank Pty Ltd	A2/BBB+
1/03/2017	2.6000%	Term Deposit	112	\$2,500,000.00	21/06/2017	Members Equity Bank Pty Ltd	A2/BBB+
2/03/2017	2.5600%	Term Deposit	111	\$2,000,000.00	21/06/2017	NAB	A1+/AA-
2/03/2017	2.5600%	Term Deposit	118	\$2,000,000.00	28/06/2017	NAB	A1+/AA-
15/03/2017	2.5000%	Term Deposit	105	\$1,500,000.00	28/06/2017	Bank of Queensland Ltd	A2/A-
15/03/2017	2.5000%	Term Deposit	105	\$2,000,000.00	28/06/2017	Newcastle Permanent	A2/BBB+
8/03/2017	2.5500%	Term Deposit	119	\$2,500,000.00	5/07/2017	Bank of Queensland Ltd	A2/A-
8/03/2017	2.5500%	Term Deposit	119	\$1,700,000.00	5/07/2017	Bank of Queensland Ltd	A2/A-
22/03/2017	2.5000%	Term Deposit	112	\$1,100,000.00	12/07/2017	Newcastle Permanent	A2/BBB+
30/03/2017	2.5000%	Term Deposit	97	\$1,208,729.12	5/07/2017	Newcastle Permanent	A2/BBB+
6/04/2017	2.5300%	Term Deposit	97	\$1,500,000.00	12/07/2017	NAB	A1+/AA-
12/04/2017	2.5500%	Term Deposit	98	\$2,300,000.00	19/07/2017	Members Equity Bank Pty Ltd	A2/BBB+
19/04/2017	2.6500%	Term Deposit	91	\$2,000,000.00	19/07/2017	Beyond Bank	A2/BBB+
21/04/2017	2.5300%	Term Deposit	96	\$1,000,000.00	26/07/2017	NAB	A1+/AA-
27/04/2017	2.6500%	Term Deposit	90	\$1,300,000.00	26/07/2017	Beyond Bank	A2/BBB+
3/05/2017	2.5000%	Term Deposit	91	\$1,300,000.00	2/08/2017	IMB Bank	A2/BBB+
10/05/2017	2.5000%	Term Deposit	91	\$1,000,000.00	9/08/2017	IMB Bank	A2/BBB+
10/05/2017	2.4900%	Term Deposit	91	\$1,200,000.00	9/08/2017	NAB	A1+/AA-
17/05/2017	2.5100%	Term Deposit	91	\$2,000,000.00	16/08/2017	NAB	A1+/AA-
19/05/2017	2.5700%	Term Deposit	124	\$1,500,000.00	20/09/2017	Bank of Queensland Ltd	A2/A-



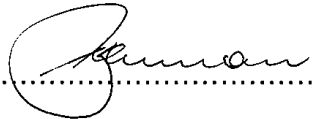
26/05/2017	2.4800%	Term Deposit	89	\$1,500,000.00	23/08/2017	NAB	A1+/AA-
26/05/2017	2.4800%	Term Deposit	89	\$2,000,000.00	23/08/2017	NAB	A1+/AA-
31/05/2017	2.6500%	Term Deposit	91	\$1,000,000.00	30/08/2017	Beyond Bank	A2/BBB+
		Term Deposits		<u>\$41,308,729.12</u>			
		<b>TOTAL TAREE OFFICE INVESTMENTS</b>		<u>\$41,308,729.12</u>			
		<b>TOTAL MID-COAST COUNCIL INVESTMENTS</b>		<u>\$123,755,306.48</u>			

B: Responsible Accounting Officer's Certificate

**Investment Certificate**

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

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



.....

Phil Brennan  
Responsible Accounting Officer  
16 June 2017

**CLOSED COUNCIL**

**20 ACQUISITION OF LAND WITHIN THE CATTAI/BIG SWAMP WETLAND PROJECT AREA**

**Report Author Tanya Cross, Sustainability & Natural Assets Coordinator**

**File No. / ECM Index PROP/19067**

**Date of Meeting 28 June 2017**

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**REASON FOR CONFIDENTIALITY**

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

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

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

**21 WALLIS LAKE WETLANDS - WATER QUALITY IMPROVEMENT LAND ACQUISITION**

**Report Author Gerard Tuckerman, Manager Natural Systems**

**File No. / ECM Index NS-CATCH-WL-WETLAND**

**Date of Meeting 28 June 2017**

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**REASON FOR CONFIDENTIALITY**

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## 22            **CONTRACT 2016-17/14 - HARRINGTON ROAD RECONSTRUCTION**

**Report Author            Rhett Pattison, Team Leader Project Delivery, Taree**

**File No. / ECM Index    CW0071**

**Date of Meeting            28 June 2017**

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### **REASON FOR CONFIDENTIALITY**

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

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

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

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

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

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

**23 FLOOD RISK MANAGEMENT STUDIES AND PLANS - RFQ 2016-17/54**

**Report Author Roshan Khadka, Coastal and Flooding Engineer, Taree**

**File No. / ECM Index S1624**

**Date of Meeting 28 June 2017**

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**REASON FOR CONFIDENTIALITY**

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

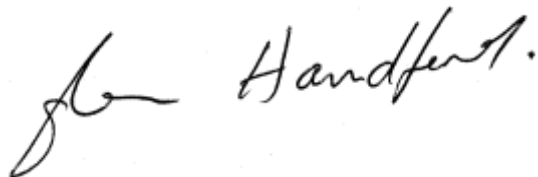
- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

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Glenn Handford  
**GENERAL MANAGER**