

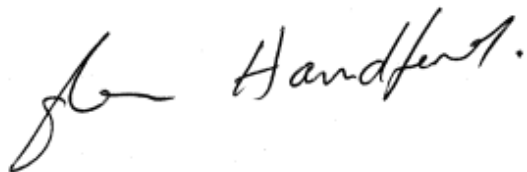
Notice of Ordinary Meeting

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

27 September 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 previous minutes
5. Matters arising from previous minutes
6. Address from the public gallery
7. Consideration of officers' reports
8. Close of meeting

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

Glenn Handford
General Manager

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CONSIDERATION OF OFFICERS' REPORTS:

GENERAL MANAGER

1 ELECTION OF MAYOR

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Councillors – Election of Mayor and Deputy Mayor

Date of Meeting 27 September 2017

SUMMARY OF REPORT

This report outlines the role of the Mayor, the requirements for the election of the Mayor and provides for the conduct of this election.

SUMMARY OF RECOMMENDATION

1. That nominations for the position of Mayor be accepted.
2. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election be conducted being: preferential ballot, ordinary ballot or open voting.
3. That the Returning Officer conduct the election for the position of Mayor.
4. That as per Section 230(1) of The Local Government Act 1993, the Mayor elected by the Councillors holds office for two years.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the Mayoral Allowance and expenditure has been included within the 2017/2018 budget.

LEGAL IMPLICATIONS

The election must be conducted in accordance with the relevant provisions of the Local Government Act 1993 & the Local Government (General) Regulation 2005.

BACKGROUND

Section 225 of the Local Government Act 1993 states that each Local Government area must have a Mayor elected in accordance with the provisions of the Act while Section 230(1) provides that a Mayor elected by the Councillors holds office for two years.

DISCUSSION

The role of the Mayor (as set out in Section 226 of the Act) is:

- To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council;
- To exercise such other functions of the council as the council determines;
- To preside at meetings of the council;
- To carry out the civic and ceremonial functions of the mayoral office.

Schedule 7 – "Election of Mayor by Councillors" of the Local Government (General) Regulation 2005, sets out the procedures for the election of a Mayor by the Councillors of an area. The provisions include:

1. Returning Officer

The General Manager (or a person appointed by the General Manager) is the Returning Officer.

2. Nomination

1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
2. The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination is to be delivered or sent to the Returning Officer.
4. The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

3. Election

1. If only one Councillor is nominated, that Councillor is elected.
2. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. The election is to be held at the Council Meeting at which the Council resolves on the method of voting.
4. In this clause:
 “ballot” has its normal meaning of secret ballot
 “open voting” means voting by a show of hands or similar means.

The form of ballot should be determined after the announcement of nominations, and the General Manager will call for a motion accordingly. The various forms of ballot that Council may adopt are summarised below:

- Preferential Voting – is a secret ballot and the system can only be adopted if there are more than two candidates. Voting is in order of preference, with votes marked 1, 2, 3, 4 etc. If a candidate receives more than half of the total votes, that person is declared elected. If not, the person with the lowest number of votes is excluded and their preferences distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.
- Ordinary Ballot – is a secret ballot. If there are two candidates, the person receiving the highest number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is supported is all that is required when voting.
- Open Voting – is by a show of hands. If there are more than two candidates, the person receiving the higher number of votes is declared elected. If there are two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.
- Choosing by lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

A nomination form is enclosed with the Business Paper for the position of Mayor, as it will be easier procedurally if any nomination forms are completed (including signed acceptance of the nomination by the candidate) and ready to hand in when nominations are formally called at the commencement of the election item. The completed nomination form and acceptance may also be lodged with the Returning Officer prior to the meeting.

COMMUNITY IMPACTS

The Mayor will exercise a leadership role within the Council including:

- Where necessary, the policy-making functions of council between meetings of the council;
- Preside at meetings of council;
- Carry out the civic and ceremonial functions of the mayoral office
- Ensure community consultation on matters of significance

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Direction 4 – Civic Leadership

TIMEFRAME

To take effect immediately

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

1. That nominations for the position of Mayor be accepted.
 2. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election be conducted being: preferential ballot, ordinary ballot or open voting.
 3. That the Returning Officer conduct the election for the position of Mayor.
 4. That as per Section 230(1) of The Local Government Act 1993, the Mayor elected by the Councillors holds office for two years.
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2 ELECTION OF DEPUTY MAYOR

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Councillors – Election of Mayor and Deputy Mayor

Date of Meeting 27 September 2017

SUMMARY OF REPORT

To conduct an election for the position of Deputy Mayor.

SUMMARY OF RECOMMENDATION

1. That Council determine the term of office for the Deputy Mayor (one or two years).
2. That nominations for the position of Deputy Mayor be accepted.
3. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election is conducted being: preferential ballot, ordinary ballot or open voting.
4. That the Returning Officer conduct the election for the position of Deputy Mayor.
5. That the Deputy Mayor be paid an allowance of 10% of the Mayoral Allowance which will be deducted from the Mayoral Allowance.

FINANCIAL/RESOURCE IMPLICATIONS

Funding for the Deputy Mayor's allowance has been included in the 2017/2018 adopted budget.

LEGAL IMPLICATIONS

Nil

BACKGROUND

Section 231 of the Local Government Act 1993 makes provision for a council to elect one of its members to be the Deputy Mayor.

DISCUSSION

Section 231 states:

- The Councillors may elect a person from among their number to be the Deputy Mayor.
- The person may be elected for the Mayoral term (two years) or a shorter term.
- The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

An elected Deputy Mayor will usually be provided an allowance equivalent to 10% of the Mayoral Allowance. This amount would be deducted from the Mayoral Allowance and would be in recognition of the additional duties that this Councillor is called upon to perform during the year for the Mayor.

The procedures for the election of the Deputy Mayor are the same as for the election of the Mayor and are detailed below.

A nomination form is enclosed with the Business Paper for the position of Deputy Mayor, as it will be easier procedurally if any nomination forms are completed (including signed acceptance of the nomination by the candidate) and ready to hand in when nominations are formally called at the commencement of the election item. The completed nomination and acceptance may also be lodged with the Returning Officer prior to the meeting.

If more than one Councillor is nominated the Council is to resolve whether the election is to proceed by preferential ballot, ordinary ballot or open voting.

1. If only one Councillor is nominated, that Councillor is elected.
2. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. The election is to be held at the Council Meeting at which the Council resolves on the method of voting.
4. In this clause:
 “ballot” has its normal meaning of secret ballot
 “open voting” means voting by a show of hands or similar means.

The form of ballot should be determined after the announcement of nominations, and the General Manager will call for a motion accordingly. The various forms of ballot that Council may adopt are summarised below:

- Preferential Voting – is a secret ballot and the system can only be adopted if there are more than two candidates. Voting is in order of preference, with votes marked 1, 2, 3, 4 etc. If a candidate receives more than half of the total votes, that person is declared elected. If not, the person with the lowest number of votes is excluded and their preferences distributed. This procedure is followed until one candidate receives more than half of the total votes. They are then declared elected.
- Ordinary Ballot – is a secret ballot. If there are two candidates, the person receiving the highest number of votes is declared elected. Should there be three or more candidates, the candidate receiving the lowest number of votes is excluded and fresh votes are taken until one candidate remains. A cross (X) against the candidate whose nomination is supported is all that is required when voting.
- Open Voting – is by a show of hands. If there are more than two candidates, the person receiving the higher number of votes is declared elected. If there are two candidates, the person with the lowest number of votes is excluded and this procedure is repeated until one candidate receives a simple majority of the votes.
- Choosing by lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

A nomination form is enclosed with the Business Paper for the position of Mayor, as it will be easier procedurally if any nomination forms are completed (including signed acceptance of the nomination by the candidate) and ready to hand in when nominations are formally called at the commencement of the election item. The completed nomination form and acceptance may also be lodged with the Returning Officer prior to the meeting.

COMMUNITY IMPACTS

The Deputy Mayor performs the functions of the Mayor in his or her absence.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

Direction 4 – Civic Leadership.

TIMEFRAME

To take effect immediately.

BUDGET IMPLICATIONS

Funding for the Deputy Mayor's allowance has been included in the 2017/2018 adopted budget.

RECOMMENDATION

1. That Council determine the term of office for the Deputy Mayor (one or two years).
 2. That nominations for the position of Deputy Mayor be accepted.
 3. That in the event of there being more than one nominee, Council determine by resolution, the method by which the election is conducted being: preferential ballot, ordinary ballot or open voting.
 4. That the Returning Officer conduct the election for the position of Deputy Mayor.
 5. That the Deputy Mayor be paid an allowance of 10% of the Mayoral Allowance which will be deducted from the Mayoral Allowance.
-

3 REVIEW OF DELEGATIONS

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance - Delegations Register

Date of Meeting 27 September 2017

SUMMARY OF REPORT

To report to Council on delegations for the Mayor, Deputy Mayor, Chairperson of Development Control Unit (DCU) and General Manager, in accordance with legislative requirements.

SUMMARY OF RECOMMENDATION

1. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon the Mayor of Mid-Coast Council and the Deputy Mayor of Mid-Coast Council the functions, powers, authorities and duties as outlined in the Delegation of Authority included with this report as Annexure A.
2. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon the General Manager of Mid-Coast Council (and the Acting General Manager as appointed from time to time) the functions, powers, authorities and duties as outlined in the Delegation of Authority included with this report as Annexure B.
3. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon each Councillor of Mid-Coast Council the functions, powers, authorities and duties as outlined in the Delegation of Authority for the Chairperson of the Development Control Unit, which are only to be exercised by that Councillor when sitting as the Chairperson of the Development Control Unit, that Delegation of Authority being included with this report as Attachment C.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Council is required by legislation to review the delegations during the first 12 months of term.

DISCUSSION

Council's powers to delegate its functions are contained within sections 377 - 379 of the Act. Council should delegate functions to the Mayor, Deputy Mayor, General Manager and Councillors (when acting as Chairperson of the Development Control Unit). Proposed delegations are attached for each of the above.

Section 380 of the Local Government Act 1993 requires Council to review all of its delegations during the first 12 months of its term. As these are the first Instruments of Delegation for the newly appointed Mayor, Deputy Mayor and Chairperson of the Development Control Unit, no review is possible.

The General Manager was issued delegations by the Administrator. No amendments to those delegations are recommended.

TIMEFRAME

Immediate effect.

RISK CONSIDERATION

Council officials should be issued their delegations as soon as possible to minimise any risks, noting that Council can review delegations at any time.

RECOMMENDATION

1. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon the Mayor of Mid-Coast Council and the Deputy Mayor of Mid-Coast Council the functions, powers, authorities and duties as outlined in the Delegation of Authority included with this report as Annexure A.
 2. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon the General Manager of Mid-Coast Council (and the Acting General Manager as appointed from time to time) the functions, powers, authorities and duties as outlined in the Delegation of Authority included with this report as Annexure B.
 3. That Council, pursuant to its powers under section 377 of the Local Government Act 1993, confer upon each Councillor of Mid-Coast Council the functions, powers, authorities and duties as outlined in the Delegation of Authority for the Chairperson of the Development Control Unit, which are only to be exercised by that Councillor when sitting as the Chairperson of the Development Control Unit, that Delegation of Authority being included with this report as Attachment C.
-

ANNEXURES

A: Instrument of Delegation to Mayor, Instrument of Delegation to Deputy Mayor



MID-COAST COUNCIL

INSTRUMENT OF DELEGATION TO MAYOR

On Wednesday, 27 September 2017 the Mid-Coast Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o '**Legislation**' means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o '**LG Act**' means the *Local Government Act 1993* as amended.

Schedule 1: Delegated Functions

Function Code	Function	Condition (if any)
N/A	N/A	N/A

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
MAYORA	<p>Management of Council Meeting and Business</p> <ul style="list-style-type: none"> • Call and schedule meetings of the Council. • Request the General Manager to include items on the agendas for all meetings of Council, subject to the Local Government Act 1993 and the Local Government (General) Regulation 2005 and any other Act or Regulation. • Pursuant to section 10(2)(b) of the Local Government Act 1993 is authorised to exercise the power of expulsion of a person/s from a meeting of the council or a committee in accordance with the requirements of Part 10 Division 4 of the Local Government (General) Regulation 2005 and Council's Code of Meeting Practice. 	
MAYORB	<p>Deputations and representation</p> <ul style="list-style-type: none"> • To represent the Council, in conjunction with the General Manager, in deputations to government, inquiries and other forums where it is appropriate that the Mayor should represent the Council's position on matters pertaining to the Local Government Area or the 	

	<p>Council.</p> <ul style="list-style-type: none"> • To make arrangements for Council to receive deputations on any matter. • To represent and promote Council in the community. 	
MAYORC	<p>Media</p> <ul style="list-style-type: none"> • To make public statements, advise and respond to enquiries from the media and to issue media releases, announcements and statements in respect of the affairs of Council and the Local Government Area generally in conjunction with the General Manager. 	
MAYORD	<p>Common Seal of Council</p> <ul style="list-style-type: none"> • To co-execute documents (with the General Manager) under the Common Seal of Council following the proper resolution in regards to the fixing of the Seal. 	
MAYORE	<p>Signing of Correspondence and Documentation</p> <ul style="list-style-type: none"> • To sign general correspondence and other documentation as the Mayor of Mid-Coast Council. 	
MAYORF	<p>Citizenship</p> <ul style="list-style-type: none"> • To confer Australian Citizenship as prescribed by the Australian Citizenship Act and Regulations 2007. 	
MAYORG	<p>Expenditure</p> <ul style="list-style-type: none"> • Exercise expenditure in accordance with MidCoast Councillor Expenses and Facilities Policy. • Incur expenditure in relation to Council business subject to a maximum limit of \$5000 applying to the Corporate Card. • Authorise expenditure for works, 	

	<p>services, facilities and goods on behalf of Council to be charged against the Mayoral budget or any other budget set up for the purpose of civic and ceremonial functions, up to a value of \$5000 provided that due provision has been made in the approved budget or the incurring of such expenditure is otherwise authorised and the purchase is made in accordance with Council purchasing policy and procedure.</p>	
MAYORH	<p>General Manager</p> <ul style="list-style-type: none"> • To monitor, through the General Manager, the implementation of Council's adopted programs. • To coordinate action in relation to the review of performance of the General Manager in accordance with Council resolutions and the contract of employment.. • To exercise general supervision, control and direction of the General Manager, except as otherwise provided by the Local Government Act 1993. • To approve the General Manager's application for leave. • To review and certify expenditure incurred on the General Manager's Corporate Credit Card and/or petty cash claims for reimbursement of expenditure. • To approve the attendance of the General Manager at any conference, seminar or training workshop. 	

Schedule 3: General Limitations

Limitation (if any)
N/A



Pursuant to a Resolution of the Council at its meeting of Wednesday, 27 September 2017,

Mayor of Mid-Coast Council

Date: Wednesday, 27 September 2017

Review date:

Delegate Acknowledgement of Delegation

I _____ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Mayor of Mid-Coast Council

Date:

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MID-COAST COUNCIL

INSTRUMENT OF DELEGATION TO DEPUTY MAYOR

On Wednesday, 27 September 2017 the Mid-Coast Council ("**Council**") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Deputy Mayor authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Deputy Mayor be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o '**Legislation**' means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o '**LG Act**' means the *Local Government Act 1993* as amended.



Schedule 1: Delegated Functions

Function Code	Function	Condition (if any)
N/A	N/A	N/A

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
MAYORJ	Deputy Mayor <ul style="list-style-type: none">In the absence of the Mayor and subject to the requirements of the Local Government Act 1993, the Deputy Mayor be delegated authority to exercise and perform on behalf of the Council the powers, authorities, duties or functions which Council has delegated to the Mayor.	

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday, 27 September 2017.

Mayor of Mid-Coast Council

Date: Wednesday, 27 September 2017

Review date:



Delegate Acknowledgement of Delegation

I _____ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Deputy Mayor of Mid-Coast Council

Date:

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B: Instrument of Delegation to General Manager



MID-COAST COUNCIL

INSTRUMENT OF DELEGATION TO GENERAL MANAGER

On Wednesday, 27 September 2017 the Mid-Coast Council ("Council") resolved that:

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



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

Schedule 1: Limitations

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

Schedule 2: Instruments of Delegation to Council

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

Schedule 3: Policy Authorities

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

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

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

	grade positions during periods of absence of key staff members in the Division.	
--	---	--

These Delegations are pursuant to a Resolution of the Council at its meeting of 27 September 2017.

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

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

The Mayor

Mid-Coast Council

Date: Wednesday, 27 September 2017

Review date:

General Manager's acknowledgement of Delegations of Authority

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

General Manager of Mid-Coast Council

Date:

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C: Instrument of Delegation to Councillor as Chairperson of Development Control Unit



MID-COAST COUNCIL

INSTRUMENT OF DELEGATION TO Councillor as Chairperson of Development Control Unit

On Wednesday, 27 September 2017 the Mid-Coast Council ("Council") resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. Pursuant to section 377 of the LG Act to delegate to the Councillor as Chairperson of Development Control Unit authority to exercise and/or perform on behalf of the Council the Council's Functions identified in **Schedule 1** subject to any condition or limitation specified.
3. The Councillor as Chairperson of Development Control Unit be conferred authority to carry out the Policy Authorities listed in **Schedule 2** and undertake any administrative actions necessary to carry out those Policy Authorities.
4. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in **Schedule 1**, **Schedule 2** and **Schedule 3**; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
5. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
6. In this delegation:
 - o '**Functions**' means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - o '**Legislation**' means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - o '**LG Act**' means the *Local Government Act 1993* as amended.



Schedule 1: Delegated Functions

Environmental Planning and Assessment Act 1979

Function Code	Function	Condition/ Limitation (if any)
EPA Act 003	<p>Public Participation re DA –</p> <p>Authority to carry out public participation and consult with and obtain concurrence associated with an application for development consent in accordance with sections 79 - 79BA.</p> <p>Pursuant To – sections 79 - 79BA EP&A Act</p>	
EPA Act 003(2)	<p>Public Participation - designated development –</p> <p>Authority to form the opinion that an amended, substituted or later development application differs only in minor respects from an original application for the purposes of section 79(6) of the EP&A Act.</p> <p>Pursuant To – section 79(6) of the EP&A Act.</p>	
EPA Act 004	<p>Determination of DA –</p> <p>Authority to carry out all functions of the council as consent authority associated with the assessment and determination of an application for development consent including the imposition of conditions, reducing the period in which a development consent lapses and being satisfied in relation to specified matters in relation to bushfire prone land.</p> <p>This includes the authority to carry out all functions, and to be satisfied on behalf of the Council of the requirements, in regards to the administration, assessment and determination of a development application under the Council's Local</p>	

	<p>Environmental Plan. Pursuant To – sections 80, 80A and 95 and generally Part 6, Division 2 of the EP&A Act and Part 6 of the EP&A Regulation and Council's Local Environmental Plan.</p>	
EPA Act 005	<p>Review of determination – Authority to conduct a review of a determination of a development application in accordance with section 82A. Pursuant To – section 82A</p>	
EPA Act 006	<p>Review of rejection of DA – Authority to review a decision to reject and not determine a development application in accordance with section 82B Pursuant To – section 82B</p>	
EPA Act 008	<p>Crown Development – Authority to determine a Crown development application or refer such an application to the applicable regional panel and otherwise deal with Crown Development applications in accordance with Part 4, Division 4 of the EP&A Act, including to submit information to a panel or the Minister of Planning and Infrastructure and to comply with a direction of the Minister for Planning and Infrastructure under section 89A. Pursuant To – sections 89 and 89A</p>	
EPA Act 009	<p>Extension of lapsing period – Authority to determine an application for a 1-year extension of a consent in accordance with section 95A Pursuant To – section 95A</p>	



EPA Act 011	<p>Developer Contributions –</p> <p>Authority to impose conditions of development consent imposing developer contributions</p> <p>Pursuant To – Part 4 Division 6 of EP&A Act</p>	The Chairperson has the authority to vary the contributions in accordance with Mid-Coast Council Contributions Plans.
EPA Act 013	<p>Application for Modification –</p> <p>Authority to determine an application for modification of a consent, in accordance with section 96 or 96AA and to form the opinion that a modification is of minimal environmental impact.</p> <p>Pursuant To – Sections 96 and 96AA of the EP&A Act and cl.17 of the EP&A Regulation</p>	
EPA Act 014	<p>Review of modification application –</p> <p>Authority to conduct and determine a review of a determination made under section 96 or 96AA, in accordance with section 96AB.</p> <p>Pursuant To – Section 96AB</p>	
EPA Act 019	<p>Part 5 consideration –</p> <p>Authority, on behalf of the council as the determining authority in relation to an activity under Part 5, to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity in accordance with section 111.</p> <p>Pursuant To – Section 111</p>	
EPA Act 020	<p>Activities for which EIS required –</p> <p>Authority to determine whether to grant an approval in relation to an activity to which Part 5 Division 3 (where an EIS is required) applies in accordance with Part 5 Division 3 of the EP&A Act.</p>	



	Pursuant To – Section 112	
EPA Act 041	Imposition of Conditions – Authority to accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of any monies paid as security and authorise the release of any payment of security by an applicant pursuant to a condition of development consent imposed Pursuant To – Section 80A(6)	

Environmental Planning and Assessment Regulation 2000

Function Code	Function	Condition/ Limitation (if any)
EPA Reg 004	Rejection of DA – Authority to reject a development application in accordance with clause 51. Pursuant To – Clause 51	
EPA Reg 005	Request for Additional Information – Authority to request the applicant for development consent to provide it with such additional information about the proposed development as it considers necessary to its proper consideration of the application in accordance with clause 54. Pursuant To – Clause 54	
EPA Reg 006	Amendment of DA – Authority to agree to the amendment of a development application in accordance with clause 55. Pursuant To – Clause 55	
EPA Reg 007	Replacement Applications – Authority to decide to dispense with	

	compliance with Part 6 Division 7 of the Regulations (in relation to public participation - other advertised development). Pursuant To – Clause 90	
EPA Reg 009	Refund for withdrawal – Authority to refund to the applicant the whole or any part of any application fee paid in connection with an application what has been withdrawn. Pursuant To – clause 52(3) of the EP&A Regulation.	

Local Government Act 1993

Function Code	Function	Condition/ Limitation (if any)
LG Act 003	Approvals – Authority to reject a unclear or illegible application for approval for an activity specified in the table to section 68, or to determine such an application, or an application to amend, extend, renew, revoke or modify such an approval Pursuant To – section 68, 85, 86, 94, 106, 107, 108 and Chapter 6, Part 1 of the Local Government Act 1993 generally	
LG Act 010	Fees – Authority to require payment of a further approved fee if an application is amended. Pursuant To – Section 80	
LG Act 011	Withdrawal of Applications – Authority to authorise a refund in respect of fees paid by an applicant in respect of an application for a Section 68 Activity approval which is withdrawn	



	Pursuant To – Section 88(3)	
LG Act 012	Review of determination of approvals – Authority to review the determination of an application for an approval for an activity in accordance with section 100 Pursuant To – Section 100	

Schedule 2: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
N/A	N/A	N/A

Schedule 3: General Limitations

Limitation (if any)
N/A

Pursuant to a Resolution of the Council at its meeting of Wednesday, 27 September 2017,

The Mayor

Date: Wednesday, 27 September 2017

Review date:

Delegate Acknowledgement of Delegation

I _____ do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

Councillor as Chairperson of Development Control Unit of Mid-Coast Council

Date:

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4 2017 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATIONS

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance - Councillors - Allowances incl Mayoral Allowance

Date of Meeting 27 September 2017

SUMMARY OF REPORT

This report advises of the 2017 Local Government Remuneration Tribunal's Report and Determination.

SUMMARY OF RECOMMENDATION

1. That Council fix the following fees for the Mayor and Councillors in accordance with sections 248 and 249 of the Local Government Act 1993 to take effect from 1 July 2017:
 - Mayor - \$42,120
 - Councillor - \$19,310
2. That 10% (being \$4,212) of the Mayoral fee be paid to the Deputy Mayor in accordance with the former Great Lakes and Gloucester Shire Council's previous practice.

FINANCIAL/RESOURCE IMPLICATIONS

Increases were factored into the 2017/2018 draft budget. An adjustment to reflect the exact amounts will be made at the September 2017 Quarterly Budget Review.

LEGAL IMPLICATIONS

Council can only adopt fees within the range determined by the Remuneration Tribunal.

DISCUSSION

The Local Government Remuneration Tribunal has handed down its determination in relation to the payment of fees for Mayors and Councillors for NSW local councils effective from 1 July 2017. This determination has been published in the Government Gazette and a copy has been included as Annexure A.

In undertaking the annual review for 2017, the Tribunal has taken into account the number of councils which had been amalgamated in 2016, reducing the number of councils in NSW from 152 to 128. The significant change prompted a review of the existing categories and the allocation of councils into each of those categories.

For this review the Tribunal was also required to give effect to section 242A of the Act which ties increases in the allowances payable for councillors and mayors to public sector wages.

The Tribunal has reviewed key economic indicators and has determined that the full increase of 2.5% is warranted. The new ranges for each category are set out in the Table below with Mid-Coast Council being categorised as a Regional Rural Council.

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Council needs to determine whether to elect a Deputy Mayor and whether to pay any remuneration from the Mayoral Annual Fee. The former Great Lakes and Gloucester Shire Councils had a longstanding practice of paying the Deputy Mayor an amount of 10% of the Mayoral Annual Fee in recognition of the times when the Deputy Mayor is called upon to act or stand-in for the Mayor during periods of absence etc. This fee was deducted from the Mayoral Annual Fee. The former Greater Taree City Council did not pay any remuneration to the Deputy Mayor in addition to the Councillor Fee.

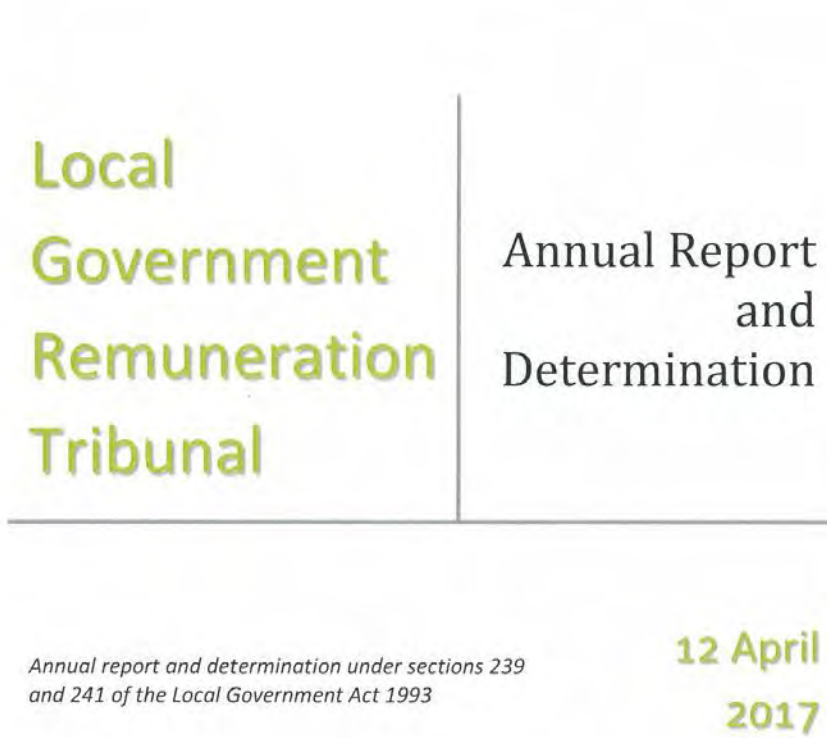
The maximum increase allowable under the Tribunal's Determination is recommended given the size and scale of MidCoast Council. Council does have the option to set its 2017/2018 fees at any level within the range outlined above for a Regional Rural Council.

RECOMMENDATION

1. That Council fix the following fees for the Mayor and Councillors in accordance with sections 248 and 249 of the Local Government Act 1993 to take effect from 1 July 2017:
 - Mayor - \$42,120
 - Councillor - \$19,310
2. That 10% (being \$4,212) of the Mayoral fee be paid to the Deputy Mayor.

ANNEXURES

A: Local Government Remuneration Tribunal - Annual Report & Determination - 12 April 2017



[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

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Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2 Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

- (1) *In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) *The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) *This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) *To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

Section 3 Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

"240 (1)

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- *such other matters as may be prescribed by the regulations."*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council's economic influence and the council's degree of regional servicing.

Local Government Remuneration Tribunal

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

Regional

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

"Metropolitan

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal's preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....

Non-metropolitan

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake

Local Government Remuneration Tribunal

Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other."

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

"The Tribunal's 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act."

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

Local Government Remuneration Tribunal

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed "Major CBD" and "Metropolitan Major" be merged and called "Metropolitan Major" and an additional category be created called "Special/Interim". The "Metropolitan Major" category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The "Special/Interim" category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a "Metropolitan Growth Centre" or "Metropolitan Major – Growth Centre" for councils dealing with high growth; "Metropolitan Gateway" for councils that connect the regions to metropolitan areas; and "Peri-Urban" for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council's business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

Local Government Remuneration Tribunal

Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Criteria for categories

The following criteria will apply to each of the categories:

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

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Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

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Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

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Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

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41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

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more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

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49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Section 5 Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

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LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors – Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.
64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.
65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

Section 6 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta

Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills

Metropolitan Small (11)
Burwood
Camden
Canada Bay
Hunters Hill
Lane Cove
Mosman
North Sydney
Strathfield
Waverley
Willoughby
Woollahra

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Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)	Regional Strategic Area (2)
Newcastle	Central Coast
Wollongong	Lake Macquarie

Regional Rural (37)	Rural (57)
Albury	Balranald
Armidale	Bellingen
Ballina	Berrigan
Bathurst	Bland
Bega	Blayney
Blue Mountains	Bogan
Broken Hill	Bourke
Byron	Brewarrina
Cessnock	Cabonne
Clarence Valley	Carrathool
Coffs Harbour	Central Darling
Dubbo	Cobar
Eurobodalla	Coolamon
Goulburn Mulwaree	Coonamble
Griffith	Cootamundra-Gundagai
Hawkesbury	Cowra
Kempsey	Dungog
Kiama	Edward River
Lismore	Federation
Lithgow	Forbes
Maitland	Gilgandra
Mid-Coast	Glen Innes Severn
Mid-Western	Greater Hume
Orange	Gunnedah
Port Macquarie-Hastings	Gwydir
Port Stephens	Hay
Queanbeyan-Palerang	Hilltops
Richmond Valley	Inverell
Shellharbour	Junee
Shoalhaven	Kyogle
Singleton	Lachlan
Snowy Monaro	Leeton
Tamworth	Liverpool Plains
Tweed	Lockhart
Wagga Wagga	Moree Plains
Wingecarribee	Murray River
Wollondilly	Murrumbidgee
	Muswellbrook
	Narrabri
	Narrandera
	Narromine
	Oberon
	Parkes
	Snowy Valleys
	Temora
	Tenterfield
	Upper Hunter
	Upper Lachlan
	Uralla
	Walcha
	Walgett
	Warren
	Warrumbungle
	Weddin
	Wentworth
	Yass

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Table 3: County Councils

Water (5)
Central Tablelands
Goldenfields Water
Mid-Coast
Riverina Water
Rous

Other (7)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Southern Slopes
Upper Hunter
Upper Macquarie

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Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

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5 COUNCILLOR INDUCTION AND TRAINING

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Governance – Councillor Training and Development

Date of Meeting 27 September 2017

SUMMARY OF REPORT

To inform Councillors of induction and training activities that are currently scheduled and to seek advice as to training needs.

SUMMARY OF RECOMMENDATION

That the information be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Allowances have been made in the 2017/2018 budget for Councillor training activities.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

A major contributor to the success of a new Council is ensuring that all councillors have or have the ability to access the knowledge, skills and training that allows them to be comfortable in their roles and have an understanding of their responsibilities. The legislative and policy framework in which local government operates is rapidly changing and maintaining a current knowledge is important.

DISCUSSION

1. Local Government NSW (LGNSW) are offering an opportunity for the new team of Councillors to come together with their executive team to reflect on, discuss and plan the success of the new council term. They are hosting free, informal workshops across the state to discuss the skills, knowledge and capabilities that are needed to do the job well and achieve results. Topics covered include:

- Starting with stability
- Adopting a strategic approach
- Being effective and getting things done
- Developing your capabilities
- Regional and state collaboration
- Community leadership

Workshop times are from 10am to 3pm and dates and locations include:

- Gloucester – Tuesday 3 October 2017
- Newcastle – Wednesday 4 October 2017
- Sydney CBD – Monday 16 October 2017

A copy of the Capable Councils Flyer is shown in Annexure A.

2. The Office of Local Government (OLG) is running one-day workshops across the State for new and returning Councillors. These workshops will focus on key topics that OLG believe are essential for all Councillors to understand. All Councillors are strongly encouraged to attend one of these workshops. The nearest locations and dates for MidCoast Councillors are:
 - Thornton - Wednesday 18 October 2017
 - Sydney CBD - Thursday 19 October 2017

There are other dates available at other locations as indicated in the attached OLG Hit the Ground Running Flyer shown in Annexure B.

Councillors are requested to advise the Manager Governance or the Executive Assistant of their ability to attend one of these sessions and the necessary registration and travel arrangements will be made.

3. A brief Code of Conduct session will be held on Monday 25 September and a further half day, more detailed session will be planned in the near future. This training is essential and all Councillors should make arrangements to ensure their availability at this session once it has been scheduled.

It is proposed that Council will cover a number of other induction topics over the coming months and ongoing as needed.

4. To assist in developing a Councillor Training Plan to cover the next 12 to 18 months, Councillors are asked to identify areas where they believe training would be of benefit and provide this feedback to the Manager Governance or the General Manager. There are a number of service providers in the market who are able to tailor sessions to meet the needs of Councillors.

COMMUNITY IMPACTS

Nil.

BUDGET IMPLICATIONS

Allowances have been made in the 2017/2018 budget for Councillor training activities.

RECOMMENDATION

That the information be noted and Councillors advise the Manager Governance or the Executive Assistant of their ability to attend these sessions.

ANNEXURES

A: LGNSW Capable Councils Flyer

CAPABLE COUNCILS



Post Election Workshops

Upcoming elections herald a new phase, and councillors need to work together with their executive teams to ensure the success of the next term in achieving outcomes for their communities.

LGNSW is offering an opportunity for the new team of councillors to come together with their executive to reflect on, discuss and plan the success of the new council term.

We are hosting free, informal workshops in relevant regions to discuss the skills, knowledge and capabilities that are needed in order to do the job well and achieve results. We will also provide an overview of statutory milestones, good practice ideas and relevant LGNSW advocacy and support services under the following themes:

Starting with stability

- Understanding recent reform – reflecting on the past and planning a positive future
- Creating a strong new council – building the team
- Engaging your community

Adopting a strategic approach

- What do you want to achieve during this term of council?
- Roles and responsibilities in legislation and what that means in practice
- Milestones and key tasks across the council term
- Managing and allocating your resources

Being effective and getting things done

- Councillors and staff working collaboratively
- What are the personal attributes you need to be effective?
- Using this term to serve the community

Developing your capabilities

- Importance of having a good mix of skills on the council
- Understanding the Local Government Capability Framework
- Creating a development plan

Regional and state collaboration

- Understanding the local and state government context
- Strengthening regional relationships
- Working together with neighbours – advocacy and service delivery

Community leadership

- Ensuring that all areas within your LGA feel they have a voice
- Communicating and engaging to improve services and inform key decisions
- Working with your community to achieve shared goals

DATES & LOCATIONS

Gloucester	Tuesday 3rd October
Newcastle	Wednesday 4th October
Wollongong	Monday 9th October
North Sydney	Tuesday 10th October
Hornsby	Friday 13th October
Sydney CBD	Monday 16th October
Canterbury	Tuesday 17th October
Orange	Thursday 19th October
Cowra	Friday 20th October
Queanbeyan	Wednesday 25th October
Deniliquin	Friday 27th October



LGNSW PRESENTERS:

Donna Rygate, Chief Executive
Jill Gallagher, Senior Manager Governance & Culture
Sarah Artist, Senior Manager Innovation & Capability
Jenny Dowell OAM, Mayoral Mentor
Paul Braybrooks OAM: Mayoral Mentor
Allan Ezzy AM APM JP: Mayoral Mentor
Peter M Speirs OAM: Mayoral Mentor

**Who Should Attend?**

This event is for mayors, councillors and senior staff from recently elected councils.

While we would encourage all elected councillors to attend OLG induction sessions to better understand the expectations of the regulator and associated compliance responsibilities, these LGNSW workshops will be different - offering practical supports, tools and case studies from our sector, and they will be run as facilitated and interactive discussion with colleagues and peers. We will have senior practitioners and LGNSW Mayoral Mentors as part of the team of presenters. Our focus will be on strengthening individual capabilities to help deliver important outcomes in unique local circumstances, and participants will be supported to design their own approaches to achieving more capable councils.

TIME

10am-3pm
Lunch will be provided

COST

Free to members

REGISTER

Please register to attend at
<https://lgsa.wufoo.eu/forms/capable-councils/>

CONTACT

For more information contact Learning Solutions



B: OLG Hit the Ground Running Flyer



Being a councillor provides an exciting opportunity to make a difference in your local community

WITH THIS OPPORTUNITY COMES RESPONSIBILITY.

This workshop will help you understand your responsibilities as a councillor, so you can hit the ground running.

Being a councillor is an important role that carries with it significant responsibilities to the community. Councillors owe it to their community to take personal responsibility for their learning and to equip themselves with the skills and knowledge necessary to perform their role effectively.

Whether you're a new or returning councillor, the workshop will help you develop and update your skills and knowledge. New councillors will also benefit from the learnings shared by those with experience.

The workshops are free of charge. The cost of any travel or accommodation is the responsibility of attendees and their council.

WHY SHOULD I ATTEND?

- » Understand your roles and responsibilities, and council processes
- » Learn how to manage limited resources to achieve the best for your community
- » Meet other councillors and strengthen your networks
- » Update your knowledge and share your experiences with new councillors.

HOW CAN I BOOK?

The general manager at your council will coordinate workshop registrations. You simply need to advise the general manager which workshop you'd like to attend and whether you have any dietary requirements or special access needs.

Once your registration has been processed, you'll receive a confirmation email and further workshop details.

WHAT CAN I EXPECT ON THE DAY?

- » Presentations on must-know topics
- » Opportunities to ask questions
- » Interactive sessions where you can share experiences with, or learn from, other councillors
- » Networking opportunities with other councillors, OLG staff and general managers.

The workshops are free of charge.





These workshops are a valuable opportunity for councillors to build networks and share their experiences.”

Tim Hurst,

Acting Chief Executive of the Office of Local Government

Workshop Schedule

LOCATION	DATE	VENUE
Shellharbour	Wed 11 October 2017	Shellharbour Council Chambers, Lamerton House Lamerton Crescent, Shellharbour
Queanbeyan	Thu 12 October 2017	Queanbeyan-Palerang Regional Council Chambers, 253 Crawford Street, Queanbeyan
Armidale	Tue 17 October 2017	Activities Room, Kent House 139 Faulkner Street, Armidale
Strathfield	Wed 18 October 2017	Ironbark Room, Strathfield Library 65-67 Rochester Street, Homebush
Thornton	Wed 18 October 2017	Training Room 1, Local Government Training Institute 4 Sandringham Avenue, Thornton
Sydney CBD 1	Thu 19 October 2017	Portside Room, The Portside Centre Level 5, 207 Kent Street, Sydney
Parramatta	Thu 19 October 2017	Linden Room, Parramatta RSL Club Cnr O'Connell & Macquarie Streets, Parramatta
Bankstown	Wed 25 October 2017	Community Room 1, Bryan Brown Function Centre Cnr Rickard & Chapel Roads, Bankstown
Jerilderie	Tue 31 October 2017	Ian Gilbert Room, Jerilderie Civic Hall 33 Jerilderie Street, Jerilderie
Gundagai	Wed 1 November 2017	Function Room 1, Gundagai District Services Club 254 Sheridan Street, Gundagai
Blayney	Thu 2 November 2017	Blayney Community Centre 41 Church Street, Blayney
Sydney CBD 2	Sat 4 November 2017	Portside Room, The Portside Centre Level 5, 207 Kent Street, Sydney

Note

It may be necessary for reasons beyond the control of the Office of Local Government to change the content, timing or venue of your chosen workshop. We will make every effort to notify you of any change as soon as possible. However, the Office of Local Government cannot be held responsible for any travel or accommodation costs incurred should the workshop need to be postponed or cancelled.

Workshop Overview

TIME	TOPIC
8.30-9.00am	Registration, with tea and coffee on arrival
9.00-9.05am	Welcome and introduction
9.05-9.35am	<p>Program overview - Achieving outcomes for your community</p> <p>Understand the five key things all councillors need to know to achieve positive community outcomes and the context in which local government is operating</p>
9.35-10.30am	<p>Achieving outcomes through civic leadership</p> <p>Understand your council's role in the local community, the different roles of a councillor and how to manage the challenges involved</p>
10.30am-10.40pm	Morning tea
10.40am-11.35pm	<p>Achieving outcomes by making the most of meetings</p> <p>Understand the purpose, process and expectations for council meetings and how to maximise their benefits</p>
11.35-12.30pm	<p>Achieving outcomes through planning and managing resources</p> <p>Understand how to engage with your community, set the long term direction of council and ensure that money and other resources are used effectively through the Integrated Planning and Reporting planning tool</p>
12.30-1.15pm	Lunch
1.15-2.20pm	<p>Achieving outcomes through appropriate conduct and ethical decision making</p> <p>Be updated about the Model Code of Conduct and how to protect and enhance your own, and your council's, credibility and reputation</p>
2.20-2.45pm	<p>Achieving outcomes through continued learning and professional development</p> <p>Learn from an experienced councillor what it takes to be successful in the role</p> <p>Consider your own training and support requirements and how you can undertake further professional development during your time as a councillor</p>
2.45-3.00pm	Achieving outcomes - summary

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6 ATTENDANCE AT LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2017

Report Author Rob Griffiths, Manager Governance

File No. / ECM Index Conferences and Seminars - LGNSW

Date of Meeting 27 September 2017

SUMMARY OF REPORT

To address matters concerning the attendance of Councillors at the Local Government NSW Annual Conference in Sydney at the Hyatt Regency, Sydney to be held 4 – 6 December 2017

SUMMARY OF RECOMMENDATION

1. That Council approve the attendance of all Councillors to attend the Local Government NSW Annual Conference in Sydney from 4 - 6 December 2017 and nominate those Councillors.

FINANCIAL/RESOURCE IMPLICATIONS

Budget allocations have been provided for all Councillors to attend this Conference.

LEGAL IMPLICATIONS

Nil

BACKGROUND

The Annual Conference of Local Government NSW is to be held at the Hyatt Regency in Sydney from Monday 4 December 2017 to Wednesday 6 December 2017. Traditionally this Conference has been held in October but has been pushed back due to the September 2017 elections of merger effected Councils.

DISCUSSION

The LGNSW Conference is an annual policy-making event for NSW general-purpose councils. It is the pre-eminent event of the Local Government year where local councillors come together to share ideas and debate issues that shape the way we are governed.

Traditionally this conference has been held in October but has been pushed back due to the September 2017 elections for merger affected Councils. As such the following revised dates apply:

Monday 9 October	Deadline for payment of membership fees (required for Council to be entitled to vote on policy motions and for the Board).
Friday 13 October	Members notified of number of delegates that can vote on policy motions.
At a date to be confirmed by the AEC	AEC to issue an election notice inviting nominations for Office Bearers and the Board.
Wednesday 1 November	Deadline for members to provide names to LGNSW of delegates who will vote on policy motions.

In accordance with Council's policy it is necessary for Council to approve the attendance of Councillors at conferences, seminars, workshops, training sessions etc. As such Council should determine which Councillors are granted approval to attend this conference.

Business is conducted at the Conference by way of consideration of motions put to the Conference by member councils or the Executive. Based upon local government area populations each Council is entitled to a certain number of voting delegates. LGNSW will notify Council by Friday 13 October 2017 as to the number of voting delegates allocated to MidCoast Council. A further report will be presented to the October Council meeting to determine which Councillors will be nominated to LGNSW as voting delegates.

LGNSW requires that it be notified of the names of Council's authorised voting delegates by Wednesday 1 November 2017. As such it will be necessary for Council to nominate its voting delegates from those Councillors authorised to attend the Annual Conference at the October Council meeting. Traditionally those voting delegates have included the Mayor.

COMMUNITY IMPACTS

Nil

BUDGET IMPLICATIONS

Budget allocations have been provided for all Councillors to attend this Conference.

RECOMMENDATION

1. That Council approve the attendance of all Councillors for the Local Government NSW Annual Conference in Sydney from 4 - 6 December 2017 and nominate those Councillors as attendees to LGNSW.
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ANNEXURES

A: LGNSW Annual Conference Program



Local Government NSW Annual Conference 2017

Monday 4 – Wednesday 6 December 2017

Main conference venue is Hyatt Regency Sydney, 161 Sussex Street Sydney

This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.

DRAFT PROGRAM (as of 30 August 2017)

MONDAY 4 December	
1.00pm – 4.00pm	Bump in sponsors to set up trade exhibition Bump in voting booths into Wharf 4 and 5
2.00pm – 4.45pm	Registration opens in foyer entrance to main ballrooms
3.00pm – 4.00pm	Two optional concurrent briefing sessions. Coming together post-amalgamation: lessons and next steps three case studies Peter Tegart , Interim General Manager, Queanbeyan Palerang Regional Council Gail Connolly , General Manager, Georges River Council To be confirmed or Elected life and good governance: building your capabilities. A session for new councillors
4.00pm – 5.00pm	Sessions repeated above
5.00pm – 7.00pm	President's Opening Reception in Maritime Ballroom in the trade exhibition
TUESDAY 5 December – Business Session Day 1 / Grand Ballroom/Maritime Ballroom	
7.30am – 5.00pm	Registration opens
8.00am – 9.00am	Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (Voting for all positions at the one time) in Wharf 3, 4 and 5 (rooms)
8.15am – 9.00am	Distribution of voting materials and electronic handsets Trade exhibition opens in Maritime Ballroom
9.15am – 9.45am	Address from The Hon Gladys Berjiklian MP , Premier of New South Wales
9.45am – 11.00am	Address from Cr Keith Rhoades AFSM , President, LGNSW Opening of the Federal Conference , chaired by Cr Keith Rhoades AFSM including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members. Business session and consideration of motions.

	<p>Opening of the State Conference, chaired by Cr Keith Rhoades AFSM including adoption of standing orders. Presentation of the auditor's report, general financial and operating report to members.</p> <p>Business sessions and consideration of motions.</p>
11.00am – 11.30am	<p>Morning tea in trade exhibition area Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
11.30am – 1.00pm	<p>Consideration of Conference business continued, chaired by the President</p>
1.00pm – 2.00pm	<p>Lunch in trade exhibition Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
2.00pm – 3.30pm	<p>Consideration of Conference business continued, chaired by the President</p>
3.30pm – 4.00pm	<p>Afternoon tea in trade exhibition area Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</p>
4.00pm – 5.30pm	<p>Consideration of Conference business continued, chaired by the President Collection of all electronic handsets and motions voting cards Conference business session closes</p>
5.30pm – 6.30pm	<p>Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors Voting closes</p>
6.00pm – 7.00pm	<p>Delegate networking function in trade exhibition area</p>
7.30pm	<p>Trade exhibition closes. Free night for delegates.</p>
<p>Wednesday 6 December-- Business Session Day 2 / Grand Ballroom/Maritime Ballroom/Wharf rooms</p>	
7.30am – 5.00pm	<p>Registration opens</p>
7.30am – 8.45am	<p>Australian Local Government Women's Association (ALGWA NSW) Breakfast Special Guest Speaker Rhoda Roberts, Head of First Nation Programming, Sydney Opera House, Festival Director Boomerang, will speak on Accessing and Creating Relationships with Your Local Community.</p>
8.00am – 5.30pm	<p>Trade exhibition open in Maritime Ballroom</p>
9.00am – 9.05am	<p>Introduction by Ellen Fanning, Master of Ceremonies</p>
9.05am – 9.20am 9.20am – 9.35am	<p>Address from The Hon Gabrielle Upton MP, Minister for Local Government Facilitated questions from the conference to the Minister</p>
9.35am – 10.05am	<p>Keynote: Dr Jonathan Carr-West, Chief Executive, Local Government Information Unit UK presents on Transforming Local Government</p>
10.05am – 10.30am	<p>Morning tea in trade exhibition area</p>
10.30am – 10.45am 10.45am – 11.00am	<p>Address from The Hon Peter Primrose MLC, Shadow Minister for Local Government Facilitated questions from the conference to the Shadow Minister</p>

11.00am – 11.15am	Address from The Hon Melinda Pavey MP , Minister for Roads, Maritime and Freight
11.15am – 11.30am	Address from Carolyn McNally , Secretary of the Department of Planning and Environment, on Housing Affordability and Partnerships with Councils.
11.30am – 11.40am	MC to facilitate Q and A to both speakers (10 mins only)
11.40am – 12.10pm	Address from Stuart Reeve , Managing Director, Micromex Research and Consulting on Community Perceptions of Local Government
12.10pm – 12.30pm	Presentation of the AR Bluett Awards (20 mins)
12.30pm - 12.40pm	Address from Cr Keith Rhoades AFSM , LGNSW President on Association Initiatives
12.40pm – 12:50pm	Treasurer's Report
12.50pm – 1.40pm	Lunch in the trade exhibition area General Managers Lunch sponsored by StateCover: a short update from StateCover, Local Government Super and LGP (30 mins)
1.40pm – 3.10pm	MOVE TO CONCURRENT SESSIONS
Environment and Planning 1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	Stream facilitated by Stephen Beaman PSM , Executive Director Waste and Resource Recovery, Environment Protection Authority (EPA). <ul style="list-style-type: none"> • Dr Bruce Christie, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries on The biosecurity framework and shared responsibilities • Stephen Beaman PSM, Executive Director Waste and Resource Recovery EPA on Introducing a Container Deposit Scheme • Tom Celebrezze, Director Biodiversity Policy, Office of Environment and Heritage Biodiversity reforms and Local Government
Infrastructure and Economics 1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A	<ul style="list-style-type: none"> • Greg Dyer, General Manager City of Parramatta, Case study on the Redevelopment of Parramatta Square • Susie Matthews, Director Small Business Engagement, NSW Department of Industry on In Support of night-time economies • Sean Gordon, Chief Executive Officer, Darkinjung Local Aboriginal Land Council on Building local economies and the economic development of aboriginal lands

<p>People and Communities</p> <p>1.40pm – 1.45 intro 1.45pm – 2.05pm 2.05pm – 2.10 intro 2.10pm – 2.30pm 2.30pm – 2.35intro 2.35pm – 2.55pm 2.55pm – 3.10pm Q and A</p>	<ul style="list-style-type: none"> • Jody Broun, Director NSW/ACT, Red Cross on Disaster Preparedness – council's building resilience with their communities in times of natural disaster or accident • Wendy Waller, Mayor and Shabnam Bhana, Community Development Worker, Liverpool City Council, and Cr Greg Conkey, Mayor, Wagga Wagga City Council on Refugee Resettlement • Mary Barry, Chief Executive Officer, Our Watch on the national framework for preventing violence against families and women
<p>3.10pm – 3.20pm</p> <p>3.20pm – 4.00pm</p> <p>4.00pm – 4.30pm</p>	<p>RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE</p> <p>Keynote: Annabel Crabb, Walkley Award winning journalist on 'What the community wants and expects from government; what local government can learn from the international, national and state experience; and what it means for local government in the future'.</p> <p>Afternoon tea and delegate networking function in trade exhibition area</p>
<p>7.30pm – 11.00pm</p>	<p>CONFERENCE DINNER, Grand Ballroom Hyatt Regency (In the conference room)</p>
<p>7.30pm</p> <p>7.45pm</p> <p>8.00pm</p> <p>8.10pm</p> <p>8.35pm</p> <p>9.35pm</p> <p>11.00pm</p>	<p>Doors open</p> <p>Delegates seated and entrée served</p> <p>LGNSW President introduces Elite Sponsor, StateCover Mutual Limited</p> <p>LGNSW President and Elite Sponsor present the Outstanding Service Awards Presentation of the Heart Foundation Local Government Awards National Winner by CEO Kerry Doyle (invited)</p> <p>Main course served</p> <p>Entertainment and dancing</p> <p>Function finishes</p>
<p>CLOSE OF CONFERENCE</p>	

This program is correct at the time of publication. Speakers and program details may change due to unforeseen circumstances.

DIRECTOR PLANNING & NATURAL SYSTEMS

7 DA 407-2017- MANUFACTURED HOME ESTATE - 303 BLACKHEAD RD TALLWOODS

Report Author Petula Bowden, Senior Town Planner
File No. / ECM Index 407/2017/DA
Date of Meeting 27 September 2017

DETAILS

Date Received: 13 April 2017
Applicant: Coastplan Group Pty Ltd
Owners: Brichris P/L; John Earning P/L; and Island Point Plantations P/L
Land: Lot 3 DP 242332 No. 303 Blackhead Road Hallidays Point
Zoning: R1 Residential and RE1 Public Recreation, GTLEP 2010

SUMMARY OF REPORT

- The application proposes to develop a Manufactured Home Estate comprising 202 sites on land at Tallwoods.
- The development is proposed to be carried out in 4 stages and will provide for the dedication of land to Council for the purpose of public recreation.
- The application was notified and advertised, and 50 submissions were received.
- It is recommended that the proposal be approved, subject to the imposition of conditions.

SUMMARY OF RECOMMENDATION

The proposed development application be approved subject to the conditions at the end of this report.

FINANCIAL/RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

LEGAL IMPLICATIONS

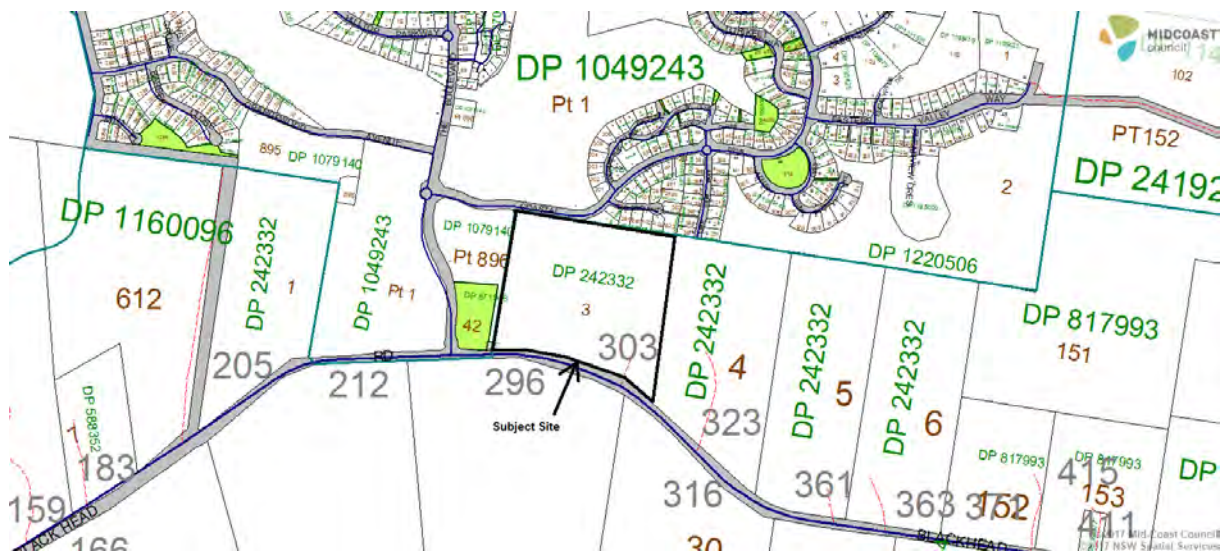
A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

ATTACHMENTS

- A. Development Plans
- B. Visual Analysis

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

SUBJECT SITE AND LOCALITY



BACKGROUND

The subject land is currently utilised for low intensity agriculture in the form of grazing of livestock. There is a dwelling located in the south eastern corner of the land.

The land was rezoned to residential and public recreation in 2010, at which time a Voluntary Planning Agreement [VPA] was made between Council and the owners of the land.

The VPA provided for the carrying out of certain public recreation works and the dedication of land to Council for public recreation purposes.

The VPA included a proposed plan of subdivision, however the VPA did not restrict development of the land solely for this purpose, and alternative subdivision or alternative forms of residential development can be considered on the land.

A summary of previous approvals is shown below:

Approval no.	Descriptions	Determination	Date
BA 124/86	Machinery Shed	Approval	25/2/1986
BA 316/79	Dwelling	Approval	18/7/1979

SITE DESCRIPTION

The subject site has an area of 10.12 hectares and is located at the southern edge of the Tallwoods residential area. The southern boundary of the land fronts Blackhead Road, whilst part of the northern boundary is formed by the frontage to Coastal View Drive.

The site adjoins developed residential properties along Coastal View Drive and The Bridle Path.

Land in the locality is comprised of small residential properties with single dwellings, vacant residential lots, and private recreation zoned land (Tallwoods Championship Golf Course); Land zoned RE1- Public Recreation for future sports fields (in conjunction with the RE1 land within the subject site) and land zoned RE2- Private Recreation, containing a former sales office, now a gymnasium and medical centre, and parking area. Across Blackhead Road are large rural and rural residential allotments. This includes an allotment currently being developed for the purposes of a caravan park.

The land can generally be described as having low slopes and drains to the south- western corner of the site. The slopes on the land vary from 4.5% to 17.5%. The site contains one drainage line which crosses the south-western corner of the site.

Access to the site is currently available from Blackhead Road and Coastal View Drive. There is a gravel driveway from Blackhead Road which provides access to the existing dwelling, whilst there is also a second gravel driveway connecting to Coastal View Drive.

The subject land is not identified as being flood prone (within council's flood planning area) but is mapped bush fire prone land.

PROPOSAL

The proposed development involves the establishment of a manufactured home estate. The proposal also involves the construction of public recreation facilities and dedication of land in a manner consistent with a voluntary planning agreement previously made over the subject land. The proposal will create 202 housing sites for the placement of manufactured homes, as well as the construction of a private community clubhouse, recreation facilities and caravan/RV parking. The proposed public recreation facilities include earthworks for the playing fields identified for the south western corner of the land, construction of a public carpark and public road access, construction of a cycleway along the frontage to Blackhead Road and dedication of the relevant lands to Council.

The manufactured home estate is to be maintained in single ownership.

The plan below depicts the development proposal.



In summary the proposed development has an estimated capital investment value of \$5 million and will comprise the following:

MHE (private facility)

- Demolition of an existing brick and tile dwelling, sheds and other structures
- 202 Manufactured Home Sites
- 34 Visitor parking spaces
- 13 Caravan/RV parking spaces
- Earthworks
- Road construction
- Stormwater Management Infrastructure
- Community Building/Facilities (Bar, Library, Café, Office etc.)
- Lawn Bowls Green
- Swimming pool
- Men's Shed
- Communal Garden
- Parks, BBQ's and vegetable garden

Public infrastructure / facilities

- Earthworks
- Road construction and public carpark (17 spaces)
- Stormwater Management Infrastructure
- Walking trails and cycleway connection.

The Development will be carried out in 4 Stages comprising the following:

Stage 1: Lots 1-59; Community Centre; Pool, Bowling Green; Men's Shed, Office/Managers Residence, Roadworks, Public Car Park; Bulk Earthworks for playing field and future stages; Caravan Storage; and Construction Access.



Stage 2: Lots 60-116; Open Space area; Roadworks and Car parks; dedicate public road and car park; complete playing field earthworks; and construct 2m wide cycleway.



Stage 3: Lots 117- 167; Open Space and Car Parks; dedicate playing fields, water quality infrastructure, open space and cycleway.



Stage 4: Lots 168-202; Roadworks; Car Parks and construction and dedication of remaining portion of cycleway and open space.



The application does not seek consent for the individual dwellings. If consent is granted for the manufactured home estate the dwellings would be subject to compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

It is intended that the proposed future dwellings will be single storey and have floor areas of approximately 107-135m². The houses will be constructed in a variety of weatherboard and fibre-cement cladding with low-maintenance landscaping. Each will comprise 2 or 3 bedrooms or 2 bedrooms and a study, along with a covered (carport / garage) car parking space and landscaping.

Artist's impressions below depict the likely design of the future dwellings.

Typical house type



REFERRALS

The following referrals were undertaken during the assessment process:

Authority/Department	Comment
NSW Police	No comment provided
NSW Rural Fire Service	See comments below
Development Engineer	Acceptable subject to conditions
Building Surveyor	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Natural Systems	Acceptable subject to conditions

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT – ASSESSMENT

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

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

STATE ENVIRONMENTAL PLANNING POLICY No 36 – MANUFACTURED HOME ESTATES

Development for the purposes of manufactured home estates is regulated by State Environmental Planning Policy No 36- Manufactured Home Estates (SEPP 36). The aim of SEPP 36 is to facilitate the development of well designed, appropriately located manufactured home estates to provide an alternative contemporary form of medium density residential development.

This State Environmental Planning Policy essentially enables Manufactured Home Estates to be established on land where they may not otherwise be permitted due to local planning controls. The proposed development is permitted under the provisions of Greater Taree Local Environmental Plan. It does not rely on the provisions of SEPP 36.

Nevertheless *Clause 9* of SEPP 36 stipulates the matters that must be considered by Council when assessing development applications for manufactured home estates. The relevant sections of SEPP 36 are considered below:

SEPP 36 Clause	SEPP Requirement	Comment
Clause 6	Identifies land where manufactured home estates are not permitted under SEPP 36	Noted.
Clause 7 (2)	Approval to operate a manufactured home estate under the provisions of the Local Government Act 1993	Complies: A condition of the draft consent addresses this matter.
Clause 8	Subdivision of manufactured home estates	Complies: The application does not include subdivision of the MHE and it is proposed that the MHE be maintained on one allotment.
Clause 9 (1) Council must not grant approval for a manufactured home estate unless it is satisfied that:		
Clause 9 (1)(a)	Each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity	Complies: All dwelling sites are to be connected to reticulated water, sewer, drainage and electricity.
Clause 9 (1)(b)	The manufactured home estate is or will be provided with adequate transport services	Complies: The estate has a single access point onto Coastal View Drive with the internal road network servicing each of the dwelling sites. Adequate visitor parking is provided on site 34 spaces. Existing public transport buses are available within 300m of the site. The local road network is capable of accommodating the additional traffic generated by the development. The site is able to be serviced by public transport and taxi.

SEPP 36 Clause	SEPP Requirement	Comment
Clause 9 (1)(c)	Sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate	Complies: The MHE includes community and recreational facilities for the private use of residents within the estate.
Clause 9 (1)(d)	The development will not have an adverse effect on any: <ul style="list-style-type: none"> • conservation area • heritage item • waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned. 	Complies
Clause 9 (2) A council may grant a development consent pursuant to this Policy only after it has considered the following:		
Clause 9 (2)(a)	The cumulative impact of the proposed development	Currently there are no other manufactured home estates in the locality. The proposed MHE is not perceived to generate any cumulative impacts if approved as it would be the first development of this type in the locality. The development will provide additional low maintenance housing opportunities for the Tallwoods community on a currently vacant site.
Clause 9 (2)(b)	Any relevant guidelines issued by the Director,	None applicable.
Clause 9 (2)(c)	The provisions of the <i>Local Government (Manufactured Home Estates) Transitional Regulation 1993</i> .	Complies: The application has been assessed against the provisions of The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Removable Dwellings) Regulation 2005.
Schedule 2	Categories of excluded land	Complies: The subject site is not: subject to any coastal erosion, tidal inundation, slip, dunal movement, flooding; located within a water catchment area; affected to an unacceptable level by an offensive or hazardous industry; or identified in an environmental planning instrument as any of the following:

SEPP 36 Clause	SEPP Requirement	Comment
		<ul style="list-style-type: none"> • extractive resources, • services corridors, • airport/industry buffer area, • habitat corridor, • containing significant remnant vegetation, • littoral rainforest, • water catchment, • wetlands.

STATE ENVIRONMENTAL PLANNING POLICY NO. 44- KOALA HABITAT PROTECTION

The fauna assessment submitted in support of the application included an assessment pursuant to this policy, as one (1) koala feed tree was detected on the site.

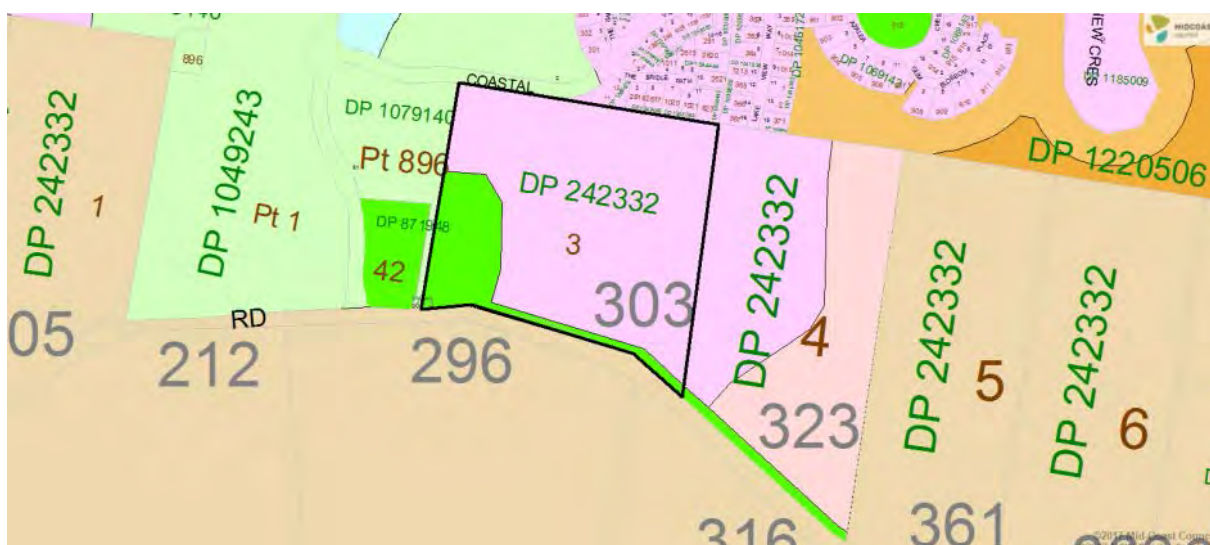
The closest record of Koalas to the subject site is located within the small patch of isolated forest on the adjacent lands to the immediate north of the subject site. Given the potential for Koalas on the site the complete Spot Assessment Technique (SAT) was undertaken as a measure of Koala 'activity' at two locations within the study area. No Koala scats were found within the SAT's undertaken. No Koalas were otherwise recorded directly or indirectly by other survey means such as spotlighting, call-playback or scratches on smooth-barked trees. Koalas are not considered likely to utilise the subject site as part of an established home range. As such, the subject site is not considered to comprise core Koala habitat (CKH) as defined under SEPP 44 and no further special considerations to this policy were required.

Nevertheless, it is acknowledged that the immediate surrounds support transitory habitat for koalas. Conditions of consent are proposed to ensure this continued activity.

GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010

Having regard for the matters for consideration detailed in Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, the following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Greater Taree Local Environmental Plan 2010.

The land the subject of this application is zoned both R1 Residential and RE1 Public Recreation.



Greater Taree Local Environmental Plan 2010 does not define manufactured home estates, however they are defined in State Environmental Planning Policy (SEPP) No.36- Manufactured Homes Estates to mean *land on which manufactured homes are, or are to be, erected.*

A Manufactured Home is defined in the same SEPP to mean:

a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a) *that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate, and*
- b) *that is not capable of being registered under the Traffic Act 1909, and includes any associated structures that form part of the dwelling.*

The following table outlines the permissibility of the use and any relevant LEP provisions.

A Manufactured Home Estate is not a land use defined in the LEP and is therefore permissible development with the consent of Council in accordance with the provisions of the relevant zoning table.

LEP Requirement	Summary of Requirement	Complies
Zone Objectives	<p><i>R1- Residential</i></p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p><i>RE1 Public Recreation</i></p> <ul style="list-style-type: none"> • <i>To enable land to be used for public open space or recreational purposes.</i> • <i>To provide a range of recreational settings and activities and compatible land uses.</i> • <i>To protect and enhance the natural environment for recreational purposes.</i> • <i>To provide for a range of educational, environmental, community and cultural uses for the benefit of the community.</i> 	Yes
Permissible use	<p>Manufactured Home Estates are not defined within the LEP – they are an innominate use. The use is permissible in the zone with consent.</p> <p>Roads are likewise permissible with consent in the zone. As such, all the uses in the R1 zone are permitted with consent.</p> <p>The proposed recreation area and roads are permissible in the RE1 zone, with consent.</p>	Yes

LEP Requirement	Summary of Requirement	Complies
LEP Provisions applicable to the proposed development		
4.3 –Height of buildings	<i>8.5m</i>	Yes The maximum height of the community building is 6.5 metres. Manufactured homes to be installed on the sites are not buildings as defined in the Act and are technically not subject to this control, however, the likely buildings heights would generally be less than 5 metres.
4.4 –Floor Space Ratio	<i>0.6:1</i>	Yes The floor space ratio of the proposal is in the order of 0.01:1. - community building /office and managers residence are the only buildings on the site.
7.1- Acid Sulphate Soils	<i>Class 5</i>	Yes Clause 7.1 of the LEP applies to the land as parts of the land are mapped as Class 5 on the Acid Sulfate Soils Planning Maps for the area. The provisions of the clause only require further investigation if the proposal is likely to result in the lowering of water tables in other areas. The proposed development is unlikely to affect water tables in the area.
Earthworks		All earthworks proposed to be carried out on the site will be done in accordance with an erosion and sedimentation control plan prepared in accordance with Council's DCP that ensures that the earthworks will not have a detrimental impact on the functions and features of the surrounding land.

GREATER TAREE DEVELOPMENT CONTROL PLAN 2010

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Greater Taree Development Control Plan 2010.

Part D – Environmental Requirements, Part M – Site Waste Minimisation and Management and Part N - Landscaping have requirements relevant to this DA. The proposed development complies with all relevant provisions of Greater Taree DCP 2010.

THE NSW LOCAL GOVERNMENT ACT 1993

The NSW Local Government Act 1993 also provides for manufactured home estates and manufactured homes. Specifically s68 allows a manufactured home to be installed subject to an approval under that section. Unless otherwise approved, the dwellings will be constructed off-site.

The installation of the future dwellings will require application under s68 for their placement within the estate. A condition of consent is to be imposed to require this approval prior to the installation of any dwellings.

LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

This Regulation sets out standards for the design and construction of manufactured home estates and manufactured homes to ensure the safety and amenity of occupants of manufactured homes.

The following table sets out the compliance of the subject proposal with the provisions of the regulation.

Clause/Development Standard	Comment
Clause 12 - Minimum size of estate	
A manufactured home estate must not have an area of less than one hectare or, if a lesser area is permitted by a relevant environmental planning instrument, that lesser area.	Complies: The subject site is 10.12 hectares.
Clause 13 - Community amenities	
(1) Of the total land area of a manufactured home estate: (a) at least 10 per cent, or (b) such lesser proportion (but not less than 6 per cent) as the approval for the manufactured home estate may allow, must be reserved for recreation or other communal activities.	Complies: The total area dedicated for communal activities is approximately 11,390m ² . These areas represent approximately 14% of the total site.
2. In deciding whether to allow a lesser proportion, the council must have regard to the type and range of amenities to be provided and to such other matters as it considers relevant	Not applicable – the land available for communal activities exceeds 10%.
Clause 14 - Size of dwelling sites	
A dwelling site must have an area of at least 130 square metres.	Complies: The proposed development consists of 202 sites with areas ranging from 214m ² to 370m ²
Clause 15 - Site identification	
(1) A dwelling site must be numbered or identified and its site boundaries clearly delineated. (2) The site identification must be conspicuous.	A condition of the draft consent notice requires each allotment to be identified in accordance with this clause.
Clause 16 - Dwelling sites to have road frontage	
A dwelling site must have vehicular access to an access road.	Complies: Each of the dwelling sites have frontage to an internal access road.

Clause/Development Standard	Comment
Clause 17 - Setbacks of community buildings	
<p>(1) A community building must not be located closer than 10 metres to the boundary of a manufactured home estate, or to the boundary of a dwelling site, unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the community building has been or will be properly screened, fenced, enclosed or otherwise treated.</p> <p>(3) A community building must not in any case be located closer than 2 metres to the boundary of a manufactured home estate or to the boundary of a dwelling site.</p>	<p>Complies:</p> <p>The proposed community building is located adjacent to the public carpark and playing fields. The closest dwelling site to the community building will lot 78, which is greater than 10m from the community building. The landscape plan indicates the areas around the community building will be suitably landscaped to screen the community centre and other facilities from neighbouring dwelling sites within the estate.</p>
Clause 18 - Setbacks of dwelling sites from road frontages	
<p>(1) A dwelling site must not be located closer than 10 metres to a public road or 3 metres to any other boundary of the manufactured home estate unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for a manufactured home estate must not allow a lesser distance than 10 metres unless the council is satisfied that the dwelling site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>Lots closest to a public road are Lots 1-9 (Coastal View Drive and Road 1 to be dedicated) and Lots 189-193 (Blackhead Road).</p> <p>The setback to Coastal View Drive to the boundary of these lots is in the order of 5m, which is consistent with Council's setback requirements for residential development in the locality.</p> <p>The setback to Blackhead Road will be approximately 13m.</p> <p>The lots closer than the required 10m are to be screened and landscaped to ensure the amenity of residents.</p>
Clause 19 - Use of buffer zones	
<p>Nothing in this Part prevents land within a buffer zone arising from the setbacks required by this Subdivision from being used:</p> <p>(a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or</p> <p>(b) for any similar purpose allowed by the approval for the manufactured home estate</p>	<p>Noted.</p>
Clause 20 - Entrance and exit roads	
<p>(1) A road that forms an entrance to or exit from a manufactured home estate must be at least 8 metres wide.</p> <p>(2) In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</p> <p>(3) The arrangement for the width of an entrance or exit road to taper into or meet the width of the sealed portion of the access roads leading to the entrance or exit may be specified in the approval for the manufactured home estate.</p>	<p>The Road Network Plan shows a single access point allowing entry/exit to the estate from proposed Road 1 off Coastal View Drive. This road will have a minimum pavement width of 8m with verge of 4m.</p> <p>The internal roads all have a minimum pavement width of 6m with either single or double verges of 1.5m.</p> <p>The road adjacent to the community facilities has a width of 7.5m with a 1.5m verge.</p>

Clause/Development Standard	Comment
Clause 21 - Width of roads	
(1) The width of the road reserve must be: (a) at least 8.5 metres for a major access road, and (b) at least 6 metres for a minor access road.	Complies
(2) The width of the sealed portion of an access road must be: (a) at least 6 metres for a major access road, and (b) at least 4 metres for a minor access road.	Complies
(3) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.	NA
(4) Passing bays must be provided at intervals of not more than 100 metres.	Complies
(5) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be: (a) at least 8.5 metres for a major access road, and (b) at least 6 metres for a minor access road.	Complies
Clause 22 - Speed restrictions as part of road design	
Access roads must be so designed as to limit the speed at which vehicles may travel on them to: (a) 30 kilometres per hour for major access roads, and (b) 15 kilometres per hour for minor access roads.	Conditioned.
Clause 23 - Visitor parking	
(1) A manufactured home estate must contain no fewer visitor parking spaces than the following: (d) 20 spaces for a manufactured home estate containing more than 105 sites, plus one additional space for each additional 7 sites (or part of a site) over 140.	The manufactured home estate requires the provision of 29 visitor parking spaces. A total of 34 visitor spaces are provided for the 202 sites.
(2) Each parking space is to have, at minimum, dimensions of: (a) 5.4 metres by 2.5 metres, in the case of angle parking, and (b) 6.1 metres by 2.5 metres, in any other case.	Complies
(3) Visitor parking spaces must be clearly identified as such.	Complies

Clause/Development Standard	Comment
Clause 24 - Visitor parking for people with disabilities	
<p>(1) A manufactured home estate must contain at least one visitor parking space for people with disabilities.</p> <p>(2) A manufactured home estate that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites.</p> <p>(3) Such parking is to be provided in accordance with AS/NZS 2890.1:2004, <i>Parking facilities—Off street parking</i>.</p> <p>(4) Visitor parking spaces for people with disabilities must be clearly identified as such.</p> <p>(5) Visitor parking spaces provided under this clause may be counted for the purposes of clause 23.</p>	<p>Only 1 space (No. 8) is nominated for disabled visitor parking. The requirement for 3 spaces is conditioned.</p>
Clause 25 - Road surfaces	
<p>All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the manufactured home estate, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.</p>	<p>Conditioned</p>
Clause 26 - Lighting	
<p>All access roads must be adequately lit between sunset and sunrise.</p>	<p>Conditioned</p>
Clauses 27- 32 – Servicing	
<p>All requirements for servicing of the site can be complied with.</p>	
Clause 33 - Garbage removal	
<p>Arrangements specified in the approval for the manufactured home estate must be instituted and maintained for the removal of garbage and for the maintenance of garbage receptacles in a clean and sanitary condition.</p>	<p>Conditioned</p>
Clause 34 - Fire hydrants	
<p>(1) No part of a dwelling site or community building within a manufactured home estate may be situated more than 90 metres from a fire hydrant.</p> <p>(2) Any fire hydrant located within a manufactured home estate must:</p> <p>(a) be a double-headed pillar-type fire hydrant, and</p> <p>(b) be maintained to the standard specified in the approval for the manufactured home estate.</p>	<p>Conditioned</p>

Clause/Development Standard	Comment
Clause 35 - Buildings	
<p>(1) A building must not be erected on a manufactured home estate unless the approval for the manufactured home estate so allows.</p> <p>(2) The approval for the manufactured home estate is to allow only the following kinds of buildings to be erected on a manufactured home estate:</p> <p>(a) community buildings,</p> <p>(b) brick or masonry walls in the form of separating walls between adjoining manufactured homes or in the form of external facades to manufactured homes.</p> <p>(3) The approval for a manufactured home estate is to allow the erection of a brick or masonry wall in the form of an external facade to a manufactured home only:</p> <p>(a) if the dwelling site on which the manufactured home is situated is a neighbourhood lot within the meaning of the <i>Community Land Development Act 1989</i>, and</p> <p>(b) the owner of the manufactured home is also the proprietor of the neighbourhood lot.</p>	Complies
Clause 36 - Use of manufactured home estates	
<p>(1) A manufactured home estate must not be used:</p> <p>(a) for any commercial purpose other than a manufactured home estate or an associated purpose, or</p> <p>(b) for the manufacture, construction or reconstruction of moveable dwellings.</p> <p>(2) Nothing in this clause prevents a manufactured home from being used for exhibition purposes.</p> <p>(3) This clause does not prevent the carrying out of work on a manufactured home that is installed in a manufactured home estate for the purpose of its renovation, maintenance or repair (such as painting, replacement of wall cladding or roof sheeting and the like).</p>	Conditioned
Clause 37 - Community map	
<p>The person who holds the approval to operate a manufactured home estate must provide the Council with a copy of the current community map:</p> <p>(a) as soon as practicable after any amendment is made to the map, and</p> <p>(b) at such other times as the council may reasonably require.</p>	Conditioned

Clause/Development Standard	Comment
Clause 38 - Access to approval and community map	
<p>The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate:</p> <p>(a) the approval for the manufactured home estate, (b) the current community map, (c) this Regulation.</p>	<p>Conditioned</p>

VOLUNTARY PLANNING AGREEMENT

As previously mentioned, at the time of rezoning a VPA was made between Council and the land owners.

The agreement provided for the following:

Construction works involving:

- i) Earthworks required and associated with construction of playing field, including the provision and application of top soil.
- ii) Earthworks associated with the construction of public carparks (17) to be located on the western side of Road No. 2 as depicted on the Rezoning Plan.
- iii) Construction of raingardens/retention dams as required by Council to meet water quality objectives within the RE1 land and landscaping associated therewith and installation of all pipes and utilities connecting the development to these facilities
- iv) Construction of a 2 metre wide bicycle way/pedestrian path (of concrete) along the full extent of the southern boundary of the land adjacent to Blackhead Road and adequate lighting.

Dedication of Land involving:

- a) Dedication of the land zoned RE1 at no cost to Council.
- b) Dedication to occur after the construction works for the recreation project are complete.
- c) 12 month maintenance period for the dedicated land.

The voluntary planning agreement provided for all these works to occur when Council had released a subdivision certificate for development on the area of land identified as `B'.

The VPA did not exclude the application of Section 94 or 94A of the EPA Act, but did exclude development contributions payable in relation to land development as far as contributions relate to the local open space component. A copy of the VPA is provided as *Annexure B - Voluntary Planning Agreement*.

The agreement within the VPA set out that it shall exclude the application of Section 94 so far as such contributions relate to local open space.

In comparison, the current proposal involves the development and use of the land as a Manufactured Home Estate and will not involve residential subdivision. As such, the provisions of the Planning Agreement are not triggered by this proposal. The applicant is, however, aware of the public benefits of dedication of public land and has elected to include works and dedication of land to achieve the outcomes generally in accordance with the planning agreement.

There are however some changes to the works which are necessary due to the development type, including:

- 1) Public road access is no longer available to the eastern side of the sporting fields and the construction of carparks in this location would be illogical as they would have no legal access through the proposed development. In the alternative, the proposal will create 17 car parking spaces to the north of the sporting fields which will be accessed via a new public road access from Coastal View Drive.
- 2) The dedicated land will now include the public road from Coastal View Drive.
- 3) The proposed works are to be carried out in stages and the construction and dedication is proposed to occur progressively over the stages.

The proposed works/dedication are proposed to occur during the following stages:

Stage	Construct	Dedication
Stage 1	Commence construction of Public Road access and Carpark area and commence earthworks for playing fields. Construction of water quality ponds, detention basins in RE1 zoned area.	Nil
Stage 2	Complete Public Road and Carpark. Continue earthworks for playing fields and construction of 2 metre footpath up to construction/emergency access.	Dedicate Public Road and Carpark areas to Council prior to issue of an approval to operate for Stage 2.
Stage 3	Complete playing fields earthworks (including top soil) and 2 metre concrete footpath up to construction/emergency access	Dedicate RE1 playing fields area and access corridor along Blackhead Road frontage up to construction/emergency access prior to approval to operate Stage 3.
Stage 4	Construct remaining footpath from construction/emergency access to eastern boundary.	Dedicate remaining RE1 land to Council, upon installation of last home in stage 4

The timing of the dedication of land is considered acceptable, with the exception of that in Stage 4. To ensure the timely completion of the public works the dedication of the remaining open space land and construction of the final portion of the footpath is to be required at the release of the Subdivision Certificate for Stage 4.

In addition, an exemption from the following contributions in the Hallidays Point Works of the Greater Taree Section 94 Contributions Plan 2016 is sought (being works formerly in the Local Open Space contribution):

- HP2 - Acquisition of land for sport fields at The Boulevard, Tallwoods
- HP3 - Construction of fields at Tallwoods
- HP4 - Construction of carpark at playing fields, Tallwoods
- HP10- Blackhead Road Pathway West
- HP11 - Blackhead Road Pathway East
- HP13 - Construction of multipurpose Court at Diamond Beach.

It is important to note that at the time of entering into the VPA (9/2/2010) the proposed subdivision of Lot 3 was for the creation of 82 lots and dedication of a Public reserve of 1.45ha.

The current proposal seeks to allow 202 dwelling sites and dedication of 1.633 ha. The Open Space component of the Local Facilities portion of the plan amounts to 40%. It is considered acceptable therefore that this discount is applied at the time of payment of these monies.

Councils current S94 Plan (2016) requires the following contributions for the development.

Hallidays Point 2017-2018 rate (202 additional home sites)		
Local Facilities	\$5157.37 per site	\$1 036,631.3
Greater Taree area facilities	\$2275.28 per site	\$457 331.28
Total		\$1,493, 962.50

*The 2016 Contributions Plan sets 1.5 persons per site as the assumed average household occupancy rate.

Assessment of the provisions of the S94 Contributions Plan 2016 shows that only certain works nominated in the plan will be covered by the development.

HP10 seeks contributions for a shared pathway 3m wide for 700m. The developer only seeks to provide a 2m wide pathway. Accordingly it is considered that a condition of consent be imposed to require the construction for the 3m wide pedestrian pathway/cycleway.

COUNCIL POLICY

Stormwater Management Policy

On 26 July 2017 Council adopted a Stormwater Management Policy which requires significant stormwater treatment devices, bio-retention basins and drainage infrastructure with public benefit to be dedicated to Council.

The policy states that dedication of land for stormwater drainage, detention and treatment purposes will only be accepted along with a maintenance plan and a maintenance period and accompanying bond.

The current development seeks to retain the majority of stormwater treatment devices to be contained in the development site. As the DA proposes a stormwater management system on land to be dedicated to Council to largely service stormwater from Councils roadways and open space it is considered reasonable that the provisions of the policy are not enacted.

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

Context and Setting

The land was zoned in 2010 to provide for residential development and to provide public open space for the local community. The proposed development will result in residential development with a density dissimilar to the existing setting of the land. The large area of open grassland will be replaced by areas of urban development, sports fields, carpark and a pedestrian cycleway corridor.

The existing residential area is developed with a variety of housing forms, including single dwellings on residential lots and medium density villa developments. The proposed outcomes for the site will provide for the establishment of single storey homes on sites within a managed resort setting.

Given that the estate will be largely detached from the existing residential area of Tallwoods the increased density and inward-facing proposal is considered not unreasonable. Screening along Blackhead Road and separation from the access to Tallwoods via the future playing fields will mitigate the impact of the increased density and nature of the development.

Overshadowing/Privacy

The development is proposed over low land and does not overlook any adjoining land. The setbacks from the boundaries and perimeter landscaping are effective to prevent any potential privacy impacts between development on the site and adjoining lands. The proposed development does not include any high building which could overshadow adjoining areas. Homes installed on sites would primarily be single storey and would be unlikely to generate any significant shading which could impact on other properties.

Visual Impact

The proposed development will create a visual impact with the construction of medium density residential development on a currently vacant site. The community building to be erected within the development is a single storey building. The density of the development when compared to the surrounding 'traditional' residential subdivision and development is considered high, however the visual impact of the development on the locality is somewhat mitigated by the following:

- Existing vegetation located along the Blackhead Road screens the development site from the west. This vegetation is located along the road reserve and will not be removed.
- The proposed landscaping and open space areas of the site will soften the built form that will eventually be located on the site.

A Visual Impact Assessment submitted with the proposal notes the limited opportunities to view the site from public places in the locality and asserts that both existing and proposed vegetation will assist in mitigating any adverse visual impact. Photomontages of the site when viewed from blackhead road indicate the pre and post-landscaping views from the 3 selected viewpoints. The photomontages are provided as *Attachment A- Visual Analysis*.



Access, Transport and Traffic

The proposed development will create additional traffic movements in the locality. A new road will connect Coastal View Drive to the manufactured home estate entrance. This road will be a Council owned and maintained road.

Coastal View Drive can safely accommodate peak traffic movements generated by the development and all vehicles can enter and leave the site in a forward direction. Council's engineers have advised that the surrounding road network is capable of servicing the increase in traffic activity generated by the development.

Resident access to the site will be via a single access point on Coastal View Drive. No resident access is proposed from Blackhead Road.

Adequate car parking and vehicle manoeuvrability is available on site for all types of vehicles that are expected to access the development. Road design, visitor parking, parking for people with disabilities and speed limits all comply with the relevant legislation.

The proposal also includes upgrade of the existing driveway from Blackhead Road for use during construction, as well as an emergency access for the estate. The driveway will be designed for use by articulated vehicles used for delivery of homes within the estate.

The traffic report submitted in support of the proposal states that daily traffic on the local road network are well within agreed capacity limits for an urban road network, that the location of the access road on Coastal View Drive is satisfactory, and that there is adequate car parking on site.

Specifically the report states that 202 lots will generate up to 80 vehicle movements in the weekday peak hour, assuming seniors living style demands. Daily trip generation is expected to be in the order of 425 vehicle movements. Even if it were conservatively assumed that the subject development was standard detached dwelling residential development, the PM peak traffic generation would only be 158 trips (143 in the AM peak hour). A service level of 'A' will be maintained at the Boulevard/Blackhead Road intersection.

Drainage/Stormwater

The subject land is not identified within a flood planning area on Council's mapping and there are no local flooding issues known which would affect the proposal. Hydraulic analysis shows that there is some ponding over the land as a result of back up water from the drainage under Blackhead Road. The area affected by such ponding is limited to the areas of the site zoned RE1 and proposed for future sports fields.

The stormwater management for the site involves:

- Collection of roof water from homes into rainwater tanks for reuse within the homes (toilet flushing and laundry), as well as for external use.
- Collection of tank overflow water and road water and conveyance to end of line Water Quality Bioretention Basins where pollutants and nutrients are removed from stormwater flows.
- Discharge of stormwater to the existing stormwater drainage connections under Blackhead Road.

To examine the effectiveness of the stormwater system for treating water quality, the Water Sensitive Urban Design Report included a Model for Stormwater Improvement Conceptualisation (MUSIC) which examined the effectiveness of the stormwater system in treating stormwater flows.

The results showed that, the proposed stormwater system meets the water quality treatment parameters as follows:

- Gross Pollutants - 98.4% Reduction
- Total Suspended Solids - Reduction from existing load (61% decrease from existing load)
- Total Phosphorous - Reduction from existing load (28% decrease from existing load)
- Total Nitrogen - Reduction from existing load (1% decrease from existing load)

The Water Sensitive Urban Design Report also included an analysis of stormwater flows of the existing site and the proposed site developed with the proposed stormwater system (including bio-retention areas but not water tanks). The analysis utilises computer modelling of flows and has found that the flows from the developed site with the proposed stormwater system will not increase flows (compared to existing) from the site in either the 5 year ARI flow or 100 Year ARI flow.

The development has been designed so as to reduce stormwater volumes, improve water quality and implement the principals of WSUD. The proposed development is considered consistent with Councils requirements.

Flora and Fauna

The proposed development site is disturbed and the proposed development will not involve disturbance of large areas of bushland or areas likely to be significant habitat areas.

The ecological impacts of the proposal have been examined in detail in the Flora and Fauna Assessment prepared for the proposal.

The proposal will remove and modify existing remnant habitat present within the subject site. This is represented by mature trees with four of these containing twenty-two hollows of varying small to medium sizes and of varying quality. Two (2) threatened fauna species including Little Bentwing-bat (*Miniopterus australis*) and Large-footed Myotis (*Myotis macropus*) were recorded present during survey. The Large-footed Myotis can be a hollow-dependent species and was recorded to a 'probable' level of certainty. The hollows present are not suspected of providing any important roosting habitat based on recent stag-watching and Anabat recording. Whilst other threatened fauna species have potential to frequent the site seasonally or on occasion, the development area is not expected as being critical to life-cycle requirements or central to home range areas of these additional species.

No threatened flora species or endangered ecological communities were detected within the study area and there is no considered potential for threatened flora species to occur.

Whilst the proposal does not result in any significant impacts to threatened flora and fauna, the flora and fauna assessment makes several recommendations in relation to the proposal as follows:

- Tree connectivity for koala and squirrel glider should be maintained and improved through the site with an east-west and a north-south option. With east-west connectivity created by planting within the landscape setbacks along the northern boundary of the property. North-south connectivity may be improved through the future landscape providing trees along the eastern perimeter planting and along the eastern edge of the playing field as shown in the diagram below. Planting would not need to be extensive and separations should be more than 2 metres apart for bushfire APZ (Asset Protection Zone) purposes but within 10 metres apart for gliding and Koala refuge.
- Fencing should be Koala friendly i.e. allow a minimum 300mm ground clearance to the first rail or strand. If it does not allow under passage then it should include timber sections or timber climbing poles placed at a minimum of every 50 metres.
- The felling of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken. Hollows of high quality or with fauna recorded residing within, should be sectionally dismantled for relocation and all hollows should be inspected for occupation, signs of previous activity and potential for reuse.

- Hollows of retention value are to be reattached to retained trees within the site. Difficult to relocate hollows should be replaced with appropriately sized nest boxes.
- If a threatened species is found to be occupying the hollow then the hollow section is to be reattached to a recipient tree as selected and directed by the fauna ecologist.
- If any nest or roost for fauna is located during development works, then works should cease until safe relocation can be advised by a contract fauna ecologist.
- Sediment and erosion control measures should be in place to minimise impact of possible sedimentation to local drainage lines.
- Landscaping should consider the use of locally occurring (endemic) native species including ground covers to encourage local fauna use and to consolidate remnant vegetation linkages within the locality.

Each of these requirements are provided for via conditions of development consent.

Waste Management

The site will generate waste during construction and the ongoing operation of the facility. A Waste Minimisation and Management Plan has been submitted with the application for the demolition of the existing dwelling.

The management plan identifies the need to manage waste during construction of the estate as well as providing options to manage domestic waste when the development is occupied.

Operationally, the estate has been designed to allow garbage trucks to circulate throughout the site to pick up domestic waste bins, and each site will have a kerb side pickup of waste and recycling bins. When home installation occurs on a site, an area is provided for the storage of bins, in a convenient location which allows them to be taken directly to the kerb via a hardstand access. Garbage collection within the estate will therefore be provided by a kerb side collection contractor. Arrangements for the private collection of such waste will be the responsibility of the site manager.

Greenwaste from operations will be collected by the estate maintenance staff and will be re-used on site (compost/mulch for vegetable gardens and other gardens) or transported to a waste transfer station for disposal/mulching of green waste.

Bushfire

This land is identified as being bushfire prone land due to *forest vegetation located beyond Coastal View Drive to the north, remnant forest adjoining Blackhead Road to the south as well as to the north-west, and grassland vegetation to the east of the site resulting in the buildings being exposed to potential radiant heat and ember attack. The assessment has concluded that the proposed development will provide compliance with: Planning for Bush fire Protection (PBP) 2006; AS3959 Construction of buildings in bush fire prone areas (2009) and Appendix B Method 2 (alternative solution) of AS3959 Construction of buildings in bush fire prone areas (2009).*

Pursuant to Section 79BA of *Environmental Planning and Assessment Act, 1979*, Council must be satisfied that prior to making a determination for development on bushfire prone land that the development complies with the document "*Planning for Bushfire Protection 2006*".

The development of the land is for a manufactured home estate and constitutes Integrated Development for the purposes of the Act and a Bushfire Safety Authority under the provisions of Section 100B of the *Rural Fires Act 1979* is required.

The subject application was referred to the NSW Bush Fire Service for their Bush Fire Safety Authority [BFSA]. The BFSA was issued and is attached to this report as *Annexure C*.

Social and Economic Impacts

The development is likely to result in a positive social impact within the locality by providing a housing type previously not available in the Tallwoods village area. The proposed development will provide increased housing choice, opportunities for downsizing, affordable, low maintenance housing; increased local service patronage and will increase housing supply in Tallwoods.

The provision of the communal open spaces and facilities within the estate will create a positive space for social interaction and bonding among residents.

The development will result in a positive economic impact, providing employment during the construction of the estate (in the vicinity of 50 local jobs) and employment opportunities for the maintenance and management of the estate (7-10 ongoing).

Negative social and economic impacts of the development include increased demand for local services; increased traffic; noise and amenity impacts.

On balance the adverse impacts of the development are outweighed by the positive contribution to the locality and are able to be mitigated through conditions of development consent to ensure that the development function in a socially acceptable manner.

Cumulative Impacts

The cumulative impact of the development has been considered in relation to the heads of consideration under s. 79C of the *EP&A Act 1979*. As each impact is considered minimal when the mitigation measures are applied, overall it is considered the cumulative impact of the development will be minimal and acceptable.

c) The Suitability of the Site for the Development

The subject land is highly suitable for the proposed development, being land that has been identified as suitable for residential development forms in previous planning studies of the area. The proposal demonstrates compliance with Council's policies, where relevant and state legislation as it relates to manufactured home estates.

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

Prior to notification occurring, Council received 31 letters of objection to the proposal. These objections were made in response to the information provided on Council's on-line tracking facility, which were later amended.

The application was formally notified to adjoining owners in accordance with Council's Policy from 5 July to 3 August 2017. Persons who had previously written to Council were advised that their concerns would be taken into consideration in the assessment of the application. A further 19 submissions (one as a submission with 272 signatures) objecting to the proposal and 2 in support, were received.

In total 50 submissions were received. Issues raised in submissions and responses to those issues are detailed below:

Issue	Response
Dwellings will not be rated individually yet will require the same services as other residents	The land will be rated as residential based on its unimproved value, as per other residential land in the LGA.
With no 'sinking fund' the development can't be maintained	The economics of the management of the development is not a matter for Council
Enough public interest to warrant public consultation- Lack of consultation with community	Consultation with the community was undertaken through notification and advertising of the development.
No adequate access to essential services given the age and economic profile of residents	The age and economic profile of residents is not a set requirement for future residents, with all services available to the current community of Tallwoods available to the manufactured home estate residents. Additional on-site private services are to be provided.
Land is not zoned for a caravan park	The development proposed is not a caravan park.
Cumulative Impact	The cumulative impact of the development is not considered significant given the mitigating measures and environmental protections proposed.
Overdevelopment of the site – density is too high	The density of the development is in the order of 24 dwellings per hectare. At this density the development complies with the regulations for development of this form.
Negative visual impact from Blackhead Road	The visual impact of the development from Blackhead Road will be negligible once proposed landscaping for the site is established.
Construction will take 10+ years	The timing of the development is a matter for the developer. Requirements have been imposed on each stage of the delivery to ensure the amenity of the area during the completion of the estate.
Will lower the quality of life for Tallwoods residents	It is not considered that the proposed development will in any way lower the quality of life for residents in the Tallwoods village. The provision of an alternate housing stock and public infrastructure will provide benefit to the locality.
Impact on amenity through additional traffic	The additional traffic to be generated by the development can be adequately catered for via the existing road network in terms of volume of traffic movements.
Will devalue current and future development	There is no evidence to suggest that development of the site will adversely impact property values in the locality.
Emergency vehicle access should not be used by construction workers for safety reasons. 2 access points from Coastal View Drive would be preferable	The proposed access from Blackhead Road will alleviate the need for The Boulevard and Coastal View Drive to be utilised by construction vehicles.
Loss of mature trees	The minimal loss of mature trees will be compensated for by additional plantings within and around the site. The development does not impact any significant vegetation or fauna.
Roundabout required on Blackhead Road - Blackhead Road is not capable of catering for additional traffic	The volume of traffic generated by the development does not represent an impact beyond existing capacity limits.
Increased traffic- report does not reflect the true situation	The Traffic Report submitted in support of the application has been assessed by Council's Traffic Engineer and is considered satisfactory.
Noise impact	The noise generated for the development is not considered to be adverse to the surrounding environment.

Issue	Response
High density cheap housing is not appropriate	The density of the proposed development is within the parameters for this type of development. Market dynamics will determine the cost of the housing once established.
Insufficient car parking per dwelling	Each dwelling is proposed to be provided with a minimum of 1 car space. Some dwellings will have 2 allocated spaces. Adequate visitor car parking is provided within the development.
Owner to the east has a DA approval for 51 lots and physical commencement which relies on road access and servicing from this site	There is no legal requirement for the subject site to ensure that the adjoining land can be developed in the approved manner. There is no physical impediment to the approval on the adjoining land being carried out if the proposed development is approved. A copy of the approved plan for development on the adjoining site is attached as <i>Annexure D - Approved Subdivisions Plan (Lot 4 Blackhead Road)</i>
Will Council set a timeframe for the temporary access road	The vehicular access from Blackhead Road will be retained in perpetuity as an emergency access for use of the NSW Rural Fire Service.
Council has a duty of care to existing residents	Approval of the subject development would in no way compromise any duty of care between Council and the residents of Tallwoods.
No public transport to amenities	While public transport in the locality is limited it is available at a rate typical of surrounding areas.
Loss of tourist appeal	This claim cannot be substantiated.
Inconsistent with existing residential landscape	While a development of this nature is inconsistent with the surrounding established residential density, the zoning of the site of the site and the regulations for manufactured homes permit development of this kind in such areas.
Pedestrian access to Blackhead Road will be dangerous without a footpath	A footpath and cycleway will be established along Blackhead Road frontage.
Low lying and subject to high levels of runoff	The runoff from the site can be adequately catered for via the proposed stormwater management system.
Should be developed as per the Voluntary Planning Agreement	The Voluntary Planning Agreement was for a different development. The provisions in this plan are however being adopted by this development proposal. The overall public benefit will be similar.
Does not adequately address Koala habitat and threatened species	The proposal was accompanied by a Flora and Fauna assessment which adequately demonstrated that there will be no detrimental impact.
No positive social impact	The proposal was accompanied by a Social Impact Assessment which outlined both the positive and negative impacts of the development. These impacts are addressed separately in this report.

e) The Public Interest

Council received numerous submissions opposing the development from the public. On consideration of the development as a whole, the development is considered to be in the public interest by providing alternative low-maintenance housing and providing for future public recreation infrastructure, without having a detrimental impact on the Tallwoods community.

CONCLUSION

The impacts of the proposed development are considered to be acceptable under S79C of the EP&A Act 1979. The development complies with Council's with all relevant legislation.

RECOMMENDATION

It is recommended that Development Application 407/2017/DA for a Manufactured Home Estate on Lot 3 DP 242332- 303 Blackhead Road Hallidays Point be approved in accordance with the conditions of consent contained in Annexure A.

ANNEXURES

A: Conditions of Consent

The subject development is to be carried out in Stages. The Following Conditions apply to All Stages 1-4.

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the following approved development plans, except as modified by any conditions of consent:

Title/Name	Drawing/No.	Revision / Issue	Date	Prepared by
Concept Plan	-	C	20/6/17	Lidbury Summers Whiteman
Staging Plans 1-4	-	B	27/6/17	Lidbury Summers Whiteman
Site Plan	16124-DA-100	-	6/4/17	ddc architects
Ground Floor Plan	16124-DA-200	-	6/4/17	ddc architects
Elevations	16124-DA-300	-	6/4/17	ddc architects
Landscape Plan	17140-LDA(00 05)	D		NBRS Architecture Landscape
Mens Shed	10	A	9/6/17	Alderley Design

2. The following approval bodies has/have given general terms of approval in relation to the development, as referred to in Section 93 of the *Environmental Planning and Assessment Act 1979*:

- a. New South Wales Rural Fire Service

All general terms of approval are to be complied with as conditions of this development consent.

3. The proposed pedestrian pathway and cycleway is to be constructed to a minimum width of 3 metres.
4. This development consent is granted for the development to be undertaken in four (4) stages as follows:
 - a) Stage 1- Lots and Dwellings (1-59); Community Centre; Pool, Bowling green; Men's Shed, Office/Managers Residence, Roadworks, Public Car park; Bulk Earthworks for playing field and future stages; Caravan Storage; and Construction Access.
 - b) Stage 2 - Lots and Dwellings (60-116); Open Space area; Roadworks and car parks; dedicate public road and car park; complete playing field earthworks; and construct 3m wide cycleway.
 - c) Stage 3 - Lots and Dwellings (117- 167); Open space and car parks; dedicate playing fields, water quality infrastructure, open space and 3m wide cycleway.
 - d) Stage 4 - Lots and Dwellings (168-202); Roadworks; car parking and construction and dedication of remaining portion of 3m wide cycleway and open space.

5. No native vegetation clearing shall occur without prior written approval from MidCoast Council.
6. Vegetation cleared from the subject land is not to be disposed of by burning. All usable trees and shrubs that are cleared from the land are to be salvaged by the applicant for re-use either in log form, or as woodchip mulch for erosion control and / or site rehabilitation.
7. Suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and maintained for the duration of construction works on the site.
8. Plans for the civil works, prepared in accordance with Council's Auspice Design Manual and the relevant Bush Fire Safety Authority are to be submitted to and approved by MidCoast Council. Plans are to be accompanied by the current appropriate fees, together with a civil works construction certificate application and long service levy.
9. A Soil & Water Management Plan must be prepared by a suitably qualified and practicing engineer, detailing temporary and permanent measures proposed to be installed, and submitted with the engineering drawings.
10. A pre-clearing survey is to be undertaken by a qualified ecologist to ensure the trees to be removed are not being utilised by any native fauna prior to clearing. The ecologist is to inspect all tree hollows and if any threatened fauna are detected, Council is to be notified and the felling of the tree postponed until the animal has been safely removed by the ecologist and relocated into an adjacent natural area. If a koala is detected in any of the trees to be removed, all works must cease within 100m of the tree and the koala permitted to vacate the area of its own accord.

The ecologist is to provide a report to Council within one-week of the tree clearing operation outlining the results of any fauna recovery operation and details of the number and hollows removed. Tree hollows must be salvaged and re-erected by the ecologist within the wildlife corridor.

Any injured fauna should be forwarded to a qualified Wildlife Carer such as FAWNA (Ph: 6581 4141) or Koalas in Care (Ph: 6552 2183).

11. The manufactured home estate must not be used for any commercial purpose (other than a manufactured home estate or an associated purpose), or for the manufacture, construction or reconstruction of moveable dwellings.
12. The site shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council.
13. The person who holds the approval to operate a manufactured home estate must provide the Council with a copy of the current community map as soon as practicable after any amendment is made to the map, and at such other times as the council may reasonably require.
14. The holder of an approval to operate a manufactured home estate must ensure that copies of the following documents must be readily available for inspection without cost by any person in a location in the manufactured home estate specified in the approval for the manufactured home estate:
 - a) the approval for the manufactured home estate,
 - b) the current community map,
 - c) this Regulation.

15. The use and activities within or associated with the operation of the Community Building shall not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an ‘offensive noise’ as defined under the provisions of the Protection of the Environmental Operations Act 1997. No noisy activities audible at any adjacent residential premises shall occur between the hours 10.00pm to 7.00am.
16. The holder of the approval to operate the manufactured home estate must ensure that copies of the following documents must be readily available for inspection (without cost) by any person:
 - a) the approval for the manufactured home estate,
 - b) the current community map,
 - c) *the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

Prior to the Issue of the Construction Certificate

The following conditions of consent must be complied with prior to the issue of the Construction Certificate.

17. The manufactured home estate shall be designed in accordance with the requirements of Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, or any approved objection pursuant to Section 82 of the *Local Government Act 1993*.
18. Submission to Council for approval of intersection design drawings for the intersection of Coastal View Drive and the access road to the Manufactured Home Estate (MHE) that includes traffic calming devices as required.
19. The submission to Council as the Roads Authority of street lighting and reticulation design drawings. The design shall be prepared in accordance with AS/NZS 1158 and AS 4282-1997, including the provision of current best practice energy efficient lighting, documentation confirming a minimum of twenty (20) year design life and be approved by the Council as the Roads Authority prior to issue of a Construction Certificate.
20. A Vegetation Management Plan (VMP) is to be submitted and approved by Council prior to the issue of the Construction Certificate and address the following:
 - a) the establishment of a wildlife corridor as depicted in Figure 5 of the Flora and Fauna Assessment (Travers bushfire & ecology, April 2017);
 - b) the provision of compensatory planting at a ratio of 2:1 to offset the loss of native vegetation from the development site;
 - c) the implementation of any habitat enhancement measures required such as weed control;
 - d) the salvage and relocation of hollows from trees removed from the development site to the wildlife corridor; and
 - e) details of the type of fencing proposed to exclude fauna from the development and facilitate fauna movement through the corridor.

The VMP is to include the number and species of trees to be removed together with details of the compensatory planting to be undertaken including proposed location, numbers, species, the timing of works and maintenance schedules. Seedlings are to be of local provenance and comprise of local koala food trees and winter flowering eucalypts.

21. Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$50,000 and a non-refundable administration fee of \$330.00 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

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

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

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

22. An Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) shall be submitted to the certifier prior to the approval of the first Construction Certificate for the development. The plan shall contain information required for the area of disturbance of the development or its distinct and separate stages in accordance with "*Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition*". All controls shall be sized in accordance with the 80th percentile storm depth.

The plan shall include a signed and dated Statement of Compliance stating (in full):

i)	This plan has been developed, certified and signed off by an appropriately qualified and experienced professional in erosion and sediment control;
ii)	The plan complies with the requirements for the area of disturbance in accordance with " <i>Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition</i> ";
iii)	The plan and associated documents, calculations and drawings, have been prepared to a standard which, if properly implemented, will achieve the water release criteria of 50mg/L of total suspended solids (TSS); and
iv)	All erosion and sediment control measures are in accordance with " <i>Landcom. 2004, Managing Urban Stormwater: Soils and Construction. 4th Edition</i> ".

The ESCP / SWMP and the Statement of Compliance shall be provided to Council with the Construction Certificate documentation in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation (NSW) 2000.

23. Plans for the civil works, prepared in accordance with Council's Auspec Design Manual and the relevant Bush Fire Safety Authority are to be submitted to and approved by MidCoast Council. Plans are to be accompanied by the current appropriate fees, together with a civil works construction certificate application and long service levy.

24. A Stormwater Drainage Report prepared by a suitably qualified and practicing engineer must be submitted to Council for approval.

The report must determine the extent of the 1% ARI storm event affecting the subject land, including the effects of the total development of the catchment, the effects on the downstream properties and the possible need for a water detention facility. Additionally, the report must analyse the impact of the upstream catchment developed to its full potential as well as the fully developed subject land on the downstream drainage system.

25. Submit final engineering plans and specifications for the stormwater management system, for approval by MidCoast Council. Engineering plans are to be designed in accordance with the concept plan prepared by Lidbury, Summers & Whiteman dated 20/6/17 and the approved Water Sensitive Design Strategy for Proposed Lifestyle Village, Lot 3 DP242332 Coastal View Drive, Tallwoods Village by Lidbury, Summers & Whiteman dated February 2017 and the Concept Plan for Development of Lot 3, DP242332 Coastal View Drive - Tallwoods Layout Plan by Lidbury, Summers & Whiteman dated 20/6/17 and include:
- i) Northern Bioretention Basin 1 with a minimum filter area of 393m²
 - ii) Northern Bioretention Basin 2 with a minimum filter area of 184m²
 - iii) Southern Bioretention Basin 1 with a minimum filter area of 248m²
 - iv) Southern Bioretention Basin 2 with a minimum filter area of 220m²
 - v) Southern Bioretention Basin 3 with a minimum filter area of 373m²

Design the bioretention basins to meet the Water Sensitive Design Strategy and the following criteria:

- i) In accordance with Water by Design (2006), 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership, including calculations for the underdrain pipe hydraulic capacity.
 - ii) Contain at least four species of plants selected from Great Lakes Councils Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design, dated 10 August 2016, planted at densities indicated in the fact sheet.
 - iii) Contain 0.4m filter media of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009). Filter media must be tested by a NATA registered laboratory to confirm orthophosphate is a maximum 35 mg/kg.
 - iv) Have a maximum surface storage depth of 0.4m and minimum surface storage depth of 0.3m, with a maximum batter/side slope of 1:4 (v:h), unless otherwise retained by a structural wall and landscaping.
 - v) Have suitable access arrangements for operation and maintenance
 - vi) Landscape batter slopes to provide separation from surrounding areas.
 - vii) Configure stormwater drainage to avoid damage to the bioretention systems (particularly the filter media) during construction.
26. Suitable detailed design drawings and specifications demonstrating the design and construction of the food premise will comply with Standard 3.2.3 of the Food Standards Code and Australian Standard 4674-2004 "Design, Construction and Fit Out of Food Premises" are to be provided for the consideration and approval of Council's Environmental Health Officer. Such design drawings and specifications are to be prepared by a suitably qualified drafts person.

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

27. A Construction Certificate is to be issued by an Accredited Certifier prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
28. That five (5) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - a) The date when demolition will commence;
 - b) Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - c) The licence number of the demolisher, and relevant WorkCover licenses, and;
 - d) Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition License" AND a current WorkCover" Class 2 (Restricted) Asbestos Licence".

Demolition works are restricted as follows:

- a) Monday to Friday inclusive: 7:00am - 5:00pm
 - b) Saturdays: 8.00am-12noon
 - c) Sundays and Public Holidays: No work
29. Erosion and sedimentation controls shall be installed in accordance with Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP).
 30. A single all-weather hardstand access, extending from the kerb and gutter/edge of bitumen to the construction site, is to be installed in order to provide appropriate access to the site during periods of inclement weather.
 31. All site fill material shall be classified as virgin Excavated natural Material (VENM), Excavated Natural Earth (ENM) in accordance with the Waste Classification Guidelines - Part 1: Classifying Waste or comply with the Recovered Aggregate Exemption 2010. Site fill material shall be certified by a practising Geotechnical Engineer prior to haulage to the site. Certification documentation shall be provided to the Principal Certifying Authority prior to the commencement of works.
 32. A Plan of Management is to be submitted to and approved by Council as the Roads Authority for any works or deliveries that impact on any public roads or public land as a result of the construction of the development. The plan must include a Traffic Control Plan prepared by a person holding Roads and Maritime Services (RMS) accreditation for selecting and modifying traffic control plans. Fees and charges are applicable to the review and approval of the required management plan.
 33. The extent of tree removal is to be clearly marked with flagging tape prior to clearing and contractors undertaking approved site works, including tree removal, must be instructed directly of all Council's conditions prior to works commencing. Tree removal is to be conducted by selective directional felling away from areas of vegetation to be retained.

During Construction Works

The following conditions of consent must be complied with during the construction stage of the development.

34. Engage a suitably qualified stormwater engineer to inspect each bioretention during construction. Verify compliance with the approved plans using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010 including:
 - a) Earthworks and functional (hydraulic) structures and under drainage prior to covering in.
 - b) Filter media including NATA test results and verification through field tests of bioretention basin infiltration rates within 10% of the rates of the design parameters.
 - c) Finished levels (works as executed)
 - d) Landscape installation and establishment

Submit signed inspection forms to Council including photographs and NATA test results confirming that the assets have been constructed to comply with development consent conditions. Signed inspection forms and photographs will be used as part of asset handover determination for Eastern Bioretention Basin 1.

35. The construction and fit-out of the premise or any part thereof, to be used for the manufacture, preparation or storage of food, must comply with Standard 3.2.3 of the Food Standards Code and Australian Standard 4674-2004 "Design, Construction and Fit Out of Food Premises."
36. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
37. The swimming pool is to be fenced in accordance with the Swimming Pools Act 1992, and prior to the pool being filled with water a satisfactory inspection being carried out by the principal certifying authority.
38. All building materials must be reused, recycled or disposed of in accordance with the Waste Management Plan submitted with the subject application.
39. During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council or the Principal Certifying Authority.

40. Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

41. Work during construction which may result in noise nuisance being created, shall be restricted to hours of operation between 7 a.m. to 5 p.m. Monday to Friday, and 8 a.m. to 12 noon Saturdays. No work is permitted on Sundays and Public Holidays.
42. All excavated fill material that is to be removed from the site shall only be distributed to:
 - a) A NSW Office of Environment and Heritage licensed waste disposal facility. A copy of the receipts from the waste disposal facility shall be kept and shall be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer of Council upon request; or
 - b) A site which has a current development consent for the importation of fill material. A copy of the current development consent for the site to which the material is proposed to be distributed must be provided to the Principal Certifying Authority prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, or authorised officer upon request.

All removed excavated material shall be transported and disposed of in accordance with the NSW Office of Environment and Heritage guidelines applicable at the time of removal.

43. All existing sewer connections are to be capped and sealed prior to completion of the demolition operation. The sewer is to be excavated at the shaft, capped and adequately sealed at the sewer junction by a licensed plumber/ drainer. The sealing of the sewer junction is to be inspected by MidCoast Water's Plumbing Inspector prior to the excavation being backfilled.
44. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work, must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under the provisions of Clause 318 of the Occupational Health and Safety Regulation 2001.
 - a) The person having the benefit of the consent must provide the Principal Certifying Authority with a copy of a signed contract before any development pursuant to the consent commences.
 - b) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed and if so, must specify the landfill site (that may lawfully receive asbestos) to which the material is to be delivered for disposal.
45. All demolition work is to be carried out in accordance with the requirements of AS 2601-2001 - The Demolition of Structures.
46. Erosion and sedimentation controls shall be maintained in accordance with Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP).

Prior to Issue of the Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

47. A warning notice is to be erected in a prominent position in the immediate vicinity of the swimming pool. The notice must be erected and contain the necessary information in accordance with Clause 10 of the Swimming Pools Regulation 2008.
48. Safety barriers and gates are to be installed in accordance with the approved plans and specifications and the provisions of the Swimming Pools Act 1992, Swimming Pools Regulations 2008 and AS 1926.1-2012 Swimming Pool safety Part 1: Safety barriers for swimming pools".

49. Certification prepared by a suitably qualified person must be submitted to the Principal Certifying Authority stating that the swimming pool water recirculation system has been installed in accordance with Part 3.9.4 of the Building Code of Australia and AS 1926.3 – 2010, Water Recirculation Systems.
50. The owner must ensure that the pool is entered on the NSW State Government register. The registration of the pool can be done online at www.swimmingpoolregister.nsw.gov.au.
51. The parking areas, access lanes, vehicle movement areas and passing bays are to be designed, drained and constructed in accordance with the “Local Government (Manufactured Homes Estate, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
52. Speed limits on the internal access roads of the estate shall be limited to 30 kilometres per hour for major access roads (Roads 1 and 2) and 15 kilometres per hour for minor access roads (Roads 3 to 13). Appropriate signage and/or road markings that are clearly identifiable shall be installed.
53. Visitor parking space dimensions shall comply with Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. Visitor parking spaces must be clearly identified on site.
54. All access roads and parking areas must have an all-weather sealed surface.
55. All access roads must be adequately lit between sunset and sunrise. Any outdoor lighting shall be appropriately located or shielded so no additional light is cast on adjoining land or distracts traffic.
56. The water supply service must comply with the *Plumbing and Drainage Act 2011* and any regulations under that Act.
57. Each dwelling site must be connected to the sewage disposal system for the manufactured home estate. The sewage disposal system must comply with the *Plumbing and Drainage Act 2011* and any regulations under that Act.
58. Each dwelling site must be supplied with electricity from a reticulated electricity service by means of an electrical circuit connected to a separate electricity meter. Any such electrical circuit must be installed in accordance with the requirements of AS/NZS 3000:2000, *Electrical Installations* (known as the Australian/New Zealand Wiring Rules) as in force on 1 September 2005.
59. Documentary evidence is to be provided to Council indicating underground electrical power to the development, including adequate street lighting for the estate, has been installed.
60. A Notice of Arrangement shall be submitted to Council demonstrating that telephone services, including connection to, or internal infrastructure installed ready for connection, to the NBN network, will be provided in such a manner that a connection is available to each dwelling site within the manufactured home estate. Documentary evidence is to be provided to MidCoast Council.
61. No part of a dwelling site or community building within the manufactured home estate shall be situated more than 90 metres from a fire hydrant. Any fire hydrant located within the manufactured home estate must be a double-headed pillar-type fire hydrant, and be maintained in accordance with industry standards.

62. All areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.
63. Any damage caused to Council owned infrastructure, including the verge area, in connection with the construction works are required to be rectified in accordance with Councils current standards at no cost to Council.
64. All future dwellings to be located within the manufactured home estate shall comply with the provisions of Division 4 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Ongoing Operations

The following conditions of consent shall be complied with throughout the operational life of the development.

65. Each dwelling is to have a minimum 1,000L rainwater tank installed to collect 100% of the roof area for reuse in toilets and laundry.
66. No additional advertising signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior separate consent of Council.
67. The park must have a minimum of 3 disabled parking spaces.
68. Maintenance of all buildings, surrounds and parking areas within the site shall be carried out in such a manner to render the site to be neat, tidy and clean at all times.
69. All Landscaping works associated with this Consent are to be maintained and successfully established for a period of 12 months. The Maintenance and Establishment Period is to commence from the date of initial completion of the approved landscaping works i.e., the Date of Practical Completion (DPC).

It is the Applicants responsibility to arrange a site inspection, upon initial completion of the Landscaping works, to determine and agree upon, an appropriate DPC.

The following conditions apply to Stage 1 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate for Stage 1.

70. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
71. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (59 Sites)

Local facilities	\$304284.83 (to be discounted by 40% at payment)
Greater Taree facilities	\$134241.52
Total	\$438526.35

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the Environmental Planning and Assessment Regulation 2000.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “*Greater Taree Section 94 Contributions Plan 2016*” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

72. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 2 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate for Stage 2.

73. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
74. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council Road No. 1 including the 17 space carpark and surrounding land.

The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (57 sites)

Local facilities	\$293970.09 (to be discounted by 40% at payment)
Greater Taree facilities	\$129690.96
Total	\$423661.05

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “Greater Taree Section 94 Contributions Plan 2016” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

75. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 3 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate Stage 3.

76. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
77. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council Playing Fields, 3m wide Bicycleway and Pedestrian pathway and water quality infrastructure within this land as Public Reserve.
78. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (51 sites)

Local facilities	\$263025.87(to be discounted by 40% at payment)
Greater Taree facilities	\$116039.28
Total	\$379065.15

Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “Greater Taree Section 94 Contributions Plan 2016” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

79. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

The following conditions apply to Stage 4 only

The following conditions of consent must be complied with prior to the issue of the Approval to Operate Stage 4.

80. Compliance with bushfire conditions under Section 100B of Rural Fires Act 1997 Documentary evidence from a suitably qualified professional is to be submitted to the Principal Certifying Authority demonstrating that the bushfire conditions as issued under Section 100B of the Rural fire Act 1997 have been complied with.
81. The applicant shall dedicate to Council upon registration of the linen plan of subdivision, at no cost to Council a 3m wide Bicyclway and Pedestrian pathway as Public Reserve.
82. The applicant is to make a contribution to Council in accordance with section 94 of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94 Contributions Plan 2016*.

Hallidays Point (35 sites)

Local facilities	\$180507.95(to be discounted by 40% at payment)
Greater Taree facilities	\$79634.80
Total	\$260142.75

Contribution Plans may be inspected on Council’s website www.midcoast.nsw.gov.au.

Timing of Payment

- a) For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- b) For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- c) For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.
- d) For Heavy Haulage the contribution must be paid within 28 days after the end of March, June, September and December each year over the life of the development. The applicant must submit to Council independently verified tonnage returns of the material hauled over the preceding quarter when each payment to Council is made.

Indexing

- a) The contribution rate in “*Greater Taree Section 94 Contributions Plan 2016*” will be adjusted annually in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.
- b) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the total figure payable in this condition will be indexed and calculated according to the then current contribution rate.

Please contact Council’s Customer Service staff to confirm the amount payable, prior to payment.

83. This stage shall not be used as a manufactured home estate until an approval to operate under s68 of the *Local Government Act 1993* has been issued by MidCoast Council, for this stage.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997

1. The proposed manufactured homes estate is to comply with the following specified plans:
 - The site plan prepared by Travers Bushfire and Ecology, titled "Schedule 1 - Bushfire Protection Measures" and dated 5/4/17 (this plan is relevant to the required APZs), and
 - The site plan prepared by Lidbury, Summers & Whiteman, titled "Concept Plan for Development of Lot 3 DP 242332 Coastal View Drive -Tallwoods Layout Plan" identified as Issue B and dated 7/4/7 (this plan is relevant to the final layout of the development).

It is noted that some variation exists between these two plans, with regard to layout. The APZ information identified in the plan titled: "Schedule 1 - Bushfire Protection Measures" can be transferred to the referenced plan titled: "Tallwoods Layout Plan" as this plan is identified as the final layout plan applicable to the development.

Asset Protection Zones The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Fences, that are proposed to be constructed as part of the development, are recommended to be constructed in accordance with the NSW RFS Fast Fact 2/06, titled "Dividing Fences" version 5, and dated February 2012. The following points are made;
 - The RFS does not recommend the use of softwood or treated pine fencing in bushfire prone areas.
 - Where BAL-12.5 or BAL-19 construction is required for the manufactured home, hardwood fencing is considered suitable; subject to it being disconnected from the dwelling by at least 1m of non-combustible fencing material, otherwise the fence should be constructed from non-combustible materials.
 - Where BAL-29 construction is required for the manufactured home, fencing materials should be non-combustible.
 - Landscaping in the vicinity of timber fences should be selected, located and maintained to reduce possible fire activity due to; ember, radiant heat or direct flame contact, that may further impact timber fencing.

Asset Protection Zones The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

4. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed on the area of land, located in the western part of the development site that is proposed (in the future) to become playing fields, public road, water quality ponds and car parking. This identified section of land is proposed to be dedicated to Council in stage 2 of the sites development. Management shall be in perpetuity as an inner protection area (IPA), as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NS Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

5. Water, electricity and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Public roads shall comply with section 4.1.3 Access (1) Public roads, of 'Planning for Bush Fire Protection 2006'. The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

7. Internal roads shall comply with section 4.1.3 Access (1) of 'Planning for Bush Fire Protection 2006', except that mountable kerbs and verges are able to be used when considering the width of roads. The width of roads at bends, that have <40m radiuses (inside edge), or at intersections with other roads, will need to achieve the minimum requirements as specified in Table 4.1 Planning for Bushfire Protection 2006.

Evacuation and Emergency Management The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. Construction of the proposed; managers residence and the community centre building, shall comply with Sections 3 and 5 (BAL. 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire protection'.
10. Future installation of manufactured homes, onto approved sites within the development site, shall be limited to siting that achieves the separations and construction standards provided by the plan prepared by Travers Bushfire and Ecology, titled Schedule 1 - Bushfire Protection Measures and dated 5/4/17.

Some sites are noted to permit various compliant levels of construction depending upon the separations available. No manufactured homes shall be located to require BAL-40 construction.

B: Voluntary Planning Agreement

Voluntary Planning Agreement

Greater Taree City Council

And

John Earnings Pty Limited

And

Island Point Plantations Pty Limited

And

Brichris Pty Limited

Stacks // The Law Firm
Stacks // Taree
207 Victoria Street
Taree NSW 2430
Tel 61 2 6592 6592
Fax 61 2 6592 6596

File Reference: AJM:MD 090542

397095

Date	
Parties	<ol style="list-style-type: none"> 1. Greater Taree City Council, 2 Pulteney Street, Taree in the State of New South Wales (Council) 2. John Earnings Pty Limited ACN 000 745 139 having its registered office located at 49-53 Mile End Road, Rouse Hill in the State of New South Wales (Earnings); 3. Island Point Plantations Pty Limited ACN 052 123 369 having its registered office located at Island Point, 34 Goola Place, Coomba Park in the said State (Island Point); and 4. Brichris Pty Limited ACN 102 308 887 having its registered office located C/- Walker Lynch Petersen, 20 Wallis Street, Forster in the said State (Brichris).
Recitals	<p>A Earnings, Island Point and Brichris are the registered owners of the Land known as Lot 3 in DP242332.</p> <p>B Earnings, Island Point and Brichris have lodged a rezoning application with Council in relation to the Land substantially in accordance with the Rezoning Plan attached as Annexure "B" for the purpose of carrying out the Land Development (the Rezoning Application).</p> <p>C Earnings, Island Point, Brichris has offered, on a voluntary basis, to enter into this Agreement with Council as part of the Rezoning Application for the purpose of setting out the parties Agreement in relation to dedication of land and provision of other material public benefits to be used for or applied towards a public purpose in accordance with this Agreement.</p>

It is agreed as follows.

1 Interpretation

1.1 Definitions

The following definitions apply unless the context requires otherwise.

Act means the *Environmental Planning and Assessment Act 1979*.

Applicant means Earnings, Island Point and Brichris or any transferee of the Land.

Conditions Precedent means those conditions set out in Clause 4.

Dedicated Land means the land to be rezoned RE1 – Open Space Recreation as indicated as Area “C” on the Rezoning Plan, being an area of approximately 1.45ha.

Land Development means Development of the Land (or part thereof), by the Applicant, any one or more of them, their nominee or any transferee for the purpose of residential development and the infrastructure and services associated therewith after rezoning of the Land pursuant to the Rezoning Plan.

GST Law means *A New Tax System (Goods and Services Tax) Act 1999*, as amended.

Land means the land identified in recital A of this Agreement and more particularly as set out in the Certificate of Title and Deposited Plan attached to this Agreement as Annexure “A”.

Liabilities means claims, losses, liabilities, costs or expenses of any kind and however arising, including penalties, fines and interest and including those which are prospective or contingent and those the amount of which for the time being is not ascertained or ascertainable.

Recreation Project means the work and improvements to be carried out by the Applicant on the Dedicated Land for the provision of public amenities, infrastructure and services as set out in the Works Plan attached as Annexure “C”.

Release Date means the date of release by Council of the first Subdivision Certificate for the Area nominated “B” on the Rezoning Plan pursuant to Clause 4.

Rezoning Plan means the plan showing proposed rezoning of the Land by the Applicant, a copy of which is attached to this Agreement as Annexure “B”.

1.2 General

Headings are for convenience only and do not affect interpretation. The following rules of interpretation apply unless the context requires otherwise.

- (a) The singular includes the plural and conversely.
- (b) A gender includes all genders.
- (c) Where a word or a phrase is defined, its other grammatical forms have a corresponding meaning.
- (d) A reference to any party to this Deed or any other agreement or document includes the party's successors and substitutes or assigns.
- (e) A reference to a person, corporation, trust, partnership, unincorporated body or other entity includes any of them.
- (f) Clause means a clause of this Deed.
- (g) A reference to any agreement or document is to that agreement or document as amended, novated, supplemented, varied or replaced from time to time, except to the extent prohibited by this Deed.
- (h) A reference to writing includes a facsimile transmission and any means of reproducing words in a tangible and permanently visible form.
- (i) Unless stated otherwise, one provision does not limit the effect of another.
- (j) A reference to includes or including means includes without limitation, or including without limitation, respectively.
- (k) All obligations are taken to be required to be performed duly and punctually.

2. Voluntary Agreement

Each party to this Agreement agrees and acknowledges that it has entered into this Agreement voluntarily for the purpose of documenting a planning agreement between the parties pursuant to Section 93F of the Act.

3. Land Dedication

- (a) The Applicant agrees, subject to the terms of this Agreement, to transfer the Dedicated Land to Council free of cost to Council and without compensation to the Applicant for the purpose of dedication as community public lands upon satisfaction of the Conditions Precedent.
- (b) The Applicant warrants that it has obtained written approval from all persons who have an estate or interest in the Land, including any mortgagee, in

relation to the dedication referred to in Clause 2(a) and the Applicant will, if requested by Council, provide a copy of such written consent.

4. Conditions Precedent

Transfer of the Dedicated Land to Council will not proceed until the following conditions are fulfilled in accordance with this Agreement:

- (a) rezoning of the Land has been gazetted substantially in accordance with the Rezoning Plan; and
- (b) the Recreation Project has been completed by the Applicant in accordance with this Agreement; and
- (c) the Applicant has received a development consent to the first stage of the Land Development for the area nominated "B" on the Rezoning Plan and Council has released a subdivision certificate in relation thereto.

5. Management of Dedicated Lands

5.1 Recreation Project and Conservation Project

- (a) On or before the Release Date, the Applicant agrees to complete the Recreation Project and Conservation Project and to ensure, at the Applicant's cost, that appropriate access is provided to Council (or its nominee), to enable Council to monitor and assess the progress of the projects.

5.2 Management of Dedicated Lands

Upon transfer of the Dedicated Land to Council in accordance with this Agreement (Transfer Date), it is acknowledged and agreed by the parties that:

- (a) Council must immediately classify the land as community land;
- (b) the Applicant will continue to carry out the work, including maintenance, repairs and rectification of defects, relating to the Recreation Project for a further period of 12 months commencing on the Transfer Date (**Maintenance Period**) and will indemnify Council in respect of any claim for personal injury or death or property damage in connection with the Dedicated Land, arising from any negligent act or omission by the Applicant (or its agents, employees or contractors) or their failure to comply with the Works Plan, during the Maintenance Period; and
- (c) at the end of the Maintenance Period, Council agrees to take over and accept all responsibility for the future cost and maintenance of the Dedicated Land subject to the Applicant's compliance with the terms of this Agreement.

6. Section 94 Contributions

The parties acknowledge and agree that the terms of this Agreement:

- (a) Subject to (b), do not exclude the application of Section 94 and 94A of the Act; and
- (b) shall exclude the application of Section 94 of the Act in determining any development contributions payable by the Applicant in relation to the land development so far as such contributions relate to the local open space component .

7. Goods and Services Tax

- (a) Capitalised expressions which are not defined in this clause but which have a defined meaning in GST Law have the same meaning in this clause.
- (b) If GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional consideration.
- (c) No payment of the GST Amount pursuant to this clause is required until the supplier has provided a Tax Invoice or Adjustment Note, as the case may be, to the recipient.
- (d) Any reference in the calculation of Consideration under this Agreement to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.

8. Council's Acknowledgements

- (a) Council acknowledges and agrees that prior to entering into this Agreement Council has made its own enquiries in relation to the Dedicated Land and has caused a satisfactory inspection of the said land and matters and documents relating to it and will not make any claim, demand, requisition or objection or seek any compensation in relation thereto or rescind or terminate this Agreement or delay the approvals and/or release of the subdivision certificates as a result of any matter whatsoever relating to the Dedicated Land, including any environmental hazard or contamination, subject only to the Applicant's compliance with the terms of this Agreement.
- (b) Council acknowledges and agrees that in entering into this Agreement it has not relied upon any representations made by the Applicant other than the representations and statements set out in this Agreement and any annexures hereto.
- (c) On transfer of the Dedicated Land to Council, Council must;
 - (i) take out and maintain public liability insurance in relation to the Dedicated Land; and

- (ii) subject to Clause 8(b), indemnify the Applicant and agree to hold the Applicant harmless from and against all Liabilities incurred directly or indirectly from any negligent act or omission by Council from or in connection with the Dedicated Land.

9. Applicants Warranty

In consideration of Council's acknowledgements set out in Clause 8, the Applicant warrants that it is not aware of any contamination in, on or emanating from the Land or the Dedicated Land and is not aware of any notices or orders in relation thereto.

10. Costs

It is agreed and acknowledged by the parties that:

- (a) the Applicant will pay its own costs and the reasonable costs of Council associated with the preparation, negotiation and execution of this Agreement;
- (b) Council will bear all costs associated with:
 - (i) the transfer of the Dedicated Land including stamp duty and registration fees; and
 - (ii) compliance with the Act in relation the advertising and registration of this Agreement as a Planning Agreement, including any stamp duty and registration fees.
- (c) the Applicant will bear all costs associated with obtaining mortgagee consent, and/or the consent of any other third party having an interest in the Land, required to complete any transaction contemplated by this Agreement, including registration of this Agreement.

11. Dispute Resolution

If any disagreement between the parties arises out of the construction or interpretation of the provisions set out in this Agreement, including the parties respective rights and obligations, the parties must use their best endeavours to resolve the issues directly and thereafter either party may refer the matter to the Director General of the Department of Planning, or such equivalent, for determination and the parties agree to be bound by such determination.

12. Planning Authority

The parties acknowledge and agree that this Agreement does not in any way impose an obligation on Council or any other planning authority to grant development consent or to exercise any function under the Act in relation to a change to an environmental planning instrument.

13. Consent to Registration

It is acknowledged and agreed by the parties that this Agreement will be registered as a dealing in relation to the Land pursuant to S93H of the Act and in this regard the Applicant warrants that it has obtained written approval from each person who has an estate or interest in the Land to such registration.

14. Severance

Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction will be ineffective in that jurisdiction to the extent of the prohibition or unenforceability. That will not invalidate the remaining provisions of this Agreement nor affect the validity or enforceability of that provision in any other jurisdiction.

15. No Merger

The rights and obligations of the parties will not merge on completion of any transaction under this Agreement. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing any transaction.

16. Further Assurances

Each party shall take all steps, execute all documents and do everything reasonably required by any other party to give effect to any of the transactions contemplated by this Agreement.

17. Governing Law

This Agreement is governed by the laws of New South Wales. The parties submit to the non-exclusive jurisdiction of courts exercising jurisdiction there.

18. Counterparts

This Agreement may be executed in any number of counterparts. All counterparts taken together will be taken to constitute one agreement.

19. No Assignment

A party must not assign this Agreement or any right under this Agreement without the prior written consent of the other party which must not be unreasonably withheld.

Executed as a deed

EXECUTED by Greater Taree City Council:

Signature of Witness

Authorised Officer

Name of Witness

Name of Authorised Officer

Address of Witness

**EXECUTED for and on behalf of by
John Earnings Pty Limited
ACN 000 745 139 by authority of the Company
in the presence of:**

Secretary

Director

Name of Secretary

Name of Director

**EXECUTED for and on behalf of by
Island Point Plantations Pty Limited
ACN 052 123 369 by authority of the Company
in the presence of:**

Secretary

Director

Name of Secretary

Name of Director

**EXECUTED for and on behalf of by
Briehris Pty Limited ACN 102 308 887 by
authority of the Company in the presence of:**

Secretary

Director

Name of Secretary

Name of Director

ANNEXURE A

Land

ACS SEARCH PTY LTD

PO Box A1155, Sydney South NSW 1235. Phone: 02 9297 9728 Fax: 02 9287 9225
<http://acssearch.urbispro.com.au>

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www.globalx.com.au an approved broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 3/242992

SEARCH DATE	TIME	EDITION NO	DATE
9/6/2009	9:51 AM	1	9/6/2009

LAND

LOT 3 IN DEPOSITED PLAN 242992
 AT BLACK HEAD
 LOCAL GOVERNMENT AREA GREATER THREE
 PARISH OF BERYAN COUNTY OF GLOUCESTER
 TITLE DIAGRAM DP242992

FIRST SCHEDULE

JOHN EARNINGS PTY LIMITED
 IN 50/100 SHARE
 ISLAND POINT PLANTATIONS PTY LIMITED
 IN 25/100 SHARE
 BRICKRIS PTY LIMITED
 IN 25/100 SHARE
 AS TENANTS IN COMMON

(T 3689329)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND ENCLOSES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 8904713 EASEMENT FOR PIPELINE AFFECTING THE LAND SHOWN SO BURDENED IN DP694947
- 3 8954991 EASEMENT FOR PIPELINE AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP636713
- 4 AC339759 CAVEAT BY HARBIE HOLDINGS PTY LIMITED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

NOTE: DP636713 (C/M) &
 UNREGISTERED DEALINGS: NIL

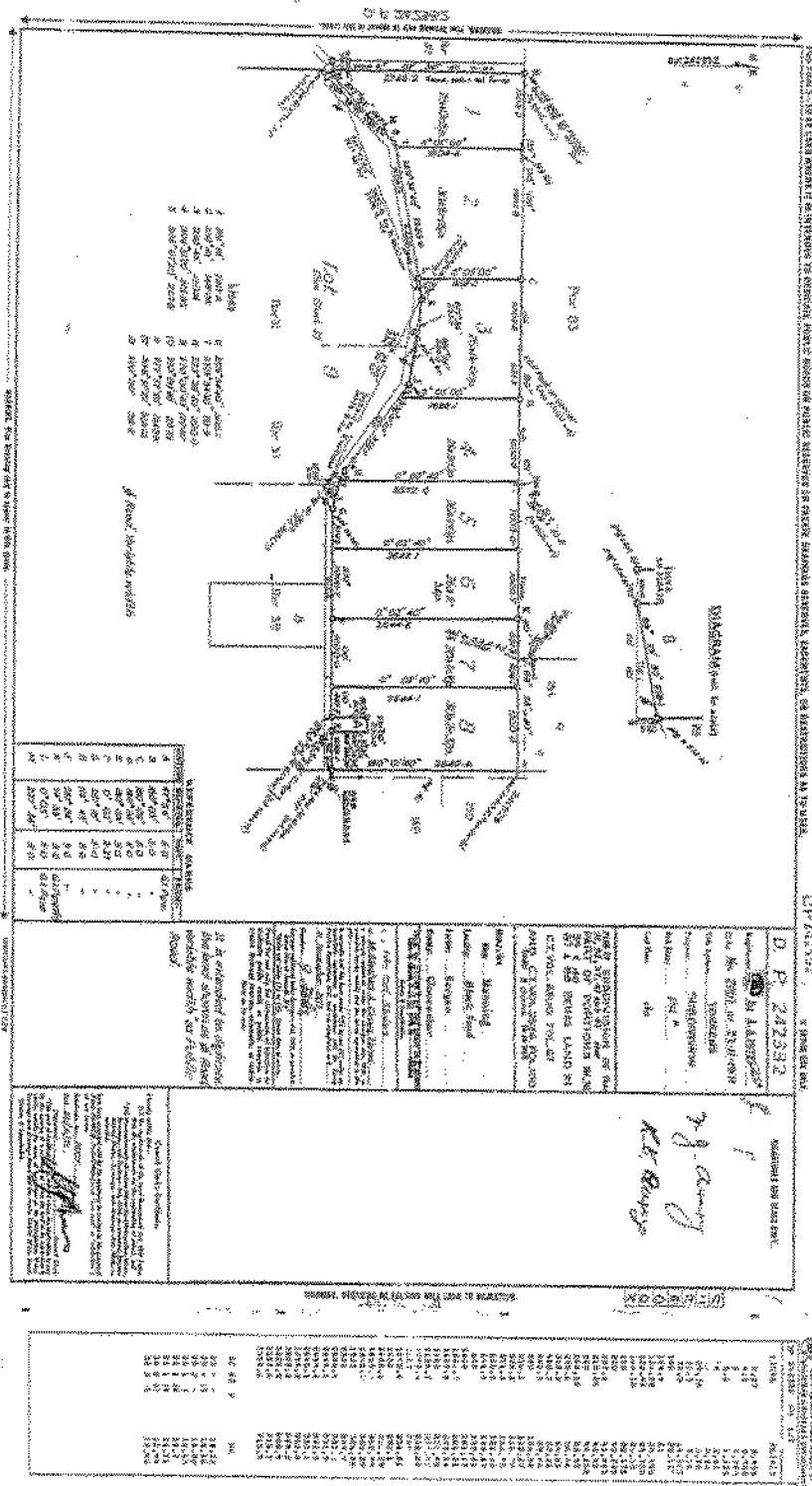
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Library, Sumner & Whitaker

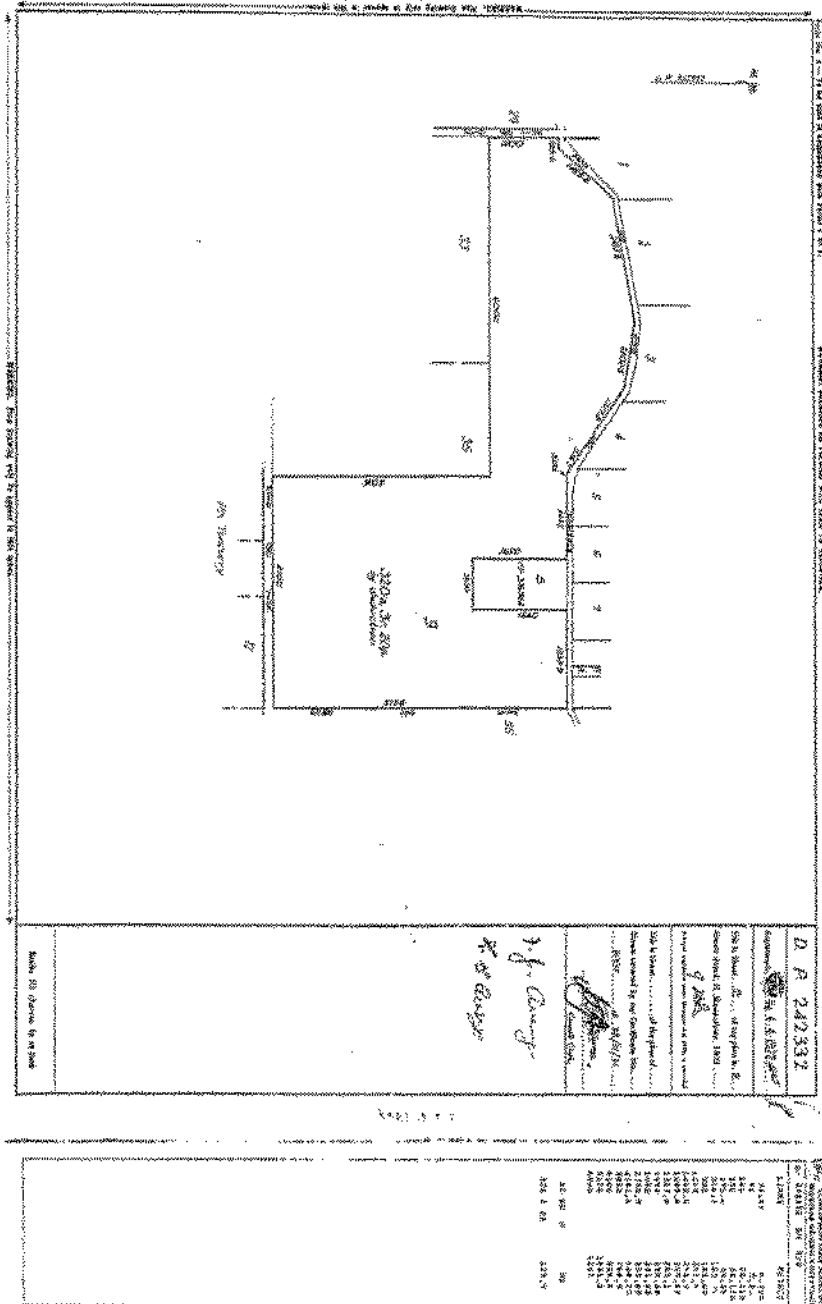
PRINTED ON 9/6/2009

<http://www.acssearch.com.au/cgi-bin/tpl/titlesearch>

9/6/2009



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 3. General Notes: [Blank]
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 8. General Notes: [Blank]
 9. General Notes: [Blank]
 10. General Notes: [Blank]

2

ANNEXURE B

Rezoning Plan

ANNEXURE C**Works Plan****Applicants Works**

1. Earthworks required and associated with construction of a playing field being that component to be located on the Dedicated Land, including the provision of and application of appropriate top soil (as determined by Council).
2. Earthworks associated with construction of public carparks to be located on the western side of the Road No. 2 as depicted on the Rezoning Plan.
3. Construction of rain gardens/retention dams as required by Council to meet water quality objectives within the Dedicated Land and landscaping associated therewith and installation and connection of all pipes and utilities connecting same with the Land Development.
4. Construction of a 2m wide bicycle way/ pedestrian path (of concrete) along the full extent of the southern boundary of the Land adjacent to Blackhead Road and adequate lighting associated therewith.

C: Bushfire Safety Authority



NSW RURAL FIRE SERVICE



General Manager
MidCoast Council
PO Box 482
TAREE NSW 2430

Your Ref: 407/2017/DA
Our Ref: D17/1371
DA17050507175 BS

ATTENTION: Petula Bowden

16 June 2017

Dear Ms Bowden

Integrated Development for 3//242332 - 303 Blackhead Road Hallidays Point 2430

I refer to your letter dated 28 April 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The proposed manufactured homes estate is to comply with the following specified plans:
 - The site plan prepared by Travers Bushfire and Ecology, titled "Schedule 1 - Bushfire Protection Measures" and dated 5/4/17 (this plan is relevant to the required APZs), and
 - The site plan prepared by Lidbury, Summers & Whiteman, titled "Concept Plan for Development of Lot 3 DP 242332 Coastal View Drive -Tallwoods Layout Plan" identified as Issue B and dated 7/4/17 (this plan is relevant to the final layout of the development).

It is noted that some variation exists between these two plans, with regard to layout. The APZ information identified in the plan titled: "Schedule 1 - Bushfire Protection Measures"

Postal address
Records
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
Planning and Environment Services (North)
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au

can be transferred to the referenced plan titled: "Tallwoods Layout Plan" as this plan is identified as the final layout plan applicable to the development.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
3. Fences, that are proposed to be constructed as part of the development, are recommended to be constructed in accordance with the NSW RFS Fast Fact 2/06, titled "Dividing Fences" version 5, and dated February 2012. The following points are made:
 - The RFS does not recommend the use of softwood or treated pine fencing in bushfire prone areas.
 - Where BAL-12.5 or BAL-19 construction is required for the manufactured home, hardwood fencing is considered suitable; subject to it being disconnected from the dwelling by at least 1m of non-combustible fencing material, otherwise the fence should be constructed from non-combustible materials.
 - Where BAL-29 construction is required for the manufactured home, fencing materials should be non-combustible.
 - Landscaping in the vicinity of timber fences should be selected, located and maintained to reduce possible fire activity due to; ember, radiant heat or direct flame contact, that may further impact timber fencing.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

4. A restriction to the land use, pursuant to section 88B of the 'Conveyancing Act 1919', shall be placed on the area of land, located in the western part of the development site that is proposed (in the future) to become playing fields, public road, water quality ponds and car parking. This identified section of land is proposed to be dedicated to Council in stage 2 of the sites development. Management shall be in perpetuity as an inner protection area (IPA), as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

5. Water, electricity and gas are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Public roads shall comply with section 4.1.3 Access (1) Public roads, of 'Planning for Bush Fire Protection 2006'. The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:
7. Internal roads shall comply with section 4.1.3 Access (1) of 'Planning for Bush Fire Protection 2006', except that mountable kerbs and verges are able to be used when considering the width of roads. The width of roads at bends, that have <40m radiuses (inside edge), or at intersections with other roads, will need to achieve the minimum requirements as specified in Table 4.1 of Planning for Bushfire Protection 2006.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

8. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

9. Construction of the proposed; manager's residence and the community centre building, shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

10. Future installation of manufactured homes, onto approved sites within the development site, shall be limited to siting that achieves the separations and construction standards provided by the plan prepared by Travers Bushfire and Ecology, titled Schedule 1 - Bushfire Protection Measures and dated 5/4/17.

Some sites are noted to permit various compliant levels of construction depending upon the separations available.

No manufactured homes shall be located to require BAL-40 construction.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely

Alan Bawden
Team Leader – Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

D: Approved Subdivisions Plan (Lot 4 Blackhead Road)



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DIRECTOR ENGINEERING & INFRASTRUCTURE

8 REQUEST FOR ROAD CLOSURE - OLD BOWMAN FARM RD GLOUCESTER

Report Author Ron Hartley, Director Engineering and Infrastructure

File No. / ECM Index Roads - Road Closures

Date of Meeting 27 September 2017

SUMMARY OF REPORT

A request has been received from Mr Michael Johnsen MP, on behalf of a property owner, for the closure of Old Bowman Farm Rd, Gloucester. This has been a long running issue which has previously been considered by Gloucester Council on a number of occasions.

SUMMARY OF RECOMMENDATION

That no further action be taken with regard to the closure of Old Bowman Farm Rd, Gloucester.

FINANCIAL/RESOURCE IMPLICATIONS

There are no cost impacts on Council in relation to this issue. However, the income from the sale of the road would come to Council. The compensation would be based on valuation.

LEGAL IMPLICATIONS

Council does not have the ability to arbitrarily close a public road. An administrative process exists which principally rests with Council. However, the final decision rests with the NSW Department of Primary Industries.

BACKGROUND

Old Bowman Farm Rd (also referred to as Dundee Road) is located approximately 2km from Gloucester village and is accessed off Bowman Farm Road. It was formerly a road used to cross the Barrington River, via a timber bridge, known as Stringy Bark Bridge. In 1969 an alternate crossing point was established on Bowman Farm Road which resulted in the closure and sale of the northern section of Old Bowman Farm Road, including the bridge. The southern section of Old Bowman Farm Road, which is the section of road subject to this report, was retained as public road at that time to enable the establishment of a gravel quarry on the river bank. The quarry was operated by Council on land leased for this purpose from the property owners, Mr and Mrs McIntosh. This lease ended in 2012 at which time the property owners sought to have the road closed.

Attached as Annexure A is a plan showing the location of Old Bowman Farm Road in relation to other public roads and the Barrington River. The property on both sides of Old Bowman Farm Road is in single ownership.

During the period when the quarry was in operation, the road was signposted as a private road and public access was prohibited, although it is claimed that access to and from the river by recreational kayakers continued.

The request for closure of the road has been considered by Gloucester Shire Council on a number of occasions. The most recent decision, dated June 2012, was that *'Old Bowman Farm Road remain open and discussion takes place between Council and the relevant stakeholders to bring about a satisfactory outcome.'*

The property owner has continued to complain about misuse of the road and advise of the negative impacts on her life as a result of the use of the road and is again seeking closure of the road. Representations have now been received from Mr Michael Johnsen MP on behalf of the property owner.

DISCUSSION

The property owner advises that the road is inaccessible from the river without trespassing onto her land because of the steep nature of the embankment within the road reserve, whereas the adjacent farmland is of a much more level profile. She also argues that there has been no access to the road for the 40 years that the quarry operated, so there is no loss to the community. She is further of the view that it was Council's intention to close the road in 1969 and it was only kept open because of the Council quarry. Accordingly, Council should proceed with the road closure.

At various times Council has resolved to close the road and also resolved to retain the road for river access. A summary of Council decisions and correspondence follows:

- Mar 2011
Council resolution to not support the road closure.
- May 2011
Council reaffirm its decision to not support the road closure.
- June 2011
Council resolve to revisit the site and review the issues.
- July 2011
Council reaffirm its decision of March 2011 and May 2011.
- Aug 2011
Council resolve to close the road and sell it to the McIntosh family.
- Oct 2011
Mrs McIntosh is advised of Council's decision to close the road but that the road will remain as a public road until the formal process is completed and the closure gazetted.
- Nov 2011
The road closure process is reported to Council and Council endorses the process and also resolves that the costs of closure be included in the valuation.
- Mar 2012
On the understanding that the road will be closed, Council prepares plans for alternate access to the river from Bowman Farm Road - estimated cost \$140k.
- May 2012
Department of Primary Industries advises of two objections to the road closure and advises Council that '*No further processing of the application will be undertaken until the objections are addressed and the outcome advised.*'
- June 2012
Objection to the proposed alternate access to the river received from the property owner, Mrs McIntosh.
- June 2012
Council resolves that Old Bowman Farm Road remain open and discussion takes place between Council and the relevant stakeholders to bring about a satisfactory outcome.
- July 2012
Following receipt of the objection to the alternate access, no further action is taken on the road closure.

As indicated above, following Council's decision in August 2011, Council advised the property owner that it had resolved to close the road and commence the road closure process.

At that time the road closure process required the NSW Department of Primary Industries to advertise the proposed road closure and Council to resolve any objections before closure could proceed. It was considered that the provision of an alternative access to the river would assist in resolving the objections to the road closure.

The land owner was advised of the requirement to undertake the road closure process and that the road would remain as a public road until the process was completed and the closure gazetted. Following receipt of objections to the closure Council resolved not to proceed further and the Department of Primary Industries subsequently closed the file.

It should be noted that Council does not have the legislative capacity to close a public road without completing the road closure process so, any assertion that Council must follow through on its commitment to close the road, is not enforceable.

Clearly there are valid reasons for the request for closure of the road. However, there are equally valid reasons for retaining the road to provide river access. Gloucester Council's policy for road closures in such circumstances favours the retention of the river access.

Accordingly, the most recent decision of Gloucester Shire Council to retain the road as a public access to the river is supported.

CONSULTATION

The property owner has made representations to Council's Administrator, Mr John Turner, Council staff and her local Parliamentary representative, Mr Michael Johnsen MP.

In January the Director Engineering and Infrastructure met with the property owner on site to develop a full understanding of her issues.

Former Gloucester Council staff have been interviewed and a complete correspondence check has been undertaken to ensure that the complete background to the issue is obtained.

COMMUNITY IMPACTS

Retention of community access to the river is a policy of the former Gloucester Shire Council. There are a number of access points to the river but there is an argument that the ongoing loss of access points is impacting on the recreational use of the Barrington River. No evidence has been submitted to support or reject this position.

BUDGET IMPLICATIONS

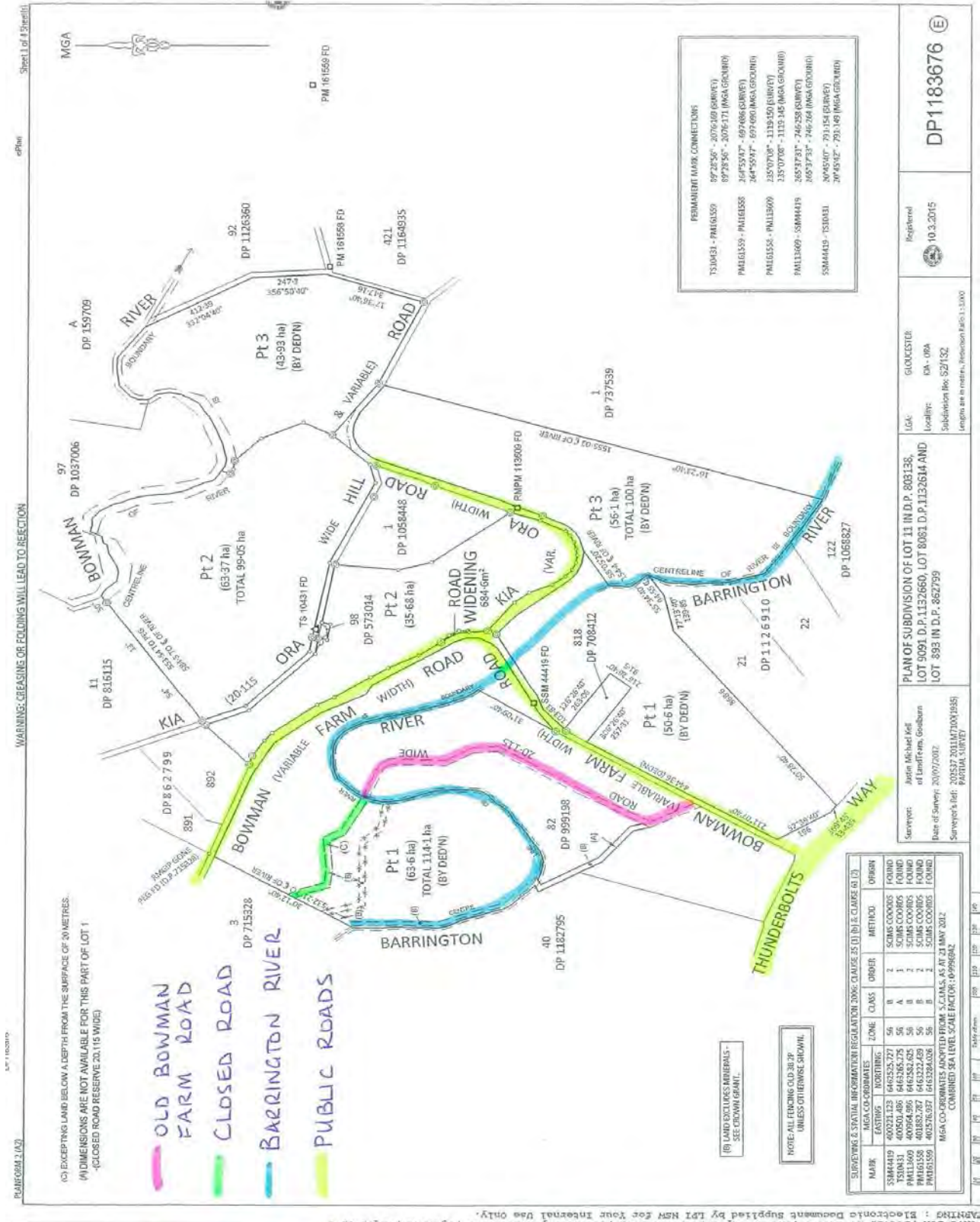
If Council resolves to support the road closure application, a valuation will be required and the property owner will be required to pay Council in accordance with that valuation.

RECOMMENDATION

That no further action be taken with regard to the closure of Old Bowman Farm Road, Gloucester.

ANNEXURES

A: Locality map



9 CAPITAL WORKS REPORT - AUGUST, SEPTEMBER & OCTOBER 2017

Report Author Rhett Pattison - Team Leader Project Delivery

File No. / ECM Index Corp Mgmt - Works Depot

Date of Meeting 27 September 2017

SUMMARY OF REPORT

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

SUMMARY OF RECOMMENDATION

That Council note the information included in this report.

FINANCIAL/RESOURCE IMPLICATIONS

Projects listed within this report are included in the 2017/18 Operational Plan of MidCoast Council or grant funding that has subsequently been accepted by Council.

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

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Summary of projects completed or to be completed August, September & October 2017

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

BACKGROUND

An update on the progress of capital works included in the 2017/18 Operational Plans for the MidCoast Council area is included in this report. It also includes works undertaken through special grants and the RMCC. The report is provided for the information of Council.

DISCUSSION

Attachment A (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.

A summary of the highlights of projects listed in Attachment A follows:

Manning Region

- The boat ramp upgrade at Bohnock is now complete and re-opened to the public. Car park construction at this site continues. Manning Point boat ramp upgrade is scheduled to commence this month.
- Asphalt resurfacing is complete on Commerce St Taree, between the hospital and Deb St. Asphalt seal of Combined and Dennes Streets in Wingham is scheduled for September.
- Harrington Road reconstruction of a 1.3km section between Christies Lane and 300m west of Longworths Lane is scheduled to commence in September, with completion expected in January.
- Diamond Beach Road reconstruction and Kellys Bridge replacement (The Bucketts Way) remain in progress.

Great Lakes Region

- The reconstruction of Memorial Drive and Coomba Road shoulder widening is complete.
- Roundabout construction at Lee St and Stroud St intersection, Buladelah is in progress.
- Works on the reconstruction of a section of Booral Washpool Rd has been completed.
- Reconstruction of The Lakes Way in Bungwahl has commenced.
- Marine Drive and Charles St, Tea Gardens road reconstruction is in progress.
- Seal extension of Wattley Hill Road planned to commence in September.

Gloucester

- Geales Bridge Deck Replacement is complete. Guard rail installation will see completion of this project.
- Britten Street rehabilitation and Doonair Causeway replacement projects are complete.

CONSULTATION

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

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

COMMUNITY IMPACTS

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

TIMEFRAME

Details are reported within the attachments.

RECOMMENDATION

That Council note the information in this report.

10 MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING HELD ON 2 AUGUST 2017

Report Author Richard Wheatley – Senior Transport Engineer

File No. / ECM Index Traffic Committee Agendas

Date of Meeting 27 September 2017

SUMMARY OF REPORT

This report presents the Minutes of the Local Traffic Committee meeting held on 2 August 2017 for adoption.

SUMMARY OF RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 2 August 2017 be noted and that Council endorse the recommendations made at the meeting.

FINANCIAL/RESOURCE IMPLICATIONS

For items 1, 2, 3, 4 & 5, Council will be responsible for the costs associated with the installation of signage and pavement markings.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Minutes of the Local Traffic Committee meeting held on 2 August 2017

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

BACKGROUND

The Local Traffic Committee meeting was held on Wednesday 2 August 2017 at MidCoast Council's Forster Office. The minutes of the meeting are provided as Attachment A with the recommendations for each item.

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

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

CONSULTATION

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

COMMUNITY IMPACTS

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

BUDGET IMPLICATIONS

For items 1, 2, 3, 4 & 5, Council will be responsible for the costs associated with the installation of signage and pavement markings.

RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 2 August 2017 be noted and that Council endorse the recommendations made at the meeting.

DIRECTOR COMMUNITY SPACES & SERVICES

11 EXPENDITURE OF SECTION 94 DEVELOPER CONTRIBUTIONS

Report Author Paul De Szell - Director of Community Spaces and Services

File No. / ECM Index S300

Date of Meeting 27 September 2017

SUMMARY OF REPORT

This report seeks approval to allocate \$400,000 from contributions collected under the former Greater Taree Section 94 Contribution Plans (19) which were repealed when the Greater Taree Section 94 Contributions Plan 2016 became effective on 10 October 2016. The funds are proposed to be spent on new community infrastructure including the construction of a formal car park for the Manning Regional Art Gallery and the installation of lighting at the EG Trad Sports Fields.

A further report will be provided to Council which provides options for a methodology to expend the remainder of the funds collected. This report will also nominate the basis for including funds obtained from the repealed S94 plans in future budgets.

SUMMARY OF RECOMMENDATION

That budget allocations of \$200,000 for the construction of a formal car park for the Manning Regional Art Gallery and \$200,000 for the installation of lighting at the EG Trad Sports Fields Old Bar be allocated from funds collected under the former Greater Taree Section 94 Contribution Plans which were repealed in October 2016.

FINANCIAL/RESOURCE IMPLICATIONS

At 31 July 2017, there was approximately \$5.7m held by Council from contributions collected under the former Greater Taree Section 94 Contribution Plans (19) which were repealed when the Greater Taree Section 94 Contributions Plan 2016 became effective on 10 October 2016. These superseded plans are likely to continue to collect funds from previous development consents for the next 5-10 years, while funds from some staged consents could extend well beyond this period.

As funds collected from these repealed plans cannot be spent on items in the work schedules of the new plan, a method of distributing funds towards the construction of new community infrastructure is required.

LEGAL IMPLICATIONS

Section 94 Contribution Plans are prepared under the NSW *Environmental Planning and Assessment Act 1979* and the NSW *Environmental Planning and Assessment Regulation 2000*.

Funds collected (and interest earned on funds held by Council) under repealed Section 94 Contribution Plans must be spent on the provision of new community infrastructure. Funds can also be spent on land purchase, design and project management associated with the construction of new community infrastructure.

BACKGROUND

In preparing the 2017/18 budget it was established that funds collected under the Greater Taree Section Contributions Plan 2016 may not be available for use for another 2-3 years (being the time taken for development consents issued under the new plan and construction of subdivisions and unit developments to be completed).

Funds collected under previous plans repealed when the new plan came into effect (19 plans were repealed when the new plan became effective on 10 October 2016) cannot be used to fund community infrastructure identified in the work schedules of the new plan. In developing the new plan this idea was discounted early as the new plan would have to factor in exactly how much may be received under repealed plans (it is virtually impossible to accurately determine this as some proposed developments never proceed, some are never fully completed and the income from others can still be collected many years following approval).

Therefore, there is no longer a basis for how to spend funds collected under the previous plans, as the repealed plans effectively no longer exist.

DISCUSSION

There are three community infrastructure items that are considered urgent matters that require an allocation of funds in the 2017/18 budget from the former Greater Taree Section 94 Contribution Plans (19) which were repealed in October 2016:

Wingham Memorial Pool Relocation

In a report to the 28 June 2017 Ordinary Meeting on the Cedar Party Creek bridge replacement, it was resolved to proceed with the Pool Relocation option and to apply for grant funding to construct the project (circa \$19m). The report detailed that funds could be obtained for the construction of a new pool in another location but that the grant available could not be used to purchase the land.

To address this issue it was resolved that the General Manager be delegated the authority to negotiate the purchase of the land (Wingham Bowling Club) and enter into any contracts on behalf of Council utilising former Greater Taree City Council section 94 funds so that a new pool could be built on this site prior to demolition of the current pool.

No further resolution in regard to this matter is required as part of this report.

Manning Regional Art Gallery

Council has applied (unsuccessfully) for grants over the last 5+ years to formalise the Art Gallery car park. This work requires complete reconstruction, the installation drainage and sealing to provide all weather access for parking. The current unformed gravel car park is in poor condition and is often underutilised as people often park in a manner that limits its capacity.

The proposed work will not only provide an all-weather car park for the Art Gallery but will also act as an outdoor art market space and maximise the parking within the site. The cost of this project has been estimated at \$400,000. Existing budgets can fund half of this cost, with the remaining funds required to be obtained from the repealed S94 plans.

EG Trad Sports Fields Old Bar

To obtain better usage, particularly for night training, sports fields need to have lighting of a sufficiently high standard to minimise the chance of injury commonly experienced from un-lit or poorly lit sports fields.

Council is currently undertaking a lighting upgrade at the EG Trad Sports Fields using funds provided in a grant from the local State member. A further \$200,000 is however required to complete the work to ensure that current lighting standards are met and usage is improved. The work is required to be completed now and cannot wait until further grant opportunities arise, hence the use of S94 funds is required.

Future use of Section 94 Funds from Repealed Plans

As stated above, there is no longer a basis for how to spend funds collected under the former Greater Taree City Council section 94 plans, as the repealed plans effectively no longer exist. Therefore, Council needs to make a strategic decision on the methodology of how funds will be spent so that infrastructure managers can put forward future budgets that align with this methodology.

To address this issue a further report will be provided to Council which provides options for a methodology to expend the remainder of the funds collected (approximately \$5,000,000). This report will also nominate the basis for including funds obtained from the repealed S94 plans in future budgets. Until this time it is suggested that use of the remaining funds be quarantined.

CONSULTATION

Consultation in writing this report occurred with the Project Manager - Planning and Natural Systems, Richard Pamplin (former Greater Taree City Council Senior Leader Strategic Planning, who previously managed S94) and the Finance Coordinator Taree Office, Carol Currie who now has the responsibility for managing S94 for the Taree Office (the function of managing all aspects of S94 now comes under the Finance Section of Council).

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The expenditure of development contributions funds are consistent with a number of strategies in the *Manning Valley Community Plan 2010-30*, the key strategy being:

“public assets and infrastructure will be planned, managed and funded to meet community needs and agreed levels of service” (Strategy 1).

TIMEFRAME

While there is no set timeframe to make a decision on how to expend funds collected under repealed S94 plans, it is appropriate to consider this issue in a reasonable timeframe so that the community can have confidence that Council has a plan or established methodology for funds collected from developers for the construction of community infrastructure to be spent within a reasonable period on the purpose it was collected for.

BUDGET IMPLICATIONS

This matter has no direct impact on General Revenue as S94 funds must be separately accounted for outside the General Fund and must be spent on new community infrastructure.

There is an indirect impact on Council through the future management and maintenance of new community infrastructure. This aspect is considered when preparing budgets for each section of Council.

The specific indirect impacts for the items sought to be included in the 2017/18 budget (Manning Regional Art Gallery carpark and lighting upgrade at EG Trad Sports Fields Old Bar) from S94 funding relate to the future maintenance of the sealed carpark, and electricity usage and asset management for the lighting. It has been determined that this can be accommodated within existing road and parks maintenance budgets.

RECOMMENDATION

1. That an allocation of \$200,000 from the repealed Greater Taree Section 94 Contribution Plans funds (community facilities/open space component) be made to the 2017/18 budget to formalise the Manning Regional Art Gallery car park.
2. That an allocation of \$200,000 from the repealed Greater Taree Section 94 Contribution Plans funds (community facilities/open space component) be made to the 2017/18 budget to install lights at the EG Trad Sports Fields at Old Bar.
3. That a further report be provided to Council which provides options for a methodology to expend the remainder of the funds collected from the repealed Greater Taree Section 94 Contribution Plans.
4. That the remainder of the funds collected from the repealed Greater Taree Section 94 Contribution Plans be quarantined until a methodology for expenditure is adopted by Council.

12 STRONGER COMMUNITIES FUNDING PROGRESS REPORT

Report Author Lyndie Hepple, Coordinator, Community Strengthening

File No. / ECM Index Stronger Communities Funding

Date of Meeting 27 September 2017

SUMMARY OF REPORT

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

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

SUMMARY OF RECOMMENDATION

That the information in this report be noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Stronger Communities funding - Round 1 progress report.

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

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

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

It is too early to report progress on Round 2 funded projects, however progress on the 17 projects funded in Round 1 is provided in *Attachment A*. In summary:

- ten projects have been completed and acquitted;
- four projects are either in progress and on track or are not yet scheduled to commence; and
- three projects have not yet started due to challenges in obtaining appropriate approvals and plans are in place to support project progression and completion.

RECOMMENDATION

That the information in this report be noted.

DIRECTOR CORPORATE & BUSINESS SYSTEMS

13 INVESTMENTS REPORT - AUGUST 2017

Report Author Phil Brennan, Manager Finance

File No. / ECM Index Investments - Monthly Reports

Date of Meeting 27 September 2017

SUMMARY OF REPORT

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

SUMMARY OF RECOMMENDATION

That the report be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

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

BACKGROUND

Section 625 of the Local Government Act 1993 permits a Council to invest money that is not, for the time being, required for any other purpose. This money may only be invested in a form of investment that has been notified in an Order by the Minister for Local Government.

The latest Minister's Order was issued on 12 January 2011 and sets out the allowable forms of investment. The Order also identifies the following key considerations:

1. An investment is not in a form of investment notified in the Order unless it complies with an Investment Policy adopted by a resolution of Council.
 2. All Councils should by resolution adopt an investment policy that is consistent with the Order and any guidelines issued by the Chief Executive (Local Government),. Department of Premier and Cabinet, from time to time.
 3. The General Manager, or any other staff member, with delegated authority by a Council to invest funds on behalf of Council must do so in accordance with Council's adopted investment policy.
 4. Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.
 5. When exercising the power of investment Councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely return and timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (commissions, fees and duties payable) of making the investment.
-

Council adopted a new Investment Policy at its Ordinary Meeting of 26 July 2017. This Policy was reviewed by the NSW Treasury Corporation prior to its adoption and feedback was incorporated into the adopted policy. A copy of this Policy is attached for Council's information as Annexure C.

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of Council must provide Council with a written report setting out all money invested under section 625 of the Local Government Act, at the last day of the month immediately preceding the meeting. It also requires that the Responsible Accounting Officer must include a certificate as to whether or not the investments have been made in accordance with the Act, Regulations and Policies. This Certificate is included as Annexure A.

Operationally each of the former offices have continued to invest funds in accordance with the policy framework that applied to that office at the date of amalgamation. Each of these policies were similar in content and complied with the legislative requirements. A monthly investment report was presented to Council that outlined the invested funds held at each of those offices. A list of all investments held by Council was also provided.

With a single Investment Policy now in operation this report will focus on the consolidated position with respect to compliance with the parameters set out in the Policy.

DISCUSSION

At 31 August 2017 Council had \$173,245,598 in invested funds with financial institutions.

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

Office	Amount Invested
Gloucester Office	\$5,275,900
Taree Office	\$43,600,000
Forster Office	\$86,315,225
Water Division - Sewer Funds	\$30,877,018
Water Division - Water Funds	\$7,177,455
Total	\$173,245,598

The Investment Policy is to report on the following matters:

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

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

2. *Counterparty Holdings*

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

Credit Rating	Individual % of Portfolio	Estimated \$ Limit
AAA / A-1	20%	\$30 Million
AA / A-1	20%	\$30 Million
A / A-1 & A / A-2	13%	\$20 Million
BBB / A-2	7%	\$10 Million
Unrated	1.3%	\$2 Million

The position at 31 August 2017 with respect to Counterparty compliance is as follows:

Counterparty	Rating	Amount Invested	% Invested	Max % Limit	Comply (Y / N)
NSWTC ICM CF	AAA	\$3,063,028	1.77%	20.00%	Y
ANZ Bank	AA-	\$303	0.00%	20.00%	Y
CBA (BankWest)	AA-	\$5,002,197	2.89%	20.00%	Y
NAB	AA-	\$31,369,418	18.10%	20.00%	Y
Westpac	AA-	\$4,054,170	2.34%	20.00%	Y
Rabobank	A+	\$1,000,000	0.58%	13.00%	Y
Suncorp-Metway	A+	\$1,000,000	0.58%	13.00%	Y
AMP Bank	A	\$10,000,000	5.77%	13.00%	Y
Credit Suisse AG	A	\$1,000,000	0.58%	13.00%	Y
ING Bank	A	\$2,000,000	1.15%	13.00%	Y
Macquarie Bank	A	\$1,000,000	0.58%	13.00%	Y
Bank of Queensland	BBB+	\$17,700,000	10.22%	7.00%	N
Bendigo - Adelaide (Rural) Bank	BBB+	\$4,000,000	2.31%	7.00%	Y
People's Choice	BBB	\$506,482	0.29%	7.00%	Y
Beyond Bank	BBB	\$9,700,000	5.60%	7.00%	Y
Bank Australia	BBB	\$7,000,000	4.04%	7.00%	Y
Greater Bank	BBB	\$11,000,000	6.35%	7.00%	Y
Defence Bank	BBB	\$2,000,000	1.15%	7.00%	Y
Credit Union Australia	BBB	\$1,750,000	1.01%	7.00%	Y
IMB Bank	BBB	\$19,000,000	10.97%	7.00%	N
Newcastle Permanent	BBB	\$500,000	0.29%	7.00%	Y
Members Equity Bank	BBB	\$23,000,000	13.27%	7.00%	N
MyState Bank	BBB	\$6,000,000	3.46%	7.00%	Y
Teachers Mutual Bank	BBB	\$1,500,000	0.87%	7.00%	Y
Auswide Bank	BBB-	\$1,850,000	1.07%	7.00%	Y
QBANK (QPCU)	BBB-	\$1,000,000	0.58%	7.00%	Y
Bananacoast Community	Unrated	\$2,000,000	1.15%	1.30%	Y
Bank of Sydney	Unrated	\$250,000	0.14%	1.30%	Y
Police Credit Union	Unrated	\$5,000,000	2.89%	1.30%	N
Total		\$173,245,598	100.00%		

As identified in the table above Council has exceeded the counterparty limit with its investments with the Bank of Queensland, IMB Bank, Members Equity Bank and the Police Credit Union. It should be noted that this has occurred as a result of the consolidation of the investment portfolio for the first time under the new policy.

In respect of the Bank of Queensland holdings this has been principally due to the recent one-notch downgrading of ratings by Standard & Poor's which saw their credit rating move from A- to BBB+. Bank of Queensland was 1 of 23 ADIs that were affected by this downgrading.

These positions will be rectified as investments mature with funds moved to other institutions. It should also be noted that Water and Sewer funds have tended to be invested in large blocks (\$5,000,000) which has also impacted this position.

3. Dissection based on Maturity Horizon

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

The current positioning of the portfolio is as follows:

Investment Maturity	Amount	% of Portfolio	Policy Limits
Short Term - 1 year or less	\$145,995,598	84.27%	60% - 100%
Long Term - Greater than 1 year	\$27,250,000	15.73%	0% - 40%

4. Portfolio by Credit Rating

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

Credit Rating	Amount	% of Portfolio	Policy Limits
AAA Category	\$3,063,028	1.77%	20%
AA Category	\$40,426,088	23.33%	80%
A Category	\$28,700,000	16.57%	80%
BBB Category	\$93,806,482	54.15%	65%
Unrated ADIs	\$7,250,000	4.18%	4%
	\$173,245,598		

Council is slightly over the limit in unrated ADIs and this is attributable to \$5 million in investments with Police Credit Union. This is also reflected in the Counterparty limits and will be amended when these investments mature.

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

RECOMMENDATION

That the report be received and noted.

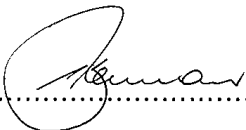
ANNEXURES

A: Responsible Accounting Officer's Certificate

Investment Certificate

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

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



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Phil Brennan
Responsible Accounting Officer
18 September 2017

B: Mid-Coast Council Investments at 31 August 2017

Financial Securities as at		31 August 2017								
Investment Date	Interest Rate	Security Type	Duration	Amount Invested	Maturity Date	Held With	Credit Rating			
FORSTER OFFICE INVESTMENTS										
Floating Rate Notes										
24/06/2014	BBSW +110	FRN		\$1,000,000.00	24/06/2019	Bank of Queensland Ltd	A2/BBB+			
24/10/2014	BBSW +113	FRN		\$1,000,000.00	22/12/2017	Bank of Queensland Ltd	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			
7/07/2015	BBSW+110	FRN		\$1,000,000.00	3/03/2020	Macquarie Bank	A1/A			
5/11/2015	BBSW+108	FRN		\$1,000,000.00	5/11/2020	NAB	A1/AA			
26/02/2015	BBSW+110	FRN		\$500,000.00	27/02/2018	Newcastle Permanent	A2/BBB			
4/03/2016	BBSW + 150	FRN		\$1,000,000.00	4/03/2021	Rabobank	A1/A+			
20/10/2015	BBSW +125	FRN		\$1,000,000.00	20/10/2020	Suncorp	A1/A+			
4/12/2014	BBSW+1.05	FRN		\$1,000,000.00	4/12/2017	Teachers Mutual Bank	A2/BBB			
28/10/2016	BBSW+140	FRN		\$500,000.00	28/10/2019	Teachers Mutual Bank	A2/BBB			
2/06/2017	BBSW +140	FRN		\$1,000,000.00	29/05/2020	Greater Bank	A2/BBB			
31/08/2017	BBSW +125	FRN		\$2,000,000.00	6/04/2020	Members Equity Bank Pty Ltd	A2/BBB			
7/06/2017	BBSW +140	FRN		\$1,000,000.00	29/05/2020	Greater Bank	A2/BBB			
				\$20,250,000.00						
Floating Term Deposits										
19/02/2015	BBSW + 95	FTD		\$1,000,000.00	21/02/2020	ING	A1/A			
11/12/2014	BBSW + 106	FTD		\$1,000,000.00	11/12/2019	NAB	A1/AA			
11/12/2014	BBSW + 106	FTD		\$1,000,000.00	11/12/2019	NAB	A1/AA			
1/12/2015	3.0000%	FTD		\$1,000,000.00	1/12/2020	Westpac Bank	A1/AA			
				\$4,000,000.00						
On Call Bank Accounts										
31/08/2017	1.4000%	On call		\$2,196.72		CBA	A1/AA+			
31/08/2017	2.1100%	On call		\$3,063,028.15		T-Corp	A1/AAA			
				\$3,065,224.87						

Term Deposits										
22/08/2017	2.5500%	Term Deposit	177	\$1,000,000.00	15/02/2018	AMP	A1/A			
25/08/2017	2.5200%	Term Deposit	181	\$1,000,000.00	22/02/2018	NAB	A1/AA			
25/08/2017	2.6000%	Term Deposit	272	\$1,000,000.00	24/05/2018	AMP	A1/A			
31/08/2017	2.5500%	Term Deposit	189	\$1,000,000.00	8/03/2018	NAB	A1/AA			
31/08/2017	2.5500%	Term Deposit	196	\$1,000,000.00	15/03/2018	NAB	A1/AA			
30/08/2017	2.6500%	Term Deposit	365	\$1,000,000.00	30/08/2018	My State Bank	A2/BBB			
17/08/2017	2.6000%	Term Deposit	273	\$1,000,000.00	17/05/2018	Members Equity Bank Pty Ltd	A2/BBB			
22/08/2017	2.6000%	Term Deposit	261	\$1,000,000.00	10/05/2018	Members Equity Bank Pty Ltd	A2/BBB			
25/08/2017	2.5200%	Term Deposit	188	\$1,000,000.00	1/03/2018	NAB	A1/AA			
2/03/2017	2.7000%	Term Deposit	189	\$1,000,000.00	7/09/2017	Beyond Bank	A2/BBB+			
23/02/2017	2.6000%	Term Deposit	196	\$1,000,000.00	7/09/2017	Rural Bank	A2/BBB+			
3/03/2017	2.7500%	Term Deposit	195	\$1,000,000.00	14/09/2017	Police Credit Union SA	NR			
16/03/2017	2.9500%	Term Deposit	189	\$1,250,000.00	21/09/2017	AMP	A1/A			
6/03/2017	2.7500%	Term Deposit	199	\$1,000,000.00	21/09/2017	My State Bank	A2/BBB			
9/03/2017	2.6700%	Term Deposit	203	\$1,000,000.00	28/09/2017	Greater Bank	A2/BBB			
30/03/2017	2.8000%	Term Deposit	189	\$1,000,000.00	5/10/2017	Police Credit Union SA	NR			
11/05/2017	2.6700%	Term Deposit	154	\$1,500,000.00	12/10/2017	Auswide Bank	A3/BBB-			
20/07/2017	2.7000%	Term Deposit	182	\$1,000,000.00	19/10/2017	Beyond Bank	A2/BBB+			
23/10/2014	5.5400%	Term Deposit	1096	\$1,000,000.00	23/10/2017	ING	A1/A			
2/06/2017	2.7500%	Term Deposit	146	\$1,000,000.00	26/10/2017	Bank Australia	A2/BBB			
27/04/2017	2.7000%	Term Deposit	189	\$1,000,000.00	2/11/2017	My State Bank	A2/BBB			
18/05/2017	2.6000%	Term Deposit	175	\$1,750,000.00	9/11/2017	AMP	A1/A			
2/06/2017	2.7500%	Term Deposit	167	\$1,000,000.00	16/11/2017	Banancoast CU	NR			
29/05/2017	2.8000%	Term Deposit	178	\$2,000,000.00	23/11/2017	Bank Australia	A2/BBB			
2/06/2017	2.7000%	Term Deposit	181	\$1,000,000.00	30/11/2017	CUA	A2/BBB			
1/06/2017	2.7000%	Term Deposit	189	\$1,000,000.00	7/12/2017	My State Bank	A2/BBB			
5/06/2017	2.8500%	Term Deposit	185	\$2,000,000.00	7/12/2017	Greater Bank	A2/BBB			
2/06/2017	2.7000%	Term Deposit	195	\$1,000,000.00	14/12/2017	Police Credit Union SA	NR			
2/06/2017	2.7000%	Term Deposit	199	\$1,000,000.00	18/12/2017	Police Credit Union SA	NR			
15/06/2017	2.8500%	Term Deposit	203	\$1,500,000.00	4/01/2018	Greater Bank	A2/BBB			
14/06/2017	2.8000%	Term Deposit	211	\$1,000,000.00	11/01/2018	Bank Australia	A2/BBB			
2/06/2017	2.8000%	Term Deposit	230	\$2,000,000.00	18/01/2018	Bank Australia	A2/BBB			
14/06/2017	2.7200%	Term Deposit	224	\$1,000,000.00	24/01/2018	Defence Bank	A2/BBB			
6/07/2017	2.6000%	Term Deposit	210	\$1,000,000.00	1/02/2018	Bank of Queensland Ltd	A2/BBB+			
13/07/2017	2.6000%	Term Deposit	210	\$1,000,000.00	8/02/2018	Members Equity Bank Pty Ltd	A2/BBB			
Term Deposits										
\$40,000,000.00										

<u>Stronger Communities Investments</u>									
	27/06/2016	BBSW+148	FRN						
	20/04/2017	2.7000%	Term Deposit	175	\$1,000,000.00	18/05/2021	Bank of Queensland Ltd	A2/BBB+	
	14/06/2017	2.7300%	Term Deposit	239	\$1,000,000.00	12/10/2017	Beyond Bank	A2/BBB+	
	15/06/2017	2.8000%	Term Deposit	245	\$1,000,000.00	8/02/2018	Beyond Bank	A2/BBB+	
	30/06/2017	2.7000%	Term Deposit	69	\$1,000,000.00	15/02/2018	Bank Australia	A2/BBB	
	8/06/2017	2.8500%	Term Deposit	189	\$1,000,000.00	7/09/2017	Beyond Bank	A2/BBB+	
	8/06/2017	2.7500%	Term Deposit	196	\$1,000,000.00	14/12/2017	Greater Bank	A2/BBB	
	20/04/2017	2.5500%	Term Deposit	154	\$1,000,000.00	21/12/2017	Beyond Bank	A2/BBB+	
	18/05/2017	2.6500%	Term Deposit	182	\$1,000,000.00	21/09/2017	Members Equity Bank Pty Ltd	A2/BBB	
	25/05/2017	2.6500%	Term Deposit	183	\$1,000,000.00	16/11/2017	Members Equity Bank Pty Ltd	A2/BBB	
	29/06/2017	2.7500%	Term Deposit	189	\$2,000,000.00	24/11/2017	Members Equity Bank Pty Ltd	A2/BBB	
	20/04/2017	2.5500%	Term Deposit	161	\$1,000,000.00	4/01/2018	My State Bank	A2/BBB	
	20/04/2017	2.6000%	Term Deposit	147	\$1,000,000.00	28/09/2017	NAB	A1/AA	
	14/06/2017	2.7000%	Term Deposit	232	\$1,000,000.00	14/09/2017	Queensland Police Credit Union	A3/BBB-	
					\$15,000,000.00	1/02/2018	Rural Bank	A2/BBB+	

<u>Implementation Funds Investments</u>									
	27/10/2016	2.7500%	Term Deposit	365	\$1,000,000.00	27/10/2017	Banacoast CU	NR	
	27/06/2016	BBSW+148	FRN			18/05/2021	Bank of Queensland Ltd	A2/BBB+	
	29/05/2017	2.7000%	Term Deposit	178	\$1,000,000.00	23/11/2017	Defence Bank	A2/BBB	
	23/03/2017	2.8500%	Term Deposit	273	\$1,000,000.00	21/12/2017	Police Credit Union SA	NR	
					\$4,000,000.00				
					\$86,315,224.87				

TOTAL FORSTER OFFICE INVESTMENTS

<u>GLOUCESTER OFFICE INVESTMENTS</u>									
	14/03/2017	2.6100%	Term Deposit	210	\$1,000,000.00	10/10/2017	Bankwest	A1+	
	24/05/2017	2.8000%	Term Deposit	181	\$350,000.00	21/11/2017	Auswide Bank	A3/BBB-	
	20/06/2017	2.6500%	Term Deposit	98	\$500,000.00	26/09/2017	Beyond Bank Australia	A2/BBB+	
	6/06/2017	2.7700%	Term Deposit	154	\$250,000.00	7/11/2017	Bank of Sydney	unrated	
	21/03/2017	2.5900%	Term Deposit	182	\$506,482.19	19/09/2017	People's Choice Credit Union	A2	
	11/04/2017	2.7000%	Term Deposit	197	\$500,000.00	25/10/2017	Beyond Bank Australia	A2/BBB+	
					\$3,106,482.19				

<u>On Call Bank Accounts</u>	1.6500%	On Call	\$2,169,418.00
31/08/2017		On Call Deposits	\$2,169,418.00
			<u>\$5,275,900.19</u>

TOTAL GLOUCESTER OFFICE INVESTMENTS

TAREE OFFICE INVESTMENTS

<u>Term Deposits</u>									
19/05/2017	2.5700%	Term Deposit	124	\$1,500,000.00	20/09/2017	Bank of Queensland Ltd	A2/A-		
1/06/2017	2.5700%	Term Deposit	97	\$2,500,000.00	6/09/2017	Members Equity Bank Pty Ltd	A2/BBB+		
1/06/2017	2.5500%	Term Deposit	97	\$2,000,000.00	6/09/2017	IMB Bank	A2/BBB+		
7/06/2017	2.6500%	Term Deposit	98	\$1,000,000.00	13/09/2017	Beyond Bank	A2/BBB+		
7/06/2017	2.5500%	Term Deposit	98	\$1,200,000.00	13/09/2017	IMB Bank	A2/BBB+		
9/06/2017	2.6500%	Term Deposit	96	\$700,000.00	13/09/2017	Beyond Bank	A2/BBB+		
14/06/2017	2.5700%	Term Deposit	98	\$2,000,000.00	20/09/2017	Members Equity Bank Pty Ltd	A2/BBB+		
21/06/2017	2.5700%	Term Deposit	98	\$2,500,000.00	27/09/2017	Members Equity Bank Pty Ltd	A2/BBB+		
21/06/2017	2.4700%	Term Deposit	98	\$700,000.00	27/09/2017	NAB	A1+/AA-		
28/06/2017	2.5000%	Term Deposit	98	\$1,500,000.00	4/10/2017	Bank of Queensland Ltd	A2/A-		
28/06/2017	2.4400%	Term Deposit	98	\$2,000,000.00	4/10/2017	NAB	A1+/AA-		
30/06/2017	2.5500%	Term Deposit	103	\$2,500,000.00	11/10/2017	Bank of Queensland Ltd	A2/A-		
5/07/2017	2.5500%	Term Deposit	98	\$1,700,000.00	11/10/2017	Bank of Queensland Ltd	A2/A-		
5/07/2017	2.5500%	Term Deposit	105	\$2,500,000.00	18/10/2017	Bank of Queensland Ltd	A2/A-		
13/07/2017	2.5000%	Term Deposit	97	\$1,500,000.00	18/10/2017	IMB Bank	A2/BBB+		
28/07/2017	2.5000%	Term Deposit	89	\$1,500,000.00	25/10/2017	Members Equity Bank Pty Ltd	A2/BBB+		
2/08/2017	2.4000%	Term Deposit	92	\$1,300,000.00	2/11/2017	IMB Bank	A2/BBB+		
9/08/2017	2.4000%	Term Deposit	92	\$1,000,000.00	9/11/2017	IMB Bank	A2/BBB+		
9/08/2017	2.4500%	Term Deposit	92	\$1,200,000.00	9/11/2017	NAB	A1+/AA-		
10/08/2017	2.5000%	Term Deposit	98	\$1,500,000.00	16/11/2017	Members Equity Bank Pty Ltd	A2/BBB+		
10/08/2017	2.4600%	Term Deposit	98	\$2,000,000.00	16/11/2017	NAB	A1+/AA-		
16/08/2017	2.4700%	Term Deposit	98	\$1,500,000.00	22/11/2017	NAB	A1+/AA-		
23/08/2017	2.4700%	Term Deposit	91	\$1,500,000.00	22/11/2017	NAB	A1+/AA-		
23/08/2017	2.4700%	Term Deposit	91	\$2,000,000.00	22/11/2017	NAB	A1+/AA-		
25/08/2017	2.4700%	Term Deposit	96	\$1,300,000.00	29/11/2017	NAB	A1+/AA-		
30/08/2017	2.4000%	Term Deposit	91	\$1,000,000.00	29/11/2017	Beyond Bank	A2/BBB+		
30/08/2017	2.4000%	Term Deposit	98	\$2,000,000.00	6/12/2017	IMB Bank	A2/BBB+		
		Term Deposits		<u>\$43,600,000.00</u>					
		TOTAL TAREE OFFICE INVESTMENTS		<u>\$43,600,000.00</u>					

WATER SERVICES DIVISION INVESTMENTS

Term Deposits												
20/03/2017	2.7500%	Term Deposit	184	\$5,000,000.00	20/09/2017	AMP Investments	A1/A	Sewer				
20/03/2017	2.5700%	Term Deposit	184	\$3,000,000.00	20/09/2017	Commonwealth Bank	A1/AA+	Water				
17/05/2017	2.5000%	Term Deposit	152	\$5,000,000.00	16/10/2017	IMB Bank	A2/BBB+	Water				
21/06/2017	2.6500%	Term Deposit	150	\$5,000,000.00	18/11/2017	IMB Bank	A2/BBB+	Sewer				
20/07/2017	2.5000%	Term Deposit	153	\$5,000,000.00	20/12/2017	Members Equity Bank Pty Ltd	A2/BBB+	Sewer				
31/07/2017	2.5500%	Term Deposit	184	\$3,000,000.00	31/01/2018	Bank of Queensland Ltd	A2/A-	Sewer				
31/08/2017	2.5100%	Term Deposit	133	\$2,000,000.00	11/01/2018	NAB	A1+/AA-	Sewer				
31/08/2017	2.5300%	Term Deposit	168	\$3,000,000.00	15/02/2018	NAB	A1+/AA-	Water				
31/08/2017	2.5500%	Term Deposit	189	\$2,000,000.00	8/03/2018	NAB	A1+/AA-	Sewer				
31/08/2017	2.5500%	Term Deposit	203	\$2,000,000.00	22/03/2018	NAB	A1+/AA-	Sewer				
		Term Deposits		\$35,000,000.00								

Floating Rate Notes

Floating Rate Notes	\$0.00
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At Call Bank Accounts

30/06/2017		At Call		\$303.00		ANZ Bank	AA-	Water
30/06/2017	1.2300%	At Call		\$1,877,018.00		Westpac Bank	AA-	Sewer
30/06/2017	1.2300%	At Call		\$1,177,152.00		Westpac Bank	AA-	Water
		At Call Deposits		\$3,054,473.00				

TOTAL WATER SERVICES DIVISION INVESTMENTS

TOTAL WATER SERVICES DIVISION INVESTMENTS	\$38,054,473.00
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TOTAL MID-COAST COUNCIL INVESTMENTS

TOTAL MID-COAST COUNCIL INVESTMENTS	\$173,245,598.06
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C: Mid-Coast Council Investment Policy

MidCoast Council

Name of Policy:	Investment Policy		
Policy Code:			
Adoption by Council		Minute No.	
Last Review Date:			
Review Timeframe:	Annually		
Next Scheduled Review Date:	July 2018		
Related Legislation:	Local Government Act 1993 Local Government General Regulations 2005 Trustee Act 1925		
Associated Policies/Documents:	Code of Conduct		
Responsible Department:	Finance		

Policy Objective

The objective of Council's investment policy is to ensure that funds which are surplus to Council's immediate requirements are invested within acceptable risk parameters to optimise interest income while ensuring the security of the funds invested.

Policy Statement

Coverage of the Policy

The policy applies to all managers and employees who actively manage Council's cash and investments.

Policy Content

The purpose of this Policy is to provide a framework for the management of Council's investment portfolio.

Council requires that all investment activities be exercised with the care, diligence and skill of a prudent person, and not for speculative purposes.

When investing Council's funds consideration should be given to:

- minimising the risk to capital. Preservation of capital is the principal consideration of the investment policy and portfolio construction.
- ensuring that there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements and
- providing Council with the best possible return whilst preserving capital.

Legislation:

The Legislative Authority for Council Investments arises from:

- Local Government Act 1993 - Section 625; (Annexure 1)
- Local Government Act 1993 - Order (of the Minister) dated 12 January 2011; (Annexure 2)
- Trustee Act 1925 (as amended) – Sections 14A(2), 14C(1) & (2) (Annexure 3)
- Local Government (General) Regulation 2005 - Clause 212, (Annexure 4)
- Office of Local Government Circulars and Guidelines.
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards: AASB 7, AASB 132, AASB 136 & AASB 139

Delegation of Authority:

Authority to implement the Investment Policy has been delegated by Council to the General Manager.

The General Manager has in turn delegated the day to day management of Council's investments to various officers within Council's Corporate & Business System Division.

Details of individual delegations are contained within Council's Delegation Register.

All investments must be made in accordance with this policy.

A minimum of two staff with appropriate delegation must sign off on all investments and the investment check list (Annexure 5) must be completed prior to investments being placed.

Staff with delegated authority are required to acknowledge they have received a copy of this policy and understand their obligations under the policy.

Prudent Person Standard

The investments will be managed with the care, diligence and skill that a prudent person would exercise (The Trustee Act 1925 see Annexure 3).

As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics & Conflicts of Interest

Delegated officers shall abstain from making any investment decisions that could be construed to conflict with the proper execution and management of Council's investment portfolio.

Delegated officers are required to disclose any conflict of interest or potential conflict of interest to the General Manager.

Any Independent advisors appointed by Council are required to declare that they have no actual or perceived conflicts of interest.

Risk Management

All investments represent a trade-off between risk, liquidity and return. To minimise risk to the portfolio investments are to be managed within the scope of the following criteria:

- the **Credit Rating** of the Financial Institutions targeted
- the **Liquidity and term to Maturity** of the Investment
- the **Diversity** of the investments

Credit Rating

A credit rating is an assessment of a financial institution's credit worthiness - or their ability to repay a debt or their likelihood of defaulting. Independent bodies called credit rating agencies, such as Standard & Poor's, assess financial institutions to decide their credit rating.

These credit ratings are a guide to a financial institution's ability to meet its obligations. Financial institutions are given two credit ratings based on their short term and long term outlook - Long Term and Short Term.

Long Term Credit Ratings - Greater than 1 year

Standard & Poor's rates financial institutions on a scale from AAA to D. Intermediate ratings are offered at each level between AA and CCC (i.e., BBB+, BBB and BBB-).

- AAA : the best quality institutions, reliable and stable (many of them governments)
- AA : quality borrowers, high grade institutions
- A : upper medium grade institutions - exposed to economic climate

- **BBB-** : lower medium grade institutions - exposed to economic climate

The above classifications represent the scales used by Standard & Poor's however it is acceptable to use the equivalent rating used by either Fitch or Moody's rating agencies.

Investments in a Financial Institution with a Standard & Poor's credit rating of BBB- or higher are deemed as investment grade.

Financial Institution with a credit rating of less than BBB- (or equivalent rating by one of the other two agencies identified above) are not to be considered by Council.

If a financial institution has its rating downgraded below BBB- (or equivalent rating by one of the other two agencies identified above) prior to the maturity of a term deposit or floating rate note (FRN) the product may be held until maturity but no further investments will be permitted with that particular financial institution.

Short Term Credit Ratings - Less than 1 year

Standard & Poor's rates financial institutions on a scale from A-1 to D.

- **A-1** : the institutions capacity to meet its financial commitments is very strong.
- **A-2** : is susceptible to adverse economic conditions, however the financial institution's capacity to meet its financial commitment on the obligation is satisfactory.

Financial Institutions with Short Term Credit Ratings less than A-2 (or equivalent rating by one of the other two agencies identified above) are not to be considered by Council.

The above classifications represent the scales used by Standard & Poor's however it is acceptable to use the equivalent rating used by either Fitch or Moody's rating agencies.

Non Rated

Some Financial institutions such as Credit Unions are not rated by rating agencies but are approved Authorised Deposit-Taking Institutions (ADI) and are regulated by the Australian Prudential Regulation Authority (APRA).

Whilst the Minister's Investment Order permits Council to invest funds with any approved ADI, Council will only invest in Non Rated Institutions with an asset base of more than \$750 million dollars or those considered locally significant.

Liquidity & Maturity

Council shall at all times maintain sufficient funds in on call accounts and short term investments to meet anticipated liabilities.

Whilst Council's Investment Portfolio will contain a range of investments with varying maturity horizons the portfolio will be weighted towards short term investments.

Investment Maturity	% Of Portfolio	Estimated \$
Short Term - 1 year or Less	60% to 100%	Estimated at \$90 million minimum
Long Term - Greater than 1 year	0% to 40%	Estimated at \$60 million maximum

When evaluating investments with a maturity of greater than 1 year, consideration should be given to current market conditions, future liquidity requirements and credit ratings.

Investments with a maturity of greater than 1 year will generally be either term deposits, floating term deposits, floating rate notes or placed in TCorp's hour glass facility.

Whilst term deposits offer greater security, floating rate notes and investments in the TCorp hour glass facility offer more liquidity through a secondary market.

Investments in any of these securities are acceptable however any investment with a maturity of greater than 3 years must have approval of the Manager Finance.

Council will, where considered necessary seek professional assistance and guidance from an ASIC accredited dealer/advisor.

The portfolio will be reviewed on a regular basis to ensure that sufficient liquidity exists.

Diversity

Counterparty/Financial Institutions

One of the main criteria for developing a sound investment strategy is to create a high level of diversity within the portfolio.

Diversity can be achieved by investing in multiple products and multiple Financial Institutions (counterparties).

The following tables shows the maximum/minimum percentage of Council's investment portfolio to be held with any one single institution/counterparty based on an estimated portfolio of \$150 million dollars.

Portfolio Construction

The table below shows the minimum and maximum %

Credit Rating	Minimum Overall % of Portfolio	Maximum Overall % of Portfolio	Estimated \$
AAA	0%	20%	\$0 to \$30 Million
AA/A-1	20%	80%	\$30 to \$120 Million
A/A-1 & A/A-2	15%	80%	\$22.5 to \$120 million
BBB-/A-2	0%	65%	\$0 to \$97.5 Million
Unrated	0%	4%	\$0 to \$6 million

Whilst there are no restrictions in regard to the breakup between long and short term investments for AA and A rated financial institutions the overall amount of the portfolio to be held in long term investments is not to exceed 20% (\$30 million Estimate) for ADI's not rated or with a credit rating of BBB+ or less.

Individual Institutions/Counterparty Limits

Credit Rating	Individual % of Portfolio	Estimated \$ Limit
AAA/A-1	20%	\$30 Million
AA/A-1	20%	\$30 Million
A/A-1 & A/A-2	13%	\$20 Million
BBB-/A-2	7%	\$10 Million
Unrated	1.3%	\$2 Million

Whilst Council will permit investment in unrated financial institutions the total amount invested in such ADIs is not to exceed 4% of the portfolio.

If a counterparty limit is exceeded due to a future reduction in the size of the portfolio the investments may be retained until maturity.

Authorised Investments

All investments must be denominated in Australian Dollars.

Council may invest in any investment included in the Minister for Local Government's Investment Order, dated 12 January 2011 (copy Annexure 2) as follows:

- interest bearing deposits (Term Deposit, Cash Accounts) with an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth));
- any public funds or securities issued or guaranteed by the Commonwealth, or any State or Territory of the Commonwealth;
- any debentures or securities issued by a council within the meaning of the Local Government Act 1993 (NSW);
- any debentures or bonds (floating rate notes) issued by an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- any bill of exchange which has a maturity date of not more than 200 days and if purchased for value, confers on the holder in due course, a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- a deposit with the New South Wales Treasury Corporation or investments in a TCorp Investment Management Fund (formerly known as an Hour-Glass investment facility) of the New South Wales Treasury Corporation.

Prohibited Investments

This investment policy strictly prohibits the purchase of following types of investments:

- Derivative based instruments such as CDO's and CPP! securities.
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) as an investment strategy. Council will however invest approved loan funding, that it has drawn-down in anticipation of its expenditure, for periods to match the cashflow requirements of the relevant capital programs.

Any of the above investments acquired under a previous investment order may be kept until maturity in accordance with the grandfathering clause of the current investment order or sold prior to maturity if to Council's advantage.

Any investment acquired under a investment policy of one of the previously merged authorities may be kept until maturity or sold prior to maturity if to Council's advantage.

Benchmarking

Each investment in the portfolio is to be evaluated and monitored against a performance benchmark appropriate to the risk and time horizon for the investment concerned.

The objective is to ensure that the investment considered can deliver a return commensurate with the level of risk and other alternative investment options.

The table shows the Investment Horizon (time to maturity at point of acquisition) and the expected minimum return and the type of investments deemed suitable for the investment horizon.

Investment Horizon	Expected Minimum Return	Typical Investment
On Call	Cash Rate	On Call Accounts/TCorp Cash Account (Hour Glass/IM Fund)
0-3 Months	BBSW +40-50 bps	Term Deposits, TCorp Cash Account (Hour Glass/IM Fund)
3-6 Months	BBSW +50-70 bps	Term Deposits, TCorp Cash Account (Hour Glass/IM Fund)
6-12 Months	BBSW +70-90 bps	Term Deposits, TCorp Cash Account & Hour Glass (IM Fund)
1-2 Years	BBSW +90-100 bps	Term Deposits, FRNs, FTDs, TCorp Hour Glass (IM Fund)
Greater	BBSW + 100 bps	Term Deposits, FRNs, FTDs TCorp Hour Glass (IM Fund)

The Bank Bill Swap Rate (BBSW) represents an independent interest rate for the pricing and revaluation of Australian Dollar securities.

The BBSW to be used for benchmarking purposes is the Average Rate supplied by a AA rated Financial Institution for 90 days.

The term basis point (bps) in financial terms refers to the smallest increment in interest rate movement. Each basis point represents one hundredth of one percent.

The benchmarking of the bps increase over the BBSW is based on the difference between current (July 2017) term deposit rates offered by a AA rated ADI and the BBSW.

Therefore if the 90 day BBSW is 1.72% then an acceptable return to Council for a 180 day investment (benchmark BBSW +50 - 70bps) would be in the range of 2.22% to 2.42%.

There are in excess of 100 ADIs within Australia and to ensure that Council obtains the optimum return on its investments the use of brokers such as FIIG, RIMsec, Curve, CPG or Farquharson to obtain current interest rates on term deposits and to facilitate their purchase is permitted.

Valuation of Investments

Whilst investments are mainly acquired with the intention to hold them to maturity, floating rate notes do have a secondary market and can be sold prior to maturity.

Fluctuations in the capital value of floating rate notes are excluded from the monthly report but will be obtained and included in each quarterly report.

In the event that Council does sell any of its investments the capital loss or gain will be included in the next report to Council and reflected in the financial accounts.

Audit - Reporting

Documentary evidence must be held for each investment and details thereof maintained in an investment register. All investments must be in Council's name and documentary evidence of such must be obtained and held within the register.

For audit purposes certificates must be obtained from the relevant institutions confirming the amounts held as at the 30th June each year.

All investments are to be appropriately recorded within Council's financial records and reconciled on a monthly basis.

Clause 212 of the Local Government (General) Regulation (copy Annexure 4) requires the Responsible Accounting Officer to submit a report to each of Ordinary Meeting of Council.

In addition to the requirements of Clause 212 the report is to include:

- Details of each investment
- Counterparty holdings
- Dissection based on maturity horizon
- Comparison of returns to benchmarks
- Change in market value of investments (Quarterly)

Definitions

<i>ADI</i>	Authorised Deposit-taking Institution - an institution that is authorised under the Banking Act 1959 to accept term deposits and conduct banking activities in accordance with the act. ADI's are under the prudential supervision of the Australian Prudential Regulation Authority (APRA)
<i>BBSW</i>	refers to the Bank Bill Swap Rate. Basically refers to the rate at which banks lend to each other via bank bills. It is used for determining the interest rate applicable to floating rate notes, floating term deposits.
<i>bps</i>	smallest increment in interest rate movement. Represents one 100 th of one percent.
<i>Cash</i>	refers to council's daily bank account.
<i>FRN</i>	Floating rate Note which is classified as a bond.
<i>Investment</i>	refers to term deposit, floating rate notes, TCorp cash & hour glass facilities and on call accounts.

References and Related Documents

The Office of Local Government Investment Guidelines and the various attachments set out below.

Responsible Officer (Position)

Manager Finance

Attachments

- Local Government Act 1993 - Section 625; (Annexure 1)
- Local Government Act 1993 - Order (of the Minister) dated 31 July 2008; (Annexure 2)
- Trustee Act 1925 (as amended) – Sections 14A(2), 14C(1) & (2) (Annexure 3)
- Local Government (General) Regulation 2005 Clause 212, (Annexure 4)
- Office of Local Government Circulars and Guidelines.
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards: AASB 7, AASB 132, AASB 136 & AASB 139
- Investment Checklist (Annexure 5)

Annexure 1

Local Government Act 1993 No 30

Chapter 15 Part 13 Section 625

625 How may councils invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.

Editorial note.

See Gazettes No 152 of 24.11.2000, p 12041; No 94 of 29.7.2005, p 3977; No 97 of 15.8.2008, p 7638 and No 160 of 24.12.2008, p 13140.

- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Annexure 2

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

Annexure 3

Trustee Act 1925 No 14

Part 2 Division 2 Section 14A

14A Duties of trustee in respect of power of investment

(2) A trustee must, in exercising a power of investment:

(a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or

(b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

Note.

Some Acts deem investments under the Acts to be investments that satisfy the prudent person test. See, for example, section 39 of the Public Authorities (Financial Arrangements) Act 1987.

14C Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
- (k) the aggregate value of the trust estate,
- (l) the effect of the proposed investment in relation to the tax liability of the trust,
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
- (o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
- (b) pay out of trust funds the reasonable costs of obtaining the advice.

Annexure 4

Local Government (General) Regulation 2005

Part 9 Division 5 Clause 212

212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.

Note.

Section 625 of the Act specifies the way in which a council may invest its surplus funds.

Mid-Coast Council
Investment Check List

Currently Held With Date
Quotes

Organisation	30 days	60 Days	90 Days	120Days	150 Days	180 Days	Other

Quote Accepted	Rate	Term

Check List	Acceptable
Credit Rating	
Counterparty Limit	
Liquidly Checked	

Authorised Officer _____

Authorised Officer _____

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DIRECTOR WATER SERVICES

14 WATER USAGE & WATER RESOURCES FOR 2016-2017 & THE OUTLOOK FOR 2017-2018

Report Author Graeme Watkins, Group Manager Catchment & Treatment

File No. / ECM Index A617785

Date of Meeting 27 September 2017

SUMMARY OF REPORT

The purpose of this Report is to provide information on water usage, water resources and the outlook for 2017/18. The outlook for water resources looks poor for the next couple of months with demand increasing into spring. If conditions don't improve in the next four to eight weeks it is likely water restrictions will be required.

SUMMARY OF RECOMMENDATION

That the report on water usage, water resources and the outlook for 2017/18 be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

Weather impacts have a major influence on water usage revenue, increasing consumption in dry/hot periods and reducing in wet/cold periods.

LEGAL IMPLICATIONS

Nil

BACKGROUND

This report provides Council with information on bulk water usage, water resource data used as the source to supply each scheme and the water resource outlook for the coming three months.

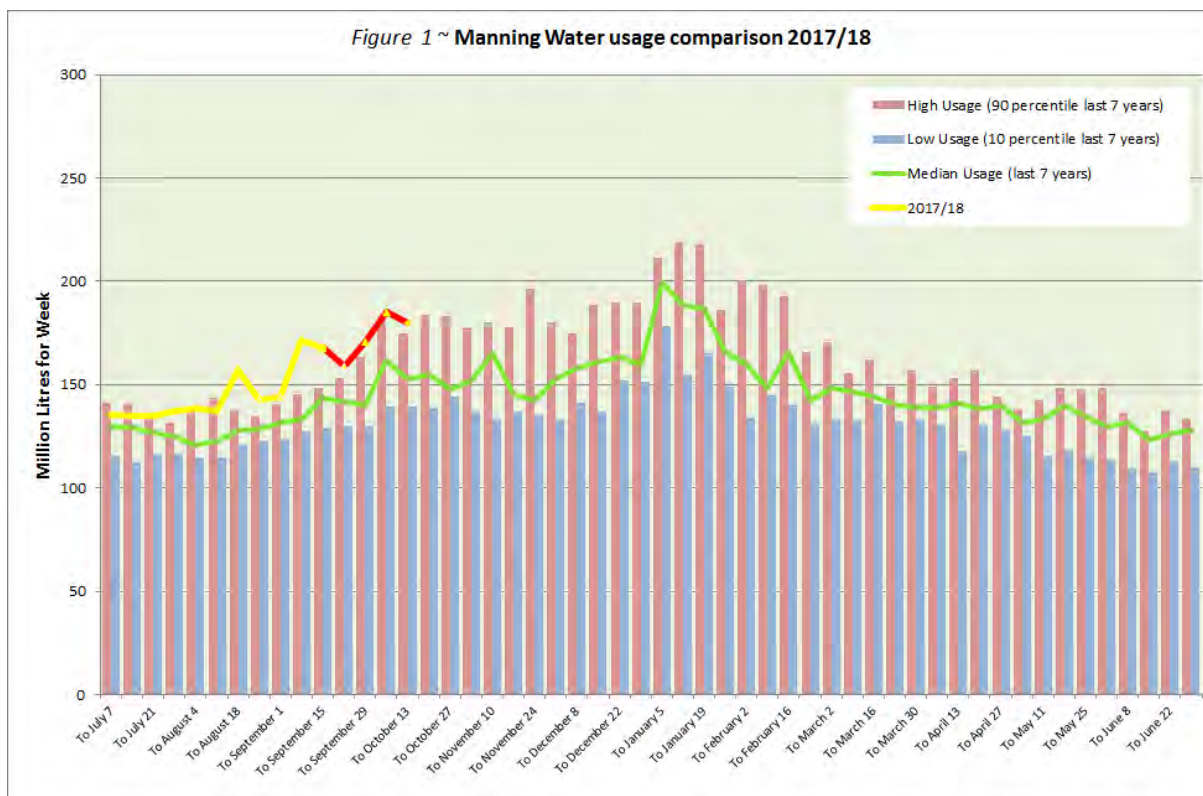
DISCUSSION

Water Usage

During 2017/18 water usage for the Manning scheme has been high from July to September due to the extended mild and dry conditions. If current conditions continue and given the below forecast, water consumption will remain at high levels until substantial rain occurs.

The attached *Figure 1 ~ Manning Water Usage Comparison 2016/17* graphs weekly water usage in the Manning supply compared to the "high", "low" and median comparison lines. The red line shows expected usage for the next four weeks.

As at 14 September 2017, water usage for the Manning scheme in 2016/17 was 13.3% **above** that during 2015/16 and 12.1% **above** the median of usage over the last seven years.



Use of water restrictions

Implementation of water restrictions consider flow in river, demand for water from our customers, storage levels, immediate rain outlook (one to two weeks) and season.

Water restrictions have been generally aligned with rural irrigators, so rural and town users cut usage (in the case of town users outside watering) at the same time.

Need for restrictions usually occurs first at Stroud, then those in the Manning. Bulahdelah and Tea Gardens typically much later if at all. On occasions water restrictions have been common for all schemes for ease of administration and demonstration of equity within our service area for a common rate.

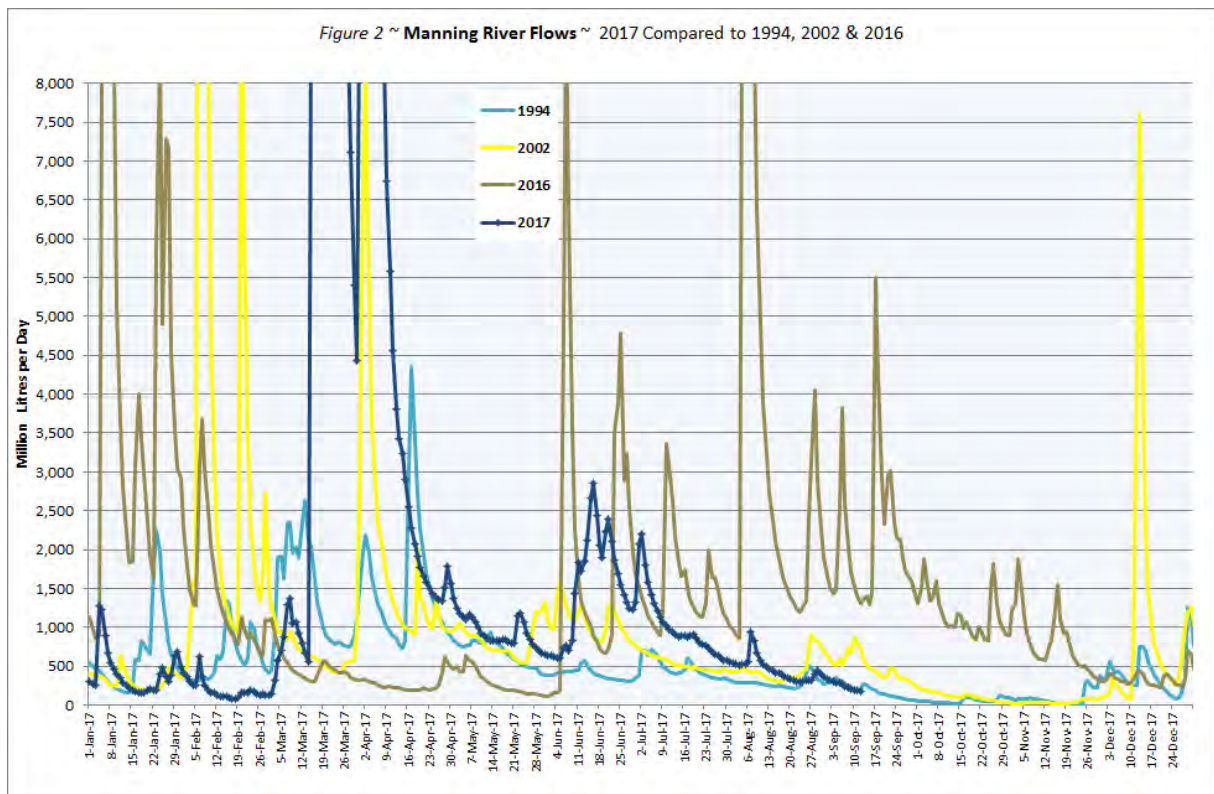
Given the current forecast, season and river flow it is expected that the river will get to critical levels requiring a cease to pump in the next four weeks with possible water restrictions required in the period four to eight weeks.

Water Resources as at 14 September 2017:

Manning River Flows

The current year flows are plotted against other recent dry years in figure 2. The Manning River flow for 2017 at Killawarra had a minor rise during the early part of January, late January, March (which was the largest river rise in the 12 month period) and June. Worst case scenarios have been plotted for 1994, 2002 and the recent year of 2016 for comparison. The current river flows are a similar magnitude to 1994 in recent months and below the worst case year of 2002. Late winter and spring is the typical lowest rainfall period as a result I would expect levels in the river to remain low to very low as a result.

The level in Bootawa Dam is currently at near full with water quality in the river suitable for filling the dam. Where possible the dam is filled during the electricity off peak tariff.



Crawford River flows (Bulahdelah scheme)

The Crawford on river storage has water still flowing through the fish passage. Water consumption remains average for this time of year.

Tea Gardens aquifer

Tea Gardens aquifer water levels are moderate. Water consumption remains average for this time of year. There is no cease to pump for this aquifer.

Barrington River flows (Gloucester scheme)

Barrington River has flow of over 53ML/d (no cease to pump for MidCoast Water). Water consumption remains high for this time of year due to a major concealed leak, which possibly was located recently. There is no water security for this scheme as there is no storage provided, once the river stops flowing there is no water available, however in over 70 years of river flow data the Barrington River has never completely stopped flowing.

Karuah River flows (Stroud scheme)

The Karuah River flow is round 21ML/d (3.5ML/d cease to pump for MidCoast Water). Water consumption remains modest. Off river storage some 50ML is 97% full.

Weather Outlook

The Southern Oscillation Index for 2016/17 has remained neutral inferring no clear direction in rainfall.

Southern Oscillation Index – monthly



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Sea surface temperatures have steadily cooled over the central and eastern tropical Pacific for the past two months, but remain well within the neutral El Niño Southern Oscillation (ENSO) range. Temperatures at and below the surface are now slightly cooler than average. Other indicators of ENSO, such as the Southern Oscillation Index (SOI), cloudiness near the Date Line and trade winds also remain at neutral levels.

Most international climate models surveyed suggest the tropical Pacific Ocean may cool further, but persist at ENSO-neutral levels for the rest of 2017. Two of the eight models approach La Niña thresholds around the end of the year, which is typically when ENSO events reach their peak.

The Indian Ocean Dipole (IOD) is neutral, though index values have generally been weakly positive for the past five months. Most climate models suggest the IOD is likely to remain neutral. However, two of the six climate models surveyed suggest a positive IOD may develop during spring. If a positive IOD eventuated it would likely be short-lived as IOD events typically break down by December as the monsoon trough moves south towards Australia.

Positive IOD events are typically associated with below average spring rainfall, and increased spring–summer fire potential over central and southern Australia, while La Niña-like patterns tend to promote above-average spring rainfall in the south and east. Hence Australia faces some competing, though weak, climate drivers in the months ahead



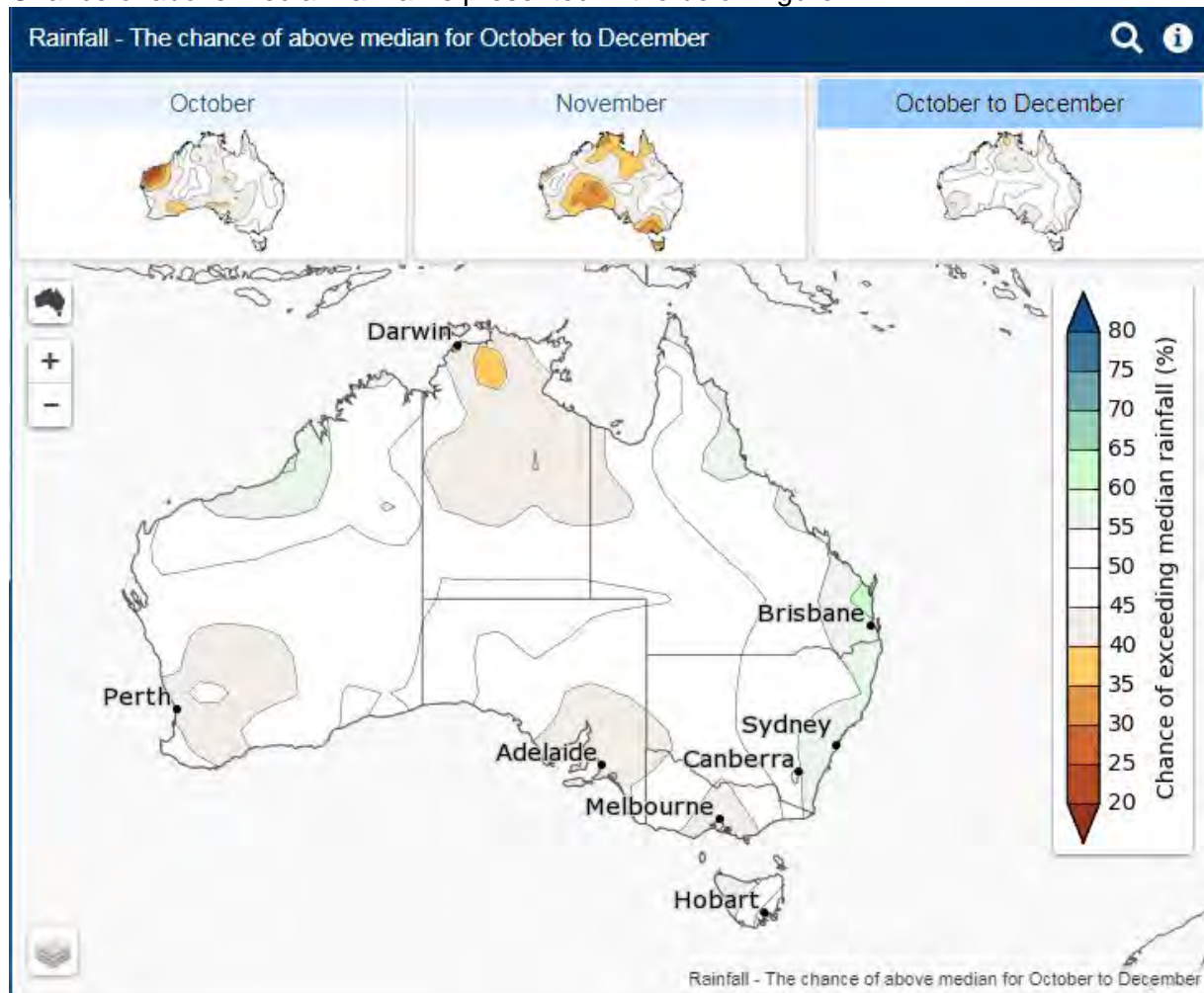
Issued 12 September 2017

Main rainfall forecast features:

- Equal chance of a wetter or drier three months for Australia.

- October is likely to be drier for the Pilbara and surrounds, but wetter than average for eastern Tasmania.
- Climate influences from the Indian and Pacific oceans are likely to be competing, with a slightly drying influence in the Indian Ocean potentially cancelling out a slightly wetter influence from the Pacific Ocean.
- Historical outlook accuracy for October to December is moderate for most of Australia, but low in northern and southern parts of WA, and southern SA
- Our region has a 50% chance of above average rainfall, however typical rainfall is at its lowest for the year at this time.

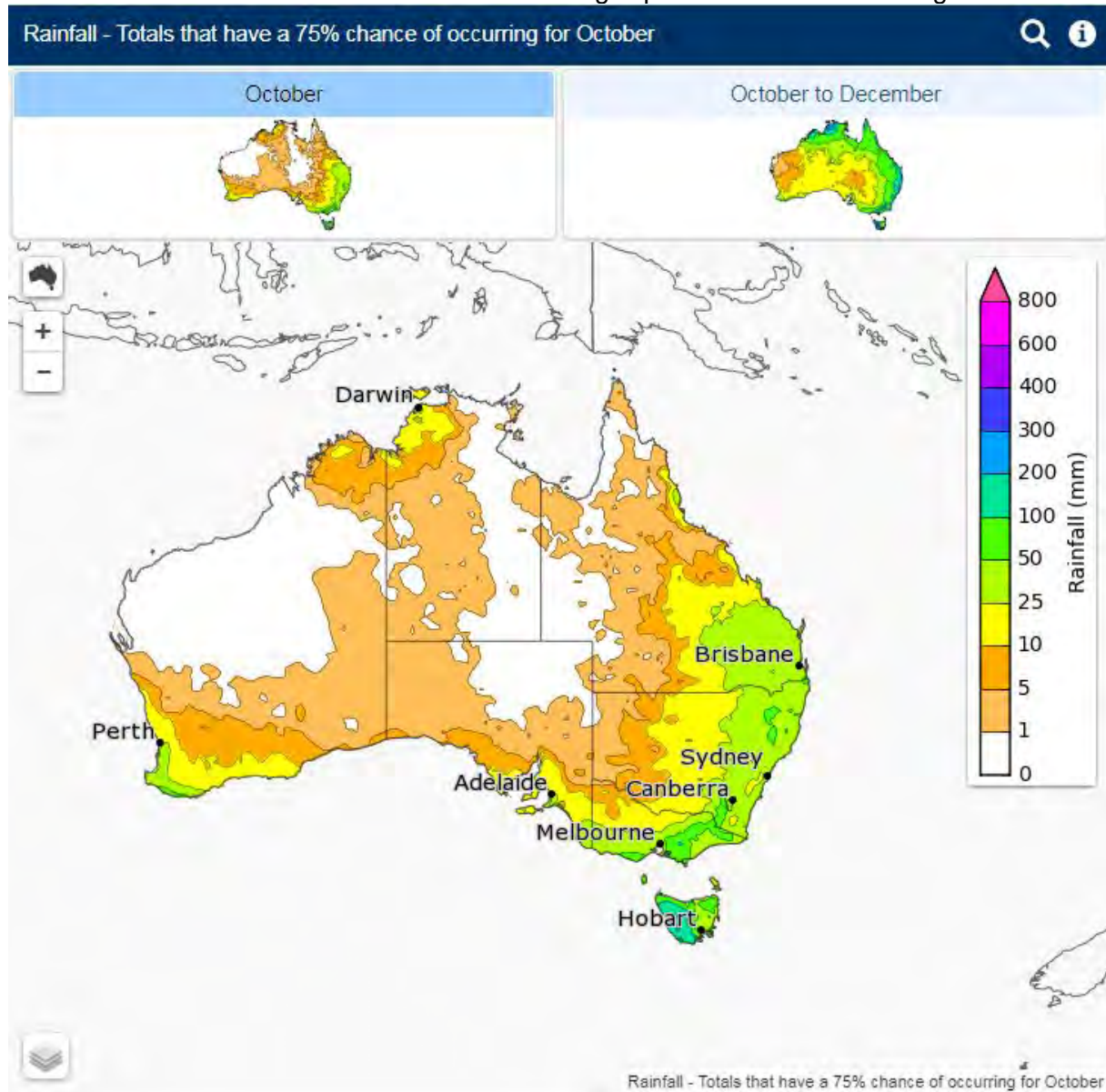
Chance of above median rainfall is presented in the below figure.



Date of issue 14 September 2017 Bureau of Meteorology

Rainfall totals are low within our region between September and October 2017 will remain low, which is typical for this time of year leading into late Winter and early Spring. There is potential for higher rainfall towards the end of the forecast period.

Rainfall totals that have a 75% chance of occurring is presented in the below figure.



Date of issue 14 September 2017 Bureau of Meteorology

Conclusion

River flows will likely remain low which is typical moving into late winter and early spring and approach critical lows possibly requiring water restrictions if conditions persist within the next 4 to 8 weeks. Consumption remains moderate to high in all water supply schemes.

CONSULTATION

Commence waterwise program for customers and awareness of low river lows

COMMUNITY IMPACTS

Weather plays a big part in water consumption, with dry and hot periods increasing water usage. MidCoast Water continues to issue its waterwise summertime message to remind customers to use their water wisely and efficiently. If conditions persist water restrictions maybe likely in the next 4 to 8 weeks.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

- 1.1.1 Implement a drinking water quality assurance program.
- 1.2.1 Provide timely, accurate and relevant access
- 2.4.1 Identify risks to sustainability and threats to security of supply
- 2.4.2 Provide multiple water quality controls
- 2.4.3 Develop and implement risk controls

TIMEFRAME

For the period September to November 2017

BUDGET IMPLICATIONS

Weather impacts have a major influence on water usage revenue, increasing consumption in dry/hot periods and reducing in wet/cold periods.

RISK CONSIDERATION

Nil.

RECOMMENDATION

That the report on water usage and water resources for 2016/17 and the outlook for 2017/18 be received and noted.

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15 WATER SERVICES EXECUTIVE MONTHLY PERFORMANCE REPORT - AUGUST 2017

Report Author Darryl Hancock, Executive Manager Corporate Services

File No. / ECM Index A617867

Date of Meeting 27 September 2017

SUMMARY OF REPORT

The report provides key information on Water Services' financial position, risk and compliance, injury statistics, customer service and request for maintenance.

Water Services' financial position as at 31 August 2017 is better than expected against the current budget. Our current operating result is in deficit of \$1.3m, an improvement over the predicted deficit of \$1.5m. This is partially due to timing of expenses and increased water consumption.

Water Services' actual capital expenditure as at 31 August 2017 is \$1.4m. Expenditure on capital projects are not consistent over the financial year, therefore timing variations on actual expenditure is normal.

As at 31 August 2017, there is an outstanding debt of \$2.7m, with \$2.2m debt in arrears of greater than 60 days. A total of 4,721 customers are currently in arrears, with 3,865 in arrears for more than 90 days. We are working with our customer to establish payment plans to manage the outstanding debt.

Water Services' environmental performance continues to show excellent compliance, water production has increased from previous years.

There were no lost time injuries in August 2017; our current 2017/18 Lost Time Injury Frequency Rate is currently 0.

The Lost Time Injury Frequency Rate for FY 2016/17 was 10.5

SUMMARY OF RECOMMENDATION

Water Services' Executive Monthly Performance Report for August 2017 be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

This report indicates that Water Services is currently generating sufficient funds to service our operational and capital expenditure.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Water Services' Executive Monthly Performance Report for August 2017

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

BACKGROUND

Water Services provides a monthly report as a snapshot of critical business metrics. This enables Council and management to identify and take appropriate action on a timely basis if any areas of concern are identified.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

This report aligns to Water Services' Strategic Objective 3.4: Ensure responsible financial management.

TIMEFRAME

August 2017.

BUDGET IMPLICATIONS

There are no budget implications identified at this stage of the financial year.

RISK CONSIDERATION

The Risk and Compliance section specifically reports on treatment plant Licence compliance, drinking water quality and any environmental impacts from sewage spills.

RECOMMENDATION

Water Services' Executive Performance Report for August 2017 be received and noted.

16 INFRASTRUCTURE PROJECTS STATUS REPORTS

Report Author Daniel Brauer, Group Manager Planning & Development

File No. / ECM Index A617783

Date of Meeting 27 September 2017

SUMMARY OF REPORT

This monthly report provides the status of major infrastructure projects and highlights potential issues with schedule, cost or impacts on delivery. Recommendations to change project budget or schedule are identified against individual projects or programs.

SUMMARY OF RECOMMENDATION

That the infrastructure project status reports be received and noted.

FINANCIAL/RESOURCE IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

The recommendations will not result in additional expenditure or resource allocation.

LEGAL IMPLICATIONS

Nil.

ATTACHMENTS

A: Project Status Reports

Attachment A has been circulated in hard copy to Councillors and Senior Staff only. However, this Attachment is publicly available on Council's Website.

BACKGROUND

The attachment to this report contains individual status reports and a covering index.

DISCUSSION

A brief synopsis of the project status reports for the period ending 31 July 2017 is as follows:

- Sewer gravity mains renewals program – The renewals program for the 2017/18 financial year has been finalised. Inspection of the gravity sewer network in Gloucester catchment no. 3 is continuing.
 - Pacific Palms Sewage Treatment Plant Stage 1 – There was no progress on this project in the reporting period as design resources were allocated to other priority projects. The schedule for completion of the design by June 2018 will be confirmed in September.
 - Gloucester Water Treatment Plant Upgrades – Delivery of the remaining scope of chemical dosing, electrical work and process controls is continuing with the remaining scope of works subject to final confirmation and approval.
-

- Nabitac Water Supply Scheme – Construction of the Nabitac Water Treatment Plant has continued with the installation of pre-cast concrete panels for the majority of treatment buildings. The assessment of tenders for the low voltage component of the Darawank Pump Station project has been completed and a Ready to Implement Gateway report has been prepared for endorsement by Council.
- Water mains renewals program – The renewals program for the 2017/18 financial year has been finalised. Renewal works are continuing in Taree.
- Bootawa Dam Safety Works 2017 – The contractor has commenced with piezometer installation occurring in unison with geotechnical investigations. Final installations, testing and training are scheduled to occur in September/October 2017.
- Implement Enterprise Business Management Systems (Technology One) software – The handover to the business has largely been put on hold due to resource constraints and reallocations to the MidCoast Council Technology One (MC1) project.

CONSULTATION

The management and coordination of all aspects of infrastructure projects are undertaken in consultation with a range of internal and external stakeholders.

The internal stakeholders which have contributed to the preparation of this monthly report include the Planning & Development Group, Capital Works Group and GIS Section.

COMMUNITY IMPACTS

Community impacts are considered and management in accordance with communication plans tailored to individual infrastructure projects.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

These activities align with the following objectives of MidCoast Water's Operational Plan:

- 1.1.3 Deliver our asset management strategy
- 3.1.5 Monitor and report on our progress towards our strategic goals

TIMEFRAME

The timeframes associated with each infrastructure project are outlined in Attachment A.

BUDGET IMPLICATIONS

These activities are proceeding within existing financial and resource allocations. Projects listed within this report have been included in the 2016/17 Operational Plan, the 2017/18 Operational Plan or in both in the case of multi-year projects.

RISK CONSIDERATION

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

RECOMMENDATION

1. That the infrastructure project status reports be received and noted.
2. That the Ready to Implement Gateway report for the project 'Darawank Pump Station' be endorsed and the baseline milestones be adjusted to reflect the planned milestones.



“Ready to Implement” Gateway Report – Project Health Check

Program Name: Nabiac Inland Dune Aquifer Water Supply Scheme	Phase/Gateway: Ready to implement Darawank Pump Station
Health Check Number: 5	Date: 4th September 2017
Attending: Mitchell Stace, Bill Baines	

Overview of the Health Check

The purpose of this Health Check is to examine the current status of the project management deliverables of the whole Nabiac Scheme/Program in preparation to proceed through the appropriate project gateway; it is not to review or make comment on the work completed as part of the project delivery. The required deliverables have been determined using the Major Capital Works Project Deliverable Work Breakdown Structure (WBS) in line with the Gateway reporting process.

The gateway process has been designed to assess that project deliverables are suitably being met within the appropriate phase. A deliverable does not need to be complete but instead must demonstrate that sufficient preparations have been made for “healthy” completion and operation within the necessary phase as per the WBS.

This is the 5th health check performed on the whole Nabiac program with the intent of assessing satisfactory health of the program to enable progression through the following gateways previously adopted for this program:

- Ready to Implement – Darawank Pump Station

The focus of this health check is on the status of the project management elements/documentation to ascertain the Nabiac Scheme Program readiness to move into the implementation phase for the subcomponent project being the Darawank Pump Station.

The health check was performed by Mitchell Stace & Bill Baines. Actions arising from the health check will involve the wider project team.

Summarised Findings

The table below documents the findings of this Health Check.

“Ready to Implement” Gateway Report - Project Health Check

Phase	Deliverable (version)	Status/Comments	% Complete	Action	Person Assigned
Design/Plan	PMP (Nabiac Scheme)	<p>Last reviewed and updated in September 2017. Completed review and updates required, to be in-line with the milestone of ready to implement for Darawank PS.</p> <p>Resource plan has been drafted for the final stages of the project mainly commissioning & handover.</p>	100%	The PMP is a live document that will be continually updated during all phases of the project.	Mitch Stace
Design/Plan	Statutory Approvals Plan	<p>Approvals plan is embedded in PMP. <u>Primary Statutory Approvals</u></p> <p>All the significant approvals have been obtained.</p> <p><u>Other Approvals</u></p> <ul style="list-style-type: none"> • Connection Agreement with Essential Energy for Darawank Pump Station High Voltage obtained. • Trade Waste application form has been drafted and signed. Options Report completed. • Fluoride application has been given approval by DPI Water, with official approval from NSW Health due still required. • Preliminary assessment for compliance with the Building Code of Australia (BCA) has been completed. Final BCA approval will be obtained after completion of construction. 	100%	<p>Nil</p> <p>Nil</p> <p>Submit Trade Waste Application in September 2017</p> <p>Follow up with NSW Health on approval progress.</p> <p>Ensure BCA compliance will be met at completion of construction of WTP & Darawank Pump Station</p>	<p>Linda Franklin</p> <p>Tracey Hamer</p> <p>Mitch Stace</p>



“Ready to Implement” Gateway Report - Project Health Check

Design/Plan	Risk Management Plan	Risk Management Plan is embedded in PMP, Program Delivery Risks are being monitored and updated monthly to suit the State Funding Reporting.	100%	The Risk Management Plan is a live document that will be continually updated during all phases of the project.	Mitch Stage
Design	Detailed Design Report	Completed in 2016 for the Scheme.	100%	Nil	N/A
Design/Plan	Detailed design Drawings & Specifications	Low Voltage Electrical tender package for the Darawank PS completed. Final Design and specifications for remaining electrical works for the Nabiac Borefield completed.	100%	Nil	N/A

“Ready to Implement” Gateway Report - Project Health Check

Design	Functional Description Specification (FDS)	<p>The FDS is being currently updated and revised with the following updates:</p> <ul style="list-style-type: none"> • SCADA/PLC contract issued for Nabiac Scheme which included a review of the FDS and development of State maps to assist with programming. Issues with FDS have been identified by contractor. • Separate consultant has prepared SAT documentation from the FDS. Issues with FDS have been identified by contractor. • MCW operational and project team have reviewed the FDS with incorporating lessons learnt from Tea Gardens WTP. Issues with FDS have been identified. • An issues register is being managed to track known issues with FDS and required changes. Pall, Hunter H20 and MCW operators being consulted to resolve all issues. 	100%	<p>Final version of FDS to be completed by end of September 2017 to enable SCADA/PLC contract to complete Nabiac Scheme coding. Revise and Update SAT documentation with updated FDS. Issues on the issues register to be resolved and closed out.</p>	<p>Bill Baines, Mark Sheather, Mitch Stace</p>
Design	Commissioning Plan	<p>Commissioning and Handover Contract awarded on 30 June 2017. Phase 1 deliverables include the development of a commissioning plan for the Nabiac Scheme.</p>	100%	<p>Contractor to submit draft commissioning plan on 20th September 2017. Commissioning plan to be adopted during the implementation Phase.</p>	<p>Mitch Stace</p>



“Ready to Implement” Gateway Report - Project Health Check

Plan	Contract Management Package	<p>Tenders for the installation of the Darawank Pump Station low voltage electrical works have been assessed and are subject to a separate confidential board report.</p> <p>Tender packages for the Commissioning and handover plus SCADA/PLC were completed and endorsed in June 2017.</p> <p>Separate smaller packages of works for Borefield pumps, Monitoring bores, Darawank PS Switchboard, Nabic Borefield fibre installation have also been completed and contractors/suppliers engaged.</p> <p>A final package of electrical design for the remaining works at the Nabic Bore Pump Stations has been prepared.</p>	100%	Obtain final approval of the Darawank PS LV Electrical tender assessment report and deed of agreement.	Mitch Stace
Design & Implementation	Operation & Maintenance Package	<p>Overall O&M package is part of the commissioning and handover contract.</p> <p>Equipment and instruments lists have been developed as part of the package for the construction contracts.</p> <p>High Voltage for Nabic Borefield O&M package, training and scheduled maintenance works has been completed. This portion of the scheme to be trialled for handover and acceptance phase in commissioning contract.</p>	100%	<p>Continue development of the O&M packages through commissioning and handover consultant.</p> <p>Begin development of asset class equipment templates and generate asset numbers.</p>	<p>Mitch Stace</p> <p>Mitch Stace, Lance Striven.</p>

"Ready to Implement" Gateway Report – Project Health Check

In addition, general discussion took place around Project Cost, Resource and Schedule. Details of these outcomes are detailed below:

Project Cost/Budget

- Further assessment of the project & program budget has been carried out following evaluation of tenders for the Low Voltage Electrical works at Darawank Pump Station. This included a requirement for the reallocation of baseline budgets and contingency between the sub-projects.

The planned budget for the program has consequently been revised to \$34,128,000 reflecting a reduction of \$472,000 from the approved baseline budget of \$34,600,000. This revised planned budget includes adequate contingency to cover remaining risks associated with the remaining phases of the program. The detail of the overall adjustments and reallocation of contingency for the scheme and the portions of works are outlined in the confidential report for the Low Voltage Electrical Contract for Darawank Pump Station.

Project Resource

- Resources for management of the next phase of the program are available within the Infrastructure Development and Service Delivery divisions. Details of the allocation of these to project team positions will be confirmed with respect to the resourcing plan memo submitted to the Water Services Capital Works Committee in August 2017.

Project Schedule

- Further assessment of the program schedule has been undertaken with regard to information provided in the recently accepted tenders for the SCADA/PLC and the Commissioning & Handover for the Nablac Scheme, updated WTP construction program by the main WTP contractor, submitted program for the Darawank PS LV tender and other minor scope of works to be undertaken by the MCW project team.

The current project schedule remains valid and is ahead of schedule in accordance with the Australian Government funding milestones.

Summary of findings and recommendation for presentation:

Having completed the necessary Health Check Review, all parties are in agreement that the project health is of a satisfactory level and that the project should proceed through the "Ready to implement" gateway accordingly for the Darawank Pump Station.



"Ready to Implement" Gateway Report - Project Health Check

Endorsement of this gateway report in conjunction with the Nabitac Program resource plan both the resource and schedule indicators would be considered to be healthy and "green".

17 WATER & WASTEWATER TREATMENT PLANTS ANNUAL OPERATIONAL COST COMPARISONS

Report Author Chenxi Zeng, Process engineer

File No. / ECM Index A617786

Date of Meeting 27 September 2017

SUMMARY OF REPORT

The purpose of this Report is to provide information on operational costs for all water and sewage treatment plants. Overall a 4% reduction in operating costs has been achieved in 2016/17 in comparison of the previous financial year.

SUMMARY OF RECOMMENDATION

That the report on the Water and Wastewater Plants annual operational cost comparisons be noted by Council.

FINANCIAL/RESOURCE IMPLICATIONS

Treatment costs are subject to the level of treatment required for health and environmental reasons. Improved water quality results in increased operational costs; weather impacts have a considerable influence on sewage treatment, increasing cost in wet periods and reducing in dry periods. The 2016/17 operational cost reduction is mainly contributed by operations costs, lower energy consumption associated with the ozone not being used at Bootawa WTP for an extended period and minor savings in electricity for sewage treatment.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The performance of our water and sewerage treatment plants is regularly reported in terms of water quality, however there is a cost associated with the treatment plant water quality performance improvement.

This report presents an annual review of our operational costs for all water treatment plants (WTPs) and sewerage treatment plants (STPs) and provides a detailed comparison on financial performance of those treatment plants for the last 12 financial years per ML of water processed. In the case of Gloucester treatment plants, data is limited to the last six financial years only. The treated water effluent management system (TWEMS) and recycle treatment plants (RTPs) costs are included in the sewerage treatment plant costs.

DISCUSSION

Operational costs normally include electricity, labour, chemical, by-product processing, response and monitoring. In 2016/17 the majority of response costs has been included into operational costs and in future years will be separated. All costs are presented in actual dollars for the relevant year and have not cost adjusted into current dollars. Electricity prior to 2015 was not correctly assigned to job numbers so the data used in the report between 2010/11 to 2014/15 is directly from the bills. Monitoring costs have been assigned in 2016/17 based on number of tests to estimate monitoring costs for each plant; while the values used for previous years were estimated based on annual flow.

The operational costs for water and sewer are below:

	Unit	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Total water operational costs	\$000's	1,682	1,897	1,987	2,035	2,144	2,248
Total sewer operational costs	\$000's	2,328	3,286	3,320	3,430	3,596	3,881
Total operational costs	\$000's	4,010	5,183	5,307	5,465	5,740	6,129
	Unit	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total water operational costs	\$000's	2,655	2,887	3,733	3,846	3,416	3,246
Total sewer operational costs	\$000's	4,369	4,875	4,578	4,518	4,330	4,189
Total operational costs	\$000's	7,024	7,762	8,311	8,364	7,746	7,435

The changing relationship of potable water production to sewerage treated is demonstrated below:

Processed (ML)	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
Water	10733	9764	9231	9164	9163	8354	8337	8622	9036	8725	8935	9373
Sewerage	5736	7185	8076	7510	6434	6752	7795	6551	5657	6850	6843	6870

Overall operational expenditure for our water treatment plants has decreased by 5% mainly as a result of electricity cost reduction due to ozone not being used at Bootawa WTP and slightly reduced energy unit price due to efficiencies and reduced operation costs. The total water produced has increased (5%) compared with 2015/16. The overall average cost for producing water per ML was \$346 in 2016/17, which has reduced compared with \$382 in 2015/16.

Overall operational expenditure for our sewage treatment plants has decreased by 3% mainly due to electricity cost reduction. The total volume of treated effluent in 2016/17 remained stable compared with 2015/16. The overall average cost for treating sewage per ML was \$610 across MCW area in 2016/17, which has reduced compared with \$633 in 2015/16.

Figures 7 to 25, contained within Attachment 1, show individual treatment plant cost details.

Water treatment plants comparison

Figure 1 and 2 provide the comparative operating cost performance per ML of water produced for four WTPs for the last twelve financial years and Gloucester water treatment plant (WTP) for the last six years, from smallest (left) to largest (right) as well as average values for all plants. Figures 7 to 11 provide the individual expenditure details for each treatment plant in terms of license, monitoring, electricity, chemicals, labour (operations), consumables and by-product (sludge) management. Ancillary management costs (maintenance of the treatment plant site) have been shown separately in 2015/16 & 2016/17.

The Bootawa WTP shows the best operating cost performance in comparison with the other four plants. Generally, plants serving a larger customer base provide lower operating costs while the reverse applies for plants serving smaller customer bases.

The overall expenditure for Bootawa WTP has decreased by 8% in 2016/17 compared to 2015/16, mainly due to reduced electricity costs and operation costs (shown in figure 7). The cost savings on electricity expenditure is mainly due to the ozone system not operating and the more efficient use of energy in the treatment process. The overall consumables and ancillary management costs have slightly increased in 2016/17 but good savings were achieved in terms of operation and chemical costs.

The operational costs for Bulahdelah WTP remain stable in comparison to 2015/16. The expenditures had slightly increased on energy and consumables areas but reduced on chemical and operation.

Figure 9 indicates the operational costs for Stroud WTP in 2016/17 slightly decreased 2% in comparison to 2015/16. Savings have been achieved in electricity, operation and ancillary management.

Tea Gardens WTP costs have decreased over last two financial years. Savings are mainly from operations, electricity and consumables (in figure 10).

Operational costs data available for Gloucester WTP has only been available for the last six financial years. The overall operational costs increased 13% in 2016/17 in comparison to 2015/16 due to higher electricity, chemical and operation expenditures for the year (figure 11). The water produced in the plant had a significant increase in 2016/17, over than 30% in comparison of previous five financial years. It has been submitted as an issue for further investigation and believed associated with a major reticulation system concealed leak.

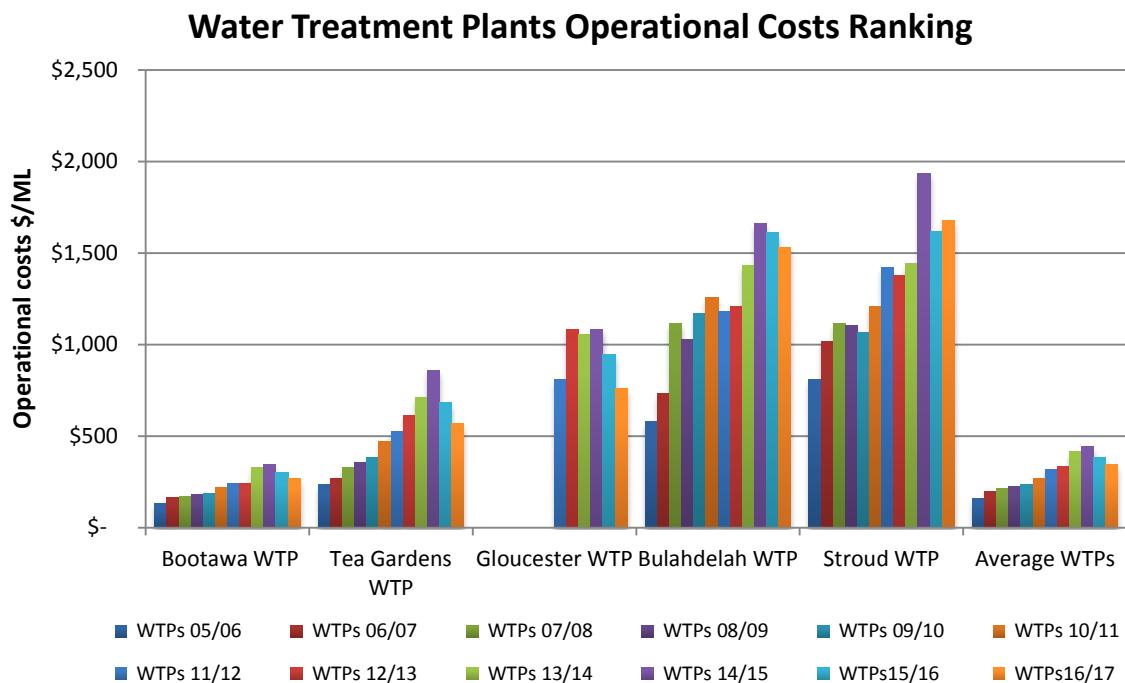


Figure 1 Overall water treatment plants operational costs ranking

Water treatment plant average cost per ML & variation

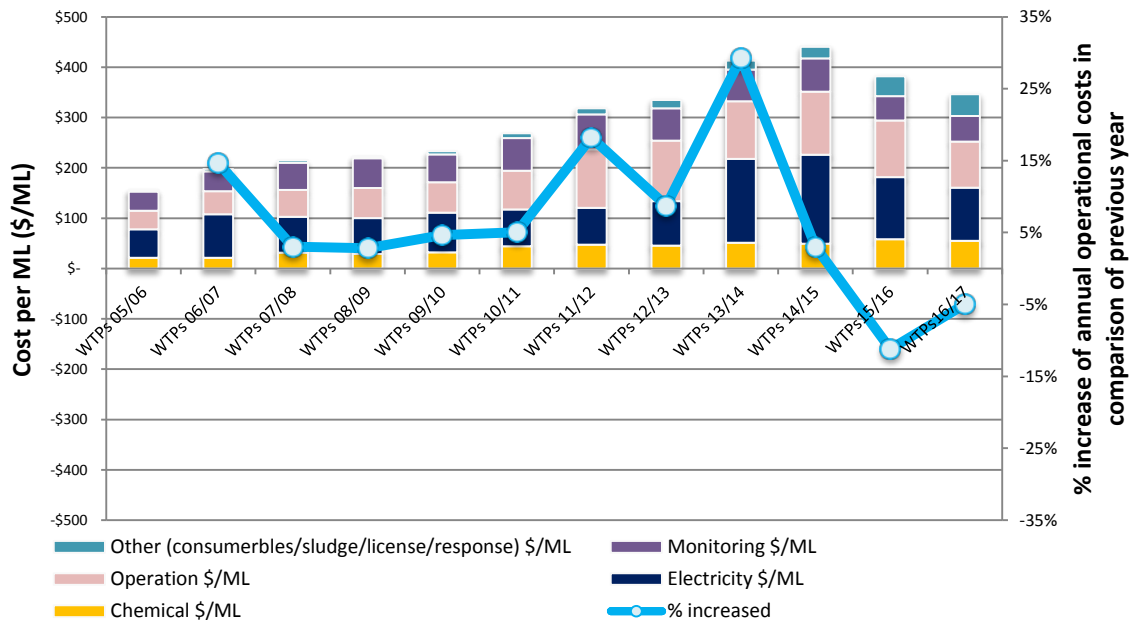


Figure 2 Water treatment plants average operational costs per ML and variation on overall cost

Sewerage treatment plants comparison

Figure 3 and 4 provides the comparative operating cost performance for all STPs. It includes average values for the last twelve financial years per ML of sewage processed from smallest (left) to largest (right). Figure 10 to figure 23 provide the individual expenditure details for each sewerage treatment plant (STP) in terms of monitoring, electricity, chemicals, labour (operations), consumables and by-product management. No electricity usage data was available pre 2007/08 on all non-contestable sites.

In general, as was the case with the WTPs, STPs serving the larger customer base provide lower operating costs and the reverse for the smaller customer bases. All sites with effluent irrigation (Cooperbrook, Lansdowne, Stroud, Wingham, Bulahdelah and Dawson) had increases in costs associated with extra pumping costs for reuse. All sites with RTPs (Harrington, Hallidays Point and Hawks Nest) had increases in costs associated with the extra treatment process.

Bulahdelah STP costs shown in figure 12 were generally trending up between 2007/08 to 2013/14 due to higher costs of electricity, licence compliance, monitoring expenditures and biosolids accumulated over the last two years. Savings of 16% have been made in 2016/17 compared with 2015/16 in most areas except consumables and biosolids management.

Figure 13 shows the operational costs for Cooperbrook STP have generally remained stable over the last a few years but significantly decreased in 2016/17 due to lower monitoring and consumable expenditures.

Figure 14 shows operational costs slowly decreasing for Dawson STP due to less expenditure on consumables and electricity costs. There were higher costs for biosolids in 2016/17 compared with 2015/16.

Sewerage Treatment Operational Costs Ranking

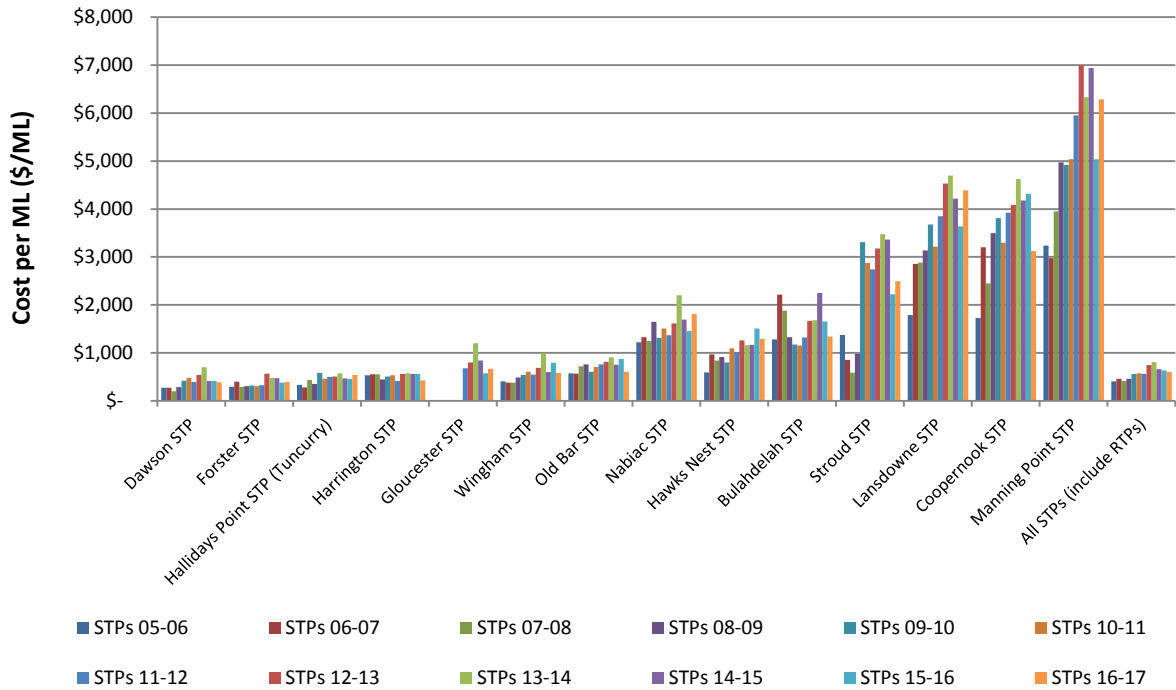


Figure 3 Overall sewerage treatment plants operational costs ranking

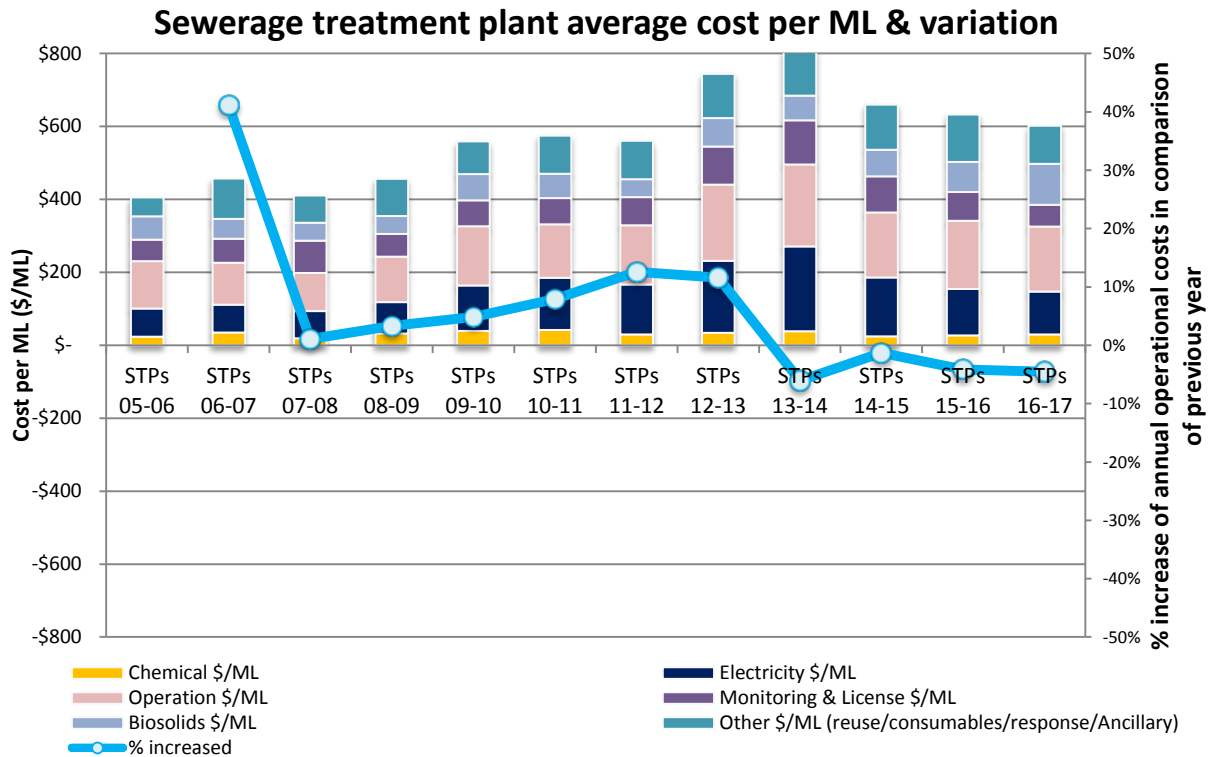


Figure 4 Sewerage treatment plants average operational costs per ML and variation on overall cost

Figure 15 shows Forster STP costs have slightly increased in 2016/17 mainly due to higher costs on biosolids management.

Figure 16 indicates the operational costs for Hallidays Point STP have increased by 8% in 2016/17. The main cost increase in 2016/17 is associated with the biosolids and reuse site (Tuncurry RTP).

Figure 17 shows operational costs increasing for Harrington STP due to the operation of the new reuse plant from 2012/13 including operation, electricity and License, compliance & monitoring costs. The overall costs reduced significantly in 2016/17 due to savings on reuse and operation.

Figure 18 shows operational costs increasing for Hawks Nest STP due to the addition of the new reuse plant from 2012/13 including operation, electricity and License, compliance & monitoring costs. Reduced costs in 2016/17 are mainly from reuse and operations.

Figure 19 shows operational costs increasing slowly for Lansdowne STP over the last nine years due to increases in electricity, operation and monitoring costs. The overall cost increased 18% in 2016/17 compared with 2015/16 mainly due to increasing operational costs.

Manning Point STP costs have been stable between 2007/08 and 2011/12 but increased in 2012/13 due to higher electricity and operation costs, which is shown in figure 20. In last two financial years, chemical costs have increased due to the alternative chemicals used on site to improve treatment performance.

Figure 21 shows operational costs for Nabiac STP have been trending up slightly over the last few years. The main cost increasing for 2016/17 is from operation and biosolids management.

Figure 22 indicates a decrease in operational costs for Old Bar STP in 2016/17 mainly due to reduced operation and chemical costs.

There was a significant operational cost increase at Stroud STP in 2009/10, which was the first full year of operation of the new STP. This is shown in figure 23. However the cost per ML of sewerage processed has been slowly decreasing over the last a few financial years due to reduced electricity and monitoring costs. Increased cost on biosolids management is due to the dewatering schedule is only occurring once every two years.

Figure 24 shows a slight increase in costs for Wingham STP between 2007/08 and 2012/13 due to reuse and associated electricity. However this has trended down over the last four financial years in terms of electricity costs associated with time of use management.

For Gloucester STP operational cost data is only available for the last six financial years for Gloucester STP. This plant is a trickling filter plant. A trickling filter plant in comparison to activated sludge STP has much lower energy costs, but poorer effluent quality due to the level of treatment. The overall costs in 2016/17 have slightly decreased in comparison to previous years due to reduced monitoring costs. This is presented in figure 25.

Treated water effluent management system and Recycle water treatment plants comparison

2016/17 was the second year where expenditures for TWEMS (Taree/Wingham effluent management scheme) and RTPs were separately reported for operation, chemical, consumables and monitoring. Hawks Nest and Tuncurry RTPs have no data on electricity cost due to no separate electricity bill for the site from other uses. So electricity costs are excluded from those three sites.

Figure 5 and 6 indicate the unit cost per ML and the two financial years overall costs comparison for TWEMS and RTPs. The average cost for recycle water is \$303 per ML in 2016/17. Overall savings have been achieved for all RTPs in 2016/17 in comparison of 2015/16 mainly due to reduced operation costs. Harrington RTP had the highest unit cost in 2015/16 but reduced significantly in 2016/17 due to plant improvements.

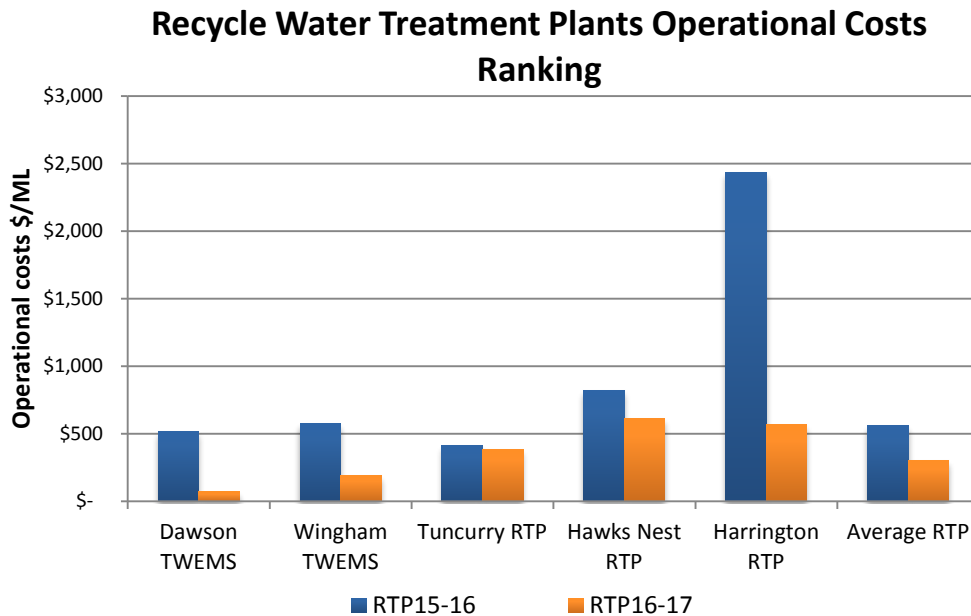


Figure 5 TWEMSs and RTPs treated water cost per ML between 2015/16 and 2016/17

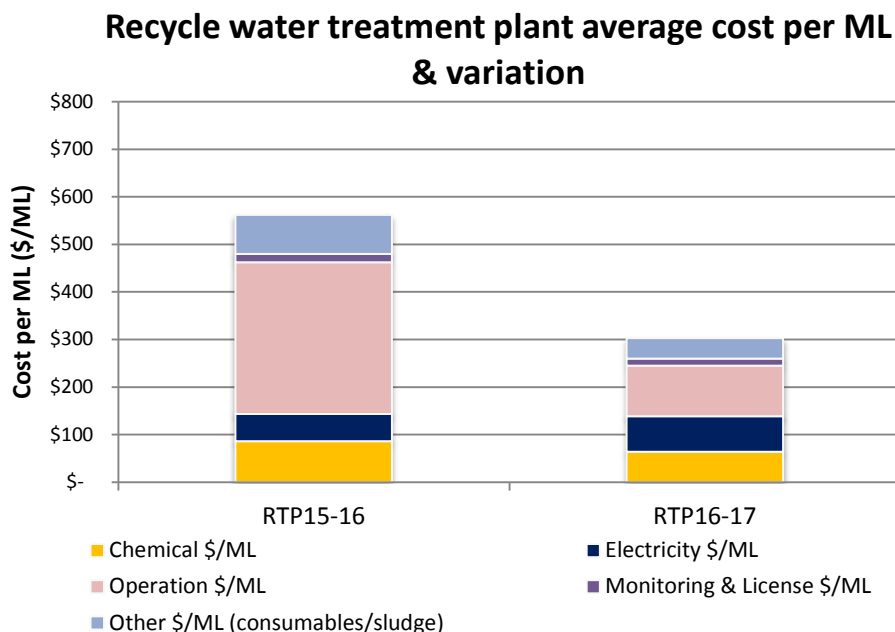


Figure 6 TWEMSs and RTPs annual operational cost between 2015/16 and 2016/17

Conclusion

Over the last 12 financial years, most of the WTPs have generally experienced an increase in operational costs based on \$/ML. This is due to improved levels of treatment. However a decrease in costs has been seen since 2015/16 mainly due to reduced electricity charges and operation costs efficiencies.

Generally most STPs have experienced operational cost reductions as well as unit cost reductions in \$/ML over the last a few years as a result of reduced electricity and monitoring costs.

Since 2015/16 recycle water costs have been reported separately. Our average operational unit costs on TWEMSs and RTPs were significantly higher than average water operational unit costs in 2015/16 due to the small usage. However, savings have been achieved in 2016/17 due to the operation optimisation.

Efficiency of operations continues to be a focus in the coming years with electricity, chemical usage and response.

CONSULTATION

Nil

COMMUNITY IMPACTS

Continuously targeting improving our service level as well as cost effectiveness.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

- 1.1.1 Implement a drinking water quality assurance program.
- 1.1.2 Implement a wastewater/recycled water quality assurance program
- 1.2.1 Provide timely, accurate and relevant access
- 2.5.1 Implement and integrate asset lifecycle management system

TIMEFRAME

For the period July 2016 to June 2017

BUDGET IMPLICATIONS

Treatment costs are subjected to level of treatment and weather conditions.

RISK CONSIDERATION

Nil

RECOMMENDATION

That the report on water usage and water resources for 2016/17 and the outlook for 2017/18 be received and noted.

ANNEXURES

A. Figures 7 to 25

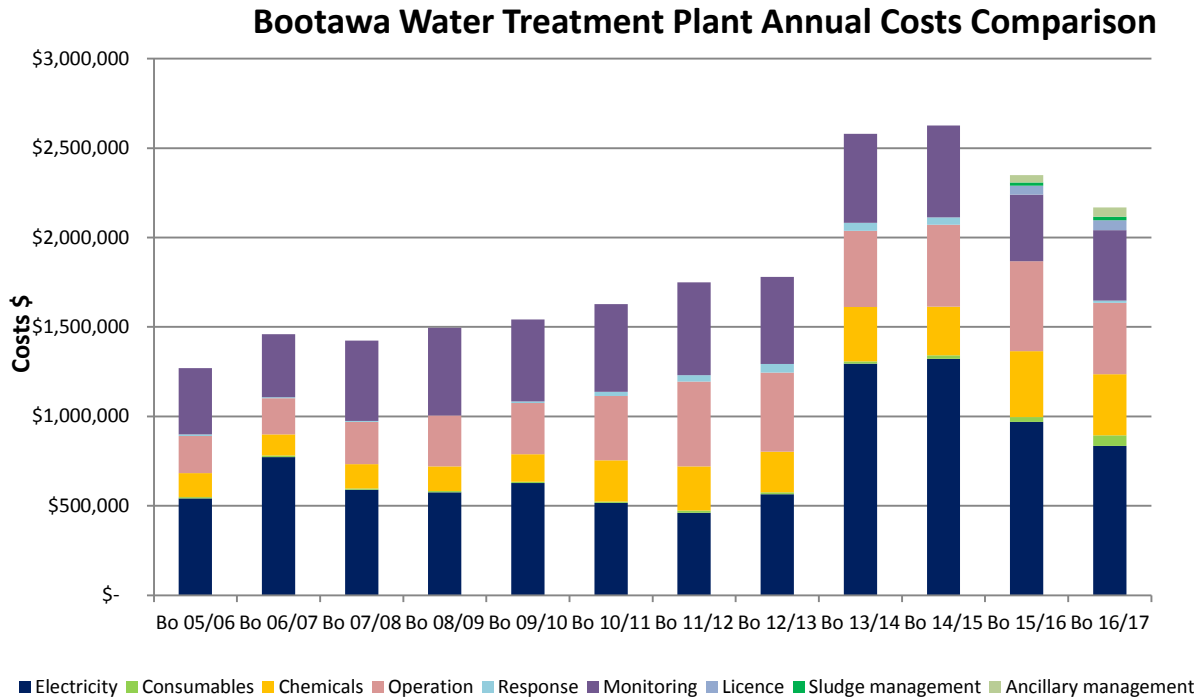


Figure 7 Bootawa water treatment plant annual costs comparison over last twelve financial years

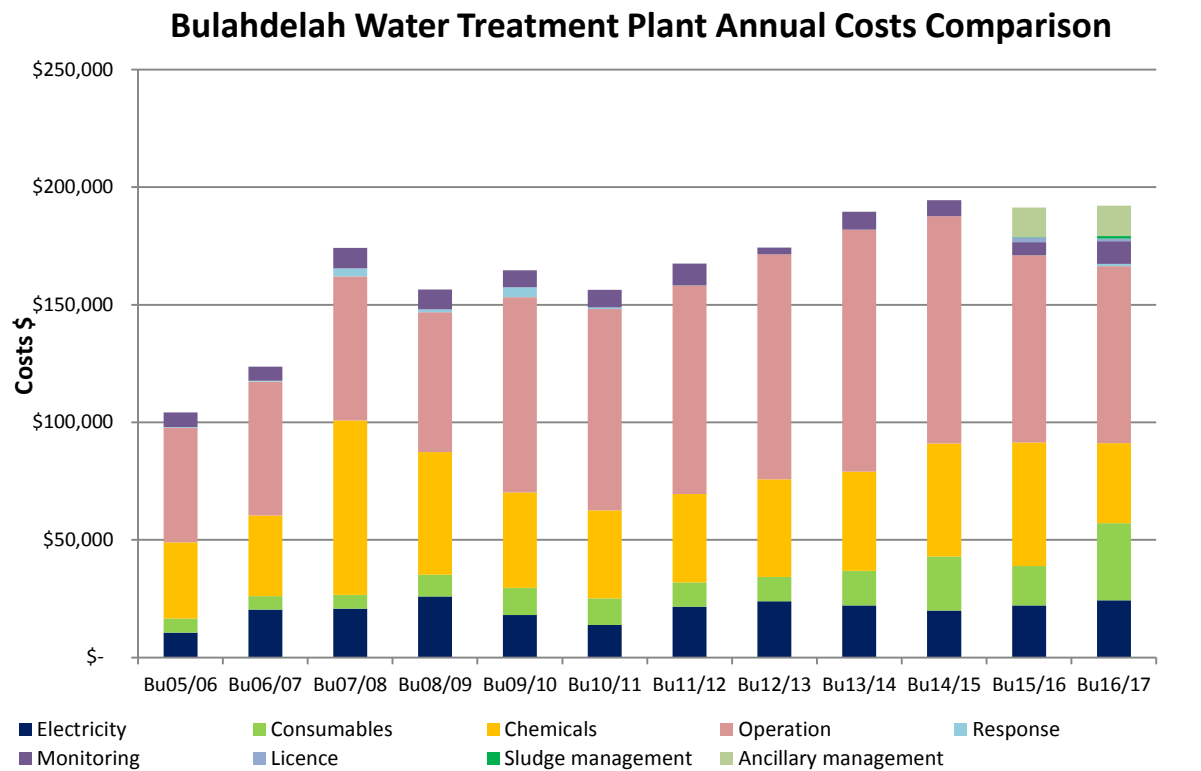


Figure 8 Bulahdelah water treatment plant annual costs comparison over last twelve financial years

Stroud Water Treatment Plant Annual Costs Comparison

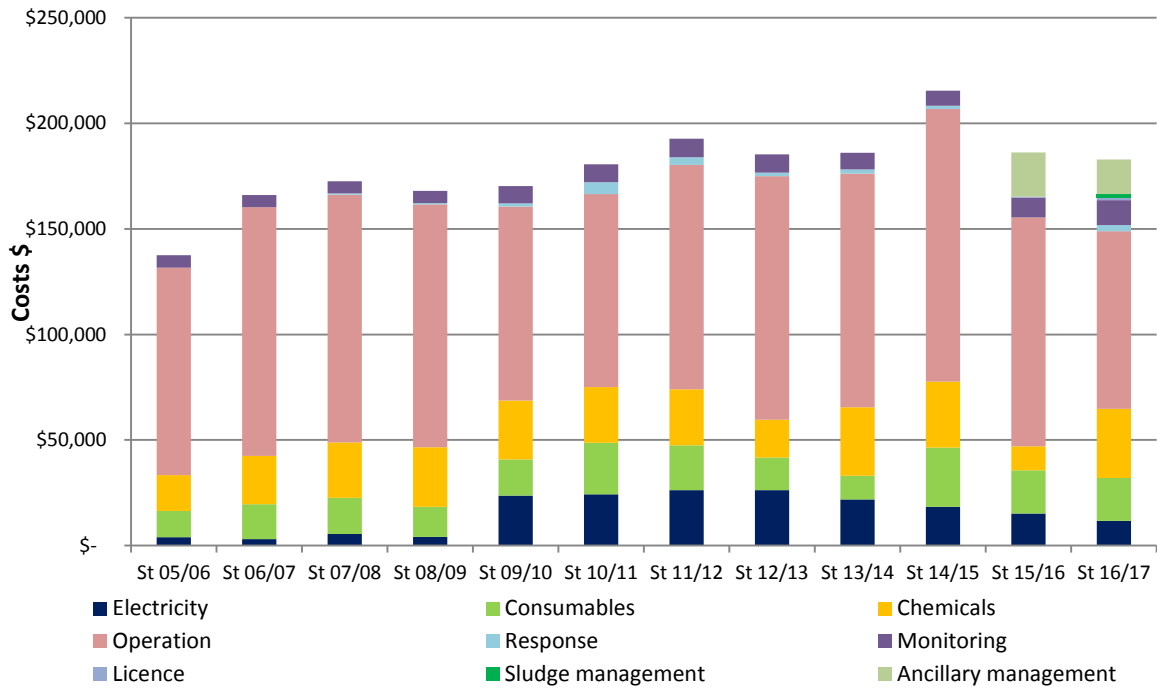


Figure 9 Stroud water treatment plant annual costs comparison over last twelve financial years

Tea Gardens Water Treatment Plant Annual Costs Comparison

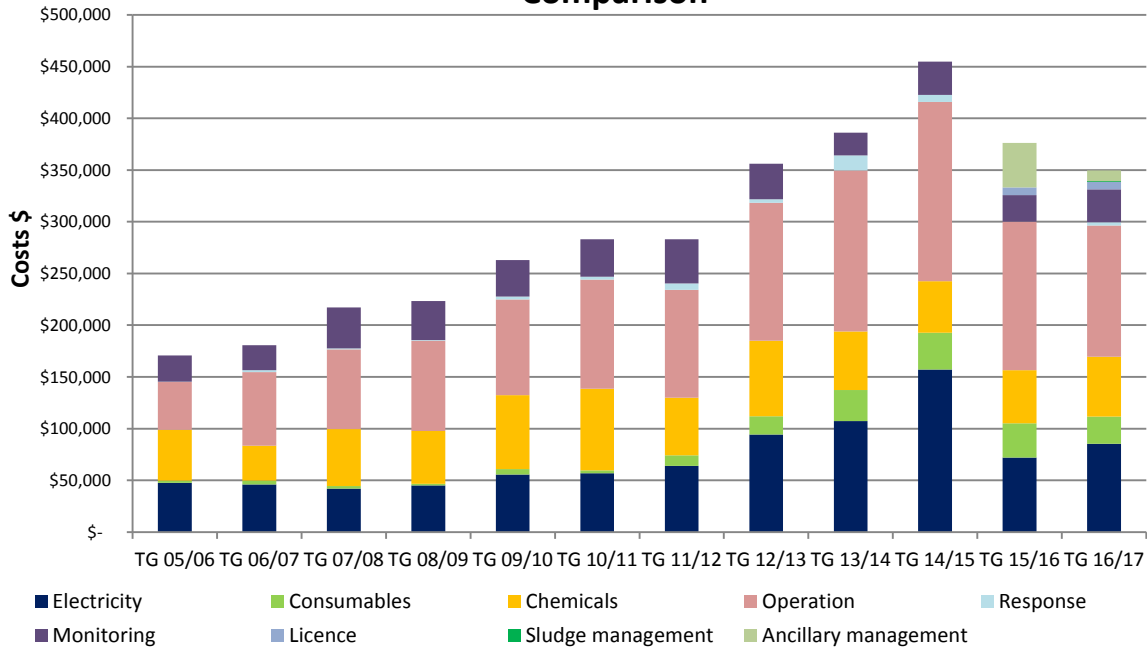


Figure 10 Tea Gardens water treatment plant annual costs comparison over last twelve financial years

Gloucester Water Treatment Plant Annual Costs Comparison

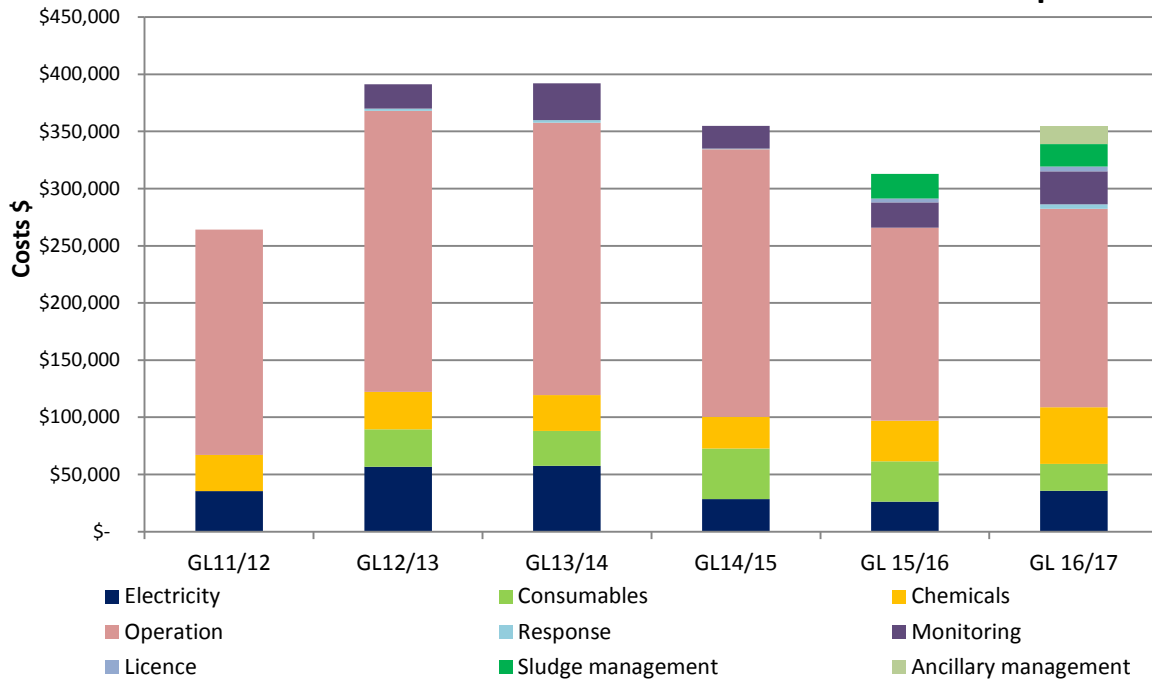


Figure 11 Gloucester water treatment plant annual costs comparison over last twelve financial years

Sewer scheme

Bulahdelah Sewerage Treatment Plant Operating Annual Costs Break up

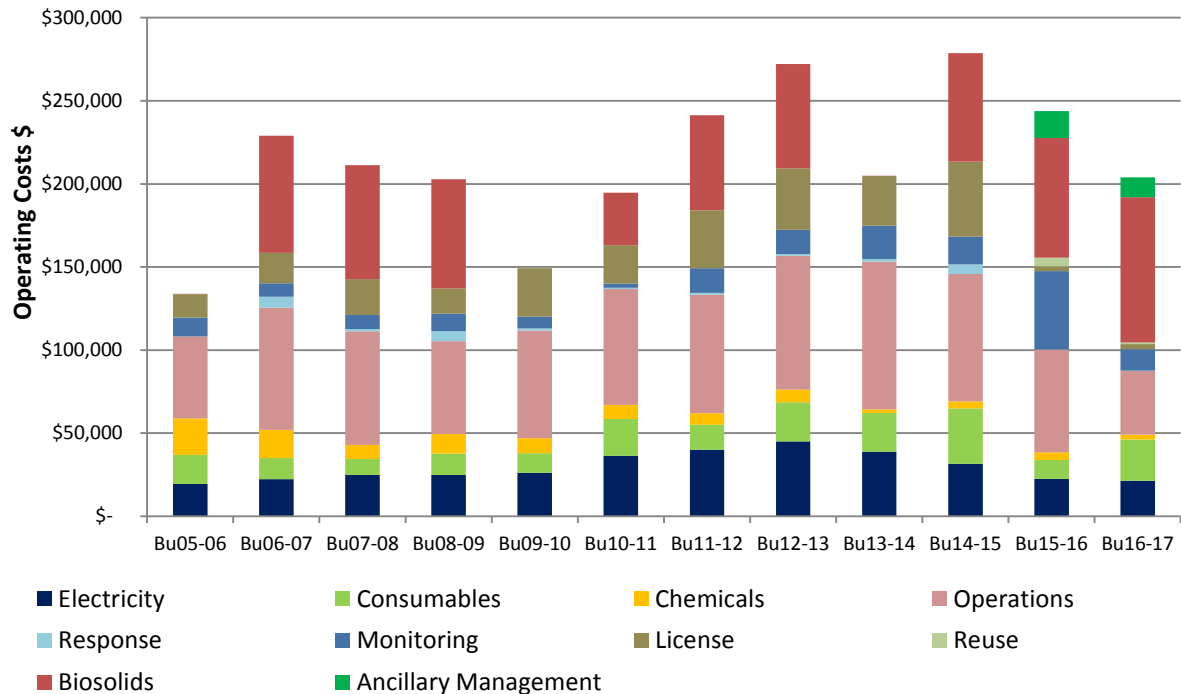


Figure 12 Bulahdelah sewerage treatment plant annual costs comparison over last twelve financial years

Cooperbrook Sewerage Treatment Plant Operating Annual Costs Break up

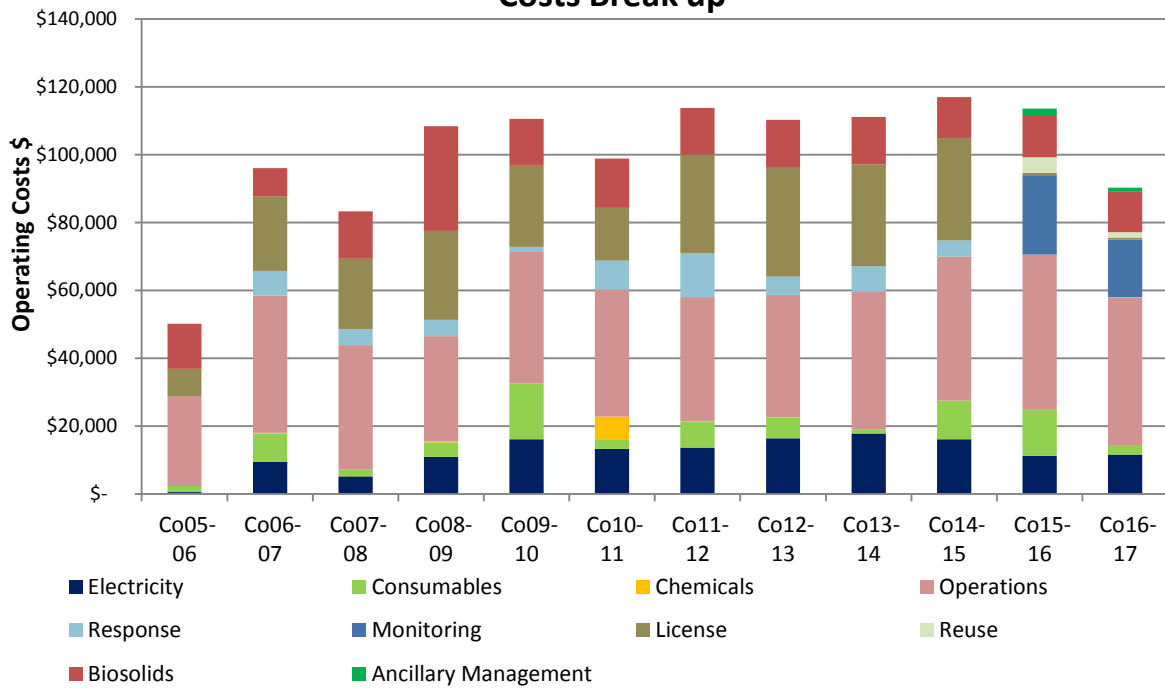


Figure 13 Cooperbrook sewerage treatment plant annual costs comparison over last twelve financial years

Dawson Sewerage Treatment Plant Operating Annual Costs Break up

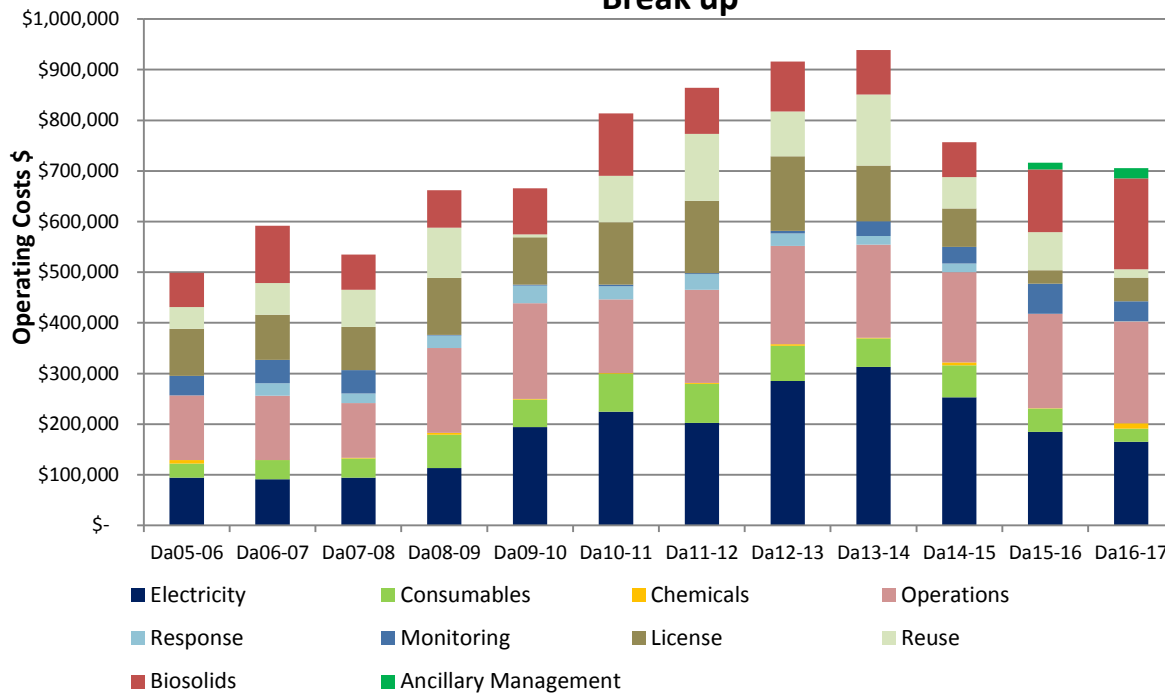


Figure 14 Dawson sewerage treatment plant annual costs comparison over last twelve financial years

Forster Sewerage Treatment Plant Operating Annual Costs Break up

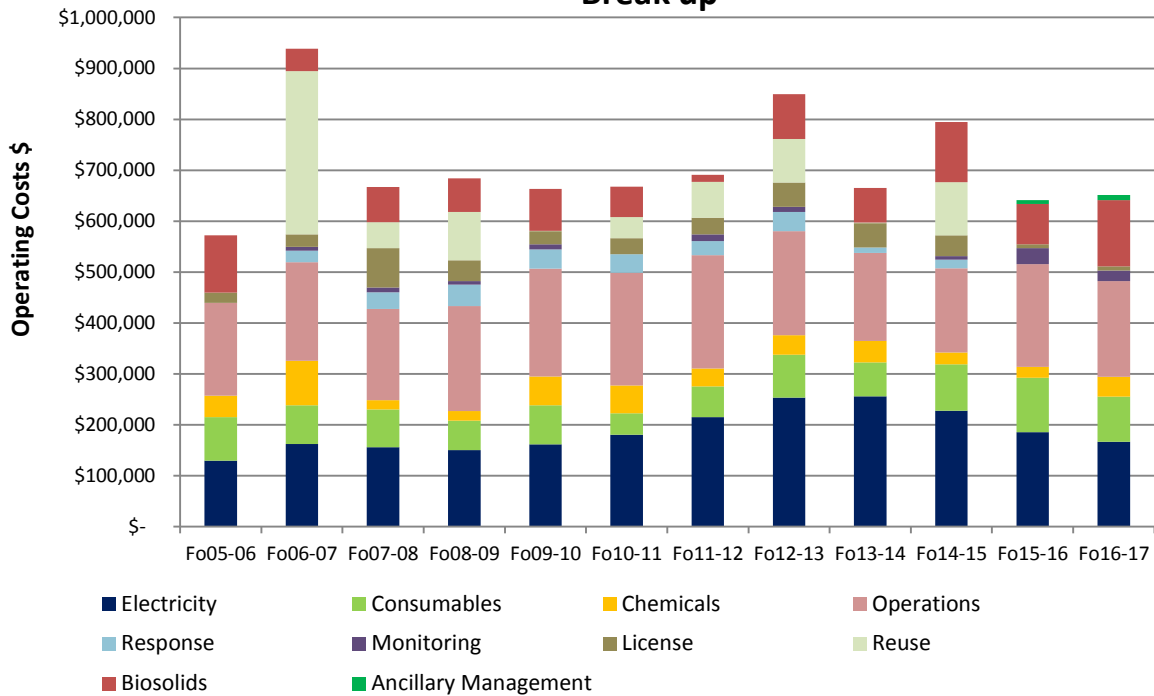


Figure 15 Forster sewerage treatment plant annual costs comparison over last twelve financial years

Hallidays Point Sewerage Treatment Plant Operating Annual Costs Break up

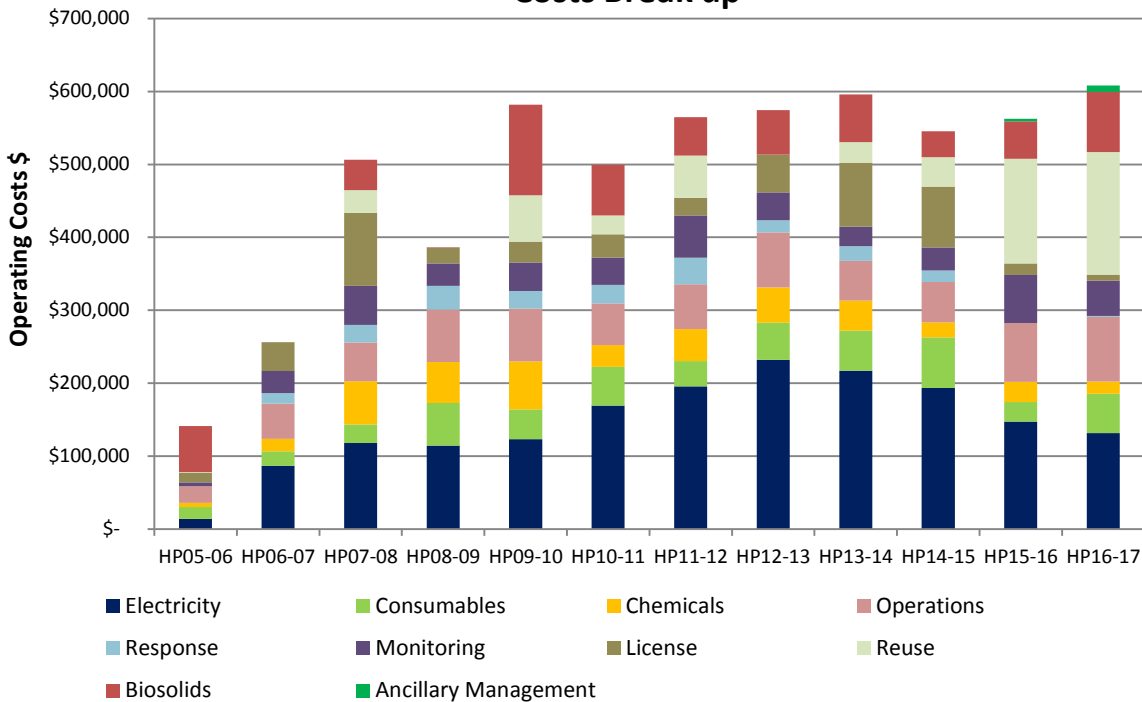


Figure 16 Hallidays Point sewerage treatment plant annual costs comparison over last twelve financial years

Harrington Sewerage Treatment Plant Operating Annual Costs Break up

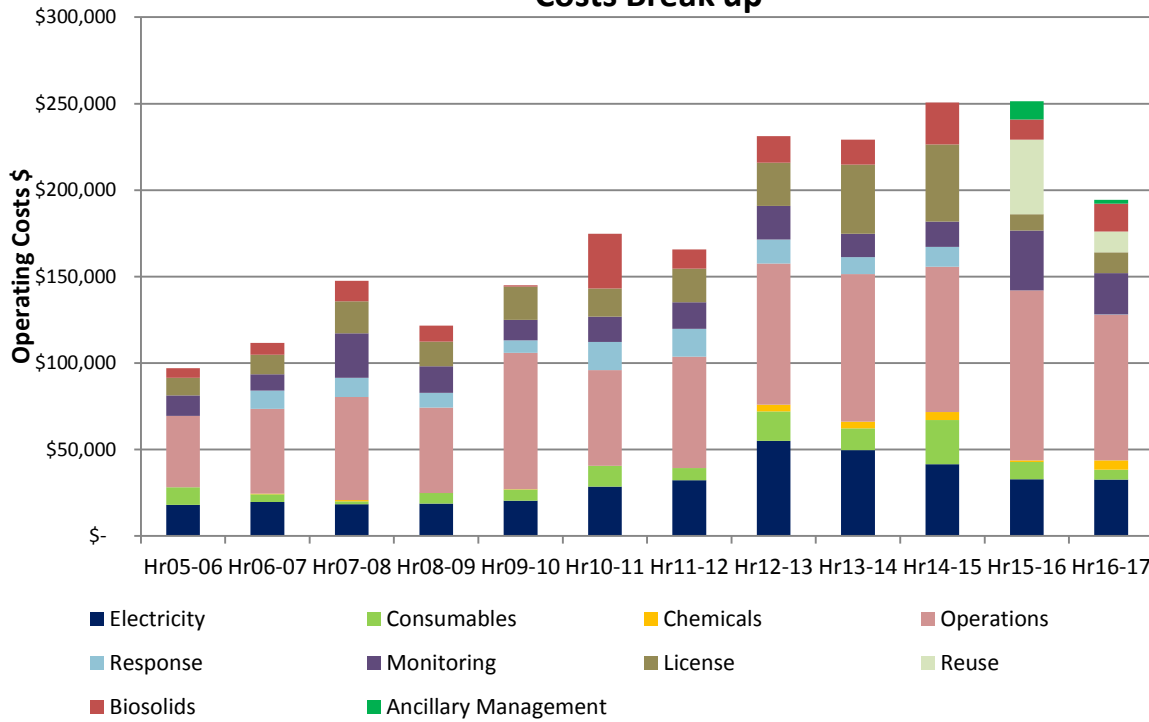


Figure 17 Harrington sewerage treatment plant annual costs comparison over last twelve financial years

Hawks Nest Sewerage Treatment Plant Operating Annual Costs Break up

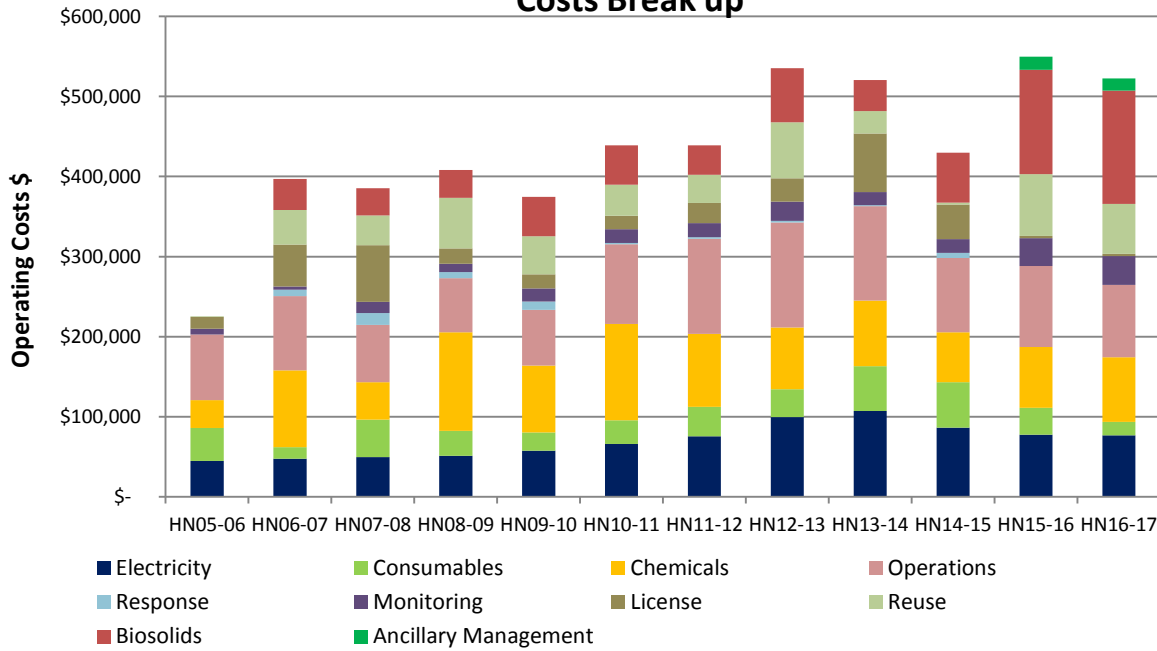


Figure 18 Hawks Nest sewerage treatment plant annual costs comparison over last twelve financial years

Lansdowne Sewerage Treatment Plant Operating Annual Costs Break up

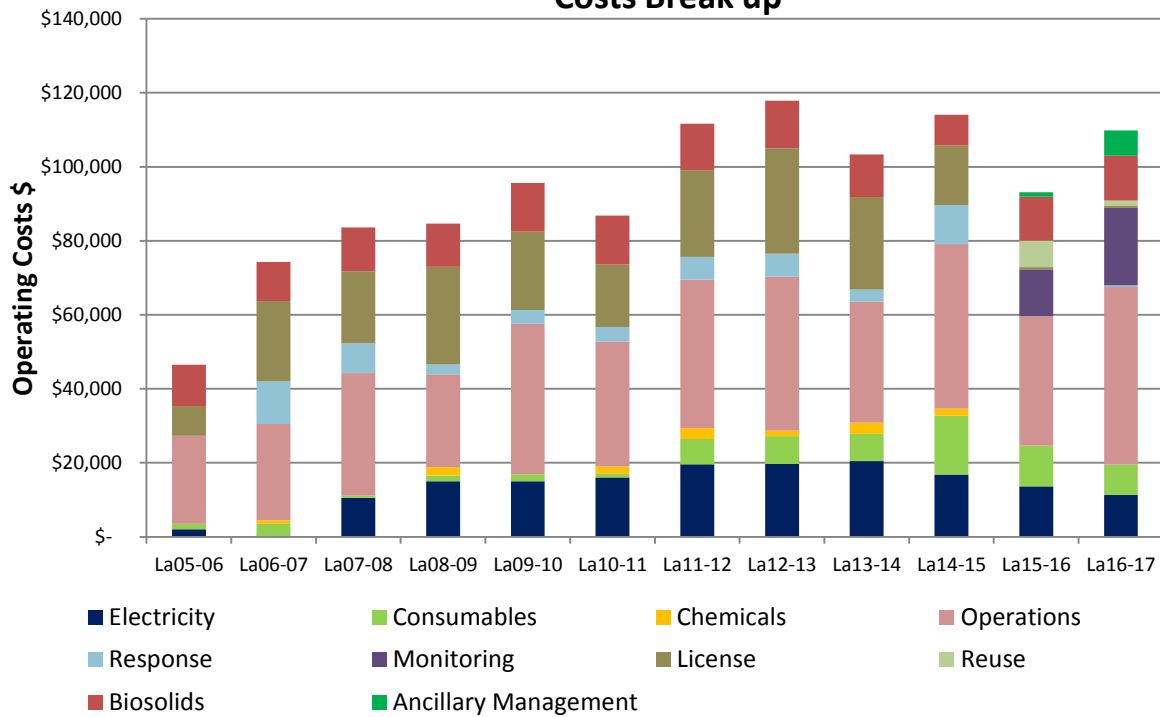


Figure 19 Lansdowne sewerage treatment plant annual costs comparison over last twelve financial years

Manning Point Sewerage Treatment Plant Operating Annual Costs Break up

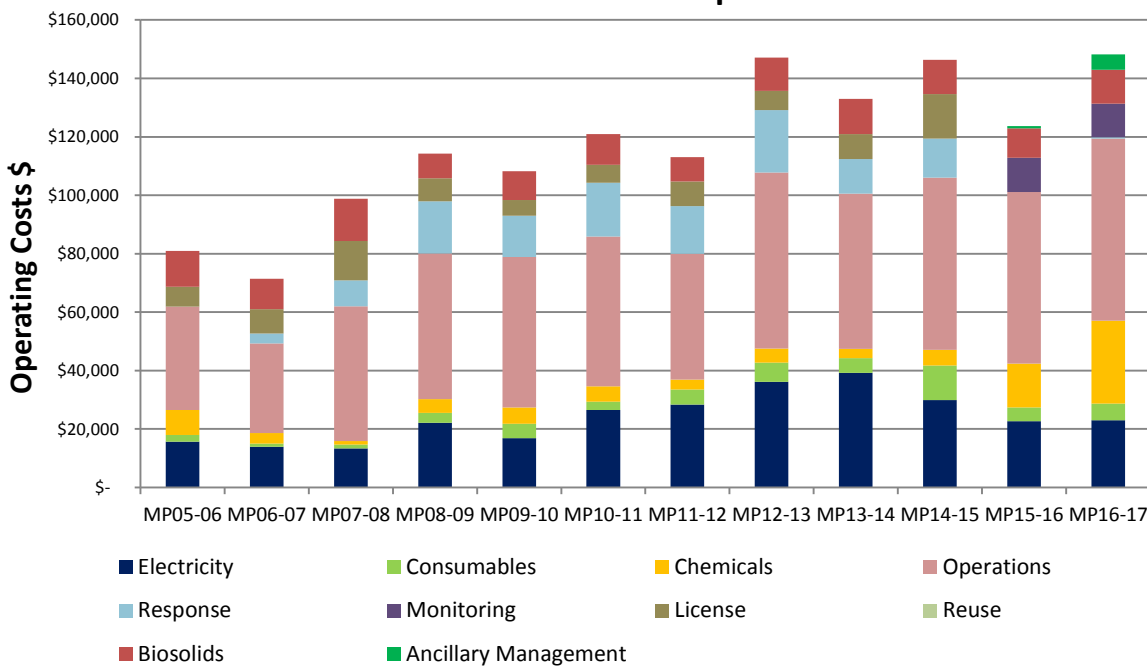


Figure 20 Manning Point sewerage treatment plant annual costs comparison over last twelve financial years

Nabiac Sewerage Treatment Plant Operating Annual Costs Break up

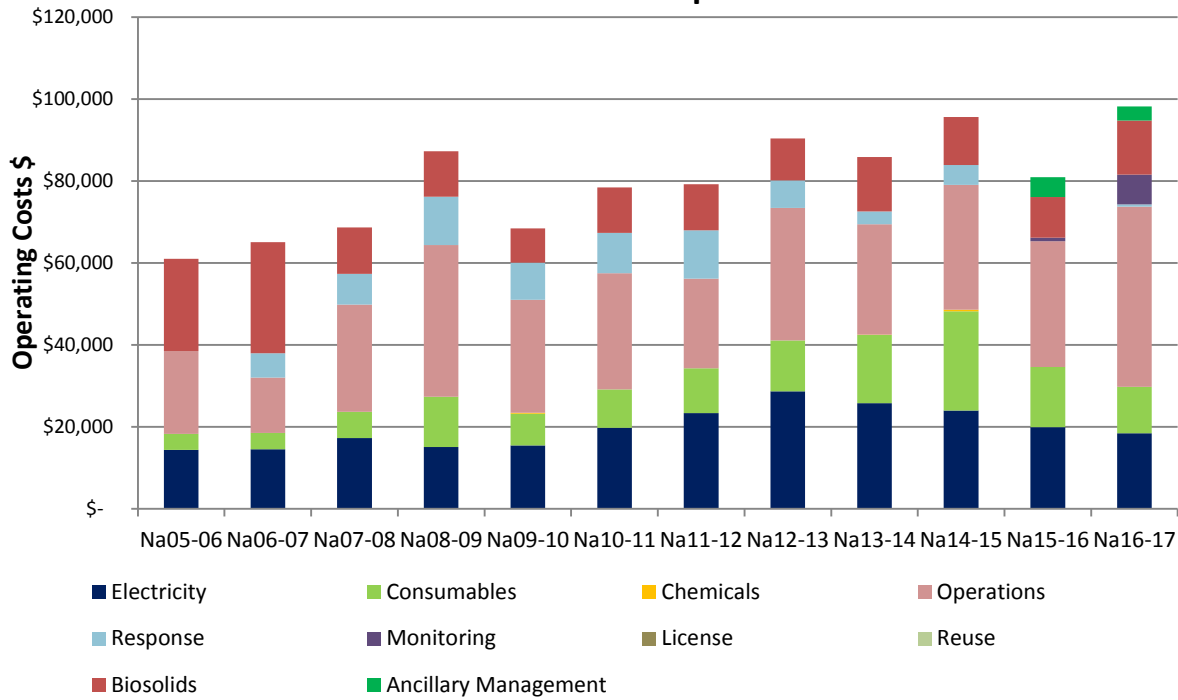


Figure 21 Nabiac sewerage treatment plant annual costs comparison over last twelve financial years

Old Bar Sewerage Treatment Plant Operating Annual Costs Break up

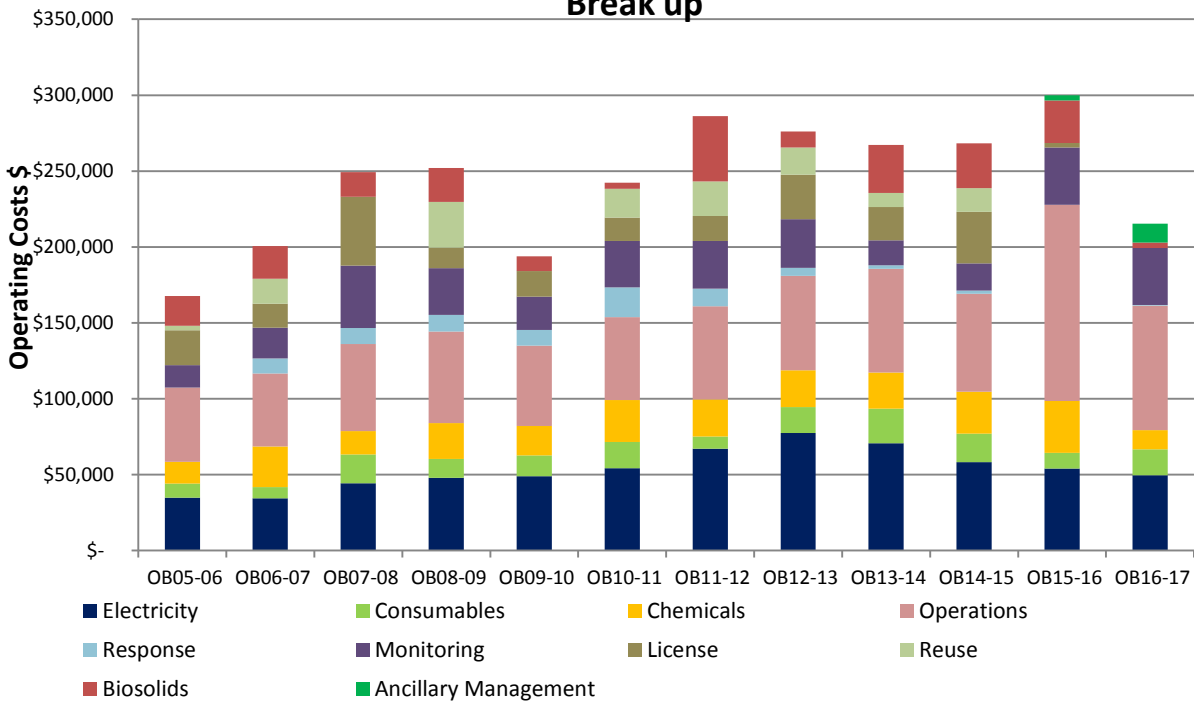


Figure 22 Old Bar sewerage treatment plant annual costs comparison over last twelve financial years

Stroud Sewerage Treatment Plant Operating Annual Costs Break up

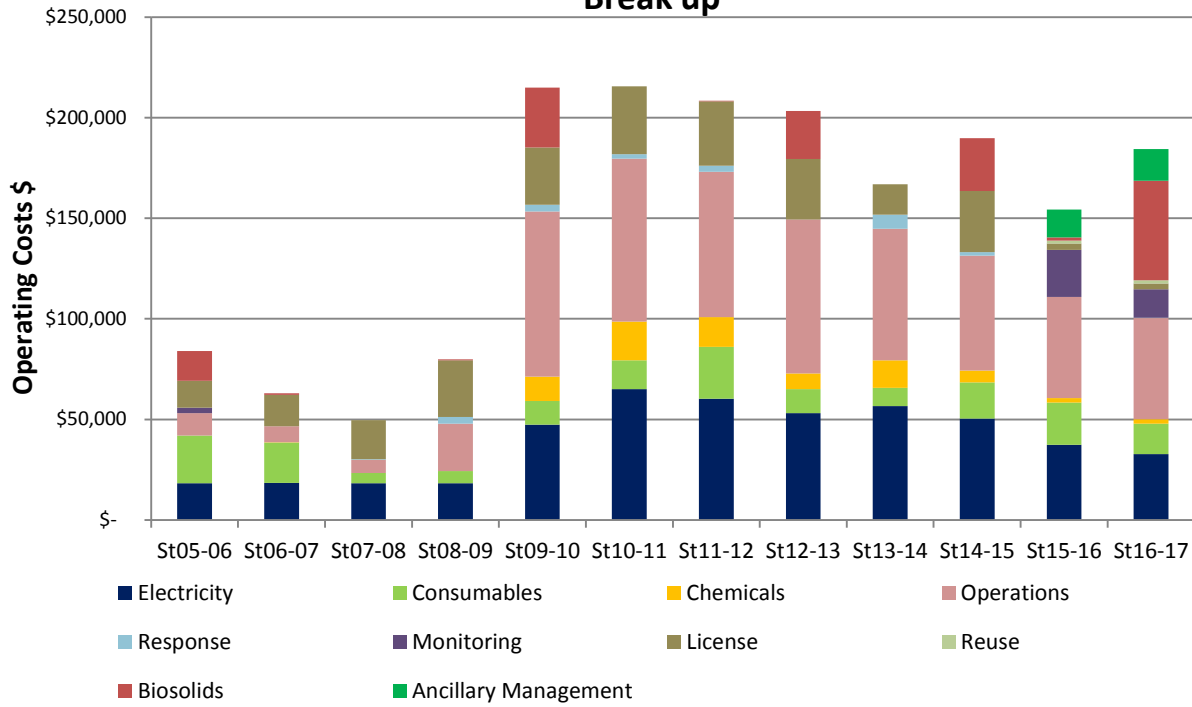


Figure 23 Stroud sewerage treatment plant annual costs comparison over last twelve financial years

Wingham Sewerage Treatment Plant Operating Annual Costs Break up

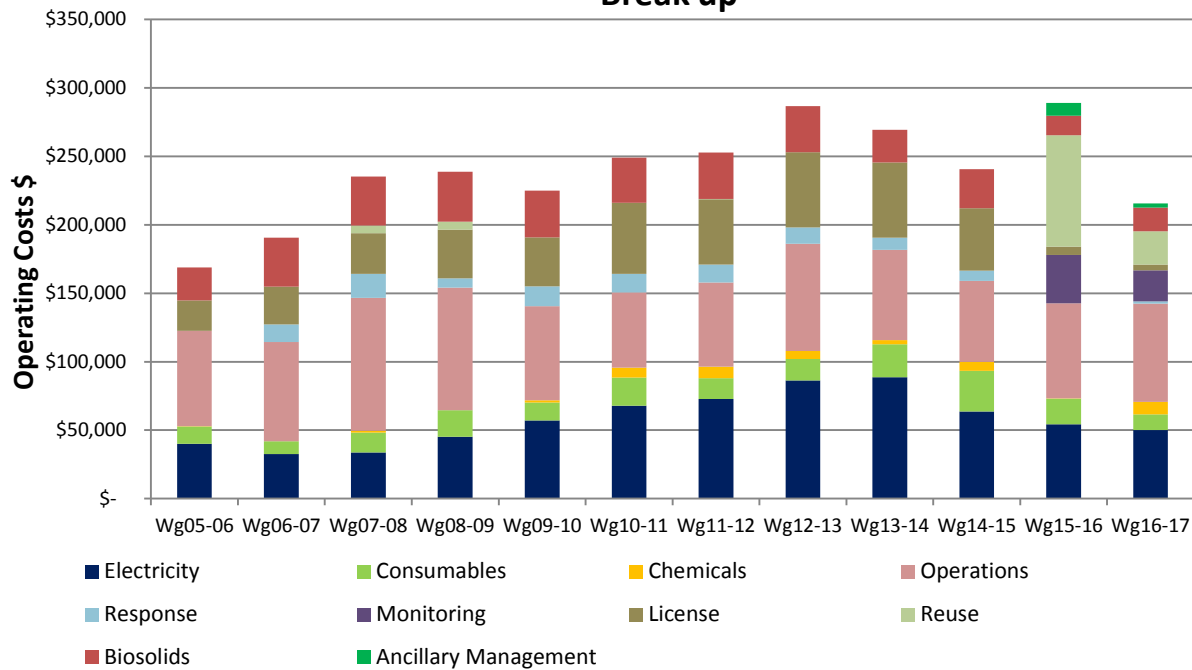


Figure 24 Wingham sewerage treatment plant annual costs comparison over last twelve financial years

Gloucester Sewerage Treatment Plant Operating Annual Costs Break up

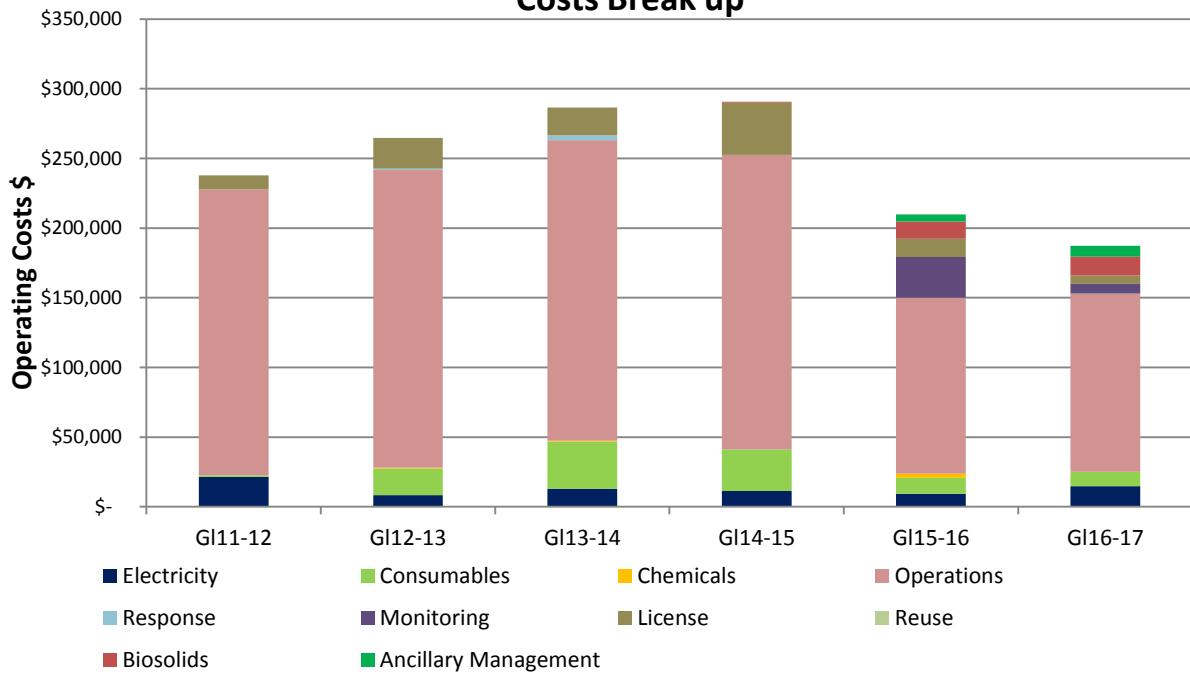


Figure 25 Gloucester sewerage treatment plant annual costs comparison over last twelve financial years

CLOSED COUNCIL

18 ACQUISITION OF LAND - 105 LAKESWAY FORSTER

Report Author John Dougherty, Manager Property & Commercial Services

File No. / ECM Index Land Acquisitions

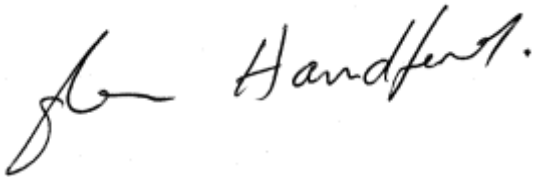
Date of Meeting 27 September 2017

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.



Glenn Handford
GENERAL MANAGER