



## **Notice of Ordinary Meeting**

**To be held at Yalawanyi Ganya, 2 Biripi Way, Taree South**

**Wednesday, 27 November 2024 at 2:00 PM**

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

1. Opening meeting
2. Acknowledgement of Traditional Custodians
3. Acknowledgement of Commitment
4. Special Activity
5. Apologies or Applications for leave of absence
6. Confirmation of Minutes
7. Disclosures of Interest
8. Mayoral Minute(s)
9. Notices of Rescission
10. Notices of Motions
11. Questions with Notice
12. Reports to Council
13. Confidential matters
14. Matters of urgent business
15. Close of meeting

A handwritten signature in black ink, appearing to read "A Panuccio".

Adrian Panuccio

**General Manager**

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*Items 1 to 11 will be contained in the 27 November 2024 Ordinary Meeting Minutes.*

**1. MINUTES**

**2. COUNCILLORS PRESENT**

**3. STAFF PRESENT**

**4. WELCOME**

**5. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

**6. ACKNOWLEDGEMENT OF COMMITMENT**

We, the Councillors of MidCoast Council, will undertake the duties of the office of Councillor in the best interests of the MidCoast community and will faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act 1993 to the best of our abilities and judgment.

Additionally, Council Officials are reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

**7. SPECIAL ACTIVITY**

Representatives from the NSW Audit Office will provide a presentation in relation to Item 18.8 – Financial Statements and Auditors Report for 2023-2024.

**8. APOLOGIES OR APPLICATIONS FOR LEAVE OF ABSENCE**

**9. CONFIRMATION OF MINUTES**

**10. DISCLOSURES OF INTERESTS**

**11. MAYORAL MINUTE**

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## 12. NOTICE OF MOTIONS

### 12.1. NOTICE OF MOTION 1 - CR PETER HOWARD

#### REPORT INFORMATION

<b>Author</b>	<b>Cr Peter Howard</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>

#### SUMMARY

Councillor Peter Howard has given notice of his intention to move the motion as detailed below.

#### BACKGROUND

The waterways of MidCoast Council and in particular the coastal stretches are extremely popular with both locals and tourists during the summer months. This is for good reason, with our waterways being pristine and easily navigable. However, in recent years there has been a notable increase in the use of powered watercraft with strong evidence presented that some users are disregarding navigation markers and speed regulations. This is more prevalent amongst some operators of high-powered Personal Watercraft (commonly known as jet skis), who have been recorded riding erratically in designated 4 knot zones, creating excessive wave motion due to speed in prescribed no-wash areas such as Forster Keys, and allegedly harassing marine life such as dolphins.

Whilst Council wants both locals and visitors to fully enjoy our waterways, this cannot be at the expense of adhering to the established maritime rules. As such, this Notice of Motion asks Councillors to collectively support the broader community by requesting increased on-water compliance patrols during our busiest period of the year.

#### NOTICE OF MOTION

That the Mayor write to Transport for NSW seeking additional on-water boating compliance patrol measures in the Great Lakes region this summer season.

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## 12.2. NOTICE OF MOTION 2 - CR ALAN TICKLE

### REPORT INFORMATION

<b>Author</b>	<b>Cr Alan Tickle</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>

### SUMMARY

Councillor Alan Tickle has given notice of his intention to move the motion as detailed below.

### BACKGROUND

During the previous term of Council, the Roads Strategy and the Long Term Financial Plan were adopted.

Those documents demonstrate the link between financial unsustainability and the compounding impact of under- resourcing asset renewals.

Unless that under- resourcing is addressed, MidCoast Council long term financial sustainability is in jeopardy.

**In terms of renewing transport assets, it costs approximately ten times more to re-seal a road compared to the cost of a complete reconstruction.**

By identifying roads that can be salvaged by a re-seal rather allowing the deterioration of the pavement to the extent that a complete reconstruction is required, the impact on Council's long term financial planning is significant.

The increased cost in capital works and disproportionate and commensurate funding by way of grants and general revenue allocations, have further hampered renewal programming.

The motion endeavours to establish a policy where asset renewal is the funding priority.

### NOTICE OF MOTION

That Council:

1. Establish a policy position where the funding allocated to the annual operational plan to the transport and infrastructure directorate asset renewal program shall be an increase on the previous year's amount that is commensurate with the increase in Federal Assistance Grants (inclusive of the roads component) and that those funds be prioritised for asset renewals.
2. That the funding allocation from general rates to the transport and infrastructure directorate, be increased annually, commensurate with any increase in rates revenue.
3. That prioritised capital works for example road or bridge re-construction, be generally funded from tied grants.
4. That as part of the Roads Strategy, a report be provided with annual status updates, identifying the overall road inventory in the different condition levels,
5. projecting current intervention timelines and the likely escalation of costs for implementing optimal renewals strategies such as a re-sealing, heavy patching & rehabilitation programs.
6. That status reports be provided to Council no less than annually, reflecting the impact on the Long Term Financial Plan of escalation of renewal backlog that also allows for indexation
7. Community engagement to improve the community's understanding of the strategy such that current road pavement requiring reconstruction will be reliant on tied grants and not prioritised ahead of the maintenance program from Federal Assistance Grants (FAGS) or general revenue allocations.

## **GENERAL MANAGER'S COMMENT**

Council has a Financial Sustainability Action Plan which sets out Council's actions to achieve financial sustainability. This includes a goal of being able to maintain infrastructure over the long term for future generations. The Notice of Motion is consistent with the goal adopted by Council. The Financial Sustainability Action Plan includes actions to ensure financial governance, and consistent financial decision making. A means by which Council ensures consistency in financial decision making is through the Budget Development Policy adopted by Council in March 2023. This ensures that a holistic approach to the budget is taken annually.

For consistency with the Budget Development Policy, Council could consider referring the Notice of Motion for consideration in the development of the 2025/26 Budget and Long Term Financial Plan. The Policy objective is provided below:

### **Policy Objective**

The objective of this policy is to provide guidance to the Council and staff in the annual budget development process by setting out the legislation, principles and parameters under which the budget is developed.

The policy supports sound financial management and is a key factor in ensuring Council's long-term financial sustainability.

## 13. QUESTIONS WITH NOTICE

### 13.1. QUESTIONS WITH NOTICE - CR DHEERA SMITH

#### REPORT INFORMATION

Author	Cr Dheera Smith
Date of Meeting	27 November 2024

#### QUESTIONS

##### QUESTION 1

Can you summarise the progress and achievements MidCoast Council has made in implementing the Biodiversity Framework in the last 12 months.

##### QUESTION 2

Poisoning trees has now occurred on Council land at Diamond Head and Burgess Road, Forster. What actions will Council take to address this damage now and if future vandalism occurs? If community or Council identifies tree vandals what penalties apply?

#### RESPONSE BY DIRECTOR LIVEABLE COMMUNITIES

##### RESPONSE TO QUESTION 1

Substantial and positive progress has been made to implement the adopted MidCoast Council Biodiversity Framework (2021 – 2030). The Biodiversity Framework is a roadmap for conserving the natural heritage of the MidCoast region on behalf of the community. Substantial community consultation was undertaken as part of the development of the Framework.

The key implementation achievements over the last 12-months have included:

- Council staff have conducted Audits of most of the Council Natural Area Reserves. 218 reserve audits have been completed. A **Natural Area Asset Management Plan and Long-term (10-year) Financial Plan** are currently in development to prioritise asset maintenance of public natural area reserves and achieve condition targets. (*Actions 1.4.1, 3.3.1 and 3.3.3*)
- A **Koala Conservation Strategy** (2024) has been prepared and adopted by Council. This guides how Council assists agencies and the community to conserve the koala within the MidCoast region. Council is a regional partner under the NSW Koala Strategy and has obtained over \$3M in external funding support for koala management actions and the development of the strategy. Substantial progress has been made on the implementation of the Strategy (*Biodiversity Framework priority species*) and has been reported in the annual report.
- Council staff have conducted **environmental impact assessments** of 130 development applications and planning proposals in accordance with the requirements of the NSW biodiversity legislation during 2024. (*Action 6.1.2*)
- **Weed control programs** (including community engagement and education) have been delivered by the biosecurity team of Council and contractors to meet the requirements of the Weeds Action Plan. This work has been complemented with environmental weed control programs delivered with funding from the Koala Conservation Strategy and the Catchment Program. (*Action 3.1.1*). A draft of the five-year MidCoast Weed Management Strategic Plan has been prepared and is undergoing internal review. (*Action 3.1.2*)
- Biodiversity principles and outcomes are being incorporated into the development of relevant **coastal, estuary and catchment management plans**, including the Southern Estuaries Coastal Management Program. (*Action 5.4.1*)

- Environmental assessments have been completed for **Council's projects and activities**. Council's procedure for internal environmental assessments has been continuously reviewed and improved. (Action 6.3.1)
- Council has been implementing the **Offsets Procedure** for impacts to biodiversity associated with Council's activities as required through the Environmental Planning and Assessment process. (Action 6.3.2)
- The **Hallidays Point Biodiversity Strategy and Local Conservation Action Plan** is nearing completion. (Actions 5.1.1 and 5.1.3)
- Mapping has been completed for all **permanently protected private lands** across the MidCoast Council area. This mapping is continuously revised and updated. Understanding where private protected lands occur allows Council staff to engage with and assist these landholders with on-ground actions (i.e. by linking landholders with external funding support). (Action 2.1.1). Council has jointly (with MidCoast 2 Tops Landcare and the NSW Biodiversity Conservation Trust) supported the employment of a Private Land Conservation Officer to assist local landholders. (Action 2.3.5).
- A review of the administration of the **Land for Wildlife** scheme was completed. Council partners with MidCoast 2 Tops Landcare to deliver the Land for Wildlife program locally. (Actions 2.3.1 and 2.3.2)
- Mapping has been compiled of the **wetlands** of the Southern Estuaries coastal management program area to assist with wetland conservation and management. (Action 4.3.1).
- The **River Revival** project is being delivered to assist landholders to identify and protect important riparian refuge sites. This is being delivered with external funding support from the NSW Environmental Trust. (Action 3.5.5)
- Several Council natural area reserves are being planned for **ecological or cultural burning** in consultation with the Taree Indigenous Development and Employment Inc, the Rural Fire Service, and other bushfire authorities. (Action 3.8.3)
- A **development incentive for biodiversity clause** has been drafted as part of the Draft MidCoast LEP. (Action 6.4.1)
- A range of biodiversity and environmental **engagement programs** and workshops have been delivered; often in partnership with other agencies and organisations such as Hunter Local Land Services and MidCoast 2 Tops Landcare. (Actions 1.1.1 and 2.3.3). Partnerships with universities and research organisations have been maintained to assist with water protection and biodiversity information and advice. (Action 4.2.2)
- The Lower Manning River **Drainage Remediation Action Plan** continues to be delivered and implemented. (Action 3.5.1)

## RESPONSE TO QUESTION 2

While the recent tree poisoning at Diamond Head and Burgess Road are extremely disappointing, such occurrences are unfortunately fairly common. Although the culprits may sometimes be identifiable, issuing penalty notices can be challenging without proper evidence or an admission of guilt.

In response to the severity and scale of the damage, we typically take the following actions, though these are not formalised:

- Notify surrounding residents and request any additional information regarding the incident.
- Install temporary signage, fencing, or banners at the site to raise awareness.
- Utilise various media platforms to inform the community about the situation.
- Investigate and interview relevant individuals to gather more information.

- Issue infringement notices when appropriate.
- Retain dead trees if safety concerns have been addressed.
- Remove only the minimum necessary tree parts to ensure safety while preserving habitat value (e.g., leaving stumps for nesting birds).
- Replant replacement trees at a determined ratio for every tree damaged.
- Consider legal proceedings if sufficient evidence is available.

Regarding the Burgess Road incident, the following actions are planned:

- Notification letters have been sent to immediate residents, but no responses were received.
- Site fencing will be installed on Tuesday, November 12, to define the extent of the damage (a chain-wire fence 2.4 meter high by 21 meter long).
- Signage highlighting the vandalism will be attached to the fencing.
- The existing dead vegetation will be retained and managed to address public safety concerns.
- The site will be regenerated using local species.

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

#### **15. GENERAL MANAGER**

#### **15.1. MATTERS OUTSTANDING**

#### **REPORT INFORMATION**

<b>Report Author</b>	<b>Adrian Panuccio, General Manager</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>

#### **SUMMARY OF REPORT**

This report provides a list of matters outstanding from Notices of Motion and other Resolutions of Council since 1 January 2018.

#### **RECOMMENDATION**

That the information in Attachment 1 - Resolution Register - 27 November 2024 be noted.

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

Nil.

#### **LEGAL IMPLICATIONS**

Section 335(b) of the Local Government Act 1993 states that one function of the General Manager is to implement, without undue delay, lawful decisions of the Council.

#### **RISK IMPLICATIONS**

Monitoring the timely implementation of Council Resolutions will reduce risks to Council.

#### **DISCUSSION**

This report provides a list of matters outstanding from Notices of Motion and other resolutions of Council. It provides details of:

- Resolution number
- Meeting date
- Item name
- Resolution as adopted
- Responsible Directorate
- Current status of implementation
- Expected completion date

#### **CONSULTATION**

Relevant Directors and staff of Council.

#### **COMMUNITY IMPACTS**

To ensure the decisions of Council are implemented.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Resolution Register - 27 November 2024



## 16. DIRECTOR LIVEABLE COMMUNITIES

### 16.1. SEWAGE RETICULATION MAIN - TEA GARDENS (DA2024/0054)

#### REPORT INFORMATION

Report Author	Craig Wilkinson - Senior Development Planner
Date of Meeting	27 November 2024
Authorising Director	Paul De Szell - Director Liveable Communities

#### SUMMARY OF REPORT

Development Application DA2024/0054 seeks consent for a sewage reticulation main to be constructed within the Tea Gardens area.

The development is being proposed on behalf of the Council and is required to be reported to Council for determination in accordance with the *Determination of Application and Approvals Policy*.

#### RECOMMENDATION

That Development Application DA2024/0054 for the construction of a sewage reticulation main in Tea Gardens be approved subject to the conditions contained in Attachment 1.

#### DETAILS

Date Received:	12 February 2024
Applicant:	MidCoast Council
Owner:	MidCoast Council, Tea Gardens Country Club Ltd, Tea Gardens Properties Pty Limited
Land:	Lot 2 DP 870920 Lot 1 DP 870920 Lot 4 DP 1019073 Lot 1 DP 1031135 Lot 404 DP 1093720 Lot 2 DP 1119743 Lot 44 DP 1142244

#### FINANCIAL / RESOURCE IMPLICATIONS

The 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.

#### RISK IMPLICATIONS

Nil.

**SUBJECT SITE & LOCALITY**

The subject site includes a number of parcels of land located within the Tea Gardens locality. This includes a mixture of Council owned land and private land. The majority of the work will be carried out within Council’s road reserves.

The land parcels are identified as:

• Lot 2 DP 870920	• Lot 404 DP 1093720
• Lot 1 DP 870920	• Lot 2 DP 1119743
• Lot 4 DP 1019073	• Lot 44 DP 1142244
• Lot 1 DP 1031135	



**Figure 1: Site Locality and Proposed Works (Source: Applicant)**

The subject land is located along the southwest perimeter of the Tea Gardens township extending from Myall Street in the south to Spinifex Avenue in the north. The area includes a mixture of urban land, public spaces as well as mapped wetlands.

**LANDOWNER’S CONSENT**

The subject application is proposed on behalf of the Council acting as a public authority.

While the development is located on large parts of Council-owned land and road reserves, some portions are located within private property.

The application was notified to the owners of the land in private ownership. Owner’s consent was received from all owners except one parcel of land owned by Tea Gardens Properties Pty Limited.

It should be noted that in the absence of that owner's consent, the application is permitted to be lodged and assessed by the Council in accordance with Part 3, Division 1 Section 23 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation).

Section 23 of the Regulation is provided below, noting that subsections (2), (3) and (4) are relevant to how the application can be lodged, assessed and determined in the absence of Tea Gardens Properties Pty Limited landowner's consent.

**23 Persons who may make development applications**

(1) A development application may be made by—

(a) the owner of the land to which the development application relates, or

(b) another person, with the written consent of the owner of the land.

(2) The consent of the owner of the land is not required for a development application made by a public authority or for public notification development if the applicant complies with subsections (3) and (4).

(3) The applicant must give notice of the application—

(a) to the owner of the land before the application is made, or

(b) by publishing, no later than 14 days after the application is made, a notice in a newspaper circulating in the area in which the development will be carried out.

(4) If the applicant gives notice under subsection (3)(b), the applicant must also, no later than 14 days after the application is made—

(a) if the applicant is a public authority—publish the notice on the public authority's website, or

(b) for public notification development—arrange for the consent authority to publish the notice on the NSW planning portal.

To this extent, and with Council being a public authority, all affected property owners were notified of the development and a written request for owners' consent was provided prior to the application being lodged. In addition to this, the application was also published in a newspaper and on Council's website.

The provision of the written notification, newspaper advertisement and publishing on Council's website satisfies the provisions of Section 23 of the Regulations and the consideration of the application by Council staff is permitted to be undertaken and assessed (the subject of this report).

## **DESIGNATED DEVELOPMENT - EXHIBITION OF NOTIFICATION REQUIREMENTS**

The development is nominated as designated development in accordance with Section 2.7(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* and Section 3.17 of the *Environmental Planning and Assessment Act 1979*.

Exhibition of notice for the application was undertaken on the relevant sites in accordance with the requirements of Part 3, Division 5, Section 58 under the *Environmental Planning and Regulation 2021*.

## **PROPOSAL**

This application forms part of the Tea Gardens Rising Main and Transfer Pump Station Project which includes works from the Hawks Nest Sewage Treatment Plant through to the south of Tea Gardens to Spinifex Avenue as below. It is identified as Stage 3 of the project and is works from TG01 Sewage pump station at the western end of Stage 1 through the south of Tea Gardens to Spinifex Avenue connection to the existing network within Spinifex Avenue. It also includes the mechanical and electrical fit out of the transfer pump station.

Stages 1 and 2 are subject to determination under a Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. However, Stage 3 is considered designated development, impacting identified coastal wetlands, requiring an Environmental Impact Statement (EIS) to be prepared in accordance with the Planning Secretary's Environmental Assessment Requirements and subsequently requires assessment under Part 4 of the EP&A Act – being the subject of this assessment report.

The works predominantly relate to the installation of 2.8km of subsurface pipework and comprises the following (taken from the EIS):

- **Rising main from Spinifex Avenue to TG01**

*The rising main would comprise approximately 2.8 kilometres of PVC pipe (the type of pipe material would be confirmed during detailed design). The rising main would accommodate for a target velocity of two metres per second under PWWF, and up to a maximum velocity of 3.5 metres per second.*

*This rising main would likely have a 400 millimetres diameter (to be confirmed during detailed design). Air valves would be included along the project route to release air from the rising main. A small activated carbon cannister would be installed on the discharge of each air valve along the rising main route to absorb odour emissions.*

- **Mechanical and electrical fit out of the TPS**

*The mechanical and electrical fit out of the TPS would include installation of:*

- *three dry mounted submersible type sewerage pumps (approximately 100 kilowatts each)*
- *DICL discharge pipework (diameter approximately 200 to 300 millimetres)*
- *non-return valves and gate valves on pump discharge*
- *electrical switchgear and pump VSDs.*

*These works would be undertaken within the existing disturbance footprint of the existing vacuum TG13 SPS*

The development has been identified by Council's Water Services division as being necessary to ensure the ongoing sewer servicing of the locality with the EIS noting the following:

*“The current Tea Gardens gravity sewer network is overloaded, and it is no longer feasible to continue to transfer the increasing load from the vacuum catchment into the Tea Gardens gravity system. Additionally, the Tea Gardens area is planned for future large-scale residential development, which falls predominately within the vacuum catchment located at the extremity of the land serviced by sewer in Tea Gardens. A revised sewer strategy is required to accommodate the increasing loads.”*

The following figure identifies the works proposed as part of the development, with the orange line depicting the works under this application as Stage 3.



- Legend**
- Proposed alignments (MCC)
  - Stage 1 - Proposed route
  - Stage 2 - Proposed route
  - Stage 2 - Alternate route
  - Stage 3 - Proposed route
  - Stage 3 - Alternate route
  - LGA boundary
  - National Parks and Reserves



**Figure 2: Proposed Works - Stage 3 shown as orange line (Source: Applicant)**

**DISCUSSION**

Under S4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act), a consent authority (the Council) when determining a development application, “*is to take into consideration such of the following matters as are of relevance to the development the subject of the development application*”. The relevant matters for consideration are summarised below:

**4.15 (1)(a)(i) the provisions of any environmental planning instrument**

**State Environmental Planning Policy**

State Environmental Planning Policy (Resilience and Hazards) 2021

*Chapter 2 – Coastal Management:*

The site is identified as being within the ‘Land within Coastal Wetlands and Littoral Rainforests Area’, ‘Proximity to Coastal Wetlands and Littoral Rainforests Area’, ‘Coastal Use Area’ and ‘Coastal Environment Area’ in accordance with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.

Pursuant to Sections 2.7, 2.8, 2.10 and 2.11, development consent must not be granted to development on land that is within the Proximity to Coastal Wetlands and Littoral Rainforests Area, Coastal Environment Area, and Coastal Use Area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the stated criteria listed in the table below.

<b>Division 1 – Coastal Wetlands and Littoral Rainforests Areas</b>	
<b>Section 2.7(2)</b>	
<i>Development for which consent is required by subsection (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.</i>	
<b>Comment</b>	
In accordance with this section the development is designated for the purposes of the Act. The applicant has complied with the requirements for designated development including obtaining a Secretary’s Environmental Assessment Requirements (SEARs) from the Department of Planning and undertaking an Environmental Impact Statement (EIS).  Further to this, Council has undertaken all requirements for designated development in accordance with the Act and Regulations (as discussed elsewhere in this report).	
<b>Section 2.7(4)</b>	
<i>A consent authority must not grant consent for development referred to in subsection (1) unless the consent authority is satisfied:</i>	
<b>Subclause</b>	<b>Comment</b>
<i>that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.</i>	The development will have no significant impact on the integrity and resilience of the biophysical, hydrological and ecological environment associated with the coastal wetland. Appropriate measures have been

	identified to ensure that the affected area will be protected and enhanced where practical.
<b>Section 2.8(1)</b>	
<i>Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:</i>	
<b>Subclause</b>	<b>Comment</b>
<i>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</i>	The development will have no significant impact on the integrity and resilience of the biophysical, hydrological and ecological environment associated with the coastal wetland.
<i>(b) the quantity and quality of surface and groundwater flows to and from the adjacent coastal wetland or littoral rainforest.</i>	The development will have no significant impact on the quantity or quality of surface and ground water flows to and from the adjacent coastal wetland.
<b>Division 3 – Coastal environment area</b>	
<b>Section 2.10(1)</b>	
<i>Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<b>Subclause</b>	<b>Comment</b>
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	The development will have no significant impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.
<i>(b) coastal environmental values and natural coastal processes,</i>	The development will have no significant impact on coastal environmental values and natural coastal processes.
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	The proposal will not impact water quality in any marine estate.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	The proposal will have minor impacts on native vegetation, fauna and their habitats. The proposal does not impact headlands or rock platforms.
<i>(e) existing public open space and safe access to and along the foreshore, beach,</i>	The proposal will not impact access and public space along the coastal foreshore.

<i>headland or rock platform for members of the public, including persons with a disability,</i>	
<i>(f) Aboriginal cultural heritage, practices and places: A basic AHIMS search has been conducted on the site.</i>	Items of aboriginal heritage have been identified within or adjacent to the development footprint. A comprehensive assessment has been conducted by the applicant, and appropriate mitigation measures have been proposed. Conditions of consent have been imposed to reflect this and it is considered that the development will not adversely impact on the identified items.
<i>(g) the use of the surf zone.</i>	The proposal will not impact the surf zone
<b>Division 4 – Coastal use area</b>	
<b>Section 2.11(1)(a)</b>	
<i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<b>Subclause</b>	<b>Comment</b>
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	No adverse impacts on the existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, are likely to result from the development.
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	No overshadowing, wind funnelling or loss of views from public places to foreshores is likely to result from the development.
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	The proposed development is not likely to have any significant adverse impact on visual amenity and scenic qualities.
<i>(iv) Aboriginal cultural heritage, practices and places,</i>	Items of aboriginal heritage have been identified within or adjacent to the development footprint. A comprehensive assessment has been conducted by the applicant and appropriate mitigation measures have been proposed. Conditions of consent have been imposed to reflect this and it is considered that the development will not adversely impact on the identified items.
<i>(v) cultural and built environment heritage and</i>	No identified items or features of cultural and environmental heritage are located within proximity to the site.

Clause 2.12 of the SEPP provides that ‘development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land’.



The development is not considered to result in an increased risk of coastal hazards.

Clause 2.13 of the SEPP provides that the Council must give consideration to any coastal management provisions applying to land.

The proposed development is in keeping with the relevant coastal management provisions applying to the land.

#### Chapter 4 – Remediation of Land

The land does not exhibit any evidence of being contaminated, there does not appear to be evidence of any potentially contaminating land uses previously, and the site is not mapped as being contaminated within Council's system. Irrespective of this a condition relating to unexpected finds will be included to mitigate any risks.

#### Great Lakes Local Environmental Plan 2014

The site is located within the former Great Lakes Local Government Area and as such the provisions of *Great Lakes Local Environmental Plan 2014* (LEP) are applicable to the proposal.

The subject land is located within the following land zones:

- C2 - Environmental Conservation
- R2 - Low Density Residential
- RE2 - Private Recreation
- RU2 - Rural Landscape
- E1 - Local Centre
- R3 - Medium Density Residential



**Figure 3: Land Zoning Map (Source: Applicant)**

The application proposes an augmentation to sewage reticulation system (sub-type of sewerage system), which is permitted with consent in the C2, R2, R3, RU2, E1 and RE2 land zones.

The objectives of the associated land zones are:

#### RU2 – Rural Landscape

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.

- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

### R2 – Low Density Residential

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

### R3 – Medium Density Residential

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To achieve increased population density in locations that support the business centre.

### E1 – Local Centre

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage employment opportunities in accessible locations.

### RE2 – Private Recreation

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide for caravan parks and camping grounds and ancillary activities.

### C2 – Environmental Conservation

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The proposed development is considered to be consistent with the relevant zone objectives as the development proposes public infrastructure that:

- Will allow for the ongoing use of lands for low-density and medium density residential purposes as well as commercial uses and recreational uses within the Tea Gardens locality.

- Will allow for the ongoing development of the Tea Gardens area for the purposes of residential, commercial and recreational purposes.
- Reduces the impacts of development on ecologically sensitive areas.
- Will not compromise the character of the associated area and the importance of the environmentally sensitive lands.

The development has been assessed against all of the provisions within the LEP, including development standards, miscellaneous provisions, and local provisions. The following table is a summary of the evaluation of the proposed development pursuant to the provisions of the relevant clauses of the LEP:

Clause	Comments
<b>4.3 Height of Buildings</b>	<p>Compliant.</p> <p><b>Notes:</b> The development involves subsurface pipework which will not constitute any building works above ground. No changes in height are proposed to the existing pump station site either.</p> <p>The development will not result in any breach of the height of building development standard.</p>
<b>4.4 Floor Space Ratio</b>	<p>Compliant.</p> <p><b>Notes:</b> The development does not include any works which would contribute to an increase in the floor space ratio of any affected land.</p> <p>The development will not result in any breach of the floor space ratio development standard.</p>
<b>5.10 Heritage conservation</b>	<p>Compliant.</p> <p><b>Notes:</b> The proposed development is not located within the vicinity of heritage conservation areas and within proximity to items of heritage. In addition to this the works are also located in proximity to known items of aboriginal cultural heritage.</p> <p>The application has been supported by a Statement of Heritage Impact which has provided recommendation not mitigate any impact of the proposal. These recommendations have been supported and conditions imposed to reflect this.</p>
<b>5.21 Flood planning</b>	<p>Compliant.</p> <p><b>Notes:</b> The development will be located in flood affected areas. Noting this the development proposes a subsurface sewage rising main which is not considered to impact on the flood behaviour or flood characteristics in the area.</p> <p>In addition to this the development is considered to be compatible with the flood function and behaviour and will not result in any adverse environmental impacts having regards for flooding.</p>

Clause	Comments
	The development has adequately addressed the matters for consideration under Section 5.21 and can be supported.
<b>7.1 Acid sulfate soils</b>	<p>Compliant.</p> <p><b>Notes:</b> The site is mapped as containing potential Acid Sulfate Class 2 and 3 Soils. The application was supported by a preliminary acid sulfate soils assessment which confirmed the presence of potential acid sulfate soils and that the proposed works will likely affect these areas. The assessment also makes recommendations for further investigation of acid sulfate soils and the preparation of an acid sulfate soils management plan.</p> <p>Noting this an Acid Sulfate Soils Management Plan is considered to be necessary as part of the development and conditions of consent have been imposed to reflect this.</p> <p>The development has adequately addressed the matters for consideration under Section 7.1 and can be supported.</p>
<b>7.2 Earthworks</b>	<p>Compliant.</p> <p><b>Notes:</b> The development involves extensive excavation in order to establish the necessary pipework associated with the sewage rising main.</p> <p>The development will be conditioned to ensure that erosion and sediment runoff is mitigated through the construction phase.</p> <p>The development has adequately addressed the matters for consideration under Section 7.2 and can be supported.</p>
<b>7.8 Wetlands</b>	<p>Compliant.</p> <p><b>Notes:</b> The development involves works within the wetland area in order to establish the necessary pipework associated with the sewage rising main.</p> <p>Whilst the development will impact on the area during construction this is only a temporary impact and the functionality of the wetland would return to normal once works are finalised. It is not considered that the development will result in any long term significant impacts on the matters prescribed under Section 7.8 as identified by the applicant in the EIS and supporting documentation.</p> <p>The development has adequately addressed the matters for consideration under Section 7.2 and can be supported.</p>

Clause	Comments
7.21 Essential Services	<p>Compliant.</p> <p><b>Notes:</b> The development contributes to the ongoing provision of sewerage services in the Tea Gardens locality. There are no impacts on other services.</p>

**4.15 (1)(a)(ii) the provisions of any draft environmental planning instrument**

**Draft MidCoast Local Environmental Plan**

Under the draft plan the proposal remains consistent with the relevant zone objectives. There are no development standards or provisions of the draft plan that would warrant amendment to or prohibit the development.

**4.15 (1)(a)(iii) any development control plan**

**Great Lakes Development Control Plan 2014**

The site is located within the former Great Lakes Local Government Area and the provisions of the *Great Lakes Development Control Plan 2014* (DCP) are applicable to the proposal. The following Table details the relevant provisions of the DCP and outlines how they relate to the proposed development.

<b>Section 4 – Environmental</b>	
	<b>Compliance</b> <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A.
<p><b>Comment:</b> The development is satisfactory having regards for the relevant parts of Section 4 as noted below:</p> <p><b>4.1 Ecological Impacts</b></p> <p>No adverse impacts identified. The development has been constrained to predominantly existing disturbed lands to avoid impacts on native vegetation. Construction methodologies such as under-boring have been proposed to avoid disturbance of sensitive areas, including those within the wetland areas. Council's ecologist has reviewed the application and confirmed that there is unlikely to be any adverse impacts on biodiversity and the application can be supported subject to conditions of consent. Overall, the development is considered to be satisfactory having regards for ecological impacts.</p> <p><b>4.2 Flooding</b></p> <p>No adverse impacts identified. Whilst the works are within flood affected areas, the works are for a sewer rising main and the development will not have any impacts on <u>flood</u> and it is not for habitable purposes.</p> <p><b>4.3 Coastal Planning Areas</b></p> <p>N/A. Site is not mapped as being within an affected area.</p> <p><b>4.4 Effluent Disposal</b></p> <p>N/A.</p> <p><b>4.5 Poultry Farms Buffer</b></p> <p>N/A. Site is not affected by any poultry farms.</p> <p><b>4.6 Contaminated Land</b></p> <p>N/A. Site is not mapped as being contaminated.</p> <p><b>4.7 Bush Fire</b></p> <p>The development is for a sewage infrastructure only and not a habitable structure.</p>	
<b>Section 8 – Heritage</b>	
	<b>Compliance</b> <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A.
<p><b>Comment:</b> The development involves the construction of a sewer rising main which passes in the vicinity of heritage conservation areas and heritage items. The application was supported by a Statement of Heritage Impact which has adequately addressed the matters associated with heritage. The application has been reviewed against the relevant provisions of Section 8 and is considered to be satisfactory having regards for the relevant objectives and performance criteria.</p>	

**4.15 (1)(a)(iia) any planning agreement or any draft planning agreement**

No planning agreements are applicable to the proposed development.

#### **4.15 (1)(a)(iv) any matters prescribed by the regulations**

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation and there are no provisions relevant to the development.

**Note:** This section only addresses prescribed matters for consideration under the Regulations. The sections and matters associated with designated development and the requirements for designated development under the Regulations are discussed elsewhere.

#### **4.15 (1)(b) the likely impacts of that development**

##### ***Context and Setting***

The development is not considered likely to result in any adverse impacts on the local character of the area and is compatible with the locality having regards for context and setting. The development is located on the urban fringe of the Tea Gardens township and once completed will not be visible as the pipework is all proposed to be below ground.

##### ***Site Design and Internal Layout***

The route of the development has been aligned to mitigate the impacts on both the built and natural environments and is considered appropriate.

##### ***Views and Visual Impact***

The development proposes subsurface pipework for the provision of a sewage reticulation system, there have not been any impacts on views identified as part of the proposal.

##### ***Privacy (Aural and Visual)***

The development proposes subsurface pipework for the provision of a sewage reticulation system, there are no privacy impacts identified as a result of the development. Whilst it is noted that there will be some minor impacts during the construction phase, these are only short-term impacts and will not be present once works are completed.

##### ***Overshadowing***

No impacts identified as the development is for subsurface pipework for the provision of a sewage reticulation system.

##### ***Access, Transport and Traffic***

There will likely be impacts to existing traffic movements during the construction phase. This will be dependent on the area under construction as some areas will be at higher risk than others. To address these concerns, the development will be required to prepare and implement a traffic management plan before commencing work. These impacts will only persist during the construction phase and will not be present once work is completed, and the site is stabilised.

##### ***Utilities***

The development proposes an augmentation to the sewage reticulation system within the Tea Gardens locality.

The applicant has noted within the EIS that the existing reticulation system is deficient and incapable of meeting the demands of future growth in development within the region.

The proposed development will address a number of known issues within the existing network which if not undertaken would result in:

- ongoing pressure on the existing gravity system which is currently overloaded
- potential environment and health impacts should overflow events occur
- restrict/prevent future development of the Tea Gardens area
- ongoing surcharge events at existing pumpstation TG04 during wet weather due to overloading

- continued breaks and other maintenance issues at existing pumpstation TG01.

The proposed development addresses these issues and will allow for the ongoing sewerage servicing of both existing development as well as future development within the Tea Gardens area.

### **Soils**

The development proposes extensive excavation to facilitate the pipework. Such works have the potential to result in impacts to adjoining lands and waterways as a result of soil erosion and sediment runoff. To mitigate these impacts the development will be required to install erosion and sediment controls throughout the construction activities. These impacts will only persist during the construction phase and will not be present once works are completed and the site stabilised. Conditions of consent reflecting this will be imposed.

### **Flora and Fauna**

The development has been designed and configured to minimise impacts on native vegetation. This includes the route of the pipework, which has been aligned with existing managed lands, cleared areas, fire trails and managed roadsides. As a result of this, the development avoids areas that would otherwise impact significant vegetation and threatened species habitat.

The application has been reviewed by the Council's Natural Systems team, who have confirmed that the development mitigates impacts on flora and fauna, including the use of under-boring of the wetlands area instead of excavation works.

The development has satisfied the assessment criteria for ecological matters and can be supported subject to conditions including the preparation and implementation of a vegetation management plan.

### **Climate Change**

No adverse impacts were identified as part of the proposal in relation to climate change.

#### **4.15 (1)(c) the suitability of the site for the development**

Based on the assessment contained within this report, it is considered that the development appropriately responds to the site constraints and opportunities. It is considered that these site attributes are conducive to facilitating the development.

#### **4.15 (1)(d) any submissions made in accordance with this Act or the Regulations**

The application was notified to adjoining owners and also advertised in accordance with Council's Policy. In response Council received zero (0) submissions on the application.

In addition to this notification of the application was also exhibited on the site in accordance with the requirements of the Regulations.

#### **4.15 (1)(e) the public interest**

The development satisfactorily addresses Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the development would therefore be in the public interest.

## **CONCLUSION**

The development proposes the construction of a sewage reticulation system. The proposed development has demonstrated compliance with the relevant State Environmental Planning Policies and *Great Lakes Local Environmental Plan 2014*.

Furthermore, the proposed development complies with the applicable controls contained within *Great Lakes Development Control Plan 2014*.

The development will not result in any adverse impacts with regards for environmental, economic and social impacts, the subject site is considered suitable and the development is considered to be within the public interest.



## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - DA2024/0054 - Conditions of Consent (6 pages)

Attachment 2 - DA2024/0054 - Plans (12 pages)

Attachment 3 - DA2024/0054 - Environmental Impact Statement (510 pages)

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## 16.2. MODIFICATION - SHOP TOP HOUSING DEVELOPMENT - 1 WHARF STREET, TUNCURRY (MOD2023/0313)

### REPORT INFORMATION

Report Author	Craig Wilkinson -Senior Development Planner
Date of Meeting	27 November 2024
Authorising Director	Paul De Szell - Director Liveable Communities

### SUMMARY OF REPORT

Council is in receipt of a modification (MOD2023/0313) to an existing approved mixed-use development at 1 Wharf Street, Tuncurry.

The application proposes a variation to the Clause 4.3 'Height of Building' and Clause 4.4 'Floor Space Ratio' applying to the site. The proposed variation exceeds 10% and therefore requires the consent of Council.

Fourteen (14) submissions have been received objecting to the proposal.

### RECOMMENDATION

That the modification (MOD2023/0313) to an existing approved mixed-use development at 1 Wharf Street, Tuncurry be approved subject to the modified conditions outlined in Attachment 1.

### DETAILS

Date Received:	19 December 2023
Applicant:	Abac Group Pty Ltd
Owner:	Andgard Pty Ltd
Land:	1 Wharf Street, Tuncurry Lot 16 DP 881494

### 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.

### RISK IMPLICATIONS

Nil.

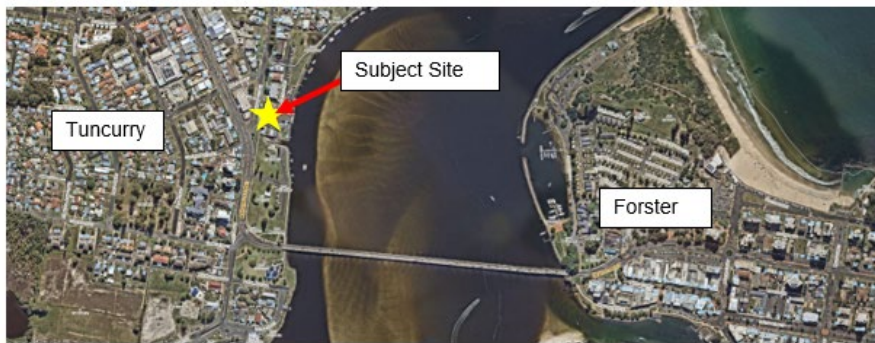
### SITE DESCRIPTION

The land parcel has an area of 701 m<sup>2</sup>, the site is of a rectangular shape and a relatively flat topography.

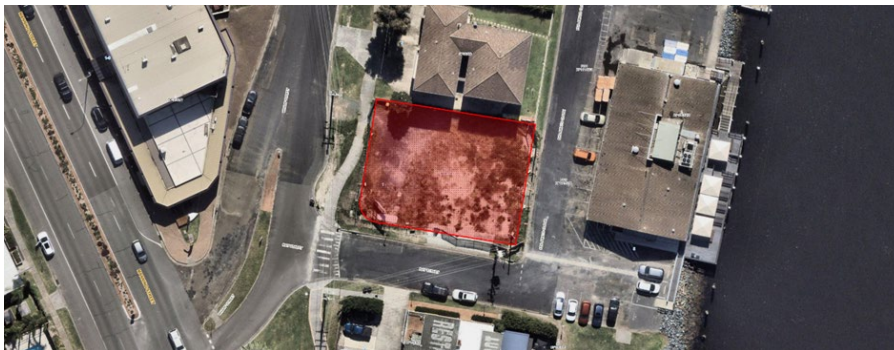
The site is located at the southern end of the Tuncurry township approximately 35m west of the Wallis Lake and has frontage to Wharf Street, Ray Street and Leo Amato Close.

The site was previously occupied by a single-story weatherboard clad building with iron roof, however this building has since been demolished and the site is currently vacant.

Development to the north of the site consists of residential flat buildings and the Tuncurry commercial centre exists to the west of the site. The Wallis Lake Fishermen's Co-operative is to the east of the site and to the south is John Wright Park and a two-storey restaurant.



**Figure 1: Site Locality Map (Source: Intramaps)**



**Figure 2: Site Map (Source: Intramaps)**

## **DETAILS OF THE APPROVED DEVELOPMENT**

The development was originally approved by Council through DA-27/2019 on 24 July 2019 (Council Resolution 238/19).

The approved development is for the construction of a four-storey mixed use development (shop top housing). The ground level of the development includes the parking area for the building, an entry foyer for the residential units and a café area with outdoor eating space.

Levels 1 to 3 of the approved development included residential accommodation for 6 units. The two units on each floor provide two bedrooms, living areas, kitchen, bathroom, en-suite and laundry. The first level units are accessible units with larger bathroom areas and hallways to provide for accessibility in accordance with AS4299. Each unit has a deck off the main living areas with outlook to the east over Cape Hawke Harbour as well as a smaller deck of the main bedroom overlooking Wharf Street. A passenger lift provides access from the ground floor foyer to the residential levels.

## **AMENDED PROPOSAL**

The applicant proposes to modify the originally approved residential flat building to incorporate changes to the built form, external façade and add a roof top terrace.

**Built Form:** It is proposed to alter the layout of the units, this predominantly relates to the northern units of each floor, which have been altered to push the northern wall further north.

**External Façade:** The external materials and finishes have been modified as part of the proposed changes.

Roof top terrace and green roof: The development introduces a roof top terrace as part of the proposal. This includes roof top access (stairs only), alfresco terrace Partially covered, toilet, and green roof.



**Figure 3: Modified Elevations (Source: Applicant)**

## **ASSESSMENT BACKGROUND & DEVELOPMENT CHANGES**

The application was amended partway through the assessment to address concerns raised by Council staff and objectors to the proposal. The following is noted for background information:

The modification application, as originally lodged, included an increase in the number of units (seven (7) units) and the number of storeys increased to five (5) storeys.

As a result of the initial assessment of the proposal and community feedback, the applicant was advised to make changes to the proposal to ensure the development remained substantially the same as that originally approved.

The applicant nominated to make a number of changes to the proposal, including removing the additional storey (converting it to a roof top terrace) and removal of the additional unit, thereby returning the proposal back to a six (6) unit development.

The latest amended plans provided by the applicant form the basis of this assessment report.

The amended plans, which reduced the height of the building and the overall impacts of the proposal, were not renotified to the community.

The changes resulted in positive outcomes in relation to the issues raised through the initial community consultation process and renotification was considered to be unnecessary.

It is considered that further consultation would not have brought up any further issues for those provided in the original submissions.

## **DEVELOPMENT SUBSTANTIALLY THE SAME**

The proposed modification is considered to be substantially the same development based on a quantitative and qualitative comparison against the originally approved development. A summary of the analysis is provided below.

### **Qualitative Analysis:**

The development proposes shop top housing which is consistent with the original approved development. There are a number of changes to the proposal which alter the development from a qualitative perspective.

These changes relate to the shifting of built form, which alters view corridors (positively), as well as the overall streetscape of the locality and skyline from the broader area (again, positive impacts).

These changes are considered to be insignificant and the development is considered to remain substantially the same.

### **Quantitative Analysis:**

The development results in a number of numeric changes to the proposal, including increased floor area, increase in building height and a decrease in number of parking spaces.

#### Gross Floor Area:

The development results in a minor increase in the gross floor area of the overall development. The gross floor area of the total development increases from 946.7m<sup>2</sup> to 972.64m<sup>2</sup>, which is an increase of 25.94m<sup>2</sup> or a 3% increase.

The floor space ratio increases from 1.35:1.0 to 1.39:1.0, an increase of 3%.

This increase in floor space is considered minor, and the development remains numerically substantially the same when considering gross floor area.

#### Building Height:

The development proposes to increase the total height of the development from 13.2m to 16.1m, an increase of 2.9m.

The height increase constitutes a 22% increase in the total height. Whilst this can be considered a considerable shift from the initial proposal, the increase in the height is limited to the central core of the building and does not extend to the edges of the uppermost floors.

This is considered to reduce the overall impact of the height and retain the external appearance of the building (qualitative analysis).

Overall, the numerical increase in height is considered to result in the development remaining substantially the same as approved.

#### Parking:

The development decreases the number of parking spaces from 15 to 13, being a reduction of two (2). Whilst being a reduction in the number of parking spaces, the allocated area remains generally consistent with the original approved plans.

The reduction in parking is considered to be the result of compliance with AS2890 and the requirement for an electrical sub-station to be installed as part of the proposal.

In summary, whilst there are quantitative changes as part of the modified development, it is considered the development remains substantially the same.

## **DISCUSSION**

### **Statutory Requirements:**

The relevant matters for consideration of a modification of consent under Section 4.55 of the Environmental Planning and Assessment Act, 1979, are:

**Section 4.55 Modification of consents - generally**

**4.55(1A)(a) is the proposed modification of minimal environmental impact**

**Comment:** The proposed modification alters the configuration of the residential units as well as the external facade. The development also proposes to utilise the proposed roof top as a terrace area and green roof.

It is considered that the proposed modification is of minimal environmental impact.

**4.55(1A)(b) the development to which the consent as modified relates is substantially the same development for which the consent was originally granted and before that consent as originally granted was modified (if at all),and**

**Comment:** The proposed modification is considered to be substantially the same development based on a quantitative and qualitative comparison against the originally approved development.

**4.55(1A)(c)The development has been notified**

**Comment:** The proposed modification was notified in accordance with Council's Community Engagement Strategy. As a result of the public exhibition of the application Council received fourteen (14) submissions.

Of these submissions, nine (9) were unique, with one (1) being a pro-forma duplicate received from five (5) separate individuals.

In addition to these submissions, four (4) late submissions were also received. All of these submissions were pro forma duplicates, and two (2) were from the same household.

**4.55(1A)(d) any submissions have been considered.**

**Comment:** The issues raised within the submissions received are addressed below. Issues have been grouped to avoid repetition.

<b>Submission</b>	<b>Response</b>
<p><b>Building Height</b></p> <p>Concerns were raised in the submissions in relation to the overall height of the building. Specifically, this raised concerns in relation to the exceedance of the building beyond the threshold of the permitted height prescribed through Great Lakes Local Environmental Plan 2014.</p>	<p>The application has been amended to remove the uppermost storey and replace it with a roof top terrace. Whilst still resulting in a development which exceeds the height of building standard, the proposal is considered to be compatible with the objectives of Clause 4.3 'Height of Building' and is appropriate for the locality.</p>
<p><b>Floor Space Ratio</b></p> <p>Concerns were raised in the submissions in relation to the floor space ratio of the development. Specifically, this raised concerns in relation to the exceedance of</p>	<p>The application has been modified to reduce the exceedance of the floor space ratio. To this extent the exceedance was reduced to a 3% increase from the existing approved development. This amounts to a</p>

<p>the floor space ratio beyond the permitted allowance under</p> <p>Great Lakes Local Environmental Plan 2014.</p>	<p>tola increase of 25.94m<sup>2</sup>. This increase does not adversely impact on the original development's compliance with the objectives of Clause 4.4 'Floor Space Raito'. Further to this the development is not considered to be excessively bulky and the changes to built form improve the streetscape and visual appearance of the building.</p>
<p><b>Development not substantially the same</b></p> <p>Concerns were raised throughout a number of the submissions that the development is not considered to be substantially the same. These submissions made reference to the development not being qualitatively and quantitatively the same.</p>	<p>As outlined in this report, a comprehensive qualitative and quantitative analysis has been undertaken. It is also noted that the application was amended to reduce the height of the building. Overall, it is considered that the development remains substantially the same.</p>
<p><b>Minimum Lot Size</b></p> <p>Concerns were raised in relation to the lot not meeting the minimum lot size of 1,000m<sup>2</sup> in accordance with Great Lakes Local Environmental Plan 2014. Further to this and as a result of the lot not meeting the minimum lot size the submissions noted that a 12.0m high building is not permitted.</p>	<p>The application of the minimum lot size provisions are not relevant to the assessment of this development.</p> <p>The development is not required to comply with the minimum lot size for the purposes of this development. The provision of the minimum lot size relates to development for subdivision of land. This application does not propose subdivision of land.</p>
<p><b>Traffic and Parking</b></p> <p>Concerns were raised within the submission in relation to increased traffic generation from the site. In addition to this, concerns were raised in relation to the number of parking spaces provided.</p>	<p>The development does not propose to modify the access to the site, nor does it propose to alter the development type (including number of units or commercial spaces). To this extent, there is no increase to traffic impacts as part of the modified development.</p> <p>Whilst the number of parking spaces have been reduced, the total number of spaces still complies with the requirements of Great Lakes Development Control Plan 2014.</p>
<p><b>Setbacks</b></p> <p>Concerns were raised in relation to the setback along the northern boundary. Specifically, this related to the building being proposed to be built up to the boundary and the impacts to the development to the north.</p>	<p>The development does not propose to alter the setbacks of the ground floor level. Setbacks are typically consistent with the original approved plans (with the exception of inclusion of a sub-station which was required under the existing approval).</p>



	The setback along the northern boundary is the same as originally approved and there is no further encroachment.
<p><b>Overshadowing and Solar Access</b></p> <p>Concerns were raised in relation to increased overshadowing from the development and the impacts this would have on solar access to surrounding development.</p>	<p>The increase in height would predominantly impact properties to the south. Further to this it is noted that the increased height is setback from the external building extents – this results in a reduction in any overshadowing (to a point that there may be no increased impacts at all).</p> <p>Irrespective of this, the existing surrounding properties will not be adversely impacted by any overshadowing, especially those to the north which will not be impacted at all (overshadowing affects properties to the east, south and west only).</p>
<p><b>View Loss</b></p> <p>Concerns were raised in some of the submissions in relation to view loss. This specifically related to the view loss from existing development to the north and the loss of water views across Cape Hawke harbour.</p>	<p>The development is considered to improve view corridors to adjoining development to the north. The proposed modification sets the northern unit further back which opens the view corridor to the south for the properties to the north.</p> <p>It is considered that the modified development will improve issues with view loss when compared to the original approved development.</p>
<b>4.55(3) consideration of s.4.15.</b>	
<p><b>Comment:</b> Consideration of the matters referred to in s.4.15(1) have been outlined elsewhere in this report. The development is considered satisfactory with regard to the matters within s.4.15(1).</p> <p>The development as modified remains consistent with the reasons for approval as issued under the original consent.</p>	

<b>Section 4.15 Evaluation – 4.15(1) ‘Matters for Consideration’</b>
<b>(1)(a)(i) Provisions of any environmental planning instrument</b>
<p><b>State Environmental Planning Policies (SEPP)</b></p> <p>The proposed modification maintains compliance with the provisions of the SEPPs it was originally assessed against and has been further reviewed for compliance with the SEPP Housing 2021, which has been adopted after the original approval.</p> <p><b>State Environmental Planning Policy (Housing) 2021</b></p> <p>Section 147 of State Environmental Planning Policy (Housing) 2021 (SEPP (Housing) 2021) states the following:</p> <p><i>(1) Development consent must not be granted to residential apartment development, and a development consent for residential apartment development must not be modified, unless the consent authority has considered the following—</i></p> <p><i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i></p> <p><i>(b) the Apartment Design Guide,</i></p> <p><i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p>

## Section 4.15 Evaluation – 4.15(1) ‘Matters for Consideration’

It is noted that there is no design review panel which exists within the MidCoast LGA.

The application has been supported by a Design Verification Statement prepared by a Registered Architect (Jeffrey Chan, Registration Number: 10967) which confirms the design of the proposed development has been guided by the design quality principles provided in Schedule 9 of SEPP (Housing) 2021.

It is considered that the development remains compatible with the design quality principles prescribed in Schedule 10 and can be supported.

An assessment of the development against the Apartment Design Guide (ADG) was provided by the applicant. It should be noted that the ADG is a guide only and strict compliance with the objectives of the ADG are not mandatory nor are they always representative of the best design outcome which may be dictated by responding to site specific constraints and features. The application of the ADG is merit based.

The relevant parts of the NSW Dept. of Planning and Environment: Apartment Design Guide have been considered and the modified development is considered to remain consistent with the guidelines.

### Great Lakes Local Environmental Plan 2014

The site is located within the former Great Lakes Local Government Area and as such the provisions of *Great Lakes Local Environmental Plan 2014* (LEP) are applicable to the proposal.

The relevant land use zone is MU1 – Mixed Use.

The modification does not alter the definition, permissibility or compliance with the zone objectives.

The proposal is permissible within the zone and is consistent with the relevant objectives of the zone. The modification does not change the development’s compliance with the relevant provisions of the LEP with the exception of the following matters:

**Note:** The provision of Clause 4.6 ‘Exceptions to development standards’ only applies to the granting of consent in accordance with the *Environmental Planning and Assessment Act 1979*. Section 4.55(4) notes that a modification of a development consent is not to be taken as the granting of consent for the purposes of the Act. As such, the provisions of Clause 4.6 are not explicitly required to be addressed as part of the application – to this extent, the assessment of the variations to the relevant parts of the LEP has been undertaken within the context of each part.

### 4.3 Height of Buildings

Not Compliant (Variation Supported).

- Max: 12.0m (13.2m with 10% allowance)
- Existing Approved: 13.2m
- Proposed: 16.1m.

**Notes:** The development proposes to exceed the maximum permitted height of building development standard by 2.9m, with a total height of 16.1m, which constitutes a 22% variation to the maximum permitted height (13.2m).

Whilst the development does not comply with the numerical control of the development standard, the applicant has requested that the height be considered on the basis that it improves the overall design and achieves better compliance with the controls under the Great Lakes Development Control Plan (discussed elsewhere).

To this extent and noting that Clause 4.6 does not apply to a modification of consent, the following assessment has been undertaken in relation to the height exceedance.

The development proposes a roof top terrace and green space. To facilitate this and to maximise the use of this space, roof top access has been provided along with a covered terrace and toilet facilities for Units 5 & 6.

## Section 4.15 Evaluation – 4.15(1) ‘Matters for Consideration’

The inclusion of the roof top terrace and green roof is considered to be a positive outcome when compared to the original approved development. This proposal now makes use of an otherwise redundant space. Further to this, the use of the space for these purposes makes the roof more aesthetically pleasing when viewed from adjacent developments as opposed to a standard roof top with services.

It is important to note that the height exceedance is contained to the internal portion of the development and would not be visible from the street and immediate locality. This results in the proposed changes not unreasonably impacting on bulk and scale and conforms with the desired future character of the area.

Overall, it is considered that the development is consistent with the objectives of Clause 4.3 and the variation can be supported.

### 4.4 Floor Space Ratio

Not compliant (Variation Supported).

- Max: 1.0:1.0
- Existing Approved: 1.35:1.0
- Proposed: 1.39:1.0

**Notes:** The development proposes to further exceed the floor space ratio development standard by 0.04 or 3% compared to the existing approved development.

The changes predominantly result from the reconfiguration of the built form and changes of the northern units on each floor. These changes are considered to have positive impacts on other elements of the proposal (including views).

The minor increase is not considered to unreasonably impact on the development conforming to the objectives of Clause 4.4 and can be supported.

Note: Under the current draft MidCoast LEP, the floor space ratio development standard is proposed to be removed from the site.

## (1)(a)(ii) Provisions of any draft environmental planning instrument

### Draft MidCoast Local Environmental Plan

Under the draft plan the land retains the MU1 – Mixed Use land zone, of shop top housing remains permitted within the zone. The proposal is consistent with the relevant zone objectives.

There are no development standards or provisions of the draft that would warrant amendment to or prohibit the development.

It is noted that the Draft LEP proposes to remove the floor space ratio development standard from the subject site.

## (1)(a)(iii) Provisions of any development control plan

### Great Lakes Development Control Plan 2014

The site is located within the former Great Lakes Local Government Area and as such the provisions of the *Great Lakes Development Control Plan 2014* (DCP) are applicable to the proposal.

The proposal has been assessed against the relevant sections and controls contained within the DCP. The modification does not change the development’s compliance with the relevant provisions of the DCP with the exception of the following matters:

**Part 6.4.4 – Roof Design:** The development complies with the objectives and controls associated with Section 6.4.4. Specifically, the following is noted:

1. The roof is consistent with the built form of the approved development and also the desired future character of the area.

#### **Section 4.15 Evaluation – 4.15(1) ‘Matters for Consideration’**

2. The roof height does not exceed 5.5m above the upper most floor (the roof terrace).
3. The roof has been configured and oriented to maximise solar access whilst reducing the overall impact of the roof on the surrounding locality (setback from building edge, etc.).
4. The roof does not project beyond the edge of the built form – it is contained wholly within the central portion of the building.
5. Lift overruns and services are all contained within the roof structure and are not exposed.
6. The development incorporates roof top gardens and landscaped areas as well as shade to the terrace. It is not considered that these areas will not adversely impact the surrounding locality and will improve the energy efficiency of the development.

**Part 6.10 Side and Rear Setbacks:** The development generally conforms with the setback requirements of the DCP. Only the encroachment of the northern wall has been assessed under this report, and all other setbacks remain consistent with the original approved development.

The setback along the northern units is 4.5m from the boundary. The setback to the adjoining development is approximately 8.0m. This is considered to be compliant with the requirements of 6.10.2.2, which requires a 3.0m setback for the first three storeys of mixed-use zones and 4.5m above three storeys where non-habitable rooms face each other or 6.5m where habitable rooms faces non-habitable rooms.

The provision of 8.0m to the adjoining property exceeds this requirement.

**Part 10.3 Car Parking:** The development conforms with the requirements of Part 10.3. Whilst the development reduces the number of parking spaces by two (2), the development still provides the required number of parking spaces that comply with the provisions of Part 10.3.1.2.

#### **(1)(a)(iia) Provisions of any planning agreement**

The proposed development is not subject to a planning agreement entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

#### **(1)(a)(iv) Provisions of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021)**

Consideration has been given to the relevant provisions prescribed by the regulations being:

- *Section 61 – Additional matters that consent authority must consider*
- *Section 64 – Consent authority may require upgrade of buildings*

In accordance with Section 61, & 64 consideration of the demolition of the existing structures, and fire safety of the alterations and additions has been undertaken. Appropriate conditions of consent have been imposed on the consent.

#### **(1) (b) The likely impacts of the development**

##### ***Context and Setting***

The modified development is considered to remain compatible with the locality. No additional impacts have been identified beyond those already considered under the original application. The roof terrace and changes to the external façade are considered to contribute positively to the overall appearance of the building. It is also considered that the modified development will enhance the character of the area and aligns with the desired future character of the area.

##### ***Site and Internal Design***

The redesign is not considered to result in any adverse impacts on the usability of the site. It is considered that the altered layout provides increased amenity to future occupants. The inclusion of roof top terrace further increases the amenity to occupants and utilises an otherwise redundant space.

##### ***Access and Transport***

<b>Section 4.15 Evaluation – 4.15(1) ‘Matters for Consideration’</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Services</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Natural Hazards</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Construction</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Soils</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Noise and Vibration</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Other land resources</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Social and Economic Impact</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Crime Prevention</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>Cumulative Impacts</b>
No additional impacts have been identified beyond those already considered under the original application.
<b>(1)(c) the suitability of the site for the development</b>
The development as modified is considered to be compatible with the site. The modification does not alter the previous position established in relation to the suitability of the site to accommodate the proposal.
<b>(1)(d) any submissions made in accordance with the Act or Regulations</b>
Details in relation to submissions are discussed elsewhere within this report.
<b>(1)(e) the public interest</b>
<b>Comment:</b> The modification does not alter the previous position established under the original assessment. The proposal remains in the public interest.

## REASONS FOR APPROVAL

The proposed modification has been assessed against the reasons for approval as outlined within the original consent and remains consistent. The proposed modification does not result in any adverse impacts which would be contrary to the reasons for approval and can be supported.

## **CONCLUSION**

The development proposes modifications to an existing approved development for a mixed-use development (shop top housing). The proposed modification has been assessed against the reasons for approval outlined in the original consent and remains consistent. The proposed modification does not result in any adverse impacts contrary to the reasons for approval and can be supported.

The proposed development has demonstrated compliance with the relevant provisions contained within *Great Lakes Local Environmental Plan 2014*. Furthermore, the proposed development complies with the applicable controls contained within *Great Lakes Development Control Plan 2014*.

The development will not result in any adverse impacts with regards to environmental, economic and social impacts; the subject site is considered suitable, and the development is considered to be within the public interest.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of the Council's website under the 'Attachments to Agenda' heading. The copy of Attachment 4 on the website has had the personal information redacted to protect the privacy of the members of the public providing the submissions.

Attachment 1 - MOD2023/0313 - Modified Conditions (1 page)

Attachment 2 - MOD2023/0313 - Plans (9 pages)

Attachment 3 - MOD2023/0313 - Original Approved Plans (4 pages)

Attachment 4 - MOD2023/0313 - Submissions (63 pages)

### 16.3. MULTI-DWELLING HOUSING - 2 BUNYAN AVENUE, OLD BAR (DA2023/0074)

#### REPORT INFORMATION

<b>Report Author</b>	<b>Heather Fardy - Development Planner</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

#### SUMMARY OF REPORT

Development Application DA2023/0074 seeks consent for the construction of three dwellings as multi dwelling housing at 2 Bunyan Avenue, Old Bar.

19 submissions have been received in relation to the application therefore determination of the application is required to be made by Council.

All issues raised in the submissions have been addressed through the assessment of the application with appropriate conditions of consent applied where necessary.

#### RECOMMENDATION

That Development Application DA2023/0075 for the construction of three dwellings as multi dwelling housing on Lot 13 DP1243711, 2 Bunyan Avenue, Old Bar be approved subject to the conditions contained in Attachment 1.

#### DETAILS

<b>Date Received:</b>	14 September 2023
<b>Applicant:</b>	Mrs Sharee Abela C/- Swift Planning
<b>Owner:</b>	Mrs Sharee Abela
<b>Land:</b>	Lot 13 DP1243711, 2 Bunyan Avenue Old Bar Area: 651.9m <sup>2</sup> Zoning: R1 - General Residential

#### 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.

#### RISK IMPLICATIONS

Nil.

#### SITE DESCRIPTION

The site is bound by Bunyan Avenue to the east, and Banyula Drive to the north.

The site is irregular in shape and has a total area of 651.9m<sup>2</sup>. The narrowest section of the site fronts Bunyan Avenue with the site widening toward the rear.

The landform is relatively level and comprises a gentle slope of 2 degrees across the site towards the western boundary.

The land is vacant and does not contain any structures and or trees.



**Figure 1: Site Locality Map (Source – Intramaps)**



**Photo 1: Looking toward the site from Bunyan Avenue toward Banyula Drive**

## **EXISTING STREETSCAPE**

The site is located within a newly established residential estate located approximately 800m north-west of the Old Bar town centre. The built form consists predominantly of single dwellings on regular residential allotments.

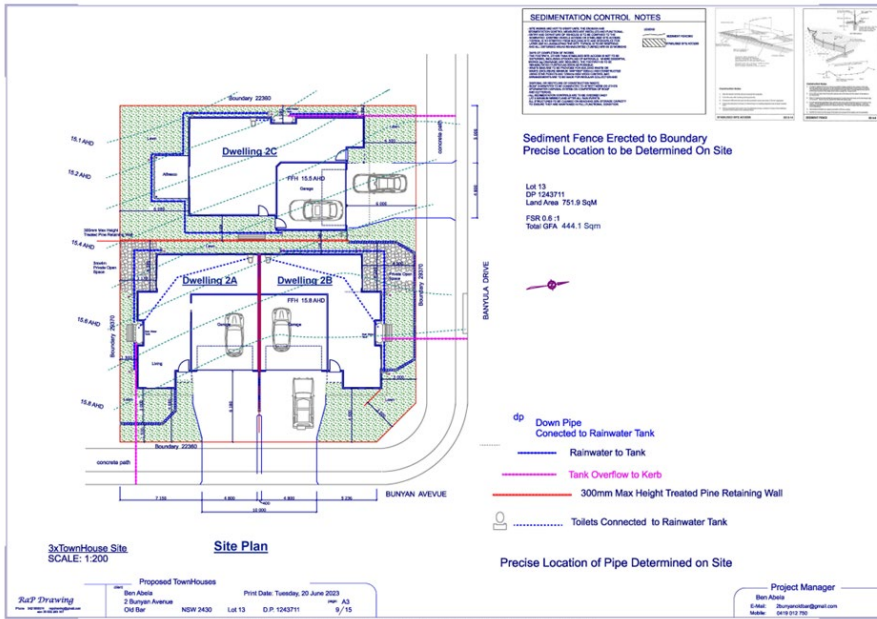
## **APPLICATION HISTORY**

The application initially proposed a free standing two storey dwelling fronting Banyula Drive and two attached two storey dwellings fronting Bunyan Avenue.

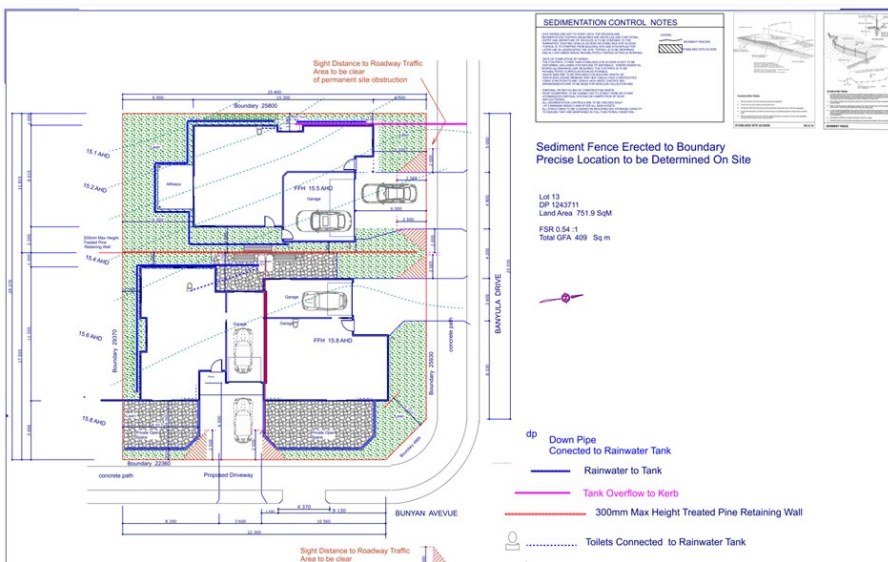
It was suggested to the applicant that they face the attached two units to Banyula Drive and the free-standing dwelling to Bunyan Avenue. This allows for the pedestrian ramp to remain in place and allows the shared bike path to remain continuous. The initial design is shown in Figure 2.

Copies of submissions received by Council during the first notification period were obtained by the applicant via a GIPA request. The applicant submitted a revised design, below, which seeks to address the concerns raised and are the subject of this report.





**Figure 2: Site Plan - Original Proposal (Source – RaP Drawing)**



**Figure 3: Site Plan – Current Proposal (Source – RaP Drawing)**

## PROPOSAL

The proposed development is for the construction of three dwellings as multi-dwelling housing on a corner residential zoned allotment. The proposal will result in a free-standing dwelling and two (2) attached dwellings on the same lot.

The dwellings are referred to as dwellings 2A, 2B and 2C.

The dwellings comprise modern contemporary design features compatible with the coastal character of the area and respond to their respective street frontages. A description of each dwelling associated with the proposal is detailed below:

### **Dwellings 2A and 2B**

Dwellings 2A & 2B are located on the eastern portion of the site. Dwelling 2A will be orientated towards the Bunyan Avenue frontage, whilst Dwelling 2B will be orientated to the Banyula Drive frontage. The built form comprises an attached two (2) storey modern dwelling, with the first-floor level of each being a mirrored design.

Both dwellings comprise two (2) bedrooms, two (2) bathrooms, separate water closet, and living, kitchen and dining areas. Each dwelling includes a single garage, outdoor private courtyard and patio area.

Vehicle access to the Dwelling 2A is via a sealed driveway extending from Bunyan Avenue.

Vehicle access to the Dwelling 2B is via a sealed driveway extending from Banyula Drive.

Each dwelling will have a gross floor area of approximately 133m<sup>2</sup>.

**Dwelling 2C**

Dwelling 2C is a free-standing two-storey dwelling located on the western portion of the site. This dwelling will be orientated towards the Banyula Drive frontage. The built form comprises a two (2) storey modern dwelling.

The dwelling comprises four (4) bedrooms, three (3) bathrooms, a separate toilet, open plan kitchen and dining areas and separate living rooms. The proposed dwelling includes an attached double garage, outdoor private yard and covered outdoor area. Vehicle access to the dwellings is via a sealed driveway extending from Banyula Drive.

The proposed dwelling will have a gross floor area of approximately 161.1m<sup>2</sup>, comprising of 83.6m<sup>2</sup> located of the ground floor and 77.5m<sup>2</sup> on the first floor.

The dwelling has been designed using slab-on-ground construction, with a combination of masonry and clad walls and a low-pitched metal roof design.



**Figure 4: Banyula Drive (North) Elevation (Source – RaP Drawing)**



**Figure 5: 2A & 2B Banyula Avenue (East) Elevations (Source – RaP Drawing)**



**Figure 6: 2C Banyula Avenue (East) Elevation (Source – RaP Drawing)**



**Figure 7: Southern Elevation (Source – RaP Drawing)**



**Figure 8: 2A & 2B Western Elevation (Source – RaP Drawing)**



**Figure 9: 2C Western Elevation (Source – RaP Drawing)**

**DISCUSSION**

Under Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP & A Act), a consent authority (the Council) when determining a development application, “*is to take into consideration such of the following matters as are of relevance to the development the subject of the development application*”. The relevant matters for consideration are summarised below:

**4.15 (1)(a)(i) the provisions of any environmental planning instrument**

***State Environmental Planning Policy***

**State Environmental Planning Policy (Resilience and Hazards) 2021**

***Chapter 2 Coastal Management***

The site is mapped as being within the ‘coastal environment area’ and ‘coastal zone’, and Division 3 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards and Resilience SEPP) is applicable.

Having regard to clause 2.10 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;

- c) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funneling and the loss of views from public places to foreshores; and
- i) any adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.

The proposed development's bulk, scale and size are compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

Clause 2.12 - The proposal is not likely to cause an increased risk of coastal hazards on the land or other land.

The proposed development is in keeping with the relevant coastal management provisions applying to the land and is not likely to cause an increased risk of coastal hazards.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### ***Chapter 4 Koala Habitat Protection 2021***

Clause 4.4 - This SEPP applies to all non-rural zoned land within the MidCoast Local Government Area.

Clause 4.10 - Having considered the SEPP, Council is not prevented from granting consent for the following reasons:

1. The property is not subject to a KPOM, and
2. The site is not considered to be core koala habitat.

### **State Environmental Planning Policy (Sustainable Buildings) 2022**

The proposed development has been supported by BASIX Certificates which demonstrates that construction of the proposed development can achieve the required sustainability targets.

The proposed development therefore satisfies the provisions of the *State Environmental Planning Policy (Sustainable Buildings) 2022*.

### **Greater Taree Local Environmental Plan 2010**

The site is zoned R1 General Residential under the provisions of the *Greater Taree Local Environmental Plan 2010* (LEP).

The proposed development is for 'Multi-Dwelling Housing' (Three dwellings), which is permitted with the consent of Council in the R1 Zone.

The objectives of the R1 Zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development satisfies the relevant objectives of the R1 Zone in that it contributes to the range of housing options in the locality.

The relevant provisions of the LEP are addressed below.

#### **4.1 Minimum Lot Size**

The proposal does not involve subdivision of land.

#### **4.3 Height of buildings**

The maximum building height prescribed by Clause 4.3 of the LEP is 8.5 metres.

The proposed development has a maximum building height of 6.8 metres above natural ground level which is 1.7 metres below the maximum building height.

#### **Clause 4.4 Floor Space Ratio**

Clause 4.4 of the LEP prescribes a maximum floor space ratio (FSR) for the site of 0.6:1.

The proposed development has a maximum FSR of 0.57:1.

#### **Clause 4.6 Exceptions to development standards**

There are no clause 4.6 development standards required to be varied.

#### **5.10 Heritage conservation**

The proposed development is not located within a Heritage Conservation Area or proximity to any registered heritage items.

A basic AHIMS search was conducted, revealing no known items of Aboriginal cultural heritage located near the proposed development.

#### **7.1 Acid sulfate soils**

The site is mapped as containing potential Acid Sulfate Class 5 Soils.

The proposed works are within 300 metres of adjacent Class 2 land below 5 metres Australian Height Datum. However, the proposed development will not result in the exposure of acid soils during construction.

An Acid Sulfate Soils Management Plan is not necessary in this case.

#### **7.3 Earthworks**

No significant earthworks are proposed.

#### **7.11 Essential services**

The site is serviced by essential infrastructure.

#### **4.15 (1)(a)(ii) the provisions of any draft environmental planning instrument**

The development has been assessed against the Draft MidCoast Local Environmental Plan.

The proposed zoning of the site is R1 General Residential and permits multi-dwelling housing. The development would not undermine the relevant aims, objectives or provisions of the Draft Local Environmental Plan.

#### **4.15 (1)(a)(iii) any development control plan**

##### **Greater Taree Development Control Plan 2010**

The following identifies the relevant sections of the *Greater Taree Development Control Plan 2010* (DCP) and details how they relate to the proposed development.

##### **Part B – Character Statements**

The character statement for Old Bar is yet to be drafted.

##### **Part D – Environmental Considerations**

##### ***D3 Earthworks, Erosion and Sedimentation***

The proposal will not result in any significant earthworks. Minor cut and fill works (less than 500mm) are required to establish a level building platform across the site.

Erosion and sediment control measures will be implemented before and during any construction works associated with the proposed development.

### **Part G – Car Parking & Access**

The proposed car parking spaces associated with each dwelling are located more than 3m from the street.

All dwellings have been designed with an attached single garage with a width of 3.2m.

Each dwelling will be accessible via a separate 3.6m wide driveway, extending from their respective frontages to the car space associated with each dwelling.

Hard stand areas associated with each dwelling are associated with the driveways and will comprise a concrete finish.

#### **G1.1 Location of Driveways**

The driveway associated with each dwelling has been designed to comply with these provisions. The landform is level and provides suitable sightlines for drivers of vehicles entering and exiting each driveway.

Each driveway is a suitable setback from boundaries and obstructions.

#### **G1.3 Parking requirements for Specific land uses**

Each dwelling has been designed with suitable off-street car spaces as required by the DCP.

Dwellings 2A and 2B are both 2-bedroom dwellings and will provide 1 car parking space with each within a single attached garage. Dwelling 2C is a 4-bedroom dwelling and will provide 2 car parking spaces within an attached double garage. Each garage is located behind the building setback, and the setback is at least 6m from the respective street frontages.

The proposal seeks to vary provisions relating to the requirement for a visitor parking space.

The relevant objectives are:

- To ensure that suitable and adequate off street parking facilities are provided to accommodate vehicles generated by various developments;
- Ensure sufficient and practical design of parking and access areas;
- Provide safe entry and exit for vehicles and pedestrians from parking areas;
- Ensure adequate access and manoeuvrability for service vehicles.
- Ensure quality of parking areas in terms of safety, amenity and integration with surrounding areas.
- Ensure a balance is achieved between the needs of proposed development and the needs of vehicular and pedestrian traffic.
- Ensure the provision of sufficient and suitably located parking for persons with a disability, cyclists, and motorcyclists within appropriate developments.
- Ensure landscaping and the materials of construction improve the amenity of the parking areas.
- Provide parking areas which promote ease of access as well as suitable internal circulation patterns.
- Ensure that adequate provision is made for off-street parking of passenger and service vehicles generated by new developments and redevelopments.
- Provide acceptable alternatives in lieu of on-site parking which:
  - Enable Council to responsibly consider development proposals which do not comply with the on-site parking requirements of this DCP.
  - Provide a mechanism to avoid the development of numerous small-scale dispersed car parks

- Promote the establishment of strategically located larger parking facilities
- Ensure adequate facilities are provided within a development for the loading and unloading of persons and goods.

Having regard to the development provisions and relevant objectives, the variation is considered acceptable as each dwelling is considered to provide sufficient off-street parking and easily accessible driveway areas to accommodate temporary visitors.

Additionally, the formed and unencumbered roadway along both property frontages provides ample street parking for visitors to the site. The proposed development is consistent with the objectives of Part G of the DCP and provides a sufficient level of off-street parking relevant to the expected parking demands of the site.

## ***H2 Primary residential requirements***

### ***H2.1 Site coverage and lot requirements***

The maximum site coverage of the development will be approximately 38%, including covered patio areas. This is below the allowable maximum site coverage of 65% for residential development.

### ***H2.3 Building height***

The lowest floor level of each proposed dwelling is not greater than 1m above natural ground.

Each dwelling has been designed with two storeys and does not exceed the 8.5m building height.

The built form of the dwellings positively contributes to the streetscape and does not impact on the visual amenity of the built environment within the locality.

Each dwelling has a maximum height to the point of intersection of wall and eaves lines of 6m above the corresponding lowest storey at any point along the line of external walls.

### ***H2.4 Car parking and access***

The proposed garages associated with each dwelling have been designed to ensure they will not dominate the street façade. Garages are setback 1.5m behind the front of each dwelling and comprise a contrasting material so to complement the built form.

Hard stand areas associated with each dwelling are limited to the driveway areas and comprise a concrete surface.

Vehicle access design and parking spaces are reflective of the gross floor area and number of bedrooms of each of the proposed dwellings.

Dwellings 2A and 2B present as an attached dual occupancy. The driveways for these dwellings provide an efficient and safe use of parking and access to/from the site.

Dwelling 2C presents as a single freestanding dwelling with frontage to Banyula Drive. The development is consistent with the existing built form and driveway design on adjoining lands.

The proposed driveways are consistent with AS 2890.1 Off Street Car Parking, are at least 3m wide, and include an internal radius of 4m at the point where there is a change in direction.

### ***H2.5 Private open space***

Private open space areas associated with each of the proposed dwellings are connected to a living zone within each dwelling. All private open space areas will gain adequate solar access and ensure privacy for occupants within a usable area. Privacy fencing has been included for private open space areas associated with dwellings 2A and 2B to ensure visual privacy is maintained.

### ***H2.6 Solar access and overshadowing***

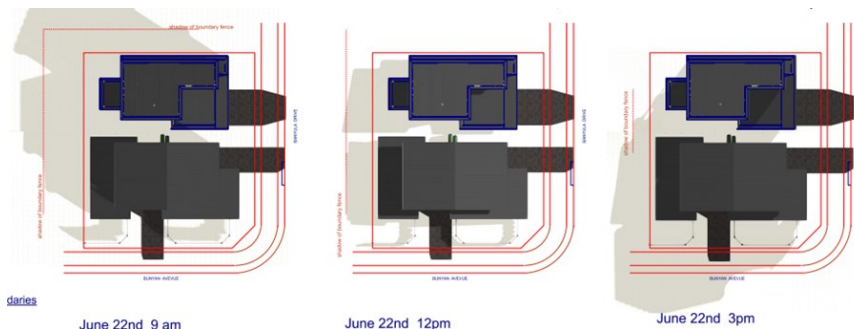
Shadow diagrams have been included in Figure 10 below. The proposed development predominately will not result in significant overshadowing on adjoining lands and will provide solar access to living areas within each proposed dwelling.

A minimum of 3 hours of solar access for adjoining lands will be provided in winter months, except for part of the northern elevation of the dwelling located on 4 Bunyan Avenue.

The shadow diagrams show that most of the shadow cast on the adjoining dwellings is from the existing boundary fencing, given the close setback of these dwellings to the boundary and the height of the fences.

The additional shadow caused by the proposed development, at 9 am on 22 June (day after winter solstice), will comprise a total area of approximately 70m<sup>2</sup>. This shadow can be seen on the diagram, on the left side of the red line showing the boundary fence shadow. However, there is essentially no additional shadow cast on adjoining dwellings by the proposed development at 12 pm and 3 pm on 22 June (day after winter solstice).

To ensure a balanced and reasonable approach to solar access for the adjoining dwelling to the south, the proposal includes a generous setback of 5-6m from the common boundary to the secondary storey of dwellings 2A and 2C. As shown by the shadow diagrams, this setback minimises the extent of the potential impact and will allow solar access to penetrate the adjoining sites. As such, the proposal is consistent with the objectives and provisions of the DCP about solar access.



**Figure 10: Shadow Diagrams (Source – RaP Drawing)**

### **H2.7 Acoustic and visual privacy**

There are not likely to be any significant visual or acoustic privacy impacts associated with the proposal. Privacy fencing has been included for private open space areas associated with dwellings 2A and 2B to ensure visual privacy is maintained.

### **H2.8 Views**

The proposed development is not likely to cause any significant impediments to existing views and vistas. The land to the north and west comprises rural vistas, which will soon be subdivided in accordance with planning urban release areas.

### **H2.9 Safety, security and entrances**

The proposed development raises no adverse safety and security issues.

### **H2.10 Front Fencing**

The proposed development includes a section of internal front fencing adjacent the eastern boundary. This fencing is to be utilised to screen private open spaces for dwellings 2A and 2B. The proposed fencing comprises a 1.5m high horizontal open-style slat fence screening to provide privacy and amenity to occupants, which is a variation to the development provision for front fencing.

The relevant objectives are:

- Ensure fencing does not dominate the streetscape and that it is integrated with and positively contributes to the character of the streetscape and the locality;
- Ensure front fencing is integrated with the landscaping and building design;
- Ensure a balance of privacy, safety and security for occupants of new and existing dwellings, whilst encouraging the opportunities for visual and social interaction and connection with the street;
- Ensure that fences and walls are designed to help define the boundary between public and private spaces and to assist in highlighting the property's pedestrian entry point.



Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The fencing will not impact the streetscape or amenity of the area.
- The fence will provide an adequate level of privacy in the private open space area
- Similar variations have been granted to nearby properties, including the site directly opposite the Bunyan Avenue frontage.
- The qualitative and quantitative impacts of the variation are considered minor, with this section of fencing representing 12.52m (55% of the Bunyan Ave frontage).
- The fence design utilises materials that will positively contribute to the visual amenity of the area and the character of the streetscape.
- The fence is an open-slatted design providing 50% transparency.
- The site is a corner allotment with two frontages, limiting opportunities to locate the private open space.
- Landscaping will be provided adjacent to the fencing to soften its visual appearance.

### ***H3 Multi dwelling housing and residential flat buildings***

The relevant objectives are:

- Encourage high-quality residential developments that feature a high standard of urban design and provide a high level of amenity for residents;
- Ensure that development sites have sufficient site area to accommodate appropriate setbacks and open space areas, including areas for deep soil planting and natural site drainage.

### ***Site Coverage***

The proposed development includes a variation to the minimum required lot size of 1000m<sup>2</sup> for multi-dwelling housing, with a site area of 651.9m<sup>2</sup>.

Having regard to the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The site is a corner allotment with two frontages. The proposal presents as a single dwelling and dual occupancy and can accommodate all necessary elements on the site without impacting the amenity of occupants or adjoining properties.
- The proposal is consistent with the existing character and dominant built form in the area. The qualitative and quantitative impacts of the variation are not significant and will not impact on the ability of the proposal to comply with the objectives of the DCP. Furthermore, the proposal is compliant with FSR requirements of the LEP.

### ***Setbacks***

The proposed dwellings are located 6.0-6.5m from their primary street frontage. This is consistent with front setbacks on nearby properties.

The required side setback for multi-dwelling housing is  $2.25\text{m} + \text{Height}/4$  - Where H = the height of the ceiling of the topmost storey above any point along the line indicating the unexcavated level of the land.

This results in a minimum required side setback of 3.8m. A variation to 1-1.5m from the southern and western boundaries is sought.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable given the scale and style of the built form.

### **Car parking and access**

Each dwelling has been designed with attached garages to provide suitable off-street spaces per dwelling. Dwellings 2A and 2B are 2-bedroom dwellings and will provide one car parking space each within a single attached garage. Dwelling 2B is a 4-bedroom dwelling and will provide 2 car parking spaces within an attached double garage. Parking arrangements are not stacked, each dwelling has access to a street frontage.

The proposal seeks to waive the requirement for a visitor parking space. This is supported as discussed earlier in the report.

### **Private open space**

Private open space areas associated with each of the proposed dwellings will occupy an area of approximately 36m<sup>2</sup>. All private open space areas will be connected to a living zone within the dwelling, gain adequate solar access, and ensure occupants' privacy within a usable area.

### **Storage**

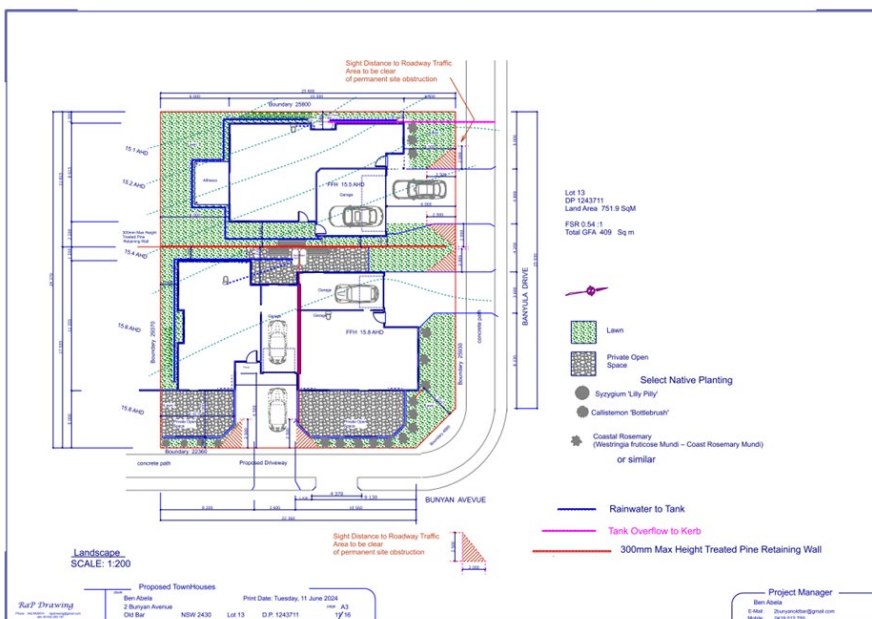
Each dwelling comprises built in robes within each bedroom, a linen cupboard and additional storage space with the laundry areas. Each dwelling includes an attached double garage, which provides an opportunity for additional household storage.

### **Part M - Site Waste Minimisation and Management**

A Site Waste Minimisation and Management Plan for the development has been provided.

### **Part N – Landscaping Requirements**

The below landscape plan has been prepared for the development and includes plantings with low maintenance native coastal species adjacent to the street frontage.



**Figure 11: Landscape Plan (Source – RaP Drawing)**

#### **4.15 (1)(a)(iiia) any planning agreement or any draft planning agreement**

The site is not subject to any planning agreement entered into.

#### **4.15 (1)(a)(iv) any matters prescribed by the regulations**

Nil

#### **4.15 (1)(b) the likely impacts of that development**

##### ***Context and Setting***

The proposal is not considered likely have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.

The proposal is compatible with other residential development in the locality and adequately addresses planning controls for the area.

The proposal is not considered to have a significant adverse impact on existing view sharing.

The proposal is not considered to have significant adverse lighting impacts.

There are no significant adverse privacy impacts.

There are no significant adverse overshadowing impacts.

##### ***Access, Transport and Traffic***

The proposal will not have any significant adverse impacts on access, transport and traffic.

The existing road network will satisfactorily cater for any increase in traffic generation because of the development.

##### ***Economic and Social Impacts***

The increase in housing supply is likely to have positive social impacts.

The increase in population will stimulate economic activity for businesses within the surrounding commercial precinct, which is likely to have positive economic impacts. The construction of the proposed development is likely to stimulate the local construction industry.

#### **4.15 (1)(c) the suitability of the site for the development**

The site is located within the Old Bar residential precinct. The development provides a residential use that reinforces this precinct and supports existing residential development. The proposal will fit into the locality, and the site attributes will be conducive to the proposed development. Site constraints have been adequately addressed.

#### **4.15 (1)(d) any submissions made in accordance with this Act or the Regulations**

The application was initially notified in accordance with the Council's notification procedures and legislative requirements from 21 September 2023 to 16 October 2023.

Following the design being amended, the application was re-notified between 24 July 2024 and 8 August 2024.

A total of 19 submissions were submitted in objection to the application.

Concerns raised in submissions and how they were considered or addressed in the assessment of the application are detailed in Table 1 below.

<b>Table 1 – Submissions Received During Exhibition</b>	
<b>Concern</b>	<b>Comment</b>
<i>Development is not compatible with the character of the area and impact on streetscape</i>	<p>The development is characterised as low-density housing comprising three (3) dwelling; two attached dwellings and one free standing dwelling. Both built forms are permissible on the land and accepted in comparable R1 zoned areas.</p> <p>Two storey dwellings are permissible on the land. It's possible for 2 x two-storey dwellings to be erected on the site via a Complying</p>

Table 1 – Submissions Received During Exhibition	
	<p>Development Certificate approval pathway with no consultation with adjoining landowners pursuant to <i>Part 3B Low Rise Housing State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Plans have been amended which alter the design and appearance of the attached dwellings, Units 2A and 2B. The built form of Units 2A &amp; 2B takes on the appearance of one two storey dwelling with overall height of 6.15m, well below the allowable maximum built height of 8.5m. The second storey has been significantly reduced in size and stepped in from boundaries. The amended plans also propose an altered roof design. The overall bulk and scale of the building has been reduced to make it more compatible with the character of the area.</p>
<p><i>Non-compliant with minimum land area requirement of 1000m<sup>2</sup> for multi-dwelling</i></p>	<p>The development assessment process under <i>Clause 4.15 of the Environmental Planning and Assessment Act 1979</i> allows for 'merit-based assessment' of development proposals. The development assessment approval pathway allows Council to vary provisions in the DCP with a focus of compliance with the objectives associated with the controls.</p> <p>Strict adherence to DCP provisions and numerical values established within provisions is not necessary to achieve compliance with the objectives of the DCP.</p> <p>The numerical value for minimum land size for multi-dwelling developments can be and has been varied by Council based on the overall merits of the proposal.</p> <p>The proposed development seeks a variation to effectively achieve compliance with the Part H.3.4 (1) pertaining to site coverage. The amended plans demonstrate there is sufficient space on the site to accommodate the setbacks, private open space and deliver a high level of amenity to occupants.</p>
<p><i>Front set-back and side setbacks non-compliant</i></p>	<p>The amended plans show the side setback for the second storey of Unit 2A and Unit 2B have been increased substantially. The front setback of the dwellings is greater than that of dwellings on adjoining lands.</p>
<p><i>Impact on privacy to 4 Bunyan, 1 and 3 Little Tern Street due to overlooking from 2nd storey</i></p>	<p>The plans have been amended to increase the setbacks of Unit 2A from the southern boundary, as well as the floor area of the second storey of Units 2A and 2B. Unit 2A's second storey is setback 5.15m from the</p>

<b>Table 1 – Submissions Received During Exhibition</b>	
	<p>southern boundary and will significantly reduce shadowing on adjoining lands.</p> <p>As shown in the revised shadow diagram it is the existing fence which casts most of the shadow on adjoining lands at 4 Bunyan Ave and 1 Little Tern Street at 9am on 21 June.</p> <p>Minimal additional impact on solar access will occur to adjoining sites at 9am on 21 June because of the proposed development. The shadow diagrams show effectively no impact from the Unit 2A occurring at 12pm and 3pm on 21 June.</p>
<i>Impact on privacy to 4 Bunyan, 1 and 3 Little Tern Street due to overlooking from 2nd storey</i>	<p>Plans have been amended to alter the building design of the attached dwellings, Unit 2A and Unit 2B. The second storey of these dwellings has been substantially altered to increase the setback from the side boundaries. Unit 2A is setback 5.15m. No overlooking will occur.</p>
<i>Eastern elevation &gt;12m</i>	<p>The plans have been amended to reduce the front façade of the attached dwelling (Unit 2A and Unit 2B). The wall will be 14m in length and will be articulated with horizontal cladding and several windows, which break up the bulk and scale of the building.</p>
<i>Private Open Space is not compliant with DCP</i>	<p>The amended plans include private open space for Units 2A and 2B which will provide usable space at ground level to occupants. The private open space areas are of compliant dimensions and space and will receive sufficient sunlight between 9am and 3pm on 21 June.</p>
<i>Front fence non-compliant with DCP</i>	<p>The plans have been amended to demonstrate a 50% open style front fence along the street frontages. The fencing will be 1.5m high with landscaping adjacent of the fenced area along Bunyan Ave. Similar private open space and front fencing can be seen on the site opposite.</p>
<i>Garage width non-compliant and Driveway will create pedestrian hazard</i>	<p>The plans have been amended which reduce the combined garage width from 10.28m to 6.34m. The garage will comprise approximately 29% of the building's frontage.</p>
<i>Density of housing is not consistent</i>	<p>Multi-dwelling housing is permissible on the site and is compliant with FSR requirements of the LEP. The development is considered low density, and the amended plans show the appearance of the development like that of two free standing dwellings.</p>
<i>Street parking will impact traffic due to road width of Banyula Drive</i>	<p>Banyula Drive is a proposed to be link road and will be widened in the future when land to the west is subdivided. Suitable off-street parking as per the DCP is provided for each dwelling.</p>

<b>Table 1 – Submissions Received During Exhibition</b>	
<i>Impact on property values</i>	The impact of the development on property values is subjective and cannot be quantified. Impact on property values is commonly provided as an argument for opposing development proposals but it is rarely the case for the majority of residential developments.
<i>Impact on views and vistas</i>	The land and surrounds are relative level with no significant views over the site. Land to the west and north are undeveloped land, rural vistas comprising scatter trees and open grass lands. This land is earmarked for future subdivision with the planned expansion of urban release areas in Old Bar.
<i>Non-compliant with the 88B instrument</i>	The LEP allows for developer-imposed restrictions on the ‘Use of Land’, as referenced in the 88B instrument to be suspended. This can be seen with the development opposite 1 Bunyan Ave, which has erected a fence forward of the main building line, constructed of masonry and dwelling external materials comprising cladding that does not adhere to the 88B, as shown in Photo 2 below.
<i>Insufficient assessment against Section 4.15 of the Environmental Planning and Assessment Act 1979</i>	The Statement of Environmental Effects is satisfactory and addresses relevant planning policy (SEPPs; LEPs; DCPs, etc)  Plans and reports are satisfactory to enable proper consideration of the application by the Council.
<i>Visual impacts – building bulk</i>	The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment.  Horizontal cladding and windows break up the bulk and scale of the building.  The overall bulk and scale of the building has also been reduced to make it more compatible with the character of the area.
<i>Overdevelopment of the site</i>	The development does not exceed the maximum floor space ratio for the site.  Variations to the DCP have been sought for the provision of a visitor parking space, the minimum land size of 1,000m <sup>2</sup> , and front fencing (to provide privacy and amenity to occupants).  Having regard for the development provisions and relevant objectives, the variations are considered acceptable, and not an overdevelopment of the site.
<i>Amenity impacts</i>	The built form of the dwellings positively contributes to the streetscape and does not

<b>Table 1 – Submissions Received During Exhibition</b>	
	impact on the visual amenity of the environment within the locality.
<i>Waste collection traffic impacts and safety</i>	The development has adequate frontage to accommodate collection of 6 standard garbage bins each week, without creating significant traffic impacts or safety concerns.
<i>Acoustic privacy impacts</i>	There is not likely to be any significant visual or acoustic privacy impacts associated with the proposal.
<i>Private open space and visual privacy impacts.</i>	Private open space areas associated with each of the proposed dwellings are connected to a living zone within each dwelling. All private open space areas will gain adequate solar access and ensure privacy for occupants within a usable area. Privacy fencing have been included for private open space area associated with dwellings 2A and 2B to ensure visual privacy is maintained.
<i>D3.1 Earthworks Cut and Fill and Retaining Walls – Residential Development</i>	No significant earthworks are proposed. Condition recommended that prior to the issue of a construction certificate, plans and specifications of retaining walls or other approved methods of preventing the movement of soil must be submitted to and approved by the certifying authority. The design drawings must be prepared by a suitably qualified engineer in accordance with the requirements of the relevant Australian Standards applicable for the structure(s).
<i>H2.3 Building Height</i> <i>H2.5 Private open space</i> <i>H2.6 Solar access and overshadowing</i> <i>H2.7 Acoustic and visual privacy</i> <i>M3.2 Multi-unit dwellings (town houses, flats and villas)</i>	The proposal numerically complies with the provisions and is consistent with the objectives of these parts of the DCP.
<i>H2.10 Front fencing</i> <i>H3.4 Site Coverage</i> <i>Setbacks</i> <i>Car parking and access</i>	Variations to these items are supported and justified elsewhere in this report.
<i>N1.4 Dual occupancy, multi-dwelling housing, residential flat buildings and mixed use development</i>	This part of the DCP is not applicable as there are no proposed communal gardens.



**Photo 2: Existing dwelling at 1 Bunyan Ave Old Bar which does not conform to the materials required by the 88B and which also comprises solid fencing on the front boundary and private open space within the front setback.**

**4.15 (1)(e) the public interest**

The proposed development will be in the wider public interest with the provision of appropriate additional housing.

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

**OTHER MATTERS**

**Section 7.11 Developer Contributions**

The proposed development is subject to developer contributions in accordance with Section 7.11 of the EP & A Act 1979.

Payable developer contributions levied against the residential units are calculated below. A credit has been applied for the existing lot.

<b>Contributions Plan</b>	<b>Facility</b>	<b>quantity</b>	<b>unit</b>	<b>rate</b>	<b>amount</b>
Old Bar Precinct 2B	Local facilities	1.5	Persons @	\$6,555.97	<b>\$9,833.96</b>
Old Bar Precinct 2B	Greater Taree area facilities	1.5	Persons @	\$1,862.75	<b>\$2,794.13</b>
Old Bar Precinct 2B	Local facilities	2.28	Persons @	\$6,555.97	<b>\$14,947.62</b>
Old Bar Precinct 2B	Greater Taree area facilities	2.28	Persons @	\$1,862.75	<b>\$4,247.07</b>
			minus credit for existing lot		<b>-\$6,566.61</b>
				<b>Total =</b>	<b>\$25,256.17</b>



## **CONCLUSION**

The site is located within the newly established Old Bar residential precinct situated approximately 800m north-west the Old Bar town centre.

The proposed development is compatible with the Old Bar locality's existing or future desired character with respect to the existing streetscape and guidance for future development provided by the applicable development standards and within the Council's strategic documents.

By the nature of its location, the proposed development will serve the Old Bar residential precinct through an increased population density.

The proposed development has demonstrated compliance with the provisions contained within the relevant environmental planning instruments.

The proposed development is consistent with the objectives of the *Greater Taree Development Control Plan 2010*.

The proposed development suits the site and does not raise any issues contrary to the public interest.

19 submissions have been received. All concerns highlighted in the submissions have been considered and appropriately addressed through the assessment.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading. The copy of Attachment 5 on the website has had the personal information redacted to protect the privacy of the members of the public providing the submissions.

Attachment 1 - DA2023/0750 - Conditions of Consent (7 pages)

Attachment 2 - DA2023/0750 - Statement of Environmental Effects (56 pages)

Attachment 3 - DA2023/0750 - Development Plans (16 pages)

Attachment 4 - DA2023/0750 - Superseded Development Plans (14 pages)

Attachment 5 - DA2023/0750 - Submissions (87 pages)

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## 16.4. DUAL OCCUPANCY, SHED & SWIMMING POOL - 155 TARBUCK PARK ROAD, TARBUCK BAY (DA2024/0646)

### REPORT INFORMATION

Report Author	Chad Vowles - Assessment Planner
Date of Meeting	27 November 2024
Authorising Director	Paul De Szell - Director Liveable Communities

### SUMMARY OF REPORT

Development Application DA2024/0646 seeks consent for the erection of a dwelling, shed and swimming pool to create a dual occupancy on a rural property located at 155 Tarbuck Park Road, Tarbuck Bay.

The proposal includes a Clause 4.6 variation to Clause 4.2B of the *Great Lakes Local Environmental Plan 2014* (LEP) for the prescribed maximum separation distance between dual occupancies.

The application proposes a separation distance of 169m between the dwellings, representing a 69% variation to the 100m development standard. Therefore, the application is referred to the Council for determination.

### RECOMMENDATION

That Development Application DA2024/0646 for the erection of a dwelling, shed and swimming pool to create a dual occupancy at 155 Tarbuck Park Road, Tarbuck Bay be approved subject to the conditions contained in Attachment 1.

### DETAILS

Date Received:	26 August 2024
Applicant:	Swift Planning
Owner:	Mr Joel Slack & Mrs Renea Slack
Land:	Lot 18 DP 248192, 155 Tarbuck Park Road, Tarbuck Bay NSW 2428

### FINANCIAL / RESOURCE IMPLICATIONS

Cost of defending any appeal against Council's decision.

### LEGAL IMPLICATIONS

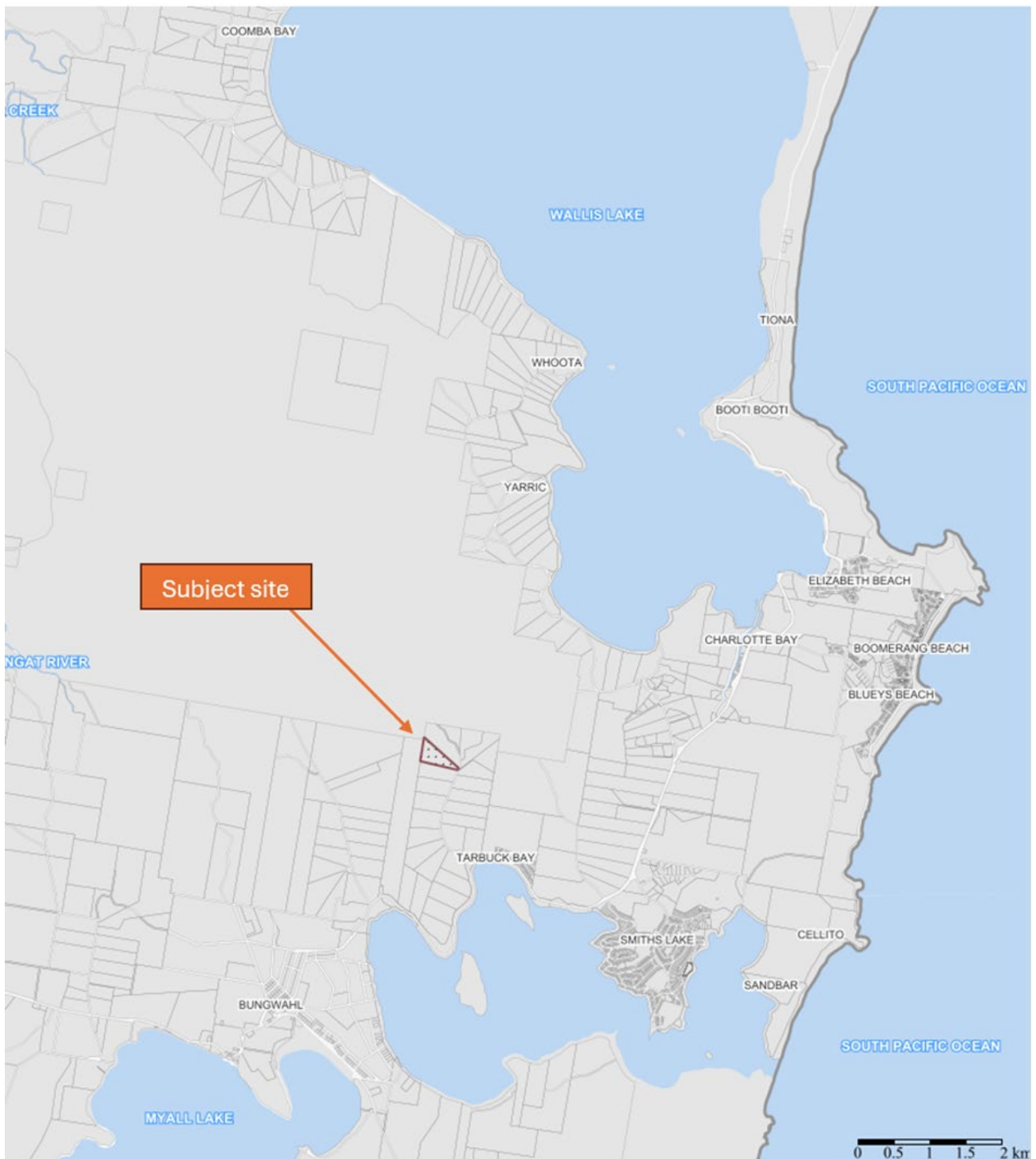
A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

### RISK IMPLICATIONS

Nil.

### SUBJECT SITE & LOCALITY

The land parcel has an area of 10.1Ha and is accessed from Tarbuck Park Road to the east of the site.



**Figure 1. Site Locality Map (Source: Intramaps)**

The site topography is relatively flat throughout the allotment. The site has a large existing dam in the center of the lot. The site is a mix of cleared land around the existing dwelling and proposed house site and several large areas of heavily vegetated land containing mature trees located to the east (vehicle access) and west and north-west towards the adjoining properties.

An existing 4-bedroom dwelling is located on the subject site, along with several ancillary structures.

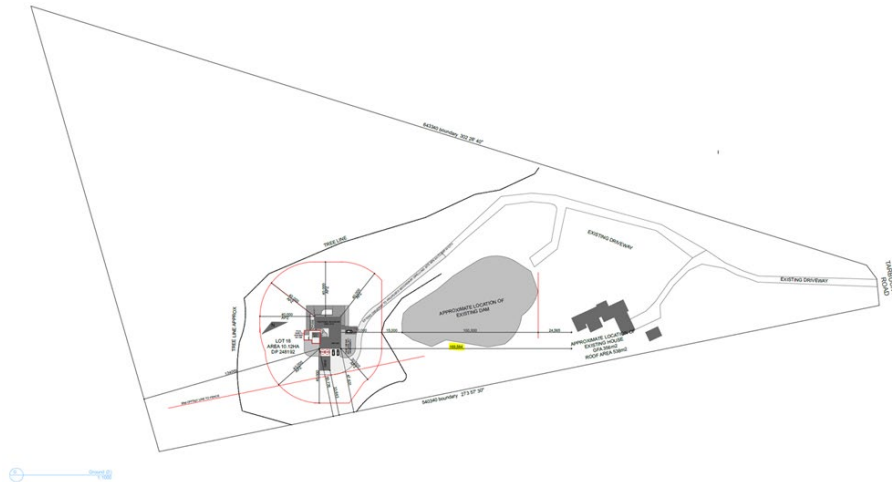
The adjoining allotments are similar-sized rural landscape blocks, and a large section of National Park is located to the northwest of the subject site. The allotment is not mapped as flood-prone or affected by acid-sulfate soils but is mapped as bushfire-prone land.



**Figure 2. Aerial Imagery of the Site (Source: Intramaps)**

## PROPOSAL

The applicant is seeking approval for the erection of a dwelling, shed and swimming pool on a 10.1Ha rural allotment. The proposed erection of a second (detached) dwelling on the site will create a dual occupancy, with the chosen site located 169m west of the existing 4-bedroom dwelling.



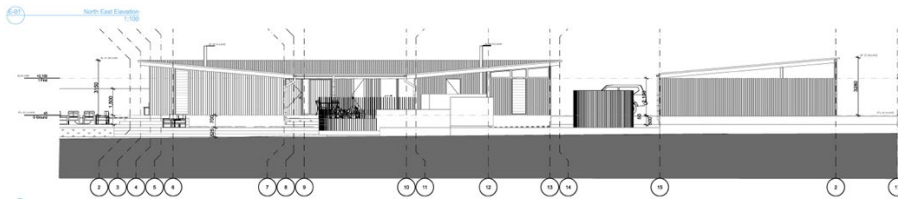
**Figure 3 – Proposed site plan (Source: Applicant)**

The dwelling proposes a pavilion style design consisting of three (3) bedrooms, three (3) bathrooms, living and dining areas, kitchen and laundry facilities, external decks, a swimming pool and an associated detached shed/garage. Retaining walls to support fill areas proposed as part of the development application.



**Figure 4 Artist impression of development (Source: Applicant)**

The dwelling design is single storey building with ample water storage tanks. Wastewater will utilise an appropriate on-site septic system (separate Local Government approval).



**Figure 5 North-east dwelling elevation (Source: Applicant)**

Access to the dwelling will be via Tarbuck Bay Road to the east and will utilise a partially existing all-weather gravel access road within the property that will be extended to the new dwelling site.

## DISCUSSION

Under S4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act), a consent authority (the Council), in determining a development application, “*is to take into consideration such of the following matters as are of relevance to the development the subject of the development application*”.

The relevant matters for consideration are summarised below:

### **4.15 (1)(a)(i) the provisions of any environmental planning instrument**

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposed dwelling is BASIX-affected development in accordance with Section 6 of SEPP (Building Sustainability Index: BASIX) 2004.

The applicant has provided a BASIX certificate and indicated the BASIX commitments identified in the BASIX Certificate on the plan to achieve the minimum sustainability requirements.

#### **Great Lakes Local Environmental Plan 2014 (GLLEP 2014)**

The site is located within the former Great Lakes Local Government Area, and the provisions of the Great Lakes Local Environmental Plan 2014 (LEP) apply to the proposal.

The site is mapped as RU2—Rural Landscape under the provisions of the LEP. The proposed development is for a ‘Dual Occupancy,’ which is permitted land use within the RU2 Zone.

The objectives of the **RU2 – Rural Landscape** are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*

- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.*

The proposed development satisfies the relevant objectives of the RU2 Zone in that it:

- Provides residential accommodation to meet the housing needs of the community within the low-density residential environment.
- Is in keeping with other land uses in the locality.
- Does not interfere with the agricultural viability of the land.
- Does not detrimentally affect the landscape character of the land.

The development has been assessed against all the LEP's provisions, including development standards, miscellaneous provisions, and local provisions.

The following table is a summary of the evaluation of the proposed development pursuant to the relevant provisions of the LEP:

<b>Table 1: LEP Compliance Table</b>		
<b>Clause</b>	<b>Compliance</b>	<b>Comments</b>
<b>4.1 Minimum lot size</b>	Yes	Allowable: 40Ha minimum Existing: 10.1Ha (existing use rights)
<b>4.2A Erection of Dwelling Houses in rural and environmental zones</b>	Yes	The site contains an existing lawful dwelling and meets the requirements for the development standard.
<b>4.2B Erection of dual occupancies and secondary dwellings in Zone RU2</b>	No	The application seeks to vary clause 4.2B – subclause 2[c] which requires detached dual occupancy dwelling in the RU2 zoning to be sited within 100m of each other.  The agricultural use of the land will not be detrimentally impacted by the proposal.  The dwellings will share the same vehicular access to and from the public road.  The site is physically suitable for the proposed change of use.  The proposed development will not have an adverse impact on the scenic amenity or character of the rural environment.

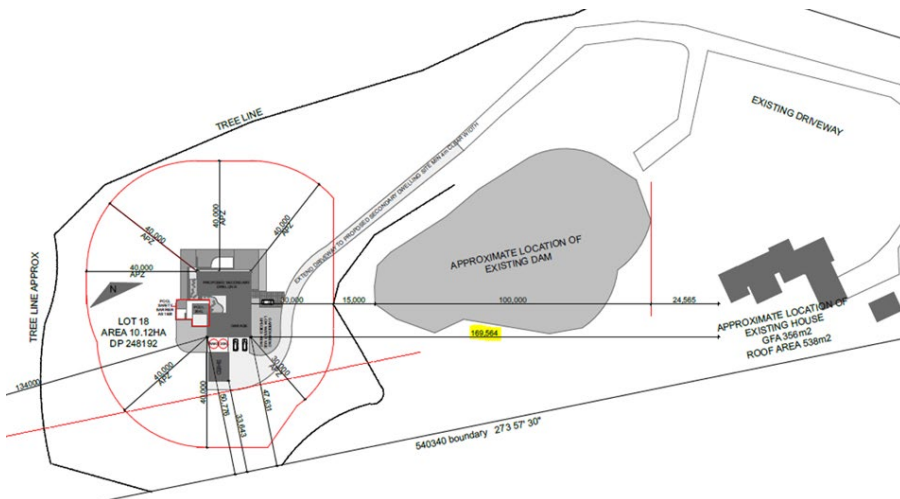
<b>4.3 Height of Buildings</b>	Yes	Maximum: 8.5m Existing dwelling: 5.45m Proposed dwelling: 3.2m
<b>4.4 Floor Space Ratio</b>	Yes	Maximum FSR: 0.4:1 Proposed FSR: 0.05:1
<b>4.6 Variation to Development Standards</b>	See below	The proposal seeks a variation to the nominated minimum distance between dwelling in the rural zoning. See discussion below.
<b>7.5 Storm water management</b>	Yes	Stormwater generated by the proposed development will be directed to the rainwater tanks with overflow to be directed via level spreader to land within the site.  Stormwater disposal will be consistent with the provisions of the LEP and has been conditioned accordingly.
<b>7.21 Essential services</b>	Yes	The proposed development is serviced by electrical infrastructure and will have rainwater tanks and an OSSM system to service the dwelling for wastewater.

**Clause 4.6 - Exceptions to development standards**

Clause 4.6 of the LEP provides a degree of flexibility in applying certain development standards where it can be demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the proposed development.

The development proposes a variation to the development standard associated with Clause 4.2B ‘Erection of dual occupancies and secondary dwellings in Zone RU2’ (refer to ‘LEP Compliance’ table above).

The application proposes a 169m setback of the proposed dwelling from the existing primary dwelling. This exceeds the development standard by 69m, resulting in a 69% variation.





**Figure 6: Proposed separation between dwellings (Source: Applicant)**

**Subclause 4.6(1)**

The proposed variation to Clause 4.2B is considered to be consistent with the objectives of Clause 4.6(1) of the LEP.

**Subclause 4.6(2)**

Clause 4.2B, 'Erection of dual occupancies and secondary dwellings in Zone RU2' is a development standard that is not excluded from the operation of clause 4.6.

As such, consideration of the variation to the development standard is permitted.

**Subclause 4.6(3)**

In accordance with Clause 4.6(3) the applicant has provided a written request with justification for the variation, noting that the application of Clause 4.2B is unreasonable in this instance and that there are sufficient planning grounds to support the variation.

**Subclause 4.6(4)**

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3).

As discussed in the applicant's justification, numerical compliance with the development standard would not result in a better outcome for the site or adjoining lots. The request also outlines the proposal's suitability from both an environmental impact and amenity perspective as shown in the below extract from the request (full variation report – Attachment 4).

- *"The erection of a new dwelling to create a dual occupancy on the land is permissible development with consent.*
- *The land is not viable for agricultural use and the proposed variation provides for orderly and economic development of the land.*
- *The new dwelling site is in an area of the site which is relatively level and cleared of vegetation. The proposed location, upon which the variation to the development standard relies, will not cause any adverse environmental impacts to the land.*
- *The land constraints limit the opportunities to locate a second dwelling. Strict adherence to the provisions of clause 4.2B(2)(c) would likely result in the need for tree removal and earthworks to establish a dwelling site, which is sufficiently setback from the existing dwelling to maintain privacy and amenity to the occupants of both dwelling.*
- *The proposed variation will not impact the rural character or amenity of the site, and surrounding lands."*

Landscape screening will remain unchanged, no clearing or fencing is proposed as part of the application and the proposal is unlikely to affect the native flora, fauna and biodiversity links detrimentally.

Given the buffer provided by the vegetation, the risk of land use conflicting with adjoining sites is limited. As the dwelling is located greater than 50m away from the nearest boundary and more than 175m from other dwellings on adjacent lots, there will not be any adverse overshadowing of adjoining lots or dwellings.



**Figure 7. Site Photos taken 04/09/2024 facing looking over the dam towards the proposed dwelling site (Source: Site Inspection)**

Despite the variation, the proposed development is still consistent with the relevant objectives of the development standard as detailed within Table 2 Below.

<b>Table 2 – Relevant Objectives of Clause 4.2B</b>	
<i>(a) to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land,</i>	As discussed below, the dwelling is sited appropriately to ensure limited impact on the site, and the existing driveway access will be used for the dwelling.
<i>(b) to ensure that consent is only granted to development for the purposes of dual occupancies (detached) and secondary dwellings if issues such as access, siting, land suitability and potential impacts are addressed,</i>	The proposed dwelling is situated off the existing internal driveway and has vehicular and pedestrian access to the public road network.  The applicant has addressed the site constraints of bushfire, and the proposal has been conditioned to ensure wastewater and stormwater are addressed prior to occupation of the dwelling.
<i>(c) to only permit dual occupancies in Zone RU2 Rural Landscape if a dwelling house is also permitted on that land.</i>	Dwellings are permitted on the lot.

As identified in the applicant's request, the proposed variation to the development standards will result in a positive outcome for the site and achieve the objectives of each Clause. It is considered that the variation to the development standard is within the public interest.

The Director General's office has previously advised the Council that concurrence may be assumed as detailed in Planning Circular PS 08-003.

**Subclause 4.6(5)**

The proposed variation does not bring up any matters of state or regional environmental planning significance.

Strict compliance with the development standard would not benefit the public.

The proposal satisfies the established tests for Clause 4.6 variations, is an appropriate form of development for the site, and will improve its outcome. Flexibility in applying the development standards is justified.

**4.15 (1)(a)(ii) Draft Local Environmental Plan**

Consideration of the MidCoast Council *Draft Local Environmental Plan 2024* is applicable to the proposed development.

MidCoast Council has completed the exhibition the draft Local Environmental Plan. Several applicable clauses within the draft LEP should be considered in assessing the subject development application.

- **Clause 1.8 Repeal of planning instruments applying to land**

The current Great Lakes LEP would be repealed if the draft MidCoast Council LEP is endorsed and adopted.

- **Zone RU2 Rural Landscape**

**The objective of the zone under the draft LEP:**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To promote productive rural landscapes by minimising the fragmentation of rural land*

The proposal meets the objectives of the draft LEP and the zoning of RU2 Rural Landscape would permit both dwellings and dual occupancies with consent.

- **Part 4 Principal development standards**

Under part 4 of the draft LEP, the current LEP requirements for detached dual occupancies are proposed to be amended.

The current Great Lakes LEP 2014 Clause 4.2 requires dual occupancies to be built within 100m of each other to meet the objectives of the RU2 zone as below:

**(2) [c]** *for dual occupancies (detached) – dwellings will be situated within 100m of each other,*

The draft MidCoast Council LEP currently on exhibition has removed this requirement for dual occupancies in the RU2 zoning. Noting this change in the proposed future Council Policy, this report recommends that the current proposal be supported by considering the future LEP requirements found in the current draft LEP document.

**4.15 (1)(a)(iii) any development control plan**

**Great Lakes Development Control Plan 2014**

The site is located within the former Great Lakes Local Government Area and the objectives and controls of the *Great Lakes Development Control Plan 2014* (DCP) are applicable to the proposal. Table 3 below details the relevant controls of the DCP and outlines how they relate to the proposed development.

<b>Table 3: DCP Compliance Table</b>	
<b>DCP Section</b>	<b>Compliance/Comments</b>
<b><u>Section 4 - Environmental Considerations</u></b>	
<b>4.1 Ecological Impacts</b>	Comment: The proposed works are not likely to have any significant ecological impact. The application involves removing a small number of trees (mostly regrowth) and is unlikely to result in detrimental ecological impacts.

<b>Table 3: DCP Compliance Table</b>	
<b>4.2 Flooding</b>	Comment: The site is not mapped as being flood-prone land.
<b>4.4 Effluent Disposal</b>	Comment: There is sufficient land area for effluent disposal, and the application has been supported by Council's Wastewater Team, which assessed the suitability of the site for the development.
<b>4.6 Contaminated Land</b>	Comment: The site is not mapped as contaminated land and no evidence of contamination present at the time of the site inspection.
<b>4.7 Bush Fire</b>	<p>Comment: The site is mapped as bushfire prone land. An assessment has been completed and the proposal is accompanied by a bushfire assessment report which provides recommendations for the proposed dwelling. Conditions have been included in the draft conditions at Attachment 1.</p> <p>The proposal was referred to the New South Wales Rural Fire Service (RFS) who provided concurrence for the proposed development and recommended conditions of consent to be included in the draft conditions.</p>
<b><u>Section 5 - Single Dwellings, Dual Occupancies, Villas and Townhouses</u></b>	
<b>5.1 Solar Access and Overshadowing</b>	Comment: The proposal will not adversely overshadow the adjoining lots.
<b>5.2 Views and Privacy</b>	Comment: The proposed dual occupancy will not result in the dwelling overlooking adjoining properties or significantly impacting on views given the topography and setbacks.
<b>5.3 Energy Efficiency</b>	Comment: The proposal is accompanied by a BASIX Certificate to demonstrate the ability of the dwellings to comply with the <i>State Environmental Planning Policy (Building Sustainability Index) 2004</i> .
<b>5.4 General Building Design</b>	Comment: The proposed dual occupancy generally complies with the General Building Design Controls with a high-quality design.
<b>5.5 Setbacks</b>	Comment: Front, side and rear setbacks to the dwelling comply.
<b>5.6 Building Heights</b>	Comment: The proposed dwelling achieves the controls associated with height.
<b>5.7 Cut and Fill</b>	Comment: The design includes a small amount of cut and fill to the site that is within allowances of the D.C.P
<b>5.8 Private Outdoor Areas</b>	Comment: The dwelling has private open spaces compliant with the requirements.
<b>5.13.2 Detached Dual Occupancies and Detached Secondary Dwellings</b>	Comment: As discussed in the Clause 4.6 variation earlier in this report the addition of a

<b>Table 3: DCP Compliance Table</b>	
	dwelling is unlikely to create land use conflict with the use of the subject or adjoining lots and is suitable for the site.
<b><u>Section 10 - Car Parking, Access, Alternative and Active Transport</u></b>	
<b>10.3 Car Parking</b>	<u>Comment:</u> Three (3) off-street car parking spaces have been provided for the dwelling.
<b><u>Section 13 - Landscaping and Open Space</u></b>	
<b>13.1 Single Dwellings, Dual Occupancies, Villas and Townhouses</b>	<u>Comment:</u> Sufficient space on the site for landscaping opportunities and open space areas.
<b><u>Section 14 - Waste Management</u></b>	
<b>14.2.1 Single Dwellings and Dual Occupancies</b>	<u>Comment:</u> The site will continue to maintain existing waste management arrangements. Sufficient space on the site for management of waste during any construction activities.

#### **4.15 (1)(a)(iia) any planning agreement or any draft planning agreement**

Not Applicable

#### **4.15 (1)(a)(iv) any matters prescribed by the regulations**

##### ***Council Policy***

The items to consider include compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, signage on work sites, critical stage inspections and records of inspections.

Relevant conditions will be imposed on any consent granted.

#### **4.15 (1)(b) the likely impacts of that development**

##### ***Context and Setting***

The bulk and scale of the proposed development is consistent with other residential dwellings within the Tarbuck Bay locality.

The proposed development is consistent with the surrounding context and setting.

##### ***Site Design and Internal Layout***

No site or internal design impacts are likely to result. The dwelling is sited appropriately and has access to the existing driveway servicing the primary dwelling.

##### ***Views***

There is not likely to be any adverse visual impacts.

##### ***Privacy (Aural and Visual)***

There are no adverse impacts relating to visual privacy, given the increased setbacks to boundaries and nearby dwellings.

##### ***Overshadowing***

The proposal will not adversely overshadow adjoining lots.

##### ***Visual Impact***

There are no adverse impacts. The dwelling is well situated within the site, is a design that is sympathetic to the rural character of the area and is fully screened from adjoining lots by mature landscape vegetation throughout the subject and adjoining lots.

### ***Access, Transport and Traffic***

No vehicular access or traffic impacts associated with the proposed development. Vehicular access to the site will remain unchanged by the proposal.

### ***Utilities***

The site is serviced only by power, with both water and wastewater disposal to be constructed to service the dwelling. A separate local government application (Section 68) will be required as a condition of any consent for the installing of an on-site sewage management system.

### ***Drainage***

The site has sufficient land area and fall for natural site drainage. Conditions for stormwater disposal are included in the draft conditions of consent included at *Attachment 1*.

### ***Soils***

No adverse soil impacts are likely to result.

### ***Bushfire***

The site is mapped as bushfire prone land. An assessment has been completed and the proposal is accompanied by a bushfire assessment report which provides recommendations for the proposed dwelling.

The proposal was referred to the New South Wales Rural Fire Service (RFS) who provided concurrence for the proposed development on 17 September 2024 and recommended conditions of consent to be included in the draft conditions.

Conditions have been included in the draft conditions at Attachment 1.

### ***Flora and Fauna***

The proposed removal of regrowth vegetation is unlikely to impact upon flora or fauna.

### ***Climate Change***

No impacts relating to climate change are likely to result. The building has been designed to achieve the minimum requirements for sustainability as evidenced in the BASIX Certificate.

### ***Cumulative Impacts***

No significant cumulative impacts are likely to result.

#### **4.15 (1)(c) the suitability of the site for the development**

The proposal is located within an established rural subdivision. The siting of the dwelling is appropriate when considering the use of the lot and site constraints as discussed earlier in the report.

For the reasons detailed within this report, it is considered that the site is suitable for the proposed development.

#### **4.15 (1)(d) any submissions made in accordance with this Act or the Regulations**

The application was notified to adjoining owners in accordance with Council's Policy. Zero (0) submissions were received by Council.

#### **4.15 (1)(e) the public interest**

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

### **Section 7.11 Contributions Plan**

In accordance with the Council's Development Contributions Plan (Section 7.11), the development is required to pay contributions associated with the proposed development. The following table outlines the developer contribution calculations and the total payable amount for the development.

<b>Contributions Plan</b>	<b>Facility</b>	<b>quantity</b>	<b>unit</b>		<b>rate</b>		<b>amount</b>
Great Lakes Wide	Library Book stock	1.8	persons	@	\$97.48	=	<b>\$175.46</b>
Great Lakes Wide	Headquarters Building	1.8	persons	@	\$585.25	=	<b>\$1,053.45</b>
Great Lakes Wide	s94 Admin	1.8	persons	@	\$268.52	=	<b>\$483.33</b>
Great Lakes Wide	Rural Fire Fighting	1.8	persons	@	\$835.62	=	<b>\$1,504.12</b>
Forster District	Major Roads Outer Zone	6.75	1-way trips	@	\$423.52	=	<b>\$2,858.76</b>
Forster District	Aquatic Centre	1.8	persons	@	\$383.93	=	<b>\$691.08</b>
Forster District	Surf Life Saving	1.8	persons	@	\$113.23	=	<b>\$203.81</b>
Forster District	Open Space	1.8	persons	@	\$1,836.13	=	<b>\$3,305.03</b>
Forster District	Library Facility	1.8	persons	@	\$635.32	=	<b>\$1,143.58</b>
Forster District	Community Facilities	1.8	persons	@	\$693.48	=	<b>\$1,248.27</b>
				<b><u>Total</u></b>		=	<b>\$12,666.89</b>
				<b><u>Per Person</u></b>		=	<b>\$7,037.16</b>
				<b><u>Per Lot / ET</u></b>		=	<b>\$16,889.19</b>

## CONCLUSION

The proposed development involves the erection of a detached residential dwelling, shed and swimming pool, creating a dual occupancy on the subject property.

The proposal involves development works within the RU2 – Rural Landscape zone that will exceed the prescribed maximum separation distance between Dual Occupancies on RU2-zoned land.

A variation to Clause 4.2B of the LEP is therefore sought by the applicant pursuant to Clause 4.6 of the *Great Lakes Local Environmental Plan 2014*.

As detailed within this Report, strict compliance with the maximum dwelling separation distances prescribed by Clause 4.2B of the LEP is unreasonable and unnecessary in this particular case.

The MidCoast Council *Draft Local Environmental Plan 2024* proposes to remove the clause 4.2 requirement for detached dual occupancies to be sighted within 100m of each other, thus strengthening the justification to permit the variation of the current LEP standard.

The proposed development has demonstrated compliance with the relevant provisions contained within the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and the *State Environmental Planning Policy (Resilience and Hazards) 2021*. Furthermore, the proposed development achieves the objectives contained within the LEP and DCP.

The proposed development suits the site and does not raise any issues contrary to the public interest.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1- DA2024/0646 - Draft Conditions of Consent (14 pages)

Attachment 2- DA2024/0646 - Architectural Plans (7 pages)

Attachment 3- DA2024/0646 - Statement of Environmental Effects (27 pages)

Attachment 4 - DA2024/0646 - Variation to Development Standard Report (9 pages)



## 16.5. DETACHED DUAL OCCUPANCY - 106 CAREY ROAD, WINGHAM (DA2024/0704)

### REPORT INFORMATION

Report Author	Chad Vowles - Assessment Planner
Date of Meeting	27 November 2024
Authorising Director	Paul De Szell - Director Liveable Communities

### SUMMARY OF REPORT

Development Application DA2024/0704 seeks consent for the erection of a detached dwelling creating a dual occupancy on a rural property located at No.106 Carey Road, Wingham.

The proposal includes a Clause 4.6 variation to Clause 4.2C of the *Greater Taree Local Environmental Plan 2010* (LEP) for the prescribed maximum separation distance between dual occupancies on RU1 Primary Production zoned land parcels.

The application proposes a separation distance of 397m between the dwellings – this equates to a 297% variation to the required maximum 100m separation between dwellings as per the LEP. The variation exceeds 10% and is, therefore, referred to Council for determination.

### RECOMMENDATION

That Development Application DA2024/0646 for a detached dwelling creating a dual occupancy at 106 Carey Road, Wingham be approved subject to the conditions contained in Attachment 1.

### DETAILS

Date Received:	19 September 2024
Applicant:	Crescent Projects Pty Ltd
Owner:	Mr Mark Osmond-Dreyer & Mrs Kashanna Osmond-Dreyer
Land:	Lot 51 DP 831604, 106 Carey Road, Wingham NSW 2429

### 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.

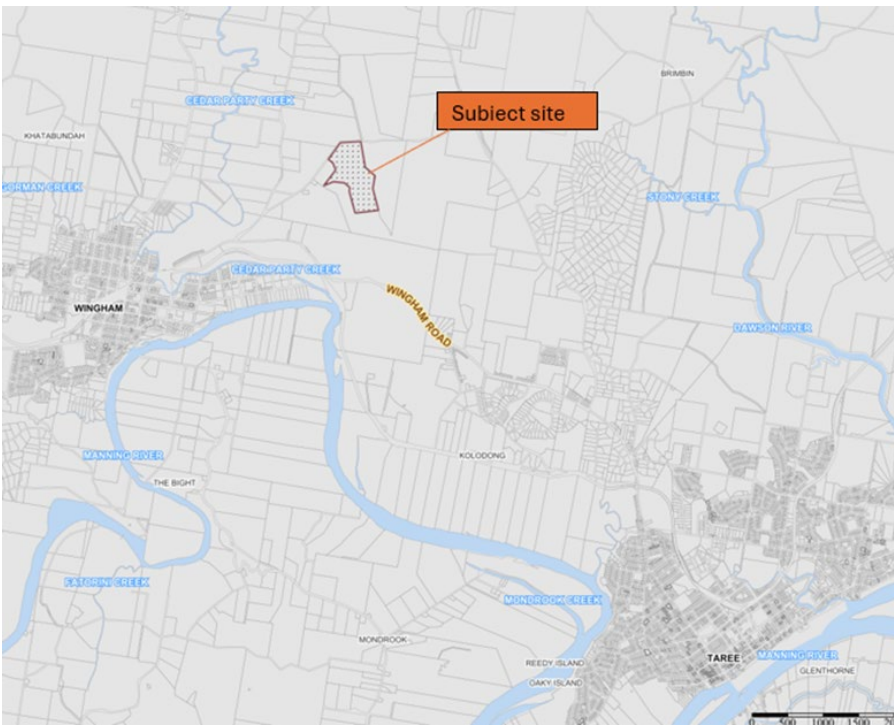
### RISK IMPLICATIONS

Nil.

### SUBJECT SITE & LOCALITY

The site is identified as Lot 51 DP 831604, 106 Carey Road, Wingham.

The land parcel has an area of 40.2Ha and is accessed from Carey Road to the north of the proposed dwelling site.



**Figure 1. Site Locality Map (Source: Intramaps)**

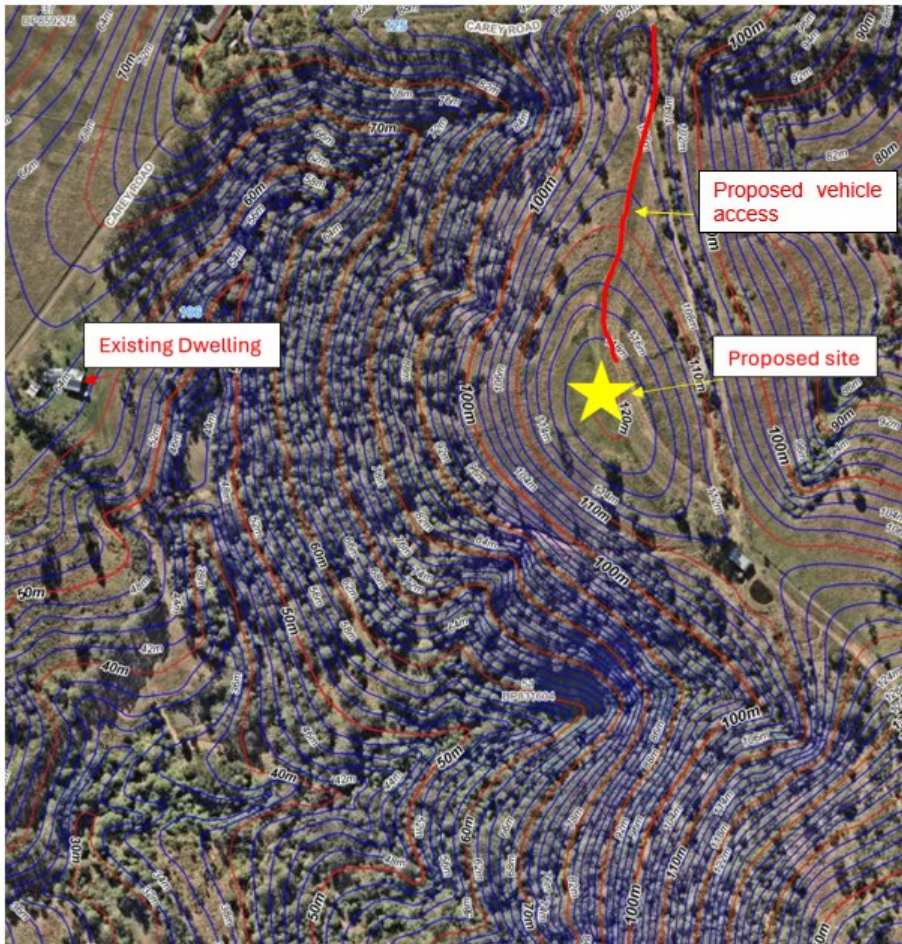


**Figure 2. Aerial Imagery of the Site (Source: Intramaps)**

An existing 4-bedroom dwelling is located on the subject site along with several ancillary structures. Vehicle access to the existing dwelling is provided by Carey Road.

The adjoining allotments are similar sized rural properties, with the exception of the neighbouring property directly to the south-west which comprises of a smaller 5.7Ha lot size. The subject site is not mapped as flood prone or affected by acid-sulfate soils, but is mapped as bushfire prone land.

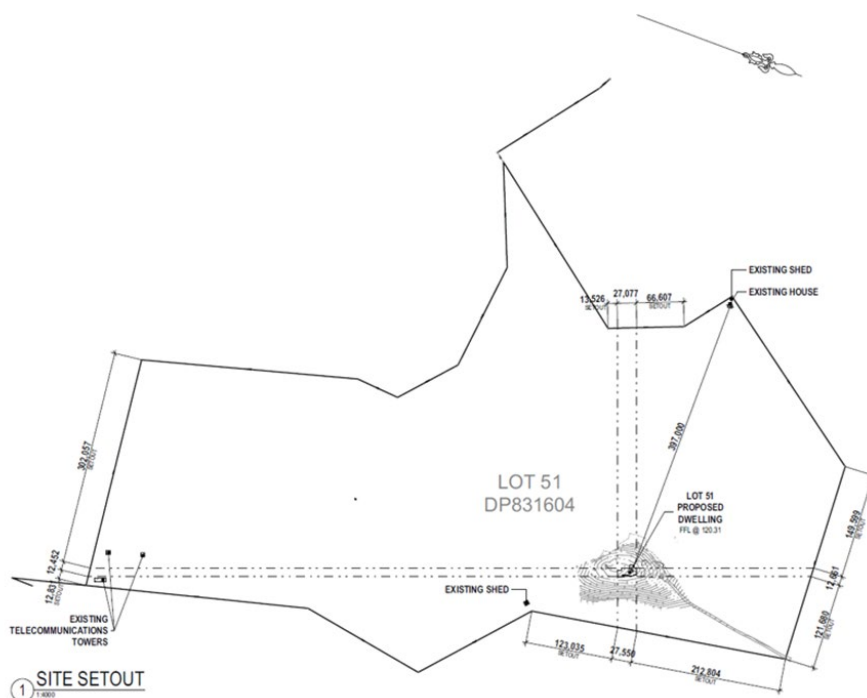
The site topography is steep and the land is heavily vegetated. The property rises nearly 60 meters in elevation change from the existing dwelling on the western boundary (approx. 64m AHD) up to the only other clear area of land without heavy native vegetation coverage on the north-eastern portion of the allotment at approximately 120m AHD. The site is heavily vegetated land for the majority containing mature trees located to the west of the proposed house site, with the newly proposed vehicle access and house site clear of native vegetation. Several telecommunication infrastructure towers are located in the south-east corner of the property.



**Figure 3. Aerial Imagery with contours of the Site (Source: Intramaps)**

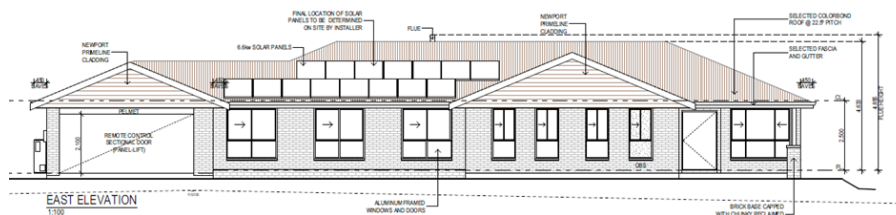
## **PROPOSAL**

The applicant is seeking approval for a single storey dwelling on a 40.2 Ha rural allotment that already contains a dwelling. The proposed erection of a second (detached) dwelling on the site will create a dual occupancy, with the chosen site located 397m east of the existing 4-bedroom dwelling.

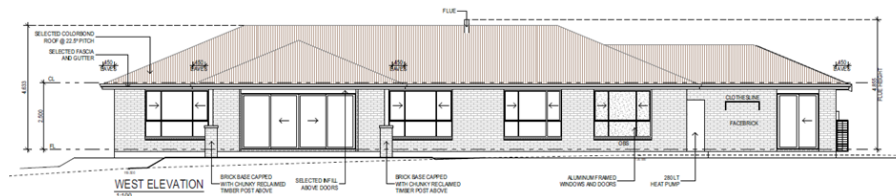


**Figure 4 – Proposed site plan (Source: Applicant)**

The proposed single storey dwelling is a modern style design consisting of four (4) bedrooms, two (2) bathrooms, living and dining areas, kitchen and laundry facilities, external patios and an attached two (2) car garage. Ample water storage tanks are proposed, and wastewater will utilise an appropriate on-site septic system (separate Local Government approval).



**Figure 5 - Dwelling East elevation (Source: Applicant)**



**Figure 6 – Dwelling west elevation (Source: Applicant)**

Access to the proposed dwelling will be via the public road of Carey Road to the north and will utilise a partially constructed all weather gravel access road within the property that will be extended to the new dwelling site.

## DISCUSSION

Under S4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act), a consent authority (the Council), in determining a development application, “is to take into consideration such of the following matters as are of relevance to the development the subject of the development application”.

The relevant matters for consideration are summarised below:

### 4.15 (1)(a)(i) the provisions of any environmental planning instrument

## **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposed dwelling is BASIX-affected development in accordance with Section 6 of SEPP (Building Sustainability Index: BASIX) 2004.

The applicant has provided a BASIX certificate and indicated the BASIX commitments identified in the BASIX Certificate on the plan to achieve the minimum sustainability requirements.

### ***Greater Taree Local Environmental Plan 2010***

The site is located within the former Greater Taree City Council Local Government Area, and the provisions of the Greater Taree Local Environmental Plan 2010 (LEP) apply to the proposal.

The site is mapped as RU1—Primary Production under the provisions of the LEP. The proposed development is for a *Dual Occupancy*, which is permitted land use within the RU1 Zone.

The objectives of the **RU1 – Primary Production** are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.*
- *To maintain the rural landscape character of the land.*
- *To protect and enhance the native flora, fauna and biodiversity links.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity*

The proposed development satisfies the relevant objectives of the RU1 Zone in that it:

- Provides residential accommodation to meet the housing needs of the community within the low-density residential environment.
- Is in keeping with other land uses in the locality.
- Does not interfere with the agricultural viability of the land.
- Does not detrimentally affect the landscape character of the land.

The development has been assessed against all the LEP's provisions, including development standards, miscellaneous provisions, and local provisions.

The following table is a summary of the evaluation of the proposed development pursuant to the relevant provisions of the LEP:

<b>Table 1: LEP Compliance Table</b>		
<b>Clause</b>	<b>Compliance</b>	<b>Comments</b>
<b>4.1 Minimum lot size</b>	Yes	Minimum requirement: 40Ha Existing lot size: 40.2Ha
<b>4.2A Erection of Dwelling Houses in certain rural and conservation zones</b>	Yes	The site contains an existing lawful dwelling and meets the requirements for the development standard.

Table 1: LEP Compliance Table		
<p><b>4.2C Erection of dual occupancies in Zone RU1</b></p>	<p><b>No</b></p>	<p><b>Proposed variations</b></p> <p>1. The application seeks to vary clause 4.2C – subclause 2[b] which requires detached dual occupancy dwelling in the RU1 zoning to be situated within 100m of each other.</p> <p>Comment:</p> <p>The agricultural use of the land will not be detrimentally impacted by the proposal.</p> <p>The site is physically suitable for the proposed change of use.</p> <p>The proposed development will not have an adverse impact on the scenic amenity or character of the rural environment.</p> <p>No fragmentation of the subject land will occur, and native flora, fauna and biodiversity links will not be impacted.</p> <p>2. The application seeks to vary clause 4.2C – subclause 2[e] which requires each dwelling will use the same vehicular access to and from a public road and share a common fire break.</p> <p>Comment:</p> <p>The proposed dwellings will require a separate vehicular access to and from the public road due to the distance between the dwelling sites separated by steep topography and existing native vegetation.</p> <p>There will be no adverse impact on agriculture use / value of the land if separate access driveways are approved. The area proposed for the second vehicle access is currently clear of vegetation, and provides vehicle access for essential service vehicles to drive to the communication infrastructure towers located at the south-east corner of the property (see proposed site plan - Figure 4 of this report).</p>

<b>Table 1: LEP Compliance Table</b>		
<b>4.3 Height of Buildings</b>	Yes	Maximum: 8.5m Proposed dwelling: 4.85m
<b>4.4 Floor Space Ratio</b>	Yes	Maximum FSR: 0.4:1 Proposed FSR: 0.02:1
<b>4.6 Variation to Development Standards</b>	See Below	The proposal seeks a variation to the nominated minimum distance between dwelling in the rural zoning and proposes a separate vehicle access for the second dwelling away from the existing driveway. See discussion below.
<b>7.11 Essential services</b>	Yes	The proposed development is serviced by electrical infrastructure and will have rainwater tanks and an OSSM system to service the dwelling for wastewater.

#### **Clause 4.6 - Exceptions to development standards**

Clause 4.6 of the LEP provides a degree of flexibility in applying certain development standards where it can be demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the proposed development.

The development proposes a variation to the development standard associated with Clause 4.2C 'Erection of dual occupancies and secondary dwellings in Zone RU1' (refer to 'LEP Compliance' table above).

The application proposes a 397m setback of the proposed dwelling from the existing primary dwelling. This exceeds the development standard by 297m, resulting in a 297% variation. The application also seeks a second vehicle access to service the proposed dwelling.

##### **Subclause 4.6(1)**

The proposed variation to Clause 4.2B is considered to be consistent with the objectives of Clause 4.6(1) of the LEP.

##### **Subclause 4.6(2)**

Clause 4.2C '*Erection of dual occupancies and secondary dwellings in Zone RU1*' is a development standard which is not excluded from the operation of clause 4.6.

As such, consideration of the variation to the development standard is permitted.

##### **Subclause 4.6(3)**

In accordance with Clause 4.6(3) the applicant has provided a written request with justification for the variation, noting that the application of Clause 4.2C is unreasonable in this instance and that there are sufficient planning grounds to support the variation.

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 4.6(3).

As discussed in the applicant's justification documents provided to Council, numerical compliance with the development standard (maximum 100m between dwellings) would not result in a better outcome for the site or adjoining lots. The request also outlines the proposal's suitability from both an environmental impact and amenity perspective. (full variation report – Attachment 3).

Landscape screening will remain unchanged, no clearing or fencing is proposed as part of the application and the proposal is unlikely to detrimentally affect the native flora, fauna and biodiversity links.

Given the buffer provided by the vegetation, the risk of land use conflicting with adjoining sites is limited. As the proposed dwelling is located greater than 70m away from the nearest property boundary and more than 350m from other dwellings on adjacent lots, there will not be any adverse effects of adjoining lots or dwellings.

The Draft MidCoast Council L.E.P has removed the development standards listed above in the current L.E.P [Clause 4.2C (b) and (e)].



**Figure 7. Site Photo taken 16/10/2024 of proposed house site - facing west towards the existing dwelling located 397m away down steep heavily vegetated topography. (Source: Site Inspection)**

Despite the variation, the proposed development is still consistent with the relevant objectives of the development standard as detailed within Table 2 Below.

<b>Table 2 – Relevant Rural Zone Objectives for Clause 4.2C consideration</b>	
<i>(a) To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	No impact to agricultural production as none currently exists.
<i>(b) To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The dwelling proposal will limit of impact primary industry enterprises in the locality.
<i>(c) To minimise the fragmentation and alienation of resource lands.</i>	The allotment is not currently suitable for the use of significant agriculture production due to the steep topography and heavy native vegetation cover.
<i>(d) To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Dwellings and dual-occupancies are permitted on the lot. The approval of a second dwelling on the subject site will not impact adjoining agricultural land uses.
<i>(f) To maintain the rural landscape character of the land</i>	No impact to adjacent rural lands. The dwelling site is >70m away from the nearest rural property boundary.



Table 2 – Relevant Rural Zone Objectives for Clause 4.2C consideration	
<i>(g) To protect and enhance the native flora, fauna and biodiversity links.</i>	No vegetation is proposed to be removed for the dwelling. All native vegetation on the allotment will remain.
<i>(h) To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.</i>	No subdivision of the land is proposed. Minimum lot size shall remain 40.2 Ha.

As identified in the applicants' request, the proposed variation to the development standards will result in a positive outcome for the site and achieve the objectives of each Clause. It is considered that the variation to the development standard is within the public interest.

The Director General's office has previously advised the Council that concurrence may be assumed as detailed in Planning Circular PS 08-003.

#### **LEP Subclause 4.6 summary**

The proposed variation does not bring rise any matters of state or regional environmental planning significance.

Strict compliance with the development standard would not benefit the public.

The proposal satisfies the established tests for Clause 4.6 variations, is an appropriate form of development for the site, and will improve its outcome. Flexibility in applying the development standards is justified.

#### **4.15 (1)(a)(ii) Draft Local Environmental Plan**

Consideration of the MidCoast Council *Draft Local Environmental Plan 2024* is applicable to the assessment of the proposed development.

MidCoast Council has completed the exhibition the draft Local Environmental Plan. Several applicable clauses within the draft LEP should be considered in assessing the subject development application.

The subject land is proposed to be re-zoned to *RU4 Primary Production Small Lots* under the provisions of Draft MidCoast Local Environmental Plan which reflects the less valuable productivity of the land. In addition, the proposed development will be permissible under the proposed RU4 zoning (with no minimum distance from the existing dwelling applicable).

- **Clause 1.8 Repeal of planning instruments applying to land**

The current Greater Taree LEP would be repealed if the draft MidCoast Council LEP is endorsed and adopted.

#### **Proposed Zoning - RU4 Primary Production Small Lots**

##### **The objective of the RU4 zone under the draft LEP:**

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for rural tourism in association with the primary industry production capability of the land which is based on the rural attributes of the land.*
- *To promote productive rural landscapes by minimising the fragmentation of rural land.*
- *To maintain the rural landscape character of the land.*

The proposal meets the objectives of the draft LEP and the zoning of RU4 *Primary Production Small Lots* would permit both dwellings and dual occupancies with consent.

- **Part 4 Principal development standards**

Under part 4 of the draft LEP, the current LEP requirements for detached dual occupancies are proposed to be amended.

The current Greater Taree LEP 2014 Clause 4.2C requires dual occupancies to be built within 100m of each other to meet the objectives of the RU2 zone as below:

*(2) (b) any dwellings will be situated within 100 metres of each other,*

The draft MidCoast Council LEP currently on exhibition has removed this requirement for dual occupancies in the (current) RU1 zoning and future (proposed) RU4 zoning of the subject land.

Noting this change in the proposed future Council Policy and rezoning of the parcel of land to RU4, this report recommends that the current proposal be supported by considering the future LEP requirements found in the current draft LEP document.

**4.15 (1)(a)(iii) any development control plan**

**Greater Taree Development Control Plan 2010**

The site is located within the former Greater Taree Local Government Area and the objectives and controls of the *Greater Taree Development Control Plan 2010* (DCP) are applicable to the proposal. Table 3 below details the relevant controls of the DCP (Part J – Rural and Environmental Zone Requirements) and outlines how they relate to the proposed development.

The explanation of the objectives of Part J of the D.C.P are set out as follows:

*“Land zoned for rural and environmental purposes offers a quality and range of opportunities and constraints unique to the urban areas. Generally, these lands are identified for their agricultural, soil quality, vegetation types, and threatened species, scenic, topographic or similar values. These values are key considerations in the suitability of development in rural and environmental zones.*

*Generally, development on rural and environmental zoned land should be sited so as not to detract from the amenity and quality of the land and surrounding lands. Development proposed on steep slopes, ridges or hilltops can detract from the scenic and environmental quality of the land, as can unsympathetic road works on a hillside.”*

A compliance table is provided below addressing the objectives and performance criteria of Parts J1 and J2 of the Greater Taree Development Control Plan 2010.

<b>Table 3: DCP Compliance Table</b>	
<b>DCP Section</b>	<b>Compliance/Comments</b>
<b><u>J1 – Development in rural and environmental zones</u></b>	
<b>J1.1 General</b>	<p>Comment:</p> <p>There is not likely to be any significant ecological impacts resulting from the proposed works. The application does not propose the removal of trees and is unlikely to result in detrimental ecological impacts.</p> <p>There is sufficient land area for effluent disposal and the application has been supported by Council’s Wastewater Team which assessed the suitability of the site for the development.</p> <p>The site is not mapped as being flood prone land or contaminated land.</p>

<b>Table 3: DCP Compliance Table</b>	
	<p>The rural land surrounding the proposal will not be adversely affected or inhibited by the additional dwelling.</p> <p>The site is currently not utilised for rural production due to native vegetation and steep topography.</p>
<b>J1.2 Building Setbacks</b>	<p>Comment:</p> <p>The proposed dwelling complies with all setback requirements of the DCP.</p>
<b>J1.3 Carparking and access</b>	<p><u>Comment:</u></p> <p>The dwelling includes a double garage to service the occupants needs and this garage cannot be seen from the road.</p> <p>Driveway access will use an area of cleared space that currently services access needs to the communications towers at the south-east corner of the allotment.</p>
<b><u>J2 – Rural accommodation / Tourism</u></b>	
<b>J2.1 Rural Dwellings</b>	<p>Comment:</p> <p>The design is sympathetic to the site topography and existing landform. The dwelling will be unobtrusive to the surrounding rural setting.</p> <p>The proposal will not adversely overshadow the adjoining lots. The proposed dual occupancy will not result in the dwelling overlooking adjoining properties or significantly impacting on views given the topography and setbacks.</p>
<b>J2.2 Rural dual occupancies (detached)</b>	<p>Comment:</p> <p>The proposed dwelling is located on the same legal entitlement as the existing dwelling.</p> <p>The dual occupancy will not reduce the current or future agricultural productivity of the allotment.</p> <p>There is sufficient space on the site for landscaping opportunities and open space areas.</p> <p>The site will continue to maintain existing waste management arrangements. Sufficient space on the site for management of waste during any construction activities.</p> <p>As discussed in the L.E.P Clause 4.6 variation earlier in this report, the addition of a dwelling is unlikely to create land use conflict with the use of the subject or adjoining lots and is suitable for the site.</p> <p>The proposed dual occupancy generally complies with the General Building Design Controls with a high-quality design.</p>

#### **4.15 (1)(a)(iiia) any planning agreement or any draft planning agreement**

Not Applicable

#### **4.15 (1)(a)(iv) any matters prescribed by the regulations**

##### ***Council Policy***

The items to consider include compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, signage on work sites, critical stage inspections and records of inspections.

Relevant conditions will be imposed on any consent granted.

#### **4.15 (1)(b) the likely impacts of that development**

##### ***Context and Setting***

The bulk and scale of the proposed development is consistent with other residential dwellings within the Wingham locality.

The proposed development is consistent with the surrounding context and setting.

##### ***Site Design and Internal Layout***

No site or internal design impacts are likely to result. The dwelling is sited appropriately and has access to the existing Council road network.

##### ***Views***

There is not likely to be any adverse visual impacts.

##### ***Privacy (Aural and Visual)***

There are no adverse impacts relating to visual privacy, given the increased setbacks to boundaries and nearby dwellings.

##### ***Overshadowing***

The proposal will not adversely overshadow adjoining lots.

##### ***Visual Impact***

There are no adverse impacts. The dwelling is well situated within the site, is a design that is sympathetic to the rural character of the area and is screened from adjoining lots by mature landscape vegetation throughout the subject and adjoining lots.

##### ***Access, Transport and Traffic***

No vehicular access or traffic impacts associated with the proposed development. Vehicular access to the second dwelling site is proposed by a separate driveway access off Carey Road and would be subject to conditions of development consent for a driveway crossing approval (S138 application) and minimum standards for bushfire protection access / egress.

##### ***Utilities***

The site is serviced only by power, with both water and wastewater disposal to be constructed to service the dwelling. A separate local government application (Section 68) will be required as a condition of any consent for the installing of an on-site sewage management system.

The proposed development will have rainwater tanks to service the dwelling for water requirements.

##### ***Drainage***

The site has sufficient land area and fall for natural site drainage. Conditions for stormwater disposal are included in the draft conditions of consent included at *Attachment 1*.

##### ***Soils***

No adverse soil impacts are likely to result.

### **Bushfire**

The site is mapped as bushfire prone land. An assessment has been completed and the proposal is accompanied by a bushfire assessment report which provides recommendations for the proposed dwelling.

The proposal was referred to the New South Wales Rural Fire Service (RFS) who provided concurrence on for the proposed development on 23 October 2024 and recommended conditions of consent to be included in the draft conditions.

Conditions have been included in the draft conditions at Attachment 1.

### **Flora and Fauna**

The proposed removal of regrowth vegetation is unlikely to impact upon flora or fauna.

### **Climate Change**

No impacts relating to climate change are likely to result. The building has been designed to achieve the minimum requirements for sustainability as evidenced in the BASIX Certificate.

### **Cumulative Impacts**

No significant cumulative impacts are likely to result.

#### **4.15 (1)(c) the suitability of the site for the development**

The proposal is located within an established rural subdivision. The siting of the dwelling is appropriate when considering the use of the lot and site constraints as discussed earlier in the report.

For the reasons detailed within this report, it is considered that the site is suitable for the proposed development.

#### **4.15 (1)(d) any submissions made in accordance with this Act or the Regulations**

The application was notified to adjoining owners in accordance with Council's Policy. Two (2) submissions supporting the proposal were received by Council.

#### **4.15 (1)(e) the public interest**

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

### **Section 7.11 Contributions Plan**

In accordance with the Council's Development Contributions Plan (Section 7.11), the development is required to pay contributions associated with the proposed development. The following table outlines the developer contribution calculations and the total payable amount for the development.

<b>GTCC Plan</b>	<b>Facilities</b>	<b>Per Person</b>	<b>3+ Bed Dwelling, New Lot</b>
Wingham	Local Facilities	\$ 1,745.57	\$ 3,979.90
Wingham	Greater Taree Facilities	\$ 1,862.75	\$ 4,247.07
	<b>Total</b>	<b>\$ 3,608.32</b>	<b>\$ 8,226.98</b>

### **CONCLUSION**

The proposed development involves the erection of a detached residential dwelling, creating a dual occupancy on the subject property.

The proposal involves development works within the RU1 – Primary Production zone that will exceed the prescribed maximum separation distance between Dual Occupancies on RU1 zoned land and require a separate access driveway due to natural topography constraints.

A variation to Clause 4.2C of the LEP is therefore sought by the applicant pursuant with Clause 4.6 of the *Greater Taree Local Environmental Plan 2010*.

As detailed within this Report, strict compliance with the maximum dwelling separation distances prescribed by Clause 4.2C of the LEP is unreasonable and unnecessary in this particular case.

The MidCoast Council *Draft Local Environmental Plan 2024* proposes to remove the clause 4.2 requirement for detached dual occupancies to be sighted within 100m of each other, thus strengthen the justification to permit the variation of the current LEP standard.

The proposed development has demonstrated compliance with the relevant provisions contained within the *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and the *State Environmental Planning Policy (Resilience and Hazards) 2021*. Furthermore, the proposed development achieves the objectives contained within the LEP and DCP.

The proposed development is suitable for the site and does not raise any issues contrary to the public interest.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - DA2024/0704 - Draft Conditions of Consent (12 pages)

Attachment 2 - DA2024/0704 - Architectural Plans (14 pages)

Attachment 3 - DA2024/0704 - Statement of Environmental Effects (including Variation to Development Standard) (11 pages)

## 16.6. HOUSING BARRIERS REVIEW IMPLEMENTATION PLAN - UPDATE

### REPORT INFORMATION

<b>Report Author</b>	<b>Paul De Szell - Director Liveable Communities</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>

### SUMMARY OF REPORT

The Housing Barriers Review seeks to understand the barriers which unnecessarily complicate the development assessment process and/or impede the delivery of good housing outcomes within the MidCoast Council Local Government Area.

By understanding these barriers, Council can work towards internal process improvements, industry engagement and the ongoing development of its planning controls to best meet the challenges of the current housing market.

This report provides an update on the Implementation Plan within the Housing Barriers Review Findings Report.

### RECOMMENDATION

That Council note the content of the report.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

Nil.

### BACKGROUND

In recent years, much has been done to improve development assessment efficiencies, timeframes and outcomes. Projects include integration with the NSW Planning Portal, migration from three legacy IT systems to one system (MC1), establishment of a dedicated fast track approvals team and application system and the development and implementation of a lodgement process to improve the quality of applications prior to acceptance and formal lodgement in the Planning Portal. Each of these actions is consistent with the NSW Government's Development Assessment Best Practice Guidelines.

With work being undertaken on the draft MidCoast Local Environmental Plan and Development Control Plan (referred to as the MidCoast planning controls), now is an opportune time to take a holistic approach to improvements to the development assessment process. The aim being to determine the barriers to achieving good quality development outcomes by examining what improvements can be made to the new MidCoast planning controls, alongside process improvements on how we assess development applications and provide information to our community.

As a proactive step Council sought and was successful in receiving a grant from the NSW Government Regional Housing Strategic Planning Fund, which has provided \$226,219 to undertake both a Housing Barriers Review and to draft a new MidCoast Development Control Plan.

Localé Consulting were engaged to undertake the Housing Barriers Review Project. The final Housing Barriers Review Findings Report prepared by Localé Consulting was presented to Council at its meeting of 23 October 2023 where it was resolved that:

1. Council endorse the Housing Barriers Review Findings Report (October 2023) provided in Attachment 1;
2. Council adopt the Implementation Plan within the Housing Barriers Review Findings Report (October 2023); and
3. Quarterly reports on the delivery of the Implementation Plan be provided to Council commencing in February 2024.

This report provides an update on the Implementation Plan within the Housing Barriers Review Findings Report post the election of the new MidCoast Council.

## DISCUSSION

The Housing Barriers Review Findings Report (October 2023) (see Attachment 1) is based on three direction streams. Each of these streams has definable outcomes on its own, but with concurrent implementation, there is the potential to magnify the benefits of each stream.



### Direction 1 – Internal processes and staffing

This inwardly focused direction responds to both internal and external feedback. This direction intends to acknowledge and work towards a structure and systems that reflect the size and complexity of the applications being received and assessed by MidCoast Council. Given the changes in demand that can occur depending on the point of the development cycle, this direction also provides a structure that can be flexibly applied. This direction includes four parts:



There are 22 actions identified in the Implementation Plan within the Housing Barriers Review Findings Report that address issues relating to 'Internal processes and staffing'. A status update in relation to each of these actions is provided in **Attachment 2**.



Following the restructure of the Liveable Communities Division including the transfer of development engineering staff into the Sustainable Development Team, there has been an increased focus on development engineering certification and sign-off to accelerate the assessment process.

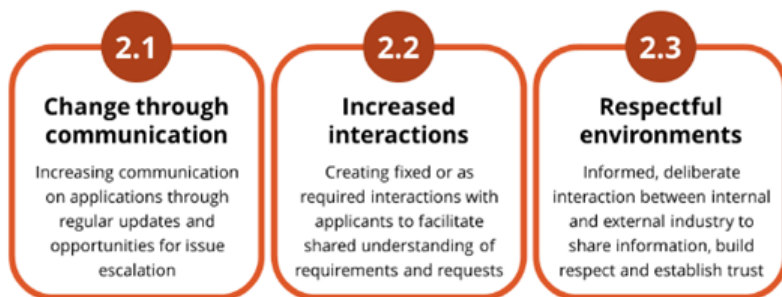
This has been difficult given the chronic staff shortages (50% vacancy) in this area and the failure to be able to recruit additional engineering staff. This has resulted in the need to outsource development engineering services via contract to ensure we can meet existing workloads and maintain levels of service.

We have also focussed on training lodgement team staff on the minimum requirements for application acceptance to accelerate lodgement times and to ensure the incremental improvement of applications over time by reducing the incidence of inappropriate requests and reducing the onus on professional staff reviews.

At the same time, we have reviewed our referral processes and provided staff training to assist in identifying necessary, efficient and consistent referrals.

## Direction 2 - Cultural change and understanding

This direction seeks to create improved working relationships through a greater appreciation of issues and opportunities from both an internal and external perspective. The direction has an initial focus on communication, with a growing opportunity to increase the respectful understanding of perspectives through information sharing and collaboration. The direction includes:



There are 17 actions identified in the Implementation Plan within the Housing Barriers Review Findings Report that address issues relating to '*Cultural change and understanding*'. A status update in relation to each of these actions is provided in **Attachment 3**.

Significant work has been done to encourage more open communication between staff involved in the assessment process and applicants to assist in resolving barriers and to discuss issues in advance of information requests. This has seen a greater focus on establishing and monitoring internal levels of service with respect to communicating progress on applications, with a view to updating applicants on a regular basis.

A process of escalation has also been trialled through the Manager of Development Assessment and Building Certification and Director of Liveable Communities where levels of service are not being met. This escalation is used to resolve barriers and clarify information requests where agreement is unable to be reached between staff involved in the assessment process and applicants and is critical to delivering a better development assessment service.

## Direction 3 - Innovation and strategy

This direction steps outside of the development application process to a more strategic level. It recognises and engages with a range of core issues that require informed policy responses, collaboration or advocacy with others, and which recognise the need for accelerated forward planning following demographic changes related to the Covid-19 pandemic.

At a practical level, many of these challenges can be addressed in some form through consolidated planning controls. However, many issues are challenging within the land use planning system, have costs and will require careful policy development and clear communication to enable meaningful change. The direction includes:



There are 14 actions identified in the Implementation Plan within the Housing Barriers Review Findings Report that address issues relating to ‘*Innovation and strategy*’. A status update in relation to each of these actions is provided in **Attachment 4**.

A key deliverable of Direction 3 is to accelerate the delivery of a new Local Environmental Plan to establish a consistent land use planning framework across the LGA. A major step in the process of creating a new Local Environmental Plan is the public exhibition of a draft plan. Public exhibition of the Draft MidCoast Local Environmental Plan commenced on 29 April and concluded on 14 July 2024. Staff are now in the process of reviewing the submissions received in preparation for reporting the draft LEP back to Council.

## COMMUNITY IMPACTS

This project is expected to provide a positive community impact, in terms of delivering a holistic approach to implementing improvements to the development assessment process, through new MidCoast planning controls and providing additional information to the community and development industry when applying for development approvals.

## ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

### Community Strategic Plan

The Housing Barriers Review reflects many of the key values, objectives and outcomes of the MidCoast 2022-2032: Shared Vision, Shared Responsibility (MidCoast Community Strategic Plan), and is consistent with the community outcomes, being:

1. A resilient and socially connected community
2. An integrated and considered approach to managing our natural and built environments
3. A thriving and strong economy
4. Strong leadership and good governance

## TIMEFRAME

The delivery of the implementation plan within the Housing Barriers Review Findings Report (October 2023) is expected to occur over a number of years in accordance with the following timeframe:

- Immediate actions - to be completed by March 2024
- Short-term actions - to be completed by September 2024
- Medium-term actions - to be completed by July 2025
- Long-term actions- completion is currently undefined, but unlikely by July 2025
- On-going - no set commencement or completion date
- As required - where subject to other influences

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Housing Barriers Review Findings Report (October 2023) (35 pages)

Attachment 2 - Housing Barriers - Table 1 - Internal Processes & Staffing Action update (4 pages)

Attachment 3 - Housing Barriers - Table 2 - Cultural Change & Understanding Action update (3 pages)

Attachment 4 - Housing Barriers - Table 3 - Innovation & Strategy Action update 3 (pages)

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## 16.7. MIDCOAST ECONOMIC OUTLOOK AND INDUSTRY ANALYSIS REPORT

### REPORT INFORMATION

<b>Report Author</b>	<b>Tanya Lipus - Manager Economic and Destination Development</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

This report presents the MidCoast Economic Outlook and Industry Analysis Report produced by the Hadron Group on behalf of MidCoast Council.

The MidCoast Economic Outlook and Industry Analysis Report is the first of its kind for the region and is based on an analysis of available data. The Report is an important tool to better understand the MidCoast economy and help to determine future strategic actions to drive the local economy.

### RECOMMENDATION

That Council notes the:

1. MidCoast Economic Outlook and Industry Analysis Report and
2. MidCoast Economy at a Glance infographic.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

The MidCoast Economic Development Strategy and associated actions and projects is a risk control for the Liveable Communities Division.

*Risk Number 11: Failure to facilitate economic growth and development opportunities.*

### DISCUSSION

Economic Development is one of five (5) areas of importance for the community that have been identified in the MidCoast Community Strategic Plan 2022-2032. The challenge for the MidCoast over the next decade is to ensure the realisation of many of the region's economic opportunities to help drive the growth of the region.

Planning is imperative to help maintain our core industry sectors, whilst providing support to emerging industry sectors. To that end, it is important to have a better understanding of the current economy, the challenges, and opportunities, as well as understanding the region's potential in terms of forecast growth.

The MidCoast Economic Outlook and Industry Analysis Report is an important tool in strategic planning. The report will help to:

- Inform investment decisions.
- Inform future actions as part of the Economic Development Strategy.

- Enable MidCoast Council to monitor progress over time and allow for headline targets.

Tourism has been intentionally excluded from this analysis as it is already addressed through the MidCoast Destination Management Plan, which includes a comprehensive two-year implementation plan.

The Report is provided in Attachment 1, and an easy-to-read MidCoast Economy at a Glance infographic is provided in Attachment 2.

## **Report Highlights**

### **a. Industry Sector Analysis**

The MidCoast has a diverse economy, not constrained by dependency on one or two major industries. The ability to further increase the value-add of the region's diversified industry base will be critical for future growth above benchmarked regions.

The Report identifies key sectors for economic growth and sets an industry segmentation framework for establishing a more focused approach for investment attraction, industry engagement (internal resource allocation) and program development.

#### ***Industry Segmentation Framework***

- ***Economic pillars*** - These industries represent a significant share of the MidCoast's total economy, having experienced strong historic growth and expected to continue growing in the future. They are crucial for maintaining and enhancing the MidCoast's economic prosperity. While they face certain challenges, there are opportunities to secure their competitiveness moving forward.
- ***Dynamic growth sectors*** - These industries are emerging or moderately sized but exhibit strong potential for growth, driven by a combination of local and broader factors. Leveraging these industries is vital for boosting the MidCoast's potential for innovation and dynamism.
- ***High-potential industries*** - These industries are generally moderately sized and make significant contributions to the MidCoast's economy. However, they have been affected by economic headwinds that are challenging to manage at the local level. They are reliable economic contributors that do not necessarily need to be on Council's immediate priority list for intervention.

***Industries facing challenges*** – These industries have experienced notable economic decline and have faced project shutdowns in the MidCoast or have been adversely impacted by broader economic headwinds. Preserving these industries is more challenging, requiring careful consideration and strategic planning.

Economic pillars	Dynamic growth sectors	High-potential industries	Industries facing challenges
Construction	Information, Media and Telecommunications	Education and Training	Mining
Health Care & Social Assistance	Manufacturing	Transport, Postal and Warehousing	Electricity, Gas, Water and Waste Services
Agriculture, Forestry and Fishing	Professional, Scientific and Technical Services	Accommodation and Food Services	Arts and Recreation Services
Tourism	Administrative and Support Services	Rental, Hiring and Real Estate Services	Wholesale trade
		Retail Trade	
		Financial and Insurance Services	

### b. Forecasting growth

The MidCoast has had slow growth, with the Gross Regional Product (GRP) and jobs growth being slower compared to the Mid North Coast, Regional NSW, and national averages. This indicates room for economic and policy interventions that could support job creation and stimulate broader economic activity. The unemployment rate in the MidCoast, which was notably higher than in benchmark regions in late 2020, had nearly converged with these areas by December 2023. This reflects a stabilising economy and provides a strong foundation for future growth.

To enhance the economic performance of the MidCoast, above benchmarked regions, various interventions are required at all levels of government, in addition to community support. (Refer to Section 6.4 of Attachment 1).

The Report provides recommendations across several key areas: investment attraction, advocacy, delivery, investigation, ecosystem establishment, workforce development, and support. These recommendations will be explored as part of future Economic Development Strategy reviews.

## **CONSULTATION**

Engagement with internal and external stakeholders was undertaken by Hadron Group to support the broader analysis.

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

This report and associated recommendation align to the:

Community Strategic Plan:

*Community Outcome 3: A thriving and strong economy. A strong regional economy that supports business and jobs growth.*

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - MidCoast Economic Outlook and Industry Analysis Report (62 pages)

Attachment 2 - MidCoast Economy at a Glance (Infographic) (1 page)

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## 16.8. MIDCOAST COUNCIL - POWER PURCHASE AGREEMENT CONTRACT

### REPORT INFORMATION

<b>Report Author</b>	<b>Zac Aliberti - Senior Sustainability &amp; Climate Change Officer</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

In March 2024, MidCoast Council delegated authority to the General Manager to execute contracts for the supply of electricity for Large Market Sites and Street Lighting, subject to a successful tendering process.

The electricity contract has now been executed with Iberdrola Australia and this report details the results as well as the process.

### RECOMMENDATION

That the Council note the signing of the electricity contract with Iberdrola for the period of 2025 – 2030 for Street Lighting and 2026 – 2030 for Large Sites.

### FINANCIAL / RESOURCE IMPLICATIONS

Contracting electricity rates until the end of 2030 allows Council to prepare long term budget projections and provides protection against market shocks and volatility.

Council Resolution 101/2024 set an upper limit for the value of the contract that could be signed based on 2023 contracted rates. Council Officers can confirm that the result of the tendering process is within these limits and represents a saving compared to the 2023 rates. If compared to 2024 contracted rates, the new contract will see Council's total expected electricity expenses remain level with 2024, with the Street Lighting accounts seeing the greatest savings.

### LEGAL IMPLICATIONS

Council has entered into a Large Market Sites and Street Lighting electricity supply contract with Iberdrola Australia from 1 January 2025 through to 31 December 2030.

The contract was reviewed by Baker McKenzie, the group's legal advisor before signing by Council.

### RISK IMPLICATIONS

The electricity market in Australia is turbulent with regular price spikes and falls driven by supply and demand imbalances. Care and attention was given to identify an appropriate time to seek pricing based on long term averages, trends, expected and known events in the energy market and within a timeframe that allowed contracts to be executed prior to Council's current Street Lighting contract ending 31 December 2024.

Any time Council signs an electricity contract there is an element of risk that wholesale prices may fall after a contract is signed, but there is also an element of risk that wholesale prices may rise. Seeking a longer-term contract does not eliminate the risk that prices may fall between now and 2030, but it does protect Council from potential rises in wholesale prices between now and 2030.

Significant market disruptions are expected over the medium-term as coal-fired power generators age and are eventually retired. New generation replacements have been slower than required to replace the existing capacity and therefore there is a risk that supply and demand pressure may cause prices to rise in the medium term, before settling in the longer term.

Energy policy is contested in Australian politics and to date, this has not resulted in downward pressure on prices or stability within the market.

## **BACKGROUND**

Council has been working in a group of 13 regional Councils to establish a long-term electricity supply contract that provides budget certainty with long-term agreed pricing from 1 January 2025 through to the 31 December 2030. The group of councils was organised by the Hunter Joint Organisation and Mid North Coast Joint Organisation and known as the Regional Councils NSW Power Purchase Agreement group.

Council has three main electricity contracts which cover various aspects of our operations:

- A Large Site contract,
- Small Sites contract and
- An unmetered Street Lighting contract.

The Large Sites contract covers 163 sites which consume more than 100,000 kWh per year. These sites include water and sewer treatment plants, pumping stations, administration buildings, aquatic centres and the other major buildings that consume large quantities of electricity. Unmetered Street Lighting covers electricity consumption that is used by the street lights in our towns and villages. The Small Sites contract covers all other sites where electricity consumption is under 100,000 kWh per year. Although Street Lighting is unmetered, the electricity consumption is calculated and charged by an electricity retailer at an agreed rate.

In the past, Council has generally signed electricity contracts with a 2 – 3 year duration. This is what is generally offered under a standard retail agreement based on electricity future markets that are available to electricity retailers.

Council's Climate Change Strategy highlights renewable energy PPA contracts as the biggest single opportunity to reduce Council's emissions from electricity, while also securing competitive - long-term electricity rates. A renewable energy PPA reduces Council's forward projected carbon emissions by 58,271 tonnes between 2025 and 2030. This electricity contract will make a significant contribution towards achieving Council's Climate Change Strategy goals and targets of net-zero emissions by 2040 and 100% renewable energy by 2040.

In November 2023, the Hunter JO informed MidCoast Council that JO was planning to coordinate a group Power Purchase Agreement (PPA). Grouping Councils together allowed for the pooling of resources and the sharing of costs including legal fees, specialist advice, procurement and probity advice and oversight, as well as leveraging support from Mid North Coast and Hunter JO staff resources. Council agreed that this opportunity was worthy of further consideration and consultation took place with key internal stakeholders, including the Executive group and Councillors.

A Power Purchase Agreement (PPA) is a long-term electricity agreement between a customer (in this case, Council) and an energy retailer that allows the retailer to align wholesale contracts with power generators. These longer-term agreements are possible where generators have fixed or known operating costs into the future, energy loads are reasonably predictable, and all parties have low counter-party risk. Many large corporations and government entities now procure their electricity through various forms of PPAs, including Rio Tinto, BHP, Amazon, Telstra and Woolworths.

In March 2024, Council agreed to use 2023 consumption data and contracted pricing as the benchmark in which the new contract pricing would be measured against. At the time, 2023 was the most recent full calendar year of data that we had available. It was also the most recent year that had not been impacted by droughts, fires, floods or the pandemic, all of which disrupted operations in the preceding years.

A rigorous process was established by the Hunter JO to ensure that procurement, governance and probity requirements were met by all parties. A project plan was established to identify the best way to leverage the expertise across councils and with the external experts who were brought into the process.

MidCoast Council had a staff member on the Steering Committee, Procurement Development Team and Evaluation Panel, which allowed Council staff to have influence and oversight of every step of the process. The agreed procurement strategy involved three stages of tendering:

Stage 1: Expressions of Interest: the group sought Expression of Interest from retailers who would be capable and qualified to supply a PPA to the group of councils. Eight retailers were shortlisted to proceed to stage 2.

Stage 2: Initial offers and confirmation of specification

Stage 3: Best and final offer

The stage 3 tender was run from the 6 August and closed on the 8 August.

Pricing came back favourably for Council, with the three shortlisted retailers offering prices below our agreed benchmark of the 2023 pricing in our current Large Site and Street Lighting contracts.

The evaluation process was robust and provided a recommendation that Council sign the Large Customer Electricity Retail Contract with Iberdrola. The General Manager signed the electricity procurement contract with Iberdrola on 28 October 2024.

## **DISCUSSION**

In November 2023, an internal working group of key stakeholders was established to explore options for future electricity procurement opportunities. MidCoast Council had previously signed a three-year contract for Large Sites for the 2023, 2024 and 2025 calendar years and a two-year contract for Street Lighting for the 2023 and 2024 calendar years.

In January 2024 it was agreed that Council would investigate participating in a group procurement activity with a group that was being led by Hunter Joint Organisation (Hunter JO). In February 2024 a Councillor Workshop was held to discuss the potential benefits, risks and opportunities of participating in a group procurement activity seeking a long-term electricity contract. Councillors had the opportunity to ask questions of staff and the energy consultant from Sourced Energy who had been engaged by Hunter JO to advise the group.

In March 2024 a report was presented to Council seeking delegation for the General Manager to enter into a long-term electricity contract. This delegation was required as energy contracts are generally offered with very short validity periods (often 24 – 48 hours) and without General Manager delegation, it would not be possible to align the 13 councils to sign contracts of this value.

Through April 2024, stage one and two of the tendering processes were completed. These stages short listed potential retailers and finalisation of the specifications for the final tender. In May 2024 the wholesale electricity market and spot market prices entered into a particularly volatile period. The volatility was driven by a range of factors including coal fired power generators being off-line for maintenance and some unexpected outages, transmission outages preventing surplus energy in other parts of the National Energy Market (NEM) from being exported into NSW and lower than expected wind generation.

This volatility caused the Regional Councils group to wait until late – winter / early spring when market conditions were expected to calm. This was communicated to Councillors in a Councillor workshop on 6 June 2024.

In August 2024, the electricity market was displaying signs that the volatility that was present in May and June had begun to settle and the Regional Councils group decided that it was appropriate to enter into stage 3 of the procurement process - the best and final offer.

All three shortlisted retailers submitted their best and final offer and these were assessed against the agreed evaluation criteria, with total price carrying the highest weighting in the evaluation. A preferred tenderer was agreed by the evaluation team and a Letter of Agreement (LOA) was signed by Council and Iberdrola in August, with a final contract signed by Council in October 2024.

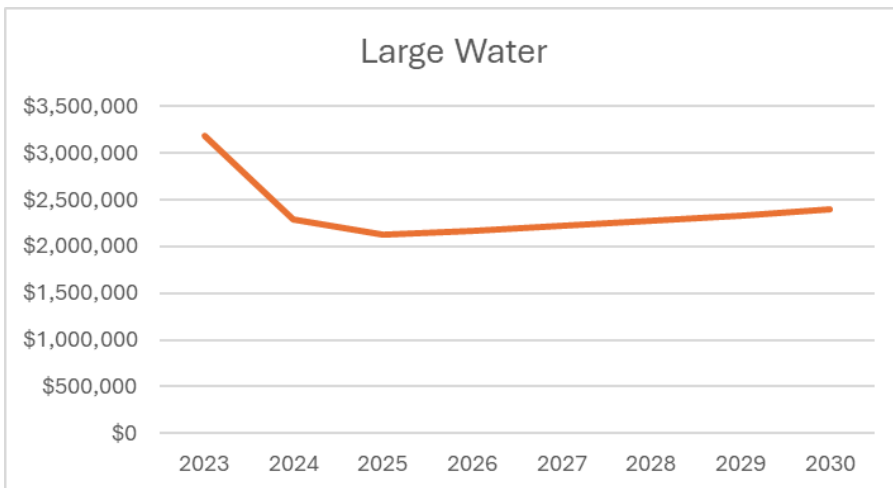
This contract will see Council supplied electricity from renewable sources in regional NSW owned by Iberdrola Australia. Renewable electricity will be supplied from the Capital Wind Farm, Avonlie Solar Farm and Bodangora Wind Farm.

Sourcing Council's electricity from renewable sources to power Council's will reduce Council's carbon emissions by 58,271 tonnes of CO2-e between 2025 and 2030.

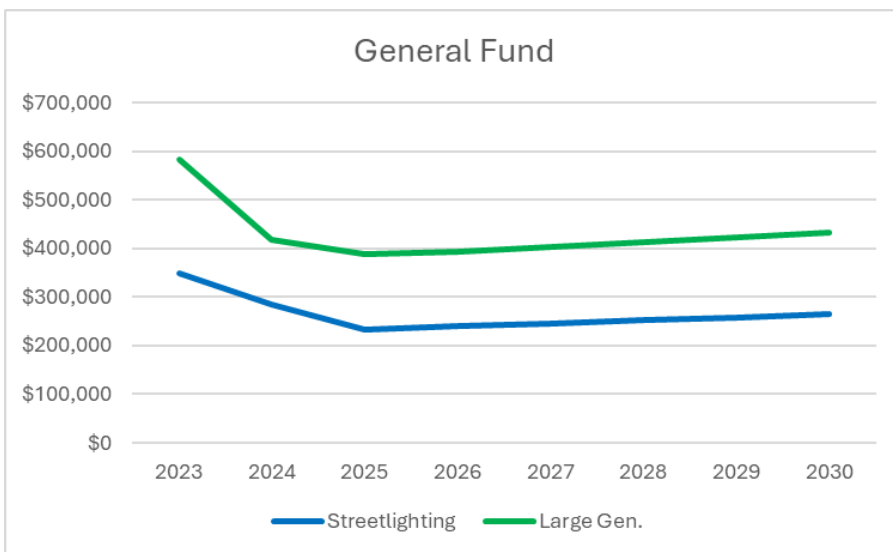
**Electricity costs**

An electricity bill is made up of several factors including energy costs, transmission costs, environmental costs and retailer costs. Only the energy component of the electricity bills are contestable, with other components set by the Independent Pricing and Regulatory Tribunal (IPART).

In Graphs 2 and 3 below, the modelled pricing per department has been graphed to show that prices will remain below the 2023 levels between now and 2030 and below 2024 levels until 2029. Electricity prices are fixed and will increase by 3% year on year.



**Graph 1: Energy component of electricity costs from 2023 – 2030 for Water and Sewer large sites.**



**Graph 2: Energy component of electricity costs from 2023 – 2030 for general fund and street lighting sites.**

**Key lessons from this process**

Energy purchasing on the scale that Council operates is complex and requires industry expertise. In past contracts, Council has had a third party who has assisted in the procurement process. It is common for these third parties to be paid via a trailing commission. The process that was undertaken in this group involved paying an upfront fee to the energy consultant which eliminated the need for an ongoing trailing commission, saving Council approximately \$70,000 per year.

Another key lesson was the importance and benefits of beginning the procurement process early.

As Council still had 9 months on our existing Street Lighting contract and 21 months on our Large Sites contract when it was agreed to enter this process in March 2024, Council has been able to wait for suitable market conditions rather than having to rush into the market when prices were at their most volatile.

Electricity procurement is a necessity for councils and all large energy consumers, but it is time consuming and resource intensive. Undertaking this process as part of a group has helped share some of this workload between councils, the joint organisations involved and the external consultants. Council benefited from internal knowledge and experience, as well as the knowledge and expertise from staff in other councils within the group. Reducing the need to do this process every 2-3 years and not being required to undertake this again until 2030 is an efficiency that will allow Council officers to focus on other duties.

## **CONSULTATION**

Key internal stakeholders have been regularly updated on the project throughout the year. Two Councillor workshops were held in February and June 2024, a Council report in March 2024 and monthly updates to the Executive and other key stakeholders including Finance, Procurement, Community Assets, Water and Systems and Transport managers.

## **COMMUNITY IMPACTS**

Certainty in electricity prices until 2030 protects Council from market volatility that can unexpectedly increase its costs, ensuring long term budget stability.

Further, by opting for 100% renewable energy to power Council's large sites and streetlighting, an estimated 58,271 tonnes of carbon dioxide emissions (t/CO<sub>2</sub>-e) will be avoided between 2025 and 2030, being a significant contribution towards achieving Council's Climate Change Strategy goals and targets of net-zero emissions by 2040.

## **GOVERNANCE**

Council's Director for Corporate Services was a member of the Project Steering Committee which in part, oversaw the governance of the project. The rigorous processes that were established by the project team and were strengthened with oversight and guidance from Regional Procurement, ensured that sound governance processes were followed.

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

The contracts are consistent with the objectives identified in the Community Strategic Plan, the procurement process was well managed within the applicable governance framework, and a strong value-for-money outcome was achieved.

*Community Outcome 4: Strong Leadership and Good Governance*

*Council is focused on being sustainable, well governed and delivering the best outcomes for the community.*

*Strategic Objective 4.2: Council demonstrates good governance and financial management to ensure that decisions and transactions and ethical, efficient, safe and fair*

*4.2.1 Use governance frameworks and processes to guide our decisions and to ensure council is accountable to the community.*

*4.2.2 Use business improvement, project management and risk management methodologies to ensure best outcomes.*

*4.2.3 Council manages our services and infrastructure in a sustainable manner to balance community need and expectations.*

Actions to reduce Council's carbon emissions align with the outcomes and strategies outlined in Council's Community Strategic Plan, specifically:

*Community Outcome 2: An integrated and considered approach to managing our natural and built environments.*

*Our natural environment is protected and enhanced while we maintain our growing town centres and manage our resources wisely.*

*Strategic Objective 2.3: Council works towards net zero emissions.*

*2.3.1 Incorporate renewable energy and energy efficiency in future design and planning*

*2.3.2 Promote energy and resource efficiency initiatives to our community*

*2.3.3 Invest in renewable energy efficient measures, power purchasing agreements and carbon sequestration*

## **TIMEFRAME**

The Street Lighting contract will begin 1 January 2025 and the Large Sites contract will begin 1 January 2026, both contracts will finish on 31 December 2030.

## **LIST OF ATTACHMENTS**

Nil.

## 16.9. CAPITAL PROJECTS STATUS REPORT - PUBLIC SPACES

### REPORT INFORMATION

<b>Report Author</b>	<b>Amanda Hatton – Manager Strategy and Projects</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell – Director Liveable Communities</b>

### SUMMARY OF REPORT

This report provides a status update on key projects delivered by the Public Spaces Team and highlights potential issues with schedule, cost or impacts on delivery.

### RECOMMENDATION

That the Public Spaces Monthly Project Status Report be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

Funding for these projects is budgeted in the Capital Works Program or via Grants. Projects are currently progressing within their allocated budget unless noted otherwise.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

The risks associated with each infrastructure project are identified and managed within individual project plans in accordance with the risk management framework.

### DISCUSSION

A brief overview of the current projects is as follows:

#### **Public Spaces - Capital Renewal Works Projects:**

Five (5) projects funded from allocated budget.

#### **Public Spaces - Beach Permit Revenue Projects:**

One (1) project funded from beach permit revenue.

#### **Public Spaces - Grant Funded Projects:**

Sixteen (16) projects across multiple grant funding streams listed below, including projects with additional funding from council budget, developer contributions etc.

- CLIRP – Community Local Infrastructure Recovery (State)
- LRCI – Local Roads & Community Infrastructure Rounds 3 & 4 (Federal)
- LSCA – Local Small Commitments Allocation Program (State)
- PLIG – Public Libraries Infrastructure Grant (State)
- RTAF2 – Regional Tourism Activation Fund Round 2 (State)
- SCCF – Stronger Country Communities Funds Rounds 2 & 5 (State)

## **Flood Recovery - Grant Funded Projects:**

Five (5) projects funded under CLIRP.

## **Public Spaces – Completed Projects:**

Two (2) completed projects for this period.

## **Aquatic Facilities**

- **Allworth Swimming Enclosure** – Works have commenced and are expected to be complete by mid to late November 2024.
- **Coomba Park Swimming Enclosure** – Construction commenced. Pontoon delivery expected early 2025.
- **Gloucester Pool Shade** – **Project complete.**

## **Boardwalks, Platforms & Pathways**

- **Forster Pelican Boardwalk – Suspended Boardwalk** –ACHA and AHIP currently underway with external consultants and not expected until April 2025. Procurement documents prepared so that construction can commence once AHIP received.

## **Cultural**

- **Tea Gardens Library** – Tenders received and being evaluated.
- **Stroud Quambi House Remediation** – Development application lodged.

## **Halls**

- **Barrington Hall Upgrades** – Roofing and painting contracts awarded with works expected to commence early November 2024. Further works to kitchen and storage areas to be completed in 2025.
- **Pacific Palms Hall Upgrades** – Asphalt pavement works underway with expected completion by mid November 2024.

## **Other Facilities**

- **North Arm Cove – Heros Bay Upgrades** – North Arm Cove committee to provide comments and rectifications to Heros Bay master plan which will assist development of the project scope.
- **Taree Albert Street Amenities Upgrade** – Project initiation to commence.

## **Playgrounds, Parks & Reserves**

- **Forster Heights Playground Replacement** –Project planning & procurement commenced with an expected contract award in early 2025.
- **Krambach Leo Carney Amenities Upgrade** –Completed works include landscaping, roof replacement, rear access ramp and landing. Next phase of works includes costing of toilet installation to changerooms in early 2025.
- **Taree Stokes Park Playground Replacement** –Project procurement commenced.
- **Seal Rocks #1 Beach Reserve – Upgrade** –Project is 85% finished with final works expected to be completed mid November 2024. Reserve expected to be open 1 December 2024.
- **Black Head Skatepark** – Awaiting final construction documentation to prepare tender package for procurement.
- **Diamond Beach Park Pathways and Drainage Upgrade** – Detailed drawings complete, RFQ and REF documentation to be prepared.



- **Harrington – Dolphin Park FOLA Upgrade** – Works underway and expected to be complete by end of November 2024.
- **Wingham Dog Fenced Off Leash Area** – Project planning & procurement commenced.

### Showgrounds

- **Bulahdelah Showground Power upgrades** – Designs complete. Procurement to commence.

### Sporting Facilities

- **Tuncurry Harry Elliott Grandstand Repairs** – Construction underway and expected to be complete by the end of November 2024.
- **Bulahdelah Tennis Courts Upgrade** – Project initiation to commence.
- **Gloucester Grandstand** – **Project complete.**
- **Harrington Esmond Hogan Clubhouse & Amenities** – Works underway and expected to be complete mid November 2024.
- **Taree Rec Ground Danny Buderus Amenities Refurb** – Community consultation complete. Redesign underway.

### Flood Recovery

- **Aquatic Infrastructure - Repairs and Replacement** – Detailed design, survey, structural drawings and investigation complete. Manning River & Wallis Lake approvals/licences in place. Construction complete at Tinonee, Wingham Reserve and Manning Rowing Club.

Queen Elizabeth Park, & Croki Piling and abutments complete awaiting pontoons. Seawall repairs complete at Croki, Manning Rowing Club and Queen Elizabeth Park. Barge established at Wallis Lake.

- **Boat Ramp Repair and Upgrade Works** – Civil works at Manning Waters, Bohnock, Andrews Reserve, Tinonee and Manning Point complete. Reserve works at Croki delayed avoiding conflict with concurrent works and now awaiting contractor availability. Expected completion by end of November 2024 or early December 2024.
- **Recreation - Reserve and Park Repair & Reconstruction Works**
  - **King George IV Park – Walkway**: Design and Construct contract awarded, and design commenced. Demolition works expected to commence in late November 2024. Program being revised due to movement of threatened species, Grey Headed Flying Fox at the location.
  - **Billabong Park Playground Softfall** – Tender awarded.
  - **Billabong Park Swing Bridge** – Contract awarded, demolition expected to commence late November 2024.
- **Taree Riverside - Repairs & Replacement of Recreation Assets**
  - **Endeavour Reserve** – Works underway with completion expected end of November or early December 2024.
  - **Queen Elizabeth Park** – Works expected to commence mid November 2024 in conjunction with Endeavour Park.
  - **Harry Bennet Park** – Works expected to commence mid-November and completed late December 2024.
- **Wingham Riverside - Repairs and Reconstruction**
  - **Wingham Riverside Reserve (Stage 2)** - Contractor engaged.

Footpath works due to commence in early November 2024 and pavement resilience works on car park to commence in March 2025 due to ecological constraints being the breeding season for the local Flying Fox colony.

- **Wingham Tennis/Landslip** – Stabilisation complete, court surface restoration complete. Fencing, concrete works and footpath partially complete. Structural steel for footpath due on site end of November 2024 due to galvanising delays. Expected completion of all works end of December 2024.

## **COMMUNITY IMPACTS**

Community impacts are considered and managed in accordance with project plans tailored to individual projects. Regular reporting of progress and advanced notice of issues is coordinated through the Liveable Communities Communications and Engagement Team.

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

These activities align with the following objectives of MidCoast Council's Community Strategic Plan:

Strategic Objective 1.2, Strategy 1.2.1

*Provide accessible and safe local community spaces and facilities.*

Strategic Objective 1.2, Strategy 1.2.4

*Provide learning hubs to support learning opportunities.*

Strategic Objective 1.4, Strategy 1.4.3

*Encourage physical health and fitness and social correctness by providing safe and appropriate recreational facilities.*

Strategic Objective 2.5, Strategy 2.5.1

*Practice integrated land use planning that balances the environmental, social and economic needs of present and future generations and our existing natural, heritage and cultural assets.*

Strategic Objective 3.2, Strategy 3.2.1

*Implement innovative programs and projects to support business precincts in creating and maintaining vibrant spaces.*

Strategic Objective 4.1, Strategy 4.1.2

*Provide clear, accessible, timely and relevant information to the community about council projects and services.*

Strategic Objective 4.2, Strategy 4.2.2

*Use business improvement, project management and risk management methodologies to ensure best outcomes.*

## **TIMEFRAME**

The timeframes associated with each project are outlined in Attachment 1.

## **LIST OF ATTACHMENTS**

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading. The copy of the attachment on the website has had some information redacted as it classified as CONFIDENTIAL in accordance with Section 10A(2)(d)(ii) of the Local Government Act 1993, as the information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Attachment 1 - Public Spaces - Capital Projects Status Report - 31 October 2024 (2 pages).



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## 16.10. MONTHLY PROJECTS STATUS REPORT - NATURAL SYSTEMS

### REPORT INFORMATION

<b>Report Author</b>	<b>Gerard Tuckerman - Manager Natural Systems</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

This report provides a status update on key projects delivered by the Natural Systems Team and highlights potential issues with schedule, cost or impacts on delivery.

### RECOMMENDATION

That the Natural Systems Monthly Project Status Report be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

Projects identified within the report are either included in the Operational Plan (major projects) and/or in the Natural Systems Business Plan (minor and day-to-day projects) which contribute to the implementation of adopted strategies and plans and in the case of weed biosecurity, Council's obligations under the Biosecurity Act. Funding for these projects is budgeted in the Environmental Allocation, Weed Biosecurity budget, stormwater services charge and via grants. Projects are currently progressing within their allocated budgets.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

The risks associated with each project are identified and managed within individual project plans in accordance with Council's risk management framework.

### DISCUSSION

The projects that the Natural Systems Team deliver focus on the following areas:

- Capital Works
- Biodiversity, natural assets and sustainability
- Catchment management, estuary and water quality
- Weed biosecurity

A brief overview of the current projects follows:

#### Capital Works Projects

There are only 2 capital works projects currently in progress:

1. Installation of a stormwater treatment wetland to improve the quality of stormwater discharge from urban areas in the Dunns Creek catchment and ultimately into Wallis Lake is approaching the construction phase. Tender documents are being prepared.
2. Wingham wetland re-design will improve the quality of stormwater to the Manning River. Consultants have completed the functional designs for review by the project team.

## **Biodiversity and Natural Assets projects**

Summary of progress, status and issues since the October project status report:

- Twenty-two (22) major projects underway. Most projects are grant-funded which value adds to the Environmental Allocation. Many grant projects are delivered over a multi-year timeframe.
- Seven (7) of these projects with a combined budget of \$4,300,000 are related to Council's 4-year Regional Koala Partnership with the NSW Government and the delivery of the Koala Conservation Strategy.
- Another major project currently in the planning phase is the Myall River Dredging Project. In March 2024 Council entered into a funding agreement with Transport for NSW to dredge three areas within the Lower Myall River affecting safe boat navigation. Funding of \$2,500,000 has been provided under the NSW Boating Now Program (BNP) with no cash contribution required from Council.
- Almost all projects are on track for completion by their due date. Some delays have been experienced in sourcing suitable contractors to undertake specialist bush regeneration works due to the limited availability of local suppliers and high workloads. A tender panel for bush regeneration services is currently being established to increase the number of suppliers and improve the procurement process for these types of projects.
- An asset management system is currently being developed for Council's public reserves managed as natural assets such as bushland and wetland areas. This involves the audit of all sites to determine their condition rating, and the allocation and prioritisation of resources to achieve agreed maintenance levels for each reserve. Site action plans are also being developed for high priority reserves including sites being co-managed by community volunteers. The asset management system will inform the 10-year financial plan to ensure the condition of these reserves are maintained at a fair-good service level into the future. This important body of work is due to be completed by the end of 2024.

## **Catchment Management, Estuary and Water Quality Projects**

Summary of progress, status and issues since the October project status report:

- 15 projects are currently underway in this focus area, which have attracted grant funds to value add to the Environmental Rate funds.
- All projects contribute to the implementation of high or medium priorities within adopted plans.
- River Revival – on track and into final stages of project implementation. River Revival Stage 2 (undertaken with funding from HLLS) has commenced.
- Rural Community-based Bushfire Resilience Pilot Program is now complete, pending reporting. This project has involved partnerships with MidCoast 2 Tops Landcare Connection, RFS and Western Sydney University to deliver an extension program to assist rural landholders manage biodiversity and fire on their properties.
- Final Community Demonstration Burn workshops were held on 27 and 28 July in Stroud and Bungwahl respectively. These workshops were an excellent opportunity to expand the program to more Rural landholders in these target areas.
- MidCoast Feral Deer Partnership program is nearing completion. This project has been a partnership between MCC, HLLS and the NSW National Parks and Wildlife Service. Council's Deer Project Officer has been fully funded via two linked funding agreements with HLLS, primarily for targeting of feral Rusa deer to reduce their impacts on coastal wetlands and littoral rainforest in the area from Coomba north to Old Bar, with a particular focus around Forster and the islands in Wallis Lake. 290 deer have been controlled by Council contractors during the project.

- Southern Estuaries Coastal Management Program – The Coastal Management Program sets the strategic direction for managing estuaries to protect the environmental, social, economic and cultural values of the southern estuaries. Currently in Stage 3, staff are working with their consultants to draft management options for discussion with agency stakeholders and for input from the community in the new year.
- To address one of key threats to waterway health, an erosion and sediment control improvement program is underway across Council. This program will identify opportunities to improve erosion and sediment control practices both within Council and in the community. An independent baseline audit of erosion and sediment control practices across public and private development has been completed. Audits have built capacity of staff and established a baseline understanding of current erosion and sediment control practices. Results from the audit have been presented to staff across Council and a workshop has been held to identify improvement opportunities.
- All other projects on track.

### **Weed Biosecurity Projects**

An extensive program of weed biosecurity management occurs through the WAP. This report focuses on the projects which have received grant funding matched by Council project funds allocated within the Biosecurity budget. Two (2) key projects are currently being delivered with grant funding:

1. Tropical Soda Apple (TSA) control: This project involves a hierarchy of actions from publicity, engagement, on-ground assistance, encouragement and ultimately compliance in the few incidences where landholder cooperation and action has not been forthcoming.
2. Priority weeds partnership: This project involves management of a number of regional priority weed species including Senegal tea, Camphor laurel and aquatic weeds in identified in the Hunter Aquatic Weeds Eradication Strategy (Water lettuce, Frogbit, Cabomba and Ox-eye daisy).

Summary of progress, status and issues since the October project status report:

- Inspection program for Tropical Soda Apple undertaken.
- Inspections at markets and engagement at various events

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

These activities align with the following objectives of Council's Community Strategic Plan:

- 2.1 We protect, manage and restore our natural environment and our biodiversity.
- 2.2 We understand and manage environment and climate change risks and impacts.
- 2.5 We balance the needs of our natural and built environment.

### **TIMEFRAME**

The timeframes associated with each project are outlined in Attachment 1.

### **LIST OF ATTACHMENTS**

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Attachment 1 - Natural Systems Monthly Project Report - Nov 2024 (2 pages)

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## 16.11. MONTHLY CAPITAL WORKS PROJECT STATUS REPORT - WASTE SERVICES

### REPORT INFORMATION

<b>Report Author</b>	<b>Lewis McDonald - Project Manager Waste Services</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

This report provides a status update on key projects delivered by the Waste Services Team and highlights potential issues with schedule, cost or impacts on delivery.

### RECOMMENDATION

That the Waste Services Monthly Project Status Report be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

The projects outlined in this report form essential components of the Operational Plan and receive funding from the Capital Works Program or various Grants. Currently, these projects are advancing within their designated budgetary allocations, barring any explicitly highlighted deviations.

### LEGAL IMPLICATIONS

There are no legal ramifications associated with the projects outlined in this report.

### RISK IMPLICATIONS

The risks linked with each infrastructure project are methodically identified and effectively managed through dedicated project plans, aligning with the pre-defined risk management framework. This approach ensures comprehensive scrutiny and mitigation of potential risks within the project's operational scope, adhering to established standards and protocols in risk governance.

### DISCUSSION

A brief overview of the current projects as follows:

#### **Waste Services - Capital Works Projects:**

Four (4) projects as indicated in the attachment:

- One (1) funded from allocated budget
- Two (2) funded from landfill remediation reserve
- One (1) royalty-based revenue source

#### **Tuncurry Waste Management Centre Projects**

- FOGO (Food Organics and Garden Organics) – Contract negotiations remain ongoing. Negotiation outcomes and a recommendation report will be presented to a future Council meeting pending advice from the Office of Local Government regarding a potential Public Private Partnership (PPP).
- Tuncurry Landfill Remediation – Preparation of tender documents is underway to allow for the procurement of a contractor to complete remediation works. The NSW EPA have approved the proposed remediation design.

- Tuncurry Landfill Gas Capture – Contract awarded; site mobilisation expected first quarter 2025 with final design coordination with the remediation project to occur

#### **Taree Waste Management Centre Projects**

- Taree Landfill Gas Capture – Contract awarded; site mobilisation expected first quarter 2025 with final design coordination with the remediation project to occur.

#### **Gloucester Waste Management Centre Projects**

- No current Projects

#### **Stroud Waste Management Centre Projects**

- Stroud Landfill Remediation – Analogous to the requirements at Tuncurry, the remediation process at this landfill necessitates the implementation of a capping system designed in accordance with the specifications outlined in the Solid Waste Landfill Guidelines of 2016. This system is crucial to safeguard the environment from potential pollution post-closure, aligning with established regulatory standards for landfill management.

#### **Tea Gardens Waste Management Centre Projects**

- No Current projects

### **COMMUNITY IMPACTS**

Community impacts are considered and managed in accordance with project plans tailored to individual projects. Regular progress reporting and advanced notice of issues are coordinated through the Liveable Communities Communications and Engagement Team.

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

These activities align with the following objectives of MidCoast Council's Community Strategic Plan:

Community Strategic Plan 1.4.1, Project Name – Waste Management Strategy 2030

*Food Organics and Garden Organics (FOGO) feasibility study to inform planning and development for food and organic service for the community.*

Community Strategic Plan 1.4.1, Project Name – Waste Management Strategy 2030

*Remediation of Taree, Stroud, and Tuncurry Landfills*

Community Strategic Plan 1.4.1, Project Name – Waste Management Strategy 2030

*Construction of new landfill cell at Taree Waste Management Centre*

Community Strategic Plan 2.3.3, Project Name – Climate Change Strategy & Action Plan

*Install 50kw solar system at the Taree Waste Management Centre*

Community Strategic Plan 2.3.3, Project Name – Climate Change Strategy & Action Plan

*Undertake Landfill Gas Capture Trial*

### **TIMEFRAME**

The timeframes associated with each project are outlined in Attachment 1.

### **LIST OF ATTACHMENTS**

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading. The copy of the attachment on the website has had some information redacted as it classified as CONFIDENTIAL in accordance with Section 10A(2)(d)(ii) of the Local Government Act 1993, as the information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Attachment 1 - Waste Services - Monthly Project Report - 31 October 2024 (1 pages)

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## 16.12. DEVELOPMENT DETERMINATIONS - OCTOBER 2024

### REPORT INFORMATION

<b>Report Author</b>	<b>Michelle Jobson - Executive Assistant Liveable Communities</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

This report outlines each of the development determinations which have been issued during October 2024.

### RECOMMENDATION

That the report be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

Nil.

### DISCUSSION

113 development determinations were made during October 2024. Details of these determinations are contained in Attachment 1.

Should any Councillor have a query regarding the attachment, please contact the Director Liveable Communities so that the appropriate documentation may be brought to the meeting for clarification.

### LIST OF ATTACHMENTS

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading.

Attachment 1 - Development Determinations report - October 2024 (8 pages)

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## 16.13. MATTERS CURRENTLY BEFORE THE LAND AND ENVIRONMENT COURT

### REPORT INFORMATION

<b>Report Author</b>	<b>Michelle Jobson - Executive Assistant Liveable Communities</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Paul De Szell - Director Liveable Communities</b>

### SUMMARY OF REPORT

This report both lists and provides an update on matters that are currently before the Land and Environment Court.

### RECOMMENDATION

That the report be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

As identified in Attachment '1'

### LEGAL IMPLICATIONS

As identified in Attachment '1'

### RISK IMPLICATIONS

Nil.

### DISCUSSION

This report both lists and provides an update on the matters that are currently before the Land and Environment Court. The information is provided for the consideration of Council.

### LIST OF ATTACHMENTS

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading.

Attachment 1 - Matters before Court - November 2024 update (7 pages)

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## 17. DIRECTOR OF INFRASTRUCTURE & ENGINEERING SERVICES

### 17.1. MONTHLY CAPITAL WORKS PROJECT STATUS REPORT

#### REPORT INFORMATION

<b>Report Author</b>	<b>John Daoud, Manager Project and Engineering - Transport</b> <b>Mitch Stace, Manager Water Project Delivery - Water/Sewer</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Robert Scott, Director Infrastructure &amp; Engineering Services</b>

#### SUMMARY OF REPORT

This monthly report provides the status of major infrastructure and engineering projects and highlights potential issues with schedule, cost or impacts on delivery.

#### RECOMMENDATION

That the Monthly Project Status Report be received, and gateway reports endorsed.

#### FINANCIAL / RESOURCE IMPLICATIONS

Projects within the report are included in the 2024/25 Operational Plan. Funding for these projects is budgeted in either the Capital Works Plan and 2024/25 budget, by grants or by Council's Road Maintenance Council Contract RMCC with Transport for NSW.

#### LEGAL IMPLICATIONS

Nil.

#### RISK IMPLICATIONS

The risk associated with each infrastructure project are identified and managed within the individual management plans in accordance with the risk management framework.

#### DISCUSSION

##### Transport & General Projects FY 24/25

##### Regional Rehabilitation

- Church St, Gloucester – Hume St to Philip St. Road Reconstruction works commenced in late August and are progressing well. Granular pavement rehabilitation between Hume St and Bent St is complete and back open to traffic. Asphaltting and finishing works between Hume St and Bent St will be completed when the granular pavement across the entire project is completed. The work front has progressed to the section between Bent St and Philip St, with stormwater drainage renewals and rehabilitation of the granular pavement ongoing. Construction is scheduled to be completed by mid February 2025.
- The Lakes Way, Boolambayte – Works on the project are progressing well, with the final stages of the project being rehabilitated currently. The contractor is scheduled to complete the project in late December 2024.

## Urban Rehabilitation

- Red Head Road, Red Head – The project is progressing well with works commenced on the final section of Stage 1 works. Final asphaltting and finishing works are scheduled to be completed in December 2024. Stage 2 works which are the construction of a new roundabout at the intersection of Red Head Road and Diamond Beach Road are scheduled to start after the Christmas holiday season, in March 2025.
- Muldoon St, Taree – Kanangra Drive to the Railway Line. This project was completed financial year 2022/2023 but since completion numerous failed areas of pavement have occurred. A review has commenced that includes options for repair.

## Rural Rehabilitation

- Betterment Program – Lansdowne Road. The overall program is progressing well with two segments completed, two segments in construction and the remaining four segments in varying stages of design. The two segments in construction are located at Melinga and Coopernook. They are both scheduled to be completed by December 2024. The construction completion end date for the program (all 8 segments) was October 2025 but during the period, TfNSW notified MCC that an extension to the construction completion date was given, which is now 30 June 2026.

## Bridge Renewals

- Cedar Party Creek Bridge, Wingham – Works progressed well throughout October period with the demolition works well underway. Service augmentation works are underway, with sewer and watermain rising main relocation works progressing well. Bridge abutment construction is underway on both sides of the creek, which will be progressed enough to facilitate piling at the end of November. The bridge is scheduled for completion in December 2025.
- Latimore's Bridge Renewal, Burrell Creek – Construction works are progressing well with all substructure works complete and the bridge deck poured. Finishing works for the bridge will be completed in late November / early December 2024 with the bridge opening at that time. Funding has been provided by Natural Disaster Funding.
- Tipperary Bridge, Tipperary – All substructure works for the bridge are complete and the bridge deck will be completed by late November 2024. Construction of abutment backfill, road approach and finishing works will see the completion and opening of this bridge in December 2024.

## Water & Wastewater Asset Renewal Programs FY24/25

- Water Reticulation renewals program - The renewal of South St, Tuncurry water main was completed. Works commenced on the renewal of water mains at Pacific Pde, Tuncurry & Commerce St, Taree and installation of a new pressure reduction valve on Harrington Road. Water main renewals to suit the new Cedar Party Bridge have continued.
- Sewer Reticulation renewals program - Repairs to Bulahdelah sewer catchment No.1 were performed to enable main relining works to begin, with a relining works contractor engaged for a package of works which is to be completed during November. Renewal of the sewer rising main No.1 continued at Cedar Party Bridge. Another relining package of works is being scoped for Taree Sewer Catchment No.1 based on recent CCTV investigation of system.
- Water meters renewals program - Over the month of October, 231 standard water meter replacements were completed. This brings the yearly total to 564.
- Sewer Pump Renewal Program – Pump design reviews were completed for Taree No.1 and Coopernook No.2 pump stations. Two pumps were installed and tested at Bulahdelah station No.3.

## Flagged Updates Water & Wastewater Capital Projects

- Hawks Nest Sewer Treatment Plant Upgrade - The construction contractor has established the site with demolition works commencing on existing treatment structures to make way for the new chemical dosing building. Construction is expected to be completed in April 2027.
- Nabiac Water Treatment Plant Upgrade - The pipework and fittings were completed on the pretreatment tank including pressure testing. Pressure testing of the treated water reservoir is currently being conducted and installation works continued with the access walkway and supporting frame. Pumps, dosing lines and instrumentation were installed for the lamella clarifier. Commissioning of the plant upgrade is scheduled for early 2025 and construction is expected to be completed in March 2025.
- Nabiac Borefield Expansion – The electrical fit out continues with all works expected to be completed before the end of the year. Practical completion of the civil contract for huts and pipework is expected to be issued in November. The pipelaying contractor is scheduled to recommence works in January 2025. All commissioning and construction is expected to be completed in March 2025.
- Old Bar SPS 8 & Gravity System - The final pump station lot, layout and size has been confirmed, and final draft landowner agreement has been completed. The redesign of the pump station and rising main route is scheduled to commence before end of year, with a target to release the construction tender in early 2025. Review of the concept design for sewer gravity mains is being undertaken, with a reduction of pipe depths being considered to better suit landowners proposed developments. Construction works of the pump station and rising main to be completed in early 2026.
- Taree Sewer Pump Station No.6 Switchboard renewal – The main civil works have been completed to enable the electrical contractor to establish onsite by the end of November. Long lead time items including switchboard, transformer and generator have been ordered. Completion of all works is expected in July 2025.
- Forster Sewer Treatment Plant Decant Gate Renewal – Installation of first decant gate mechanism has started in October after a 6-month manufacturing schedule. The team are now finalising the electrical works and commissioning of the first gate is expected to be completed before end of the year. The second gate is scheduled for installation after the peak treatment load over Christmas falls back to normal levels in March 2025.
- Tea Gardens Singing Bridge pipe renewal – Design of the replacement sewer rising main has commenced including investigation of the water main asset condition. Design and planning of the works is expected to be completed mid 2025 with construction by mid-2026 pending alignment with underbore construction from West Tea Gardens.
- Tea Gardens Rising Main and new pump station – Design is nearing completion and is expected by end of 2024. The construction tender will be released to the open market in early 2026. A development application for construction works in the wetland area was completed, with a separate report going to Council this month. Dewatering licence approval is under review with the State regulator to confirm the scope of investigation works. Obtaining this approval prior to tendering may impact the construction schedule. Completion of the project is expected in late 2026.

## CONSULTATION

The management and coordination of all aspects of infrastructure and engineering projects are undertaken in consultation with a range of internal and external stakeholders.

the internal stakeholders who have contributed to the preparation of this monthly report include:

- Transport Assets
- Projects and Engineering
- Transport Operations (North & South)
- Water Assets & Planning
- Water Project Delivery
- Water Operations
- Water Management & Treatment
- Finance

## **COMMUNITY IMPACTS**

Community impacts are considered and managed in accordance with communication plans tailored to individual projects. Regular reporting of progress and advanced notice of issues is coordinated through our Communications Team.

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

These activities align with the following objectives of MidCoast Council's Operational Plan 2024-25 and Delivery plan 2022 to 2026:

### Community Outcome 1 Strategy 1.4.2:

*We protect the health and safety of our communities - Provide Safe and sustainable networks of water, sewer, and stormwater systems to meet community needs and health and safety standards.*

### Community Outcome 2 – Strategy 2.2.1 and 2.2.2:

*We understand and manage environment and climate change risks and impacts:*

- *Promote understanding of place - based risks and vulnerabilities and develop resilience and adaption plans,*
- *Climate change risk management planning and adaption frameworks are applied in development proposals, infrastructure planning and land use planning.*

### Community Outcome 2 - Strategy 2.3.3:

*Council works towards net zero emissions – Invest in renewable energy efficient measures, power purchasing agreements and carbon sequestration.*

### Community Outcome 2 - Strategy 2.4.1:

*We have an adequate and reliable water supply - Manage all elements of the water cycle to deliver an adequate and reliable water supply that meets community needs now and into the future.*

### Community Outcome 2 – Strategy 2.5.1 and 2.5.2:

*We balance the needs of our natural and built environment:*

- *Practice integrated land use planning that balances the environmental, social, and economic needs of present and future generations and our existing natural, heritage and cultural assets*
- *Plan, provide, manage, and advocate for infrastructure that continues to meet the needs of our community.*

### Community Outcome 2 – Strategy 2.5.1 and 2.5.2:

*We balance the needs of our natural and built environment:*

- *Practice integrated land use planning that balances the environmental, social, and economic needs of present and future generations and our existing natural, heritage and cultural assets*

- *Plan, provide, manage, and advocate for infrastructure that continues to meet the needs of our community.*

Community Outcome 3 - Strategy 3.3.1 and 3.3.2:

*Our integrated transport networks meet the needs of our businesses and the community:*

- *Plan, provide and advocate for safe and efficient regional transport networks.*
- *Design, construction and maintain safe and efficient local transport and mobility networks.*

**LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Project Status Report Transport

Attachment 2 - Project Status Report Water/Wastewater

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## 17.2. WATER & SYSTEMS MONTHLY PERFORMANCE REPORT

### REPORT INFORMATION

<b>Report Author</b>	<b>Marnie Coates, Executive Manager Water &amp; Systems</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Robert Scott, Director Infrastructure &amp; Engineering Services</b>

### SUMMARY OF REPORT

The report provides key information on the performance of our water and wastewater services.

### RECOMMENDATION

That the Water and Systems Monthly Performance Report for October 2024 be received and compliance with the guidelines and license conditions be noted.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

The report details treatment plant licence compliance, drinking water quality and any environmental impacts from sewage spills which occurred during the reporting month.

### BACKGROUND

The report provides a snapshot of water and wastewater performance metrics as well as the Water & Systems team's performance against strategic objectives. This enables management to identify and take appropriate action on a timely basis.

### DISCUSSION

The forward outlook for December to February predicts higher than average rainfall is likely (60 to 80% chance) for our region. The level of water storage in Bootawa Dam is stable at 99%. There are currently no concerns over water availability in any of our catchments.

Compliance with the Australian Drinking Water Guidelines was 99.9% for the month. Recently, we participated in a PFAS sampling program, testing water from all of our five drinking water supply systems. All PFAS measures specified in the Australian Drinking Water Guidelines were tested. The results are summarised in the table below:

<b>Contaminant</b>	<b>Current Guideline</b>	<b>Proposed Guideline</b>	<b>MCC Result</b>
PFOA	560 ng/L	200 ng/L	<1ng/L
PFOS	70 ng/L	4 ng/L	<1ng/L
PFHxS	New guideline	30 ng/L	<1 ng/L
PFBS	New guideline	1000 ng/L	<1 ng/L

Based on the tests, the PFAS contaminants tested were below the detection limits **in all cases**. This means we meet both current and proposed Australia Drinking Water Guideline requirements.

For reference, 1 ng/L, or 1 part per trillion, is roughly equal to:

- 1 drop of water in 20 Olympic swimming pools
- 1 second in around 31,700 years
- Around 2 cups of water in Sydney Harbour.

The level of compliance for effluent quality was 100% last month, with all tests complying with EPA license conditions. One sewage overflow was reported.

One staff injury and two near misses were reported for the month. Managers also completed five safety site inspections during the month.

MCC celebrated National Water Week during October with a host of community events including:

- Three public open days held at treatment facilities across the LGA
- 12 permanent water conservation measure roadside signs installed across the LGA and competition held to drive engagement
- Whizzy and Enviromentor visits to libraries, early learning centres and primary schools across the LGA

Of the 55 outcomes identified across 33 actions in the Strategic Business Plan, 18 have been completed. Eight of the long-term ongoing actions have been embedded into our ways of working, and work is progressing on 20 more of the actions. this represents significant progress that is being made in the first 12 months of the plan. A full review will be undertaken in another twelve months.

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

This report aligns with:

- Strategy 6.2 - Continue to develop a sustainable network of water, sewer and storm water systems to meet community needs and health and safety standards.
- 3 Year Focus - 6.2.4 - Deliver ongoing service quality and continuity with increasing efficiency and better performance for Water Services
- Strategy 15.1 – Provide clear, accessible, timely and relevant information to support and inform the community.
- 3 Year Focus - 15.1.5 - Maintain existing reporting capability in Water Services for capital projects and operations.

## **LIST OF ATTACHMENTS**

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Water and Systems Monthly Performance Report



## 17.3. FORSTER AND TUNCURRY HIRE E-SCOOTER TRIAL - TWELVE MONTH REPORT

### REPORT INFORMATION

<b>Report Author</b>	<b>Richard Wheatley, Team Leader Transport</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Robert Scott, Director Infrastructure &amp; Engineering Services</b>

### SUMMARY OF REPORT

This is the report at the end of the 12-month trial of Hire E-scooters in Forster and Tuncurry.

### RECOMMENDATION

The Forster Tuncurry Hire E-scooter Trial be extended to 30 June 2025 or until the regulatory provisions on e-scooters from the NSW Government become known.

### FINANCIAL / RESOURCE IMPLICATIONS

The commercial expenditure and risk are taken by the E-scooter provider Beam. There are no financial implications for Council. There is no direct financial benefit for Council. The community benefits through access to an alternative transport mode and there is an overall economic benefit to the local economy.

### LEGAL IMPLICATIONS

Transport for NSW (TfNSW) has gazetted the Hire E-scooter Trial to allow the use of E-scooters on Council's road network. There are no legal implications for Council.

The government is considering the regulatory framework to apply to E-scooters (private and hire) in NSW. Council has provided input into the current NSW Legislative Council Inquiry into the use of e-scooters, e-bikes and related mobility options. This Inquiry has not concluded. Hearings were held in recent weeks and the final report is yet to be produced. The Minister for Transport has issued a media release that provides positive viewpoints on e-scooter legalisation. However, the likely legislative framework and associated requirements are currently unknown.

### RISK IMPLICATIONS

Prior to commencement of the Hire E-scooter Trial in Forster and Tuncurry, a Road Safety Audit was undertaken in conjunction with TfNSW. The report concluded that Forster/Tuncurry was a suitable site in terms of road safety risks. The low level of recorded incidents supports this assessment.

### BACKGROUND

TfNSW have established an E Scooter trial program for NSW and they have invited Councils to trial hire E-scooters in participating. Beam and Council were successful in gaining TfNSW approval for a Hire E-scooter for Forster and Tuncurry.

Council at their Ordinary Meeting in September 2023 endorsed the proposal for the trial with this recommendation:

#### **Recommendation from Ordinary Meeting 27 September 2023**

- 1. The Hire E-scooter Trial be approved for 12 months in Forster and Tuncurry.*
- 2. A progress report be provided to Council after the first 6 months of the trial or if it is proposed to increase the number of scooters above 150.*

3. Councillor Stinson to be nominated to join the Stakeholder Committee for the trial.

Council at their Ordinary Meeting in July this year received the six-month report and resolved as follows;

**Recommendation from Ordinary Meeting 27 September 2023**

1. Council receive and note the six month report on the Hire E-scooter Trial.
2. A report be prepared for Council at their November meeting to determine the future of Hire E-scooters for Forster and Tuncurry.

**DISCUSSION**

Beam commenced the Hire E-scooter Trial on Friday 8 December 2023 with 150 scooters. The attached data presentation from Beam provides a comprehensive breakdown of usage and incidents from eleven months to early November 2024.

Overall, the usage level has been relatively higher than in other trials, with the Forster-Tuncurry trial providing a solid benchmark. It is noted that the operator has not continued the trials Armidale and Albury due to not being commercially viable. Beam wishes to remain operating in Forster and Tuncurry as it has performed much better than some other trials. Extracts from Beam’s scooter usage report are copied below.

**Total Usage**

Data is for all trips between 8 December 2023 – Sunday 27 October 2024 (46 weeks & 2 days)



**Usage listed into school terms and holiday periods**

(Note dates are MM/DD/YYYY)

Period	Date Range	Average Trips (per day)	Average Distance (km)	Average Ride Time (mins)
Term 4 (2023)	12/11/2023 - 12/17/2023	338	2.23	13:44
Summer Holidays	12/18/2023 - 01/28/2024	498	2.03	12:52
Term 1 (2024)	01/29/2024 - 04/14/2024	178	1.93	11:18
Autumn Holidays	04/15/2024 - 04/28/2024	186	2.12	12:30
Term 2 (2024)	04/29/2024 - 07/07/2024	89	1.85	10:40
Winter Holidays	07/08/2024 - 07/22/2024	149	1.90	11:26
Term 3 (2024)	07/23/2024 - 09/27/2024	116	1.92	10:52
Spring Holidays	09/28/2024 - 10/13/2024	255	2.15	12:59
Term 4 (2024)	10/14/2024 - 10/27/2024	140	2.2	12:39

## Reported Incidents to Beam

Between 8 December 2023 and 27 October 2024, **3 accidents involving a Beam e-scooter** were reported to us. When we receive an incident report, it is lodged within our internal incident management system which kick-starts an incident investigation process.

**15 December 2023** - Rider reported a collision with another Beam e-scooter rider.

*Beam response:* Beam responded to the individual involved and investigated the report, provided local police with details of the accident (including trip logs). Beam deactivated the vehicle and the e-scooter underwent a thorough inspection prior to re-deployment. The vehicle was found to have no defects. Beam implemented a cognitive test on Friday and Saturday nights following this incident.

**21 August 2024** - Rider reported falling from the e-scooter after hitting a bump.

*Beam response:* Beam responded to the individual involved and investigated the report, requesting any further information the rider was willing to provide about the incident and directing the rider to Beams insurance. Beam deactivated the vehicle and the e-scooter underwent a thorough inspection prior to re-deployment. The vehicle was found to be fully functional.

**27 September 2024** - Rider reported a foot bleed.

*Beam response:* Beam responded to the individual involved and investigated the report, requesting any further information the rider was willing to provide about the incident and directing the rider to Beams insurance. Beam deactivated the vehicle and the e-scooter underwent a thorough inspection prior to re-deployment. The vehicle was found to be fully functional.

### Accidents:

**3** Reported to Beam

### Submerged vehicles recovered:

**60**

### Relocation Requests Received:

**68**

The major incident that occurred in the first week happened late on a Friday night near a prominent hospitality venue involving two Hire E-scooters with one rider suffering a broken jaw. The Police have confirmed this incident was reported to them and they have taken action against both riders. Additionally, Beam have banned these riders from future hiring of the scooters.

The correspondence we have received over the last eleven months on this trial are tabled on the attached report. There were 52 items of correspondence from 31 persons. The issues are summarised as:

- Discarded Scooters (numerous photos)
  - Reducing amenity (ugly)
  - Blocking pathways
- Opposed to trial
- Media articles on Beam
- Antisocial behaviour
  - Not wearing helmets
  - Travelling dangerously
  - Doubling up
- Scooters in waterways

This table below shows the spread of the correspondence over the eleven months by breakdown per month.

**Correspondence Numbers per Month**

Correspondence Opposing or Complaints about Trial During the 12 Months	
Month	Number
1 <sup>st</sup> (8/12 to 7/1)	13
2 <sup>nd</sup> (8/1 to 7/2)	3
3 <sup>rd</sup> (8/2 to 7/3)	2
4 <sup>th</sup> (8/3 to 7/4)	4
5 <sup>th</sup> (8/4 to 7/5)	4
6 <sup>th</sup> (8/5 to 7/6)	1
7 <sup>th</sup> (8/6 to 7/7)	4
8 <sup>th</sup> (8/7 to 7/8)	4
9 <sup>th</sup> (8/8 to 7/9)	3
10 <sup>th</sup> (8/9 to 7/10)	11
11 <sup>th</sup> (8/10 to 7/11)	3
<b>Total</b>	<b>52</b>

**52 correspondence from 31 individuals**  
 (multiple correspondence from same person)

Council received an email in May from a resident supporting the trial with the request to have the area extended down to Stockland Shopping Centre. This has not progressed as the standard of infrastructure south of Macintosh Street is unsuitable to support e-scooter use.

Currently, there is a NSW Legislative Council Committee inquiry into “*the use of e-scooter, e-bikes and related mobility options*”. The inquiry has finished taking submissions and public hearings. The final report is expected to follow in the near future. Council made a submission and was invited to appear before the Committee in late October 2024 to discuss the submission.

NSW Minister for Transport on 28 October released a media release with the heading “E-scooter kick toward legalisation in NSW”. The media release did not inform what the changes to the legislation would be or when this may happen. Any decision on e-scooters will likely occur after the Legislative Council inquiry report is received. More information can be obtained from the Inquiry website at [Use of e-scooters, e-bikes and related mobility options](#).

TfNSW will allow hire e-scooter trials until 30 June 2025 with the expectation that the NSW government will make their decision by then on the future of e-scooters, both private and hire operations.

The Forster/Tuncurry trial option is to extend or discontinue it. The positives and negatives for both options are set out in the table below.

<p><b><u>Discontinue Trial</u></b></p>	<p><b><u>Positive:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Await decision on future of e-scooters in NSW (private and hire)</u></li> <li>• <u>Some residents oppose trial</u></li> </ul> <p><b><u>Negative:</u></b></p> <ul style="list-style-type: none"> <li>• <u>High usage of hire e-scooters</u></li> <li>• <u>Business community support continuation</u></li> <li>• <u>Commercial disadvantage for operator</u></li> </ul>
<p><u>Extend Trial</u>  <u>30 June 2025 – awaiting State Government decision.</u></p>	<p><b><u>Positive:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Continue until decision on future of e-scooters in NSW</u></li> </ul>

<p><b><u>Discontinue Trial</u></b></p>	<p><b><u>Positive:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Await decision on future of e-scooters in NSW (private and hire)</u></li> <li>• <u>Some residents oppose trial</u></li> </ul> <p><b><u>Negative:</u></b></p> <ul style="list-style-type: none"> <li>• <u>High usage of hire e-scooters</u></li> <li>• <u>Business community support continuation</u></li> <li>• <u>Commercial disadvantage for operator</u></li> </ul>
<p style="text-align: center;"><u>or</u></p> <p><u>3 months over summer holidays</u></p>	<ul style="list-style-type: none"> <li>• <u>Businesses support the trial continuation</u></li> <li>• <u>No disadvantage for operator</u></li> <li>• <u>Collect more data</u></li> </ul> <p><b><u>Negative:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Some residents oppose the trial</u></li> <li>• <u>Encourages illegal private e-scooters</u></li> </ul>

Continuing the Forster/Tuncurry Hire E-scooter Trial would allow the hire e-scooters to provide a transport choice to visitors and locals. This is evidenced by the number of trips during the 11 months, the total lengths being travelled and the time. The local business chamber has requested the hire e-scooters to remain as it is providing another mode of transport for visitors that is being used. The extension of the trial to 30 June 2025 would provide assurance to the local operations while waiting for the NSW Government to decide on e-scooters.

## CONSULTATION

The Stakeholder Committee established to review the trial consists of a Councillor, Council staff, TfNSW, Operator, Police, Local MP, Health representatives and Business community.

The most recent Stakeholders Committee meeting was on Monday 4 November 2024 to discuss the trial. These are the comments from this meeting:

- It was agreed the trial is progressing successfully, especially for tourists and visitors to the twin towns.
- There was a need for a continuing focus on improving safety compliance and reducing discarded scooters along footpaths.
- Beam stated they are very happy with the Forster/Tuncurry Trial with its operation and financial situation, and they wished to continue with the trial.
- The NSW Health representative stated there had been an increase in admissions to the hospital with injuries from e-scooters, but it was not significant. He was unable to confirm if the individuals were private or hire e-scooter users.

The Police (Chief Inspector) was unable to attend this meeting. However, they provided a written comment via email: *"I can advise local police have nil issues or concerns to raise regarding the trial at this time."*

The Forster Tuncurry Business Chamber representatives attended the meeting and provided this written statement from the President: *"After reviewing the data, I was surprised to see to see the daily trips usage during low tourist times. The scooters have clearly become a solution for people in the area to use in their day to day life, rather than just being another offering for tourists. There has been no serious injury reported and the value to community seems to outweigh any negative impact."*

*My only suggestion is that stronger fines or penalties be in place to deter people dumping scooters in the waterways and I would like to see some work done in looking for a solution to reduce this number. I would be in favour of the scooter continuing in Forster/Tuncurry.”*

## **COMMUNITY IMPACTS**

The provision of hire E-scooter in the Forster and Tuncurry area has enhanced the options for people to travel without using the car and they have been popular with tourists and visitors.

There are residents that oppose e-scooters both the hire and private ones using the footpath and road network. The major concerns are the safety to pedestrians on footpaths and shared paths by e-scooters speeding past them. A secondary concern is the danger they pose to vehicles when travelling on the road. The other concern is the safety of the riders of the e-scooters not wearing helmets, doubling up and riding dangerously. Some residents are informing Council of the hire e-scooters that are being thrown into the waterway especially from the Forster/Tuncurry bridge.

The biggest issue raised in the correspondence, including phone calls, is the discarded hire e-scooters. They state these discarded e-scooters are reducing the visual amenity of the towns and they are a trip hazard. The hire e-scooters are distributed around the town for people to use them and when a e-scooter trip is completed the rider leaves the scooter for the next person. Many people are leaving the scooters across footpaths, in the gutter of the road and other unsuitable locations. Discarded hire e-scooters left incorrectly can be reported to Beam. Council has requested Beam to increase their monitoring and repositioning of wayward scooters.

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

The Hire E-scooter Trial in Forster and Tuncurry aligns with Council’s Community Strategic Plan 2022-2032 in the sections of:

1.3.3 Strengthen social connectedness through programs and partnerships with community groups, government agencies and other service providers.

3.3.2 Design, construct and maintain safe and efficient local transport and mobility networks.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Beam Report for Forster Tuncurry - Up to 27 October 2024

Attachment 2 - Correspondence Opposing or Complaint about Trial 12 Months

## 17.4. MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD 17 OCTOBER 2024

### MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD 17 OCTOBER 2024

<b>Report Author</b>	<b>Lahiru Abhayarathne, Traffic Engineer</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Robert Scott, Director Infrastructure &amp; Engineering Services</b>

#### SUMMARY OF REPORT

This report presents the Minutes of the Local Traffic Committee held on 17th October 2024 for adoption.

#### RECOMMENDATION

It is recommended that the Minutes of the Local Traffic Committee meeting held on 17 October 2024 be noted and that the recommendations are adopted.

#### FINANCIAL / RESOURCE IMPLICATIONS

The costs associated with the installation of signage, line marking and kerb ramps will be funded from the traffic facilities budget. The costs for the items are:

- Item 6 is \$800.
- Item 7 is \$800.
- Item 8 is \$800.
- Item 9 is \$17,000.
- Item 10 at developers cost.
- Item 11 is \$15,000.
- Item 12 at developers cost.

#### LEGAL IMPLICATIONS

Nil.

#### RISK IMPLICATIONS

Nil.

#### DISCUSSION

The Local Traffic Committee meeting was held on Thursday 17th October 2024 at Council's administration building, Yalawanyi Ganya. The minutes of the meeting are included in 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, Transport for NSW 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 considered when formulating the recommendations within the regulations, standards and guidelines that administer the roads, traffic management and road safety.

## **LIST OF ATTACHMENTS**

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Minutes of the Local Traffic Committee meeting held 17th October 2024



## 18. DIRECTOR OF CORPORATE SERVICES

### 18.1. COUNCIL MEETING SCHEDULE - 2025

#### REPORT INFORMATION

<b>Report Author</b>	<b>Rob Griffiths, Manager Governance</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

#### SUMMARY OF REPORT

This report provides a recommended Ordinary Council Meeting Schedule for the 2025 calendar year.

#### RECOMMENDATION

That the Ordinary Council Meeting Schedule for 2025 contained in this report be adopted.

#### FINANCIAL / RESOURCE IMPLICATIONS

The costs associated with conducting Ordinary Council Meetings is budgeted for annually and is in line with Council's Councillor Expenses and Facilities Policy.

#### LEGAL IMPLICATIONS

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

#### RISK IMPLICATIONS

Nil.

#### DISCUSSION

Council determines its Ordinary Council Meeting schedule on an annual basis and needs to adopt its meeting schedule for 2025.

The Local Government Act 1993 requires Council to hold at least 10 Ordinary Council Meetings per year.

The proposed Schedule allows for 13 Ordinary Council Meetings for 2025 and considers the LGNSW Annual Conference (scheduled 23 to 25 November 2025), the Australian Local Government Assembly (date not yet set but usually occurs in early July) and key dates to adopt Integrated Planning and Reporting documents and Financial Statements.

Council Meetings commence at 2pm and will be conducted in accordance with Council's adopted Code of Meeting Practice. A Public Forum will be held (in accordance with the Code of Meeting Practice) prior to each Ordinary Council Meeting.

<b>Date</b>	<b>Meeting</b>	<b>Time</b>
Wednesday 5 February 2025	Ordinary Council Meeting	2.00pm
Wednesday 26 February 2025	Ordinary Council Meeting	2.00pm
Wednesday 26 March 2025	Ordinary Council Meeting	2.00pm
Wednesday 30 April 2025	Ordinary Council Meeting	2.00pm
Wednesday 28 May 2025	Ordinary Council Meeting	2.00pm
Wednesday 25 June 2025	Ordinary Council Meeting	2.00pm

<b>Date</b>	<b>Meeting</b>	<b>Time</b>
Wednesday 23 July 2025	Ordinary Council Meeting	2.00pm
Wednesday 20 August 2025	Ordinary Council Meeting	2.00pm
Wednesday 3 September 2025	Ordinary Council Meeting	9.00am
Wednesday 24 September 2025	Ordinary Council Meeting	2.00pm
Wednesday 22 October 2025	Ordinary Council Meeting	2.00pm
Wednesday 19 November 2025	Ordinary Council Meeting	2.00pm
Wednesday 10 December 2025	Ordinary Council Meeting	2.00pm

### **COMMUNITY IMPACTS**

Ordinary Council Meetings are open to the public and can be attended in the Council Chambers at Council's Administration Building, Yalawanyi Ganya or webcast via an audio-visual link on Council's website.

### **LIST OF ATTACHMENTS**

Nil.

## 18.2. BUSINESS TRANSFORMATION PROGRAM PROGRESS UPDATE

### REPORT INFORMATION

<b>Report Author</b>	<b>Chelsea Salomons, Program Manager Business Transformation</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

The purpose of this report is to provide Council with a progress update on the implementation of the Business Transformation Program.

### RECOMMENDATION

That Council Note the Business Transformation Program Progress update.

### FINANCIAL / RESOURCE IMPLICATIONS

Council adopted the Business Transformation Program (the Program) on 29 June 2022 as part of the Delivery Program 2022-26 and Operational Plan 2022-23 after it was placed on exhibition during May and June 2022.

A budget of \$20,972,108 was approved to deliver the Program over five-years. The budget includes internal council resources, delivery partner services, ICT Technology, and specialist technology consultants.

The budget is on track and as at the end of Quarter 1 2024/2025 FY, has a Program spend to date of \$6,317,173 which is 30% of the total budget. The budget is being monitored and tracked by the Program Steering Committee chaired by the Director of Corporate Services and attended by the Manager of Finance.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

The Program continually monitors risks ensuring high or extreme risks are escalated through program governance to Steering Committee and MANEX accordingly.

### BACKGROUND

The Program is over one and a half years into the five-year commitment and includes remediation of the current TechnologyOne implementation in addition to new initiatives identified in the Information and Communication Technology Strategy.

At the core of the Program is one central purpose; becoming a community centric organisation that is easy to do business with/for our community and staff. This will be achieved through a wide variety of projects, delivering significant improvements to our customer experience. Internally we will align business processes and policies with our latest software, removing double handling and frustration for both our customers and staff.

### DISCUSSION

Transport Asset Management, Field App and Project Lifecycle Management systems implementation

The TechnologyOne Transport Asset Management, Field App and Project Lifecycle Management systems successfully went live on 16 September 2024. Training and support has been ongoing since we went live to enable consistent and ongoing use of the system. This included formal training and site visits to depots and time on the road to support the outdoor workforce to use the Field App.

The Field App is a mobile application designed to help field workers manage their day-to-day tasks in the field, regardless of network connectivity. The app can be used to manage work orders, inspections, and defects and take away the need for paper-based work and reliance on the requirement to go to the depot between jobs.

The app provides a simple user interface, which helps to streamline work management, compliance, and reporting processes.

Projects are continuing to be inputted into the new Project Lifecycle Management system, and in the new year once we have embedded the use across the organisation, we will have the ability to report to Council on capital projects through a system report, replacing the current time-consuming manual process. The system is designed to help manage the entire project lifecycle and has been developed around the new Project Management Framework. This will support a consistent way of successful delivery of projects across Council, while applying the right level of rigour in governance and reporting

#### Property & Rating system implementation

Implementation of the TechnologyOne Property & Rating (P&R) system has commenced and will run for 17 months with a scheduled for go-live in March 2026.

The Property & Rating suite is our largest material project and includes implementation of functions in the system such as Development Applications; Enforcement; Customer Property and Names Management; Debtors; Rates and Water Billing; Customer Access Portal and Application Lodgment; and Property Leases & License's.

The new system will remove repetitive time-consuming activities for staff which will reduce processing time and will also further enhance the customer experience with 24/7 online self-service functionality and access to a portal to track and monitor progress of their interactions with Council.

The design phase of the system starts in November and there is a focus on reviewing processes and building more efficient ways of working into the new system. The design period will continue through to March 2025.

#### Human Resources Management

The TechnologyOne Human Resource Management (HRM) module will be implemented across a 12-month period, commencing March 2025 so that the go-live of this system can be timed to go-live at the same time as Property & Rating. The module will enable internal efficiencies by bringing in HRM functions into the one platform to allow automatic workflows, a single source of employee data, employee self-serve, uplift in employee performance management tools, and integrated real time data between, HRM, Payroll and Finance. It will provide the opportunity to manage an entire employee lifecycle and ensure effective controls and compliance are in place.

#### Benefits

The Business Transformation Program is a significant investment for Council, and it is important to track and measure benefits to ensure it remains accountable to deliver the planned return on investment. A draft reporting tool has been developed and will be listed for a future workshop item with Councillors to ensure that future reporting meets requirements.

Benefits generally begin to be realised 6 to 12 months post project completion. This allows time for the organisation to adapt to the new ways of working.

The Program will provide organisation wide benefits to council and will have a significant positive impact on the community and residents. By the end of the Program, our community can expect an improved customer experience when making requests or putting in applications to Council.

Council has included the following in its adopted Financial Sustainability Action Plan and we will monitor and report performance to these targets:

2024/25 (savings from initial components of the Program will be progressively identified and realised during 24/25 with full financial year benefits accumulating from 2025/26)

2025/26 (\$1.131 million)

2026/27 (\$1.291 million)

2027/28 (\$2.149 million)

2028/29 (\$3,137 million)

2029/30 (\$3.537 million)

2030/31 (\$3.451 million)

2031/32 (\$3.368 million)

2032/33 (\$3.286 million)

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

The Business Transformation Program aligns with Community Outcome 4: Strong Leadership and Good Governance.

It will achieve this through Strategic Direction 4.2: Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair; and Strategic Direction

4.3: Council builds a healthy and community -focused culture that contributes to our success.

## **LIST OF ATTACHMENTS**

Nil.

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### 18.3. APPOINTMENT OF REPRESENTATIVES TO COMMITTEES & ESTABLISHMENT OF GENERAL MANAGER'S PERFORMANCE REVIEW PANEL

#### REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison & Projects Coordinator & Adrian Pryke, Coordinator Human Resources
Date of Meeting	27 November 2024
Authorised By	Adrian Panuccio, General Manager

#### SUMMARY OF REPORT

This report presents suggested Councillor representatives to be appointed to a range of Committees.

#### RECOMMENDATION

It is recommended that:

1. That three Councillors are appointed to the **Donations / Funding Assessment Panel**
2. That the Mayor and one Councillor are appointed to the **Aboriginal Reference Group**, with Mayor Pontin the nominated Chair
3. That two Councillors are appointed to the **Arts & Creative Industries Reference Group**, inclusive of a nominated Chair
4. That two Councillors are appointed to the **Floodplain Management Advisory Group**, inclusive of a nominated Chair
5. That two Councillors are appointed to the **Koala Reference Group**, inclusive of a nominated Chair
6. That two Councillors are appointed to the **Old Bar – Manning Point Coastal Management Program Reference Group**, inclusive of a nominated Chair
7. That two Councillors are appointed to the **Southern Estuaries Coastal Management Program Reference Group**, inclusive of a nominated Chair
8. That the Mayor and three Councillors are appointed to the **Policy Working Group**, inclusive of a nominated Chair
9. That one Councillor is appointed as the representative to **NSW Public Libraries**
10. That the Mayor, Deputy Mayor, and one Councillor are appointed to the **General Manager's Performance Review Panel**, and that
  - i. Council ask the General Manager (should he wish to) to nominate one (1) Councillor to participate on the Panel.
  - ii. That Council delegate the process of performance management to the Panel, and the Mayor be delegated to sign the Performance Agreement.
  - iii. That Council engages Local Government Management Solutions (LGMS) to assist the Panel in the performance review process.
  - iv. That Council's Manager Organisational Strategy and People be appointed as secretariat to the Panel.

## **FINANCIAL / RESOURCE IMPLICATIONS**

The estimated annual cost of Local Government Management Solution facilitating the General Manager's performance review process is approximately \$7,000.

## **LEGAL IMPLICATIONS**

The guidelines for the Establishment of the General Manager's Performance Review Panel are issued under section 23A of the *Local Government Act 1993* which state that "A Council must take any relevant guidelines issued under this section into consideration before exercising any of its functions".

## **RISK IMPLICATIONS**

The General Manager's Contract of Employment requires the establishment of a performance agreement and for the General Manager's performance to be reviewed at least annually.

## **BACKGROUND**

Committees are defined as any Working Group, Reference Group, Advisory Committee or body that Council is a member of or that provides information or advice to Council and/or staff.

### **Committee Guidelines**

Committee Guidelines have been established to provide a governance framework and guide the work of each of the Committees. The Committee Guidelines have been reviewed and updated, and were adopted by Council at the 9 October 2024 Ordinary Council meeting.

Information on Committees is available on Council's website - [Council committees - MidCoast Council](#).

A review of each of the Terms of Reference will be undertaken with the nominated Councillors of each Group following the decision of Council.

## **DISCUSSION**

The below Committees are presented to Council for consideration and appointing of Councillor representatives.

### **1. Donations / Funding Assessment Panel**

Funding Assessment panels provide oversight for the provision of financial assistance by MidCoast Council to support eligible individuals and organisations for the purposes of delivering community, cultural, heritage, or economic benefit to the MidCoast Local Government Area. Each Funding Program has Guidelines that set out the requirements for the assessment and allocation of funds. A Councillor Assessment Panel is formed to review Officer recommendations (based on the pre-assessment of applications) for the allocation of funds for some of these Funding Programs, prior to being presented to Council for approval.

*Meeting Frequency:* as required

*Action:* Three Councillors are appointed to the Donations / Funding Assessment Panel

### **2. Aboriginal Reference Group**

The purpose of the Aboriginal Reference Group is focused on improving outcomes for Aboriginal people in the MidCoast Council Local Government Area. The Aboriginal Reference Group is a mechanism for addressing the six key focus areas that have been identified as priorities in consultation with Aboriginal people and community service providers.

The group focuses on providing advice and feedback on Council's strategic plans and initiatives for recognising and respecting Aboriginal culture and history and reducing the disadvantage experienced by the MidCoast Aboriginal community.



The group has a key role in helping Council understanding community needs and advise on prioritising the implementation of The Aboriginal Action Plan and advocating on behalf of the community to Council.

It reflects Council's commitment to standing with the Aboriginal community to advocate for increased support, improved services, and collective action to address the needs that have been identified which fall outside Council's scope of delivery.

This is a relatively new reference Group for Council with community really wanting to see is established.

Further information is available on Council's website [Aboriginal Reference Group - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/aboriginal-reference-group)

*Meeting Frequency:* Quarterly

*Action:* Two Councillors, including Chair, are appointed to the Aboriginal Reference Group

### **3. Arts & Creative Industries Reference Group**

The Arts and Creative Industries Reference Group has been established to provide strategic advice to Council on the planning, development and delivery of services to support the arts and creative industries in the MidCoast region and will support the implementation of the MidCoast Cultural Plan 2036.

The Reference Group also works to encourage collaboration across the sector in order to build capacity and create additional opportunities for the arts and creative industries.

*Meeting Frequency:* Quarterly

*Action:* Two Councillors, including Chair, are appointed to the Arts & Creative Industries Reference Group

### **4. Floodplain Management Advisory Group**

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

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

The Floodplain Management Advisory Committee is a key recommendation of the Floodplain Risk Management Manual 2023. The Group play a key role is community consultation before public exhibition through reviewing and providing feedback on documentation and participating in discussions during presentations on a range of floodplain management activities.

The past couple of years has seen greater involvement with the SES Planning Team from Northern Zone which has been valuable.

Further information is available on Council's website [Floodplain Management Advisory Committee - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/floodplain-management-advisory-committee)

*Meeting Frequency:* Quarterly

*Action:* Two Councillors, including Chair, are appointed to the Floodplain Management Advisory Group

## 5. Koala Reference Group

The MidCoast Koala Reference Group has been formed to support the implementation of the MidCoast Regional Partnership (MRP) Project being funded by the Department of Planning and Environment (DPE) under the NSW Koala Strategy. The Reference Group was established by Council at the 14 December 2022 Council meeting (resolution 531/2022).

The NSW Koala Strategy has provided funding to MidCoast Council for the MRP Project which involves three key actions:

- recruitment of a Koala Project Officer over a 4-year term to assist Council in delivering local koala conservation actions
- preparation of mapping to identify strategically important koala habitat areas in the MidCoast, and
- using the koala habitat mapping to inform the possible development of a draft Koala Plan of Management with the aim of maintaining and enhancing priority koala habitat areas in the MidCoast LGA.

The Reference Group provides input to the development of the Koala Plan of Management that highlights key projects in priority koala habitat areas of the MidCoast. It is intended that this strategic document will frame the successful delivery of local actions under the NSW Koala Strategy.

The partnership is a 4-year program that is expected to be completed in 2026 and is currently in the implementation phase.

*Meeting Frequency:* Quarterly

*Action:* Two Councillors, including Chair, are appointed to the Koala Reference Group

## Coastal Management Programs (CMP)

The Coastal Management Act requires local councils to give effect to their Coastal management Programs (CMPs) through the Integrated Planning and Reporting (IP&R) framework established in the Local Government Act 1993 (LG Act) and through the preparation of planning proposals and development control plans under the Environmental Planning and Assessment Act 1979 (EP&A Act).

The preparation of a CMP requires Councils to follow a five-stage risk management process for the preparation and implementation of a CMP. Specific information in relation to the CMPs will be provided in a separate briefing from the Natural Systems Team.

To help in the development of the CMPs Reference Groups have been formed. The current active reference Groups for the CMPs are the Old Bar – Manning Point Coastal Management Program Reference Group and Southern Estuaries Reference Group.

It is anticipated these Groups will meet again early in the new year with their work being completed by December 2025.

## 6. Old Bar – Manning Point Coastal Management Program Reference Group

The Old Bar - Manning Point Coastal Management Program Reference Group (referred to as The OBMP CMP Reference Group) will provide strategic stakeholder input to the development of the Old Bar - Manning Point Coastal Management Program.

The issues that the CMP and therefore the Reference Group focuses on include, but is not limited to:

- Assets at risk (public and private)
- Recreational uses of the coast
- Threatened species, Vulnerable Species and Conservation spaces of the coast (including Littoral Rainforest and Coastal wetlands)
- Interrelationship between the Manning River entrances at Farquhar and Harrington and coastal processes.

- Interrelationship between Racecourse Creek and coastal processes and impact on the beach.
- Economics in relation to coastal management options
- Community expectations and values for the immediate and future use
- Implications of potential management solutions

Further information is available on Council's website [Old Bar – Manning Point Coastal Management Program Reference Group - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/old-bar-manning-point-coastal-management-program-reference-group)

*Meeting Frequency:* Quarterly

*Action:* Two Councillors, including Chair, are appointed to the Old Bar – Manning Point Coastal Management Program Reference Group

## **7. Southern Estuaries Coastal Management Program Reference Group**

The Southern Estuaries Coastal Management Program Reference Group provides strategic stakeholder input to the development of the Southern Estuaries Coastal Management Program from Stage 2 to Stage 4 of program development. The Southern Estuaries CMP will develop strategies for a healthy catchment and estuary that will support the social, economic, cultural, and environmental values of its people.

The issues that the Southern Estuaries CMP and therefore the Reference Group focuses on include but is not limited to:

- Catchment and agricultural runoff and urban diffuse source pollution
- Degradation of riparian areas, existing native vegetation within the catchment and wetlands
- Impacts of climate change on inundation and catchment and estuary health
- Impacts of development, tourism, and user group conflict

Further information is available on Council's website [Southern Estuaries Coastal Management Program Reference Group - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/southern-estuaries-coastal-management-program-reference-group)

*Meeting Frequency:* as required

*Action:* Two Councillors, including Chair, are appointed to the Southern Estuaries Coastal Management Program Reference Group

## **8. Policy Working Group**

The Policy Working Group has been established to ensure that policy integration, development and review will be undertaken in a timely and strategic manner.

Policies are developed and adopted in accordance with Councils adopted Policy Framework.

The appointed Councillors and relevant staff work collaboratively to develop policies that provide guidance to staff and informs the community about Councils position on particular subjects and issues.

*Meeting Frequency:* as required

*Action:* The Mayor and three Councillors, including Chair, are appointed to the Policy Working Group

## **9. NSW Public Libraries**

The NSW Public Libraries Association (NSWPLA) is the only state based library association in Australia that was formed by Councillors, includes Councillors in its executive committee, and has a membership exclusively of councils. 100% of NSW councils are currently members of NSWPLA.

This point of difference provides NSWPLA with a broader political focus, including a strong relationship with Local Government NSW.

The Association depends on Councillors for its ongoing prosperity, and strongly encourages the engagement of councils and Councillors to support the betterment of the 362 libraries across the state.

NSWPLA is the peak body for public libraries across NSW. The role of the Association is to:

- Advocate and lobby for the NSW public library network
- Initiate strategic partnerships
- Champion the public library cause
- Build trust and support
- Provide relevant information
- Foster cooperation and collaboration
- Strengthen the public library network

*Meeting Frequency:* as required

*Action:* One Councillor is appointed to NSW Public Libraries

### **10. Establishment of the General Manager's Performance Review Panel**

The General Manager is employed under the terms and conditions contained in the Standard Contract of Employment for General Managers of Local Councils in New South Wales, issued by OLG. Clause 7 of the Contract requires the establishment of a performance agreement and for the General Manager's performance to be reviewed at least annually.

The Guidelines provide that Council establish a performance review panel and delegate the task of performance reviews of the General Manager to this Panel. It is recommended that the whole process of performance management be delegated to the Performance Review Panel.

The guidelines recommend that the Performance Review Panel comprise of the Mayor, Deputy Mayor, another Councillor nominated by Council. The General Manager may also nominate one Councillor to the Panel should he wish to.

The Guidelines recommend that role of the Panel includes:

- establishing the performance agreement
- conducting performance reviews
- reporting the findings and recommendations of those reviews to Council.

The Council and the General Manager may agree on the involvement of an external facilitator to assist with the establishment of the Performance Agreement, conduct of performance reviews and reporting the findings and recommendations of those reviews to the Council.

*Action:* The Mayor, Deputy Mayor, and One Councillor are appointed to the General Manager's Performance Review Panel.

## **CONSULTATION**

This matter of the establishment of the General Manager's Performance Review Panel is not confidential, however subsequent discussions and reports from the Panel concerning the outcomes of the General Manager's performance review and any actions arising will be reported to Council in closed session. All Councillors not on the Panel can contribute to the performance management process by providing feedback to the Mayor on the General Manager's performance.

## **COMMUNITY IMPACTS**

Community Outcome 4:

Strong leadership and good governance

**4.1 The community has confidence in Council decisions and planning for the future**

**4.1.1 Enable the community to participate in decisions that affect them**

A meeting schedule will be determined by each group at the first meeting.

**TIMEFRAME**

Effective immediately.

**LIST OF ATTACHMENTS**

The following attachment is available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Guidelines for the Appointment and Oversight of General Managers 2022

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## 18.4. 2023/2024 MIDCOAST ARIC ANNUAL REPORT

### REPORT INFORMATION

Report Author	Donna Hudson, Governance Liaison and Projects Coordinator
Date of Meeting	27 November 2024
Authorising Director	Steve Embry, Director Corporate Services

### SUMMARY OF REPORT

This report presents the 2023/2024 MidCoast Audit, Risk and Improvement Committee (ARIC) Annual Report to Council.

### RECOMMENDATION

That the 2023/2024 MidCoast ARIC Annual Report be endorsed.

### FINANCIAL / RESOURCE IMPLICATIONS

Council has an approved budget for the Audit, Risk and Improvement Committee and the internal audit function of Council.

### LEGAL IMPLICATIONS

All councils are required under the *Local Government Act 1993* to have an audit risk and improvement committee (ARIC) from **4 June 2022**.

MidCoast Council established an Audit, Risk and Improvement Committee in February 2018 (*Resolution 28/18*).

The legislative requirements for Audit, Risk & Improvement Committee's (ARIC) note that an ARIC must provide the governing body of the Council an annual assessment of the work being undertaken and how Council is performing.

### RISK IMPLICATIONS

Nil.

### BACKGROUND

The objective of the MidCoast ARIC is to provide independent assurance and assistance to the Council on risk management, control, governance, internal audit, organisational performance and external accountability responsibilities.

The Committee is also to provide information to the Council to help improve the performance of its functions.

From 1 July 2024 ARIC are required to meet the requirements outlined in the *Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023* and the supporting Risk Management and Internal Audit for Local Government in NSW Guidelines.

The Guidelines state

#### ***'Annual assessment***

*A council's audit, risk and improvement committee must provide an annual assessment to the governing body each year.'*

*'This will ensure that the governing body of the council is fully informed of the audit, risk and improvement committee's work and its opinion on how council is performing.'*

*The annual assessment must include:*

- *a summary and assessment of the work the audit, risk and improvement committee performed to discharge its responsibilities during the preceding year*
- *an overview and assessment of the work of the internal audit function*
- *progress against key performance indicators*
- *advice on the appropriateness of the committee's terms of reference*
- *an independent assessment by the committee and advice on the matters considered by the committee during the year that, in the committee's opinion, and Guidelines for Risk Management and Internal Audit for Local Government in NSW 36 based on the level of risk facing the council, the governing body should be informed of, and*
- *other views or opinions on the council that the committee wishes to share.*

The MidCoast ARIC have developed their ARIC Annual Report for 2023/2024 to meet these requirements.

## **DISCUSSION**

### **Reporting**

Reporting to the Council is essential for accountability and will ensure that the governing body is kept informed of matters considered by ARIC along with any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The MidCoast ARIC has developed a Reporting Framework based on the requirements noted in the Guidelines. The Reporting Framework outlines how ARIC inform and update the governing body on the work undertaken.

Some of the key reports included in the Framework are:

- MidCoast ARIC Strategic Plan & Annual Work Plan
- MidCoast ARIC Annual Reports
- ARIC End of Term Report

### **ARIC Annual Report**

The 2023/2024 MidCoast ARIC Annual Report provides an assessment of the work ARIC have undertaken during the year, an overview and assessment of the work of the internal audit function, progress against key performance indicators, review of the ARIC Terms of Reference, review of the risk function and activities, and ARIC's assessment of the matters considered by the Committee.

Information in this report is presented in the following areas:

- MidCoast ARIC
- Overview of legislative requirements & principles
- Structure of ARIC
- ARICs Responsibilities & Functions
- ARICs Practices & Processes
- ARICs Effectiveness

The Annual Report includes:

- ARIC Report Card
- Internal Audit Performance Review
- ARIC Self-assessment



- Performance Measures
- MidCoast ARIC Attestation assessment

Once presented and endorsed by Council, ARIC strategic documents are placed on Council’s website – [Audit, Risk and Improvement Committee – MidCoast Council](#)

**CONSULTATION**

At the MidCoast ARIC meeting held on 15 November 2024 the Chair, Stephen Coates, presented the draft 2023/2024 MidCoast ARIC Annual Report for consideration. Following feedback out of session changes were made and the report finalised.

The report will be discussed in detail with Councillors at a workshop being held in February 2025.

**COMMUNITY IMPACTS**

The ARIC provides independent assurance and transparency to the community that Council has effective risk management, governance and organisational performance measures in place.

**ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

*Community Outcome 4 – Strong Leadership and Good Governance*

<p><b><i>Strategic Objective 4.2: Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair</i></b></p>	<p><b><i>Strategy 4.2.1: Use governance frameworks and processes to guide our decisions and to ensure council is accountable to the community</i></b></p>
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**LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council’s website under the ‘Attachments to Agenda’ heading:

Attachment 1 - 2023/2024 MidCoast ARIC Annual Report

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## 18.5. PROPOSED ACQUISITION OF LAND FOR PUBLIC ROAD, 323 BLACKHEAD ROAD, HALLIDAYS POINT

### REPORT INFORMATION

Report Author	John White, Roads Property Officer
Date of Meeting	27 November 2024
Authorising Director	Steve Embry, Director Corporate Services

### SUMMARY OF REPORT

Council's Capital Works Program includes the construction of a two metre wide shared path along Blackhead Road between Tallwoods Village and Diamond Beach Road. The project supports Council's delivery of services outlined in the *Pedestrian Access and Mobility Plan* for Hallidays Point.

There are sections of Blackhead Road which are narrow with limited road shoulder within the road reserve to safely accommodate the path and provide suitable separation between path users and motorists. Some property acquisitions are therefore required to accommodate the path in such areas.

This report addresses the required land acquisition at 323 Blackhead Road, Hallidays Point.

### RECOMMENDATION

That Council:

1. Proceed with the acquisition of approximately 2,181m<sup>2</sup> of land identified in the Attachments, being part of existing Lot 4 DP 242332 known as 323 Blackhead Road, Hallidays Point (the relevant area) in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*, by agreement or by compulsory process,
2. Pay compensation to the owner of Lot 2 DP 232332 in accordance with the Compensation Terms set out in the Attachments - **Confidential (Section 10A(2)(c) Local Government Act 1993)**,
3. In the event that acquisition by agreement cannot be negotiated, Council make an application to the Minister and the Governor for approval to acquire the relevant area by compulsory process under section 177(1) of the Roads Act 1993,
4. Once acquired, dedicate the relevant area as public road in accordance with Part 2 of the Roads Act 1993, and
5. Delegate authority to the General Manager to execute all documents associated with the acquisition of the relevant area and dedication thereof as public road.

### FINANCIAL / RESOURCE IMPLICATIONS

All costs associated with the acquisition of the subject property will be accommodated by the project budget.

### LEGAL IMPLICATIONS

There are no legal implications relating to the proposed acquisition, other than the required Council resolution for the acquisition of land under the provisions, and for the purposes, of the relevant Act/s.

### RISK IMPLICATIONS

As the property owner has provided a Permit to Enter the project works have commenced. There is therefore little risk involved in this transaction which can proceed following approval by Council resolution.

## **BACKGROUND**

The project will provide pedestrian access from Tallwoods Village through to the Diamond Beach Road intersection connecting to existing pedestrian infrastructure through to Black Head beach.

Budget for this project is \$3.0m. Council has attracted NSW Government grant funding from the *Accelerated Infrastructure Fund* (\$1.76m) and the *Get NSW Active Program* (\$1.20m + contingency) to cover.

Design work identified the need to acquire small portions of private land adjoining Blackhead Road to provide sufficient space for the path as well as appropriate separation from the roadway. Negotiations have taken place with the affected landowners and this report sets out the outcome currently agreed with the owner of 323 Blackhead Road. Separate reports will be provided for the other affected properties.

## **DISCUSSION**

Detailed discussions were held between Council Officers and the landowner.

The landowner has provided a Permit to Enter, which has allowed Council to utilise the subject land and progress the works pending completion of the acquisition. To date, new fencing on the proposed boundary has been installed in readiness for construction of the path. Appropriate rectification works in respect to entrances, driveways, relocation of services etc. will also be completed as part of the project.

A valuation and negotiation process has also taken place in accordance the *Land Acquisition (Just Terms Compensation) Act 1991* and resulted in the acquisition agreement set out in this report.

A survey has been commissioned which will provide the required plan of acquisition suitable for registration.

## **CONSULTATION**

- Landowner
- MCC Survey Designer
- MCC Project Manager
- First State Property Valuers
- Zenith Surveyors

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

Community Strategic Plan

*It is safe and easy to get around our region - Plan for, provide and maintain a safe road network that meets current and future needs.*

## **TIMEFRAME**

There is no legislative timeframe with which to comply regarding the proposed acquisition of the land. However, given that Council has received cooperation from the affected landowner and that the proposed acquisition has been negotiated and agreed by the parties it is considered appropriate to proceed without delay.

## **LIST OF ATTACHMENTS**

Attachment 1 is available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1: Plan and Details Proposed Land Acquisition Property 323

Attachment 2 has been classified as confidential and circulated to the Councillors and Senior Staff only. The attachment has been classified as CONFIDENTIAL in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits this attachment and any discussion with respect to this attachment to be closed to the public as it contains information relating to:

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

Attachment 2: Compensation Terms - **Confidential - Section 10A(2)(c) Local Government Act 1993**).

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## 18.6. 2024-2025 MONTHLY BUDGET VARIATION REPORT - OCTOBER 2024

### REPORT INFORMATION

<b>Report Author</b>	<b>Phil Brennan, Manager Finance</b>
<b>Date of Meeting</b>	<b>27th November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

This report presents the October 2024 monthly budget review and includes details of proposed budget variations identified during the review.

### RECOMMENDATION

That the monthly budget variation report covering October 2024 be noted and the budget variations proposed, including transfers to and from reserves be approved.

### FINANCIAL / RESOURCE IMPLICATIONS

As set out in the report.

### LEGAL IMPLICATIONS

Nil.

### RISK IMPLICATIONS

Nil.

### BACKGROUND

This report presents the results of the budget review for the period to 31 October 2024 to Council for consideration.

This review provides the projected financial position for Council at 30 June 2025 for its Consolidated, General, Water & Sewer Funds and its MidCoast Assist Business unit. This information is provided in the required Quarterly Budget Review Statements which are contained as Attachments to this report.

Attachment 1 – Budget Summary Report incorporating Income & Expense Statements outlines the projected financial position of Council at 30 June 2025 from 2 perspectives. They are:

- ‘Net Operating Result from Operations’ – this result aligns with the Income Statement that is prepared as part of the Annual Financial Statements. It includes external income and expenditure, non-cash expenditure (like depreciation and leave entitlement accruals, fair value adjustments etc) and excludes capital expenditure and loan principal repayments.
- ‘Net Budget Result’ – this result includes all sources of income and funding, matching these against proposed expenditures. It includes capital expenditure, transfers to and from reserves, allocations of internal costs to projects (job-costing of labour, internal plant hire charges, corporate overheads etc), new loan borrowings and principal repayments. It also removes the impact of non-cash expenditure items to come to a result that reflects the movement in Council’s working funds position. This is the view of the budget on which management reporting is based during the financial year.

### PROJECTED RESULTS

Council’s projected ‘Net Operating Result from Operations’ on a consolidated basis for 2024/2025 is set out below. The components that contribute to this consolidated result are included:

<b>Fund</b>	<b>Original Budgeted Operating Result Surplus / (Deficit)</b>	<b>Revised Projected Result October Budget Review</b>
General (inc MCA)	\$4,018,442 (Surplus)	\$3,729,213 (Surplus)
Water	\$16,264,396 (Surplus)	\$16,195,249 (Surplus)
Sewer	\$17,879,351 (Surplus)	\$18,238,941 (Surplus)
<b>Consolidated Result</b>	<b>\$38,162,189 (Surplus)</b>	<b>\$38,163,403 (Surplus)</b>

The General Fund results above include the results for the MidCoast Assist business unit. A separate Income and Expense Statement and Capital Statement are included for the business unit but the results are not separately included in the Consolidated Result as they form part of the General Fund result. The following table shows the components of the General Fund.

<b>Fund</b>	<b>Original Budgeted Operating Result Surplus / (Deficit)</b>	<b>Revised Projected Result October Budget Review</b>
General (excl MCA)	\$4,678,927 (Surplus)	\$5,439,348 (Surplus)
MidCoast Assist	\$660,485 (Deficit)	\$1,710,135 (Deficit)
<b>General (incl MCA)</b>	<b>\$4,018,442 (Surplus)</b>	<b>\$3,729,213 (Surplus)</b>

The Original 'Net Budget Result' (which takes into account capital works, loan repayments, internal transactions and all funding sources) projected a consolidated deficit of \$9,174,817. The current projection is for a deficit of \$2,943,923. The component parts are as follows

<b>Fund</b>	<b>Original Budget Result Surplus / (Deficit)</b>	<b>Projected Budget Result October Budget Review</b>
General (inc MCA)	\$2,491,443 (Surplus)	\$3,106,894 (Surplus)
Water	\$2,613,409 (Deficit)	\$2,882,556 (Deficit)
Sewer	\$9,052,851 (Deficit)	\$3,168,261 (Deficit)
<b>Consolidated Result</b>	<b>\$9,174,817 (Deficit)</b>	<b>\$2,943,923 (Deficit)</b>

At the completion of the October budget review the projected underlying result and the relevant transfers to/from accumulated surpluses of the respective Funds to achieve a balanced budget is outlined below.

	<b>General</b>	<b>MCA</b>	<b>Water</b>	<b>Sewer</b>
Original Budget Result	-\$3,280,348 (Surplus)	\$788,905 (Deficit)	\$2,613,409 (Deficit)	\$9,052,851 (Deficit)
Previously Approved Movements	-\$1,706,345	\$1,049,651	\$450,876	-\$902,862
October Review Movements	\$41,244	\$0	-\$181,729	-\$4,981,729
Projected Underlying Budget Result	-\$4,945,449 (Surplus)	\$1,838,555 (Deficit)	\$2,882,556 (Deficit)	\$3,168,261 (Deficit)



	<b>General</b>	<b>MCA</b>	<b>Water</b>	<b>Sewer</b>
Transfer to/from Accum. Surplus	\$0	-\$1,838,555	-\$2,882,556	-\$3,168,261
<b>Net Projected Budget Result</b>	<b>-\$4,945,449 (Surplus)</b>	<b>\$0 (Balanced)</b>	<b>\$0 (Balanced)</b>	<b>\$0 (Balanced)</b>

## FUND DISCUSSION

### General Fund

The projected General Fund budget result remains as an improvement on the original adopted budget. The October budget review provides for a \$41,244 decrease in the projected budget surplus which remains at approximately \$4.9 million. Details of material variations are provided below.

### MidCoast Assist

The Net Budget Result for the MidCoast Assist Business activity should be assessed with caution as Council's divestment of the services has occurred during the 1st quarter.

A separate report to the October 2024 Ordinary Meeting provided an update on MidCoast Assist. That report noted that there were financial transactions associated with the winding up of the business and from normal operations for the first quarter that are still being finalised. Once all transactions have been processed, reconciliations completed and the 2023-2024 Balance Sheet rolled into 2024-2025 (after audit) a final wash-up of the MidCoast Assist Business Activity will be possible and will determine the final impact on the General Fund.

This will include the impact of the divestment of the business and of the normal operations that occurred during the first quarter of 2024-2025.

The budget adopted for the MidCoast Assist Business Unit for 2024-2025 was based on 3 months of full normal operation. This was due to the uncertainty that surrounded the actual nature of operations after 1 July 2024 at the time that the budget was prepared (March 2024).

The 2024-2025 budget did not include provision for the termination payments that were made to staff as the divestment progressed or any staged cessation of services. The Council resolution (February 2024) dealing with the divestment of these services had put an end date of 30 September 2024 for the cessation of the services.

The eventual outcome saw Disability Services cease in mid-August and Ageing Services on 30 September.

The decision to cease the operation of MidCoast Assist triggered specific accounting treatments that were actioned as part of the 2023-2024 Financial Statement preparation. This was to ensure compliance with Australian Accounting Standards and revolved around providing for the expected costs of cessation within the 2023-2024 accounts.

### Water Fund

The Water Fund projects an underlying budget deficit position for 2024-2025. The latest projection is for a net budget deficit of approximately \$2.8 million at the end of the financial year.

While the Fund has sufficient capacity to fund this projected deficit any significant increases in the capital works program or in operational expenditure will start to put pressure on the ability of the Fund to meet future year programs.

### Sewer Fund

The Sewer Fund is projecting an improved underlying budget deficit position of approximately \$3.1 million at the completion of the October 2024 review. This is a result of a monthly review of the Capital Works delivery program where project delays have been identified and funding requirements amended. The funding for these projects will now be rolled into the 2025/2026 budget as that is now the expected delivery timeframe. These adjustments are essentially cashflow alterations for the current year. They do not change the overall project budget.

The Fund is in a healthy position at this point in time with respect to funding the current year's capital works program.

There are a number of very large capital works projects on the books for the next few years (for which borrowings will be required) and every effort should be made to make savings in operational and capital expenditure as able to minimise the financial impact on future generations.

The Attachments to the report show the Consolidated and Fund Budget and Capital results for the changes processed in the October 2024 Review.

## **SIGNIFICANT ISSUES**

There are no significant issues that require discussion.

## **SERVICE STATEMENTS**

The current Delivery Program is presented on a Service basis and the current budget has been dissected to show the resources applied to the delivery of those services. The former Council had requested that the financial reporting of budget now include reporting on a service basis.

The attachment to this report (Attachment B) contain the first round of Service Budget Summary Statements prepared for Council. Note that this is an additional layer of reporting over and above what is required under the Office of Local Government Guidelines.

However, this different view does provide valuable information for Council and the community in understanding how and where Council's budget is allocated and spent and will support future decision making.

The preparation of these Statements has identified several areas where process improvements are required to ensure that budgets and actuals line up. An example is within the Corporate Finance Service Statement where loan principal and interest payments are shown while the budgets for these items are contained within other Service Statements. These issues will be attended to in the December Quarterly Budget Review process.

It should also be noted that the Service Statements for Aged Care Support and Disability Services are also subject to the same comments that are made above in respect of MidCoast Assist.

## **BUDGET VARIATIONS**

The variations included below represent variations relating to the review conducted during October 2024. Variations under \$5,000 have not been included.

The total adjustment to projected Employee Expenses in October is an increase of \$253,727. This reflects movements across the organisation arising from changes in organisational structure and vacancies and partially unwinds the saving reported in the September Quarterly Budget Review.

The October 2024 budget variations are presented by Service area:

- Community Assets –
  - Building Renewals Program – transfer \$7,000 to Animal Control budget within Regulatory Services area for Council contribution towards fencing at Taree Pound.
  - LRCI Program – Round 4 – Gloucester Pool Shade – bring to account \$14,000 donation from Gloucester Swimming Club to this project with off-setting increase in expenditure budget to match.
- Economic Development –
  - Taree Regional Airport Strategy – provide \$140,000 budget for development and completion of Taree Regional Airport Strategy with off-setting funding from a transfer from the Land & Property Reserve (Taree Airport).
- Environmental Health –
  - Public Health Support – introduce expenditure budget of \$10,000 for debt recovery expenses associated with engagement of Revenue NSW to follow-up outstanding fees and fines.

- Natural Systems –
  - Catchments Operational – reallocate expenditure budget of \$30,000 (and associated Environmental Reserve funding) to the Riparian Zones – Stage 2 project.
  - Erosion & Sediment Control – Wallis & Smiths Lakes – increase grant funding awarded to project (\$4,045), additional Environmental Reserve funding required under the grant project (\$14,870) and off-setting expenditure \$18,915.
  - CMP Southern Estuaries Stages 2-4 – increase amount to be contributed to this project from Environmental Reserve (\$41,111) for this grant funded project.
  - Improving Waterway & Land Management through EHA – Manning – increase Council contribution to operating expenses by \$44,999 for this grant funded project with off-setting funding from the Environmental Reserve.
  - Open Coast CMP – adjust funding for this project following notification of grant funding. Introduce grant funding of \$244,793, reduce Environmental Reserve allocation by \$77,603 and adjust off-setting expenditure by \$167,190.
- Open Space & Recreation –
  - Nabiac Showground – increase saleyard fee income by \$30,000 following a review of actuals and prior year income.
- Water Supply & Treatment –
  - TG-WRT-00 Singing Bridge Main Renewal – decrease capital works expenditure budget by \$250,000 as this budget is covered within overall SRT project on Singing Bridge.
  - TG-WTP-01 THM Solution – Water – increase capital works expenditure budget by \$100,000.
- Sewer Services –
  - HP-SPS-13 & SRT – increase capital expenditure budget by \$300,000 to complete all works associated with this project.
  - TG-SPS-13 New Pump & Rising Main (including bridge crossing) – decrease capital works expenditure budget by \$2,500,000 due to a delay in completing design works and calling of tenders.
  - TS-SPS-12 Diversion to Dawson and New Pump – decrease capital works expenditure budget by \$500,000 due to delay in completion of concept design and expected expenditures to complete detailed design phase.
  - TG-SRT-00 Singing Bridge Crossing – decrease capital works expenditure budget by \$225,000 following review of project delivery timeframe. Concept design moved to 2025/2026 year.
  - OB-SPS-08 & Rising Main – decrease capital works expenditure budget by \$1,000,000 due to delays associated with the finalisation of land agreements, design works and tender processes.
  - HP-STP-01 Centrifuge Replacement – increase capital works expenditure budget by \$35,000 to provide for DLP security.
  - TA-SPS-06 Switchboard Replacement – decrease capital works expenditure budget by \$1,710,000 due to an incorrect allocation of budget during 2024/2025 budget development process.
  - SCADA Cyber Security Works – Sewer – increase capital works expenditure budget by \$250,000 to provide additional funding required that was not included in the 2024/2025 budget development process.

- DR-STP-01 Growth Update – increase capital works expenditure budget by \$150,000 as project endorsed to proceed in July 2024.
- Forster STP Media Replacement Project – increase capital works expenditure budget by \$250,000 for project endorsed to proceed at October 2024 Capital Works Committee meeting.

## **DISCUSSION**

Nil.

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

This report addresses Strategic Objective 4.2 “Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair”.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Budget Summary Report incorporating Income & Expense Statements for period ended 31 October 2024; Capital Budget Statements for period ended 31 October 2024

Attachment 2 - Service Budget Summary Statements for the period ended 31 October 2024

## 18.7. CASH INVESTMENTS REPORT - OCTOBER 2024

### REPORT INFORMATION

<b>Report Author</b>	<b>Phil Brennan, Manager Finance</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### 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 2021.

### 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.

### RISK IMPLICATIONS

Nil.

### BACKGROUND

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

Clause 212 of the Local Government (General) Regulation 2021 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. The Responsible Accounting Officer's Certificate is included as Attachment 1.

Council last reviewed and adopted a revised Investment Policy at its Council Meeting held on 22 May 2024. The Policy is subject to annual review.

The Policy provides the following guidance:

*"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 are sufficient liquid funds to meet all reasonably anticipated cash flow requirements.*
- *Providing Council with the best possible returns while preserving capital.*

- *Compliance with legislation, regulations, the prudent person test of the Trustee Act and best practice guidelines.”*

## DISCUSSION

As at 31 October 2024, Council had \$352,539,952 in invested funds with financial institutions.

Those funds consist of:

Product	Amount Invested
At-Call Accounts	\$18,459,080
6 Month Notice Accounts	\$11,180,872
Term Deposits	\$265,500,000
Floating Rate Notes*	\$40,400,000
Government Issued Bonds	\$17,000,000
<b>Total</b>	<b>\$352,539,952</b>

\*Note: Floating Rates Notes are reported within this report at purchase value. There is a market for these products and the current valuation of these products is included in Attachment 3.

In addition to the invested funds with financial institutions, Council also has \$10,502,649 cash at bank as at 31 October 2024 held in its operating accounts.

The Investment Policy requires that this report include the following matters:

### 1.Details of each investment

These details are shown in Attachment 2 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
AAA	40%
AA Category or Major Bank	40%
A Category	20%
BBB+ or BBB	10%
BBB- / Unrated	2%
TCorp IM Funds	10%

Additionally, the total investments held in BBB- rated and ADI / unrated financial institutions are not to exceed 5.00% of the total portfolio.

The position at 31 October 2024 with respect to Counterparty compliance is as follows:

Counterparty	Rating	Amount Invested	% Invested	Max % Limit	Comply (Y / N)
ANZ	AA-	\$6,500,000	1.84%	40.00%	Y
CBA	AA-	\$23,459,080	6.65%	40.00%	Y
NAB	AA-	\$49,500,000	14.04%	40.00%	Y

Counterparty	Rating	Amount Invested	% Invested	Max % Limit	Comply (Y / N)
Westpac	AA-	\$48,500,000	13.76%	40.00%	Y
NTTC	AA-	\$17,000,000	4.82%	40.00%	Y
Suncorp	A+	\$40,100,000	11.37%	20.00%	Y
UBS AG	A+	\$2,600,000	0.74%	20.00%	Y
Macquarie Bank	A+	\$3,000,000	0.85%	20.00%	Y
ICBC	A	\$7,500,000	2.13%	20.00%	Y
ING	A	\$44,200,000	12.54%	20.00%	Y
BoQ	A-	\$27,000,000	7.66%	20.00%	Y
Bendigo	A-	\$9,200,000	2.61%	20.00%	Y
AMP Bank	BBB+	\$20,680,872	5.87%	10.00%	Y
Aus. Military	BBB+	\$5,000,000	1.42%	10.00%	Y
Aus. Unity	BBB+	\$7,000,000	1.99%	10.00%	Y
Bank Australia	BBB+	\$4,100,000	1.16%	10.00%	Y
Great Southern	BBB+	\$1,250,000	0.35%	10.00%	Y
Greater Bank	BBB+	\$7,000,000	1.99%	10.00%	Y
Heritage	BBB+	\$1,200,000	0.34%	10.00%	Y
Police Bank	BBB+	\$2,250,000	0.64%	10.00%	Y
RACQ Bank	BBB+	\$2,500,000	0.71%	10.00%	Y
Auswide Bank	BBB	\$4,500,000	1.27%	10.00%	Y
Judo Bank	BBB	\$5,000,000	1.42%	10.00%	Y
MyState	BBB	\$8,500,000	2.41%	10.00%	Y
Rabobank	BBB	\$5,000,000	1.42%	10.00%	Y
<b>Total</b>		<b>\$352,539,952</b>	<b>100.00%</b>		

The percentage of the portfolio held in BBB- rated and ADI / unrated financial institutions at 31 October 2024 is 0.00% which is within the limit.

Council is within counterparty limits for all holdings at the end of October 2024.

### 3. Dissection based on Maturity Horizon

The policy requires that Council maintain sufficient funds in on-call accounts and short-term investments to ensure that liquidity and income requirements are met. Once liquidity requirements are met, the portfolio maturity profile will aim to spread risk across the investment horizon.

The current positioning of the portfolio based on the remaining term to maturity is as follows:

Investment Maturity	Amount	% of Portfolio	Policy Limits
Cash	\$29,639,952	8.41%	
0 - 3 months	\$34,500,000	9.78%	10% - 100%
3 - 12 months	\$110,100,000	31.23%	0% - 90%
12 - 24 months	\$100,850,000	28.61%	0% - 70%
24 - 60 months	\$77,450,000	21.97%	0% - 60%
Greater than 5 years	\$0	0.00%	0% - 25%

This indicates that Council has acceptable levels of funds maturing over the short-term to meet liquidity requirements (49.42% as cash or maturing within 12 months).

The above indicates that Council still has capacity to increase its holdings in longer dated maturities. This is reflected in the weighted average duration of the portfolio of around 479 days or 16 months.

The 12 - 24 months are spread broadly evenly across the maturity range. The 24 - 60 months are mostly held across the 24 – 36 month range.

The following table shows the current break-up of the portfolio based on the investment term at the time of purchase of the investment.

Investment Term	Amount	% of Portfolio	Policy Limits
Cash	\$29,639,952	8.41%	
0 - 3 months	\$0	0.00%	10% - 100%
3 - 12 months	\$15,000,000	4.25%	0% - 90%
12 - 24 months	\$119,500,000	33.90%	0% - 70%
24 - 60 months	\$179,400,000	50.89%	0% - 60%
Greater than 5 years	\$9,000,000	2.55%	0% - 25%

#### 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	\$0	0.00%	0% - 100%
AA Category or Major Bank	\$144,959,080	41.12%	20% - 85%
A Category	\$133,600,000	37.90%	15% - 60%
BBB Category	\$73,980,872	20.98%	0% - 45%
BBB- / Unrated ADIs	\$0	0.00%	0% - 5%
<b>Total</b>	<b>\$352,539,952</b>	<b>100.00%</b>	

Council is within the policy limits across the credit ratings at the end of October 2024.

At the end of October 2024, 79.02% of the portfolio is held with institutions that are rated at A or higher. Council holds no BBB- investments (the lowest investment grade rating) or unrated ADIs at the present time.

At present there has been little offered by the market to warrant a significant move of investments into the BBB rated categories.

#### 5. Comparison of Returns to Benchmarks

Council's performance for the month ending 31 October 2024 is summarised below:

As at the end of October 2024, Council's deposit portfolio has an average running yield of 4.57% p.a. which is up 2bp from the previous month.

Notwithstanding the comments contained below under the monthly performance heading, with the transfer to a new Investment Advisory service from 1 July 2024, work has continued to confirm the performance reporting against benchmark. Initial figures provided some variances with figures previously reported to Council by the former advisor. At this stage further work is required to understand the methodology being used to calculate these figures and as such they are not included within this report.

Monthly performance reporting will resume once these variances are understood.



## **Investment Advisor Commentary**

Council's Investment Advisor, Laminar Capital, provides the following comments in respect of the investment portfolio.

### Monthly Performance:

*"The portfolio achieved a return of 0.34% for the month of October which was 0.03% below the benchmark AusBond Bank Bill Index return of 0.37%. The weighted average running yield on the portfolio is 4.57%."*

### Portfolio Commentary:

*"We see fixed rates steady to lower, although short to mid-tenor fixed rates are expected to remain elevated while the RBA plays down rate cut expectations. We see highly rated bank credit spreads steady in the near term while highly rated structured credit is likely to outperform. We continue to maintain a positive view on adding additional long dated floating rate investments to portfolios with tactical interest in shorter dated fixed rate investments."*

### Economic Impacts on Council's Portfolio

*"The global economic growth outlook took a brighter turn in October aided by the US Federal Reserve starting to cut rates as the US economy continues to grow above long-term trend and an opaque set of economic stimulus measures to boost China's flagging economy. Australia's economic data released in October was also mostly firmer than expected. The better growth outlook and data, however, also called into question whether those central banks that have started to cut their official interest rates will be able to continue cutting at the pace a previously gloomier economic outlook might have dictated and in Australia the market pushed out the prospect of the first rate cut by the RBA towards the middle of 2025. The changing outlook for official interest rates pushed up government bond yields sharply in October.*

*The three-month Bank Bill Swap Rate (BBSW) closed at 4.4183% at the end of October, slightly down from 4.4341% at the end of the previous month and six-month BBSW closed the month higher at 4.6374% from 4.6221% as at the end of August."*

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1 - Responsible Accounting Officer's Certificate

Attachment 2 - MidCoast Council Investments at 31 October 2024

Attachment 3 - Floating Rate Note Holdings - Valuation at 31 October 2024

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## 18.8. FINANCIAL STATEMENTS & AUDITORS REPORT FOR 2023-2024

### REPORT INFORMATION

<b>Report Author</b>	<b>Phil Brennan, Manager Finance</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

This report presents the Financial Statements and Auditors Reports for the period 1 July 2023 to 30 June 2024 for Mid-Coast Council to the public in accordance with section 419 (1) of the Local Government Act 1993.

### RECOMMENDATION

That Council receive and note the audited Financial Statements for Mid-Coast Council for the period 1 July 2023 to 30 June 2024.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

This report has been prepared to meet Council's obligations in respect of the presentation of the Financial Statements for the 2023-2024 financial period to the public.

### RISK IMPLICATIONS

Nil.

### DISCUSSION

#### LEGISLATIVE REQUIREMENTS

Chapter 13, Part 3, Division 2 of the Local Government Act 1993 of the Local Government Act 1993 sets out the requirements for the preparation of Financial Statements and the auditing of such statements. As advised at the Ordinary Council Meeting held on 30 October 2024, the preparation of the Financial Statements covering the period from 1 July 2023 to 30 June 2024 and the subsequent auditing of those Statements has now been completed.

The Auditor issued the required reports on 22 October 2024 and these were incorporated into the Financial Statements. These were lodged with the Office of Local Government on 22 October 2024 meeting the legislative deadline of 31st October for the submission of annual Financial Statements.

Upon receipt of the Auditors Reports Council must fix a date for a meeting to present the Financial Statements and give notice of the date of the meeting (section 418 (1) (a)). That meeting was scheduled for 27 November 2024. Section 418 (2) required public notice of at least 7 days be given of the Council meeting date fixed for the presentation of the audited Financial Statements. This notice (prepared in the required format) was published in the Great Lakes Advocate, the Manning River Times and Gloucester Advocate. The notice and a copy of the audited Financial Statements were also made available on Council's website.

Section 420 of the Act makes provision for any person to make submissions to Council with respect to the Financial Statements or Auditors Reports. Such submissions must be made within 7 days after the reports are presented to the public. Copies of submissions must be referred to the Auditor and, if required, amendments made to the Financial Statements. While not required, submissions received within the required timeframe will be reported to the December Ordinary meeting.

The Auditor is required, under section 417 of the Act, to prepare 2 reports – a report on the General Purpose Financial Statements and a Report on the Conduct of the Audit (the 'ROCA'). They are also required to prepare an Independent Auditors Report on the Special Purpose Financial Statements and on the Schedule of Permissible Income for General Rates.

The Auditors Report on the Conduct of the Audit provides comments in respect of the Consolidated Principal Accounts and the Performance Indicators.

The NSW Audit Office has been invited to present the Auditors Reports to Council at this meeting.

## **FINANCIAL STATEMENTS**

The Financial Statements consist of consolidated General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.

The General Purpose Financial Statements (GPFS) incorporate 5 'primary' financial statements:

- The Income Statement – summarises Council's financial performance for the year listing all income and expenses
- The Statement of Comprehensive Income – primarily records changes in the fair value of Council's Infrastructure, Property, Plant and Equipment.
- The Statement of Financial Position – a 30 June snapshot of Council's financial position indicating its assets, liabilities and 'net wealth'.
- The Statement of Changes in Equity – the overall change for the year (in dollars) of Council's 'net wealth'.
- The Statement of Cash Flows – indicates where Council's cash came from and where it was spent.

The Notes to the Financial Statements provide greater detail and additional information to support the figures contained within the five primary financial statements. Council is required to prepare Special Purpose Financial Statements (SPFS) which are used by Council, the Office of Local Government and other parties and are subject to audit. These reports are prepared in relation to Council's Business Activities being the Water Supply and Sewerage Service operations and the MidCoast Assist operations (Council having been an NDIS provider during the reporting period).

The SPFS provide additional information on the water and sewer operations including notional adjustments for National Competition Policy and Best-Practice Management Disclosures under the National Water Initiative and for compliance with Best-Practice Management of Water and Sewerage Guidelines in determining whether there is eligibility for payment of dividends.

Council also prepared Special Schedules which are designed to meet the requirements of special purpose users such as the Office of Local Government.

Those Special Schedules are the Schedule of Permissible Income for General Rates and the Report on Infrastructure Assets (formerly known as Special Schedule 7).

## **RESULTS AND PERFORMANCE RATIOS**

As mentioned above the General Purpose Financial Statements are consolidated financial reports. As Council is aware it operates a General Fund, Water Fund and Sewer Fund.

To ascertain the financial position of those individual operations it is necessary to look at Note D-1 to the GPFS which dissects the consolidated result back into the individual fund components (noting that internal transactions between funds are eliminated on consolidation).

The table below provides a break-up by Fund of the financial results and various performance measures taken from Notes D1-1, Note G5-2 and the Special Schedule – Report on Infrastructure Assets.

Item ('\$000)	General Fund	Water Fund	Sewer Fund	Consolidated Result	OLG Industry Benchmark
<b>Income Statement</b>					
Total Income	291,608	53,556	56,341	401,505	N/A
Total Expenses	240,045	47,642	41,435	329,122	N/A
Net Operating Result	51,563	5,914	14,906	72,383	N/A
Net Operating Result before Capital Grants & Contributions	(21,512)	811	7,294	(13,407)	N/A
<b>Performance Ratios</b>					
Operating Performance Ratio	0.22%	3.66%	16.39%	3.33%	>0.00%
Own Source Operating Revenue Ratio	56.88%	90.47%	86.49%	65.71%	>60.00%
Unrestricted Current Ratio	4.49x	2.63x	5.62x	4.49x	>1.50x
Debt Service Cover Ratio	7.27x	2.41x	2.74x	4.16x	>2.00x
Rates & Annual Charges Outstanding %	12.08%	8.92%	7.55%	10.72%	<10.00%
<b>Infrastructure Asset Performance Ratios</b>					
Build. & Infra. Renewals Ratio	151.74%	23.95%	66.00%	115.59%	>=100.00%
Infrastructure Backlog Ratio	10.13%	9.09%	10.65%	10.04%	<2.00%
Asset Maintenance Ratio	111.45%	97.58%	96.70%	105.88%	>100.00%

Commentary in respect of the Consolidated Operating Result has been provided in reports to the 4 September 2024 Ordinary Meeting and reproduced in the 30 October 2024 Ordinary Meeting Report.

These reports dealt with the referral of the Finance Statements to audit, the signing of the Statements by Councillors and Management and the report to advise that the audit had been completed and that there were no material variations that required amendment or re-signing of the statements by the Council.

These results generally reinforce the discussions that Council has been having in respect of its long-term financial sustainability. This was summarised in the most recent Quarterly Budget Review: "... as has been identified previously, Council needs to continue with the implementation of the adopted Financial Strategy Action Plan to address, over the medium term, the underlying general fund deficit position whereby it is presently generating insufficient operating revenue to cover all operating expenditures including depreciation".

It is worth noting that the Infrastructure Backlog ratio is significantly above the benchmark. This is the result of clarifying (in 2022-2023) the asset condition on which "Estimated cost to bring assets to a satisfactory condition" (BTS) is based. Previously this had been calculated on the basis of Condition 3 – satisfactory.

A review of the Office of Local Government Code of Accounting Practice and Financial Reporting has identified that the required condition is Condition 2 – Good. The Code states *"Unless the council has undertaken consultation with its community and has agreed to a condition level for council's assets, the BTS should be measured against the condition 2 rating of "good" as stated in the Integrated Planning and Reporting Manual for local government in NSW"*.

This consultation has not occurred at this time. It is scheduled to have commenced at the time that Council considers this report. Once finalised, it will be critical in determining the financial implications of targeting higher condition ratings across the board for all asset classes i.e. financial affordability for ratepayers.

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

This report aligns with Community Strategic Plan Outcome 4: Strong Leadership and Good Governance – Strategic Objective 4.2 – Council demonstrates good governance and financial management to ensure decisions and transactions are ethical, efficient, safe and fair.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading:

Attachment 1: Financial Statements for Mid-Coast Council for the Period 1 July 2023 to 30 June 2024.

## 18.9. MIDCOAST COUNCIL ANNUAL REPORT 2023-24

### REPORT INFORMATION

<b>Report Author</b>	<b>Alison McMurray, Acting Coordinator Culture and Performance</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

Under the Integrated Planning and Reporting (**IP&R**) Framework all Councils are required to prepare an Annual Report within 5 months of the end of the financial year.

The Annual Report is one of the key points of accountability between a Council and the community. The Annual Report provides an overview of the activities and achievements of Council in providing services and projects to the community over the last financial year. The purpose of this report is to provide Council with a copy of MidCoast Council's Annual Report 2023-24 for the period 1 July 2023 to 30 June 2024 ahead of it being published on Council's website and a copy being provided to the Minister for Local Government in accordance with legislation.

### RECOMMENDATION

That the MidCoast Council Annual Report 2023-24 for the period 1 July 2023 to 30 June 2024 be endorsed by Council.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Council's Annual Report for the financial year ended 30 June 2024 has been prepared and delivered in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, clause 217 (Part 9, Division 7) and the Office of Local Government's Integrated Planning and Reporting Guidelines.

### RISK IMPLICATIONS

The MidCoast Council Annual Report 2023-24 meets Council's legislative requirements.

### BACKGROUND

Council has a statutory obligation to prepare an Annual Report in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, clause 217 (Part 9, Division 7) and the Integrated Planning and Reporting Guidelines under section 406.

Council must prepare an Annual Report within five months after the end of each financial year. The report outlines Council's achievements in implementing the Delivery Program through the 2023-24 Operational Plan with respect to the objectives established in its Delivery Program. The report must contain statutory information in accordance with the *Local Government (General) Regulation 2021* including a copy of Council's audited financial statements.

The Annual Report in the year in which an ordinary election of councillors is to be held must also contain a report as to the council's achievements in implementing the Community Strategic Plan over the previous Council term. This Report is to be appended to the Annual Report in that year.

A copy of the report must be posted on the Council's website and provided to the Minister and any other persons or bodies as required by legislation.

The Annual Report is supported by six monthly detailed Delivery Program and Operational Plan (DPOP) progress reports that are provided to Council and published on Council's website to ensure the community are kept informed of activities, achievements and progress.

## DISCUSSION

The MidCoast Council Annual Report 2023-24 provides an overview of the activities and achievements of Council in providing services and projects to the community over the last financial year. The report provides statutory information including Council's audited financial reports. It also provides Council's Annual Carbon Emissions Report and the State of the MidCoast 2022-2024 Report.

The report has been structured in six parts and includes the following:

**Part 1 Introduction** - Provides an overview of the MidCoast region, information about Council and information about the Integrated, Planning & Reporting framework.

**Part 2 2023-24 Highlights**- Provides a summary of our annual highlights and achievements for the 2023-24 financial year. It shows how Council has worked towards meeting our community's vision, as set in the Community Strategic Plan, MidCoast 2032. This part starts with a summary of our investments through the Capital Works Program. This is followed by a summary of the highlights and achievements each service of Council delivered over the 2023-24 financial year. The services are arranged in alphabetical order.

**Part 3 Statutory Reporting** - Provides statutory information Council is required to publish in the Annual Report (*with the exception of the Financial Reports*).

**Part 4 Financial Statements 2023-24** - Provides a copy of Council's audited financial reports prepared in accordance with *the Local Government Code of Accounting Practice and Financial Reporting*.

**Part 5 Annual Carbon Emissions Report** - Provides a report on Council's annual carbon emissions and summarises the key initiatives currently being implemented by Council to lower its emissions.

**Part 6 State of the MidCoast 2022-2024 Report** - Provides an update on the progress towards achieving the long-term community vision as described in the Community Strategic Plan (CSP). It outlines the progress Council and other stakeholders have made against the social, environmental, economic and civic leadership objectives identified in the CSP over the previous Council term (December 2021 to September 2024).

*Please Note: The State of the MidCoast 2022-2024 Report is reported separately at the 27 November 2024 Council Meeting and once noted by Council the Report will be inserted in this section before it is published on Council's website and a copy sent to the Minister.*

## CONSULTATION

Staff have been consulted in the preparation of this report. Community engagement is not required.

## TIMEFRAME

The Annual Report is required to be endorsed by Council by 30 November 2024.

## LIST OF ATTACHMENTS

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading

Attachment 1 - MidCoast Council Annual Report 2023-24



## 18.10. STATE OF THE MIDCOAST 2022-2024 REPORT

### REPORT INFORMATION

<b>Report Author</b>	<b>Alison McMurray, Acting Coordinator Culture and Performance</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

Required under the Integrated Planning and Reporting (**IP&R**) Framework, the State of the MidCoast 2022-2024 Report provides an update on the progress towards achieving the long-term community vision as described in the Community Strategic Plan (**CSP**). It highlights key achievements under each community outcome area detailing the progress made toward the social, environmental, economic and civic leadership objectives identified in the CSP over the previous Council term.

The State of the MidCoast Report highlights both our successes and future challenges and opportunities for the MidCoast Local Government Area.

### RECOMMENDATION

1. That the State of the MidCoast 2022-2024 Report be noted by Council.
2. That the State of the MidCoast 2022-2024 Report be appended to the 2023-24 Annual Report.

### FINANCIAL / RESOURCE IMPLICATIONS

Nil.

### LEGAL IMPLICATIONS

Council's State of the MidCoast 2022-2024 Report has been prepared and delivered in accordance with section 406 and section 428 of the Local Government Act 1993 and the Office of Local Government's Integrated Planning and Reporting Guidelines.

### RISK IMPLICATIONS

The State of the MidCoast 2022-2024 Report meets Council's legislative requirements.

### BACKGROUND

The Local Government Act 1993 requires NSW councils to publish an annual report each year. In accordance with section 428(2), in the year of an ordinary election of councillors, the Annual Report must also report on Council's achievements in implementing the Community Strategic Plan over the previous Council term. The Integrated Planning and Reporting Guidelines refer to this report as the State of our City Report, but it recognises that not all councils are "cities" and as such we have named our report the 'State of the MidCoast'.

The State of the MidCoast Report replaces the End of Term Report, shifting its focus from simply documenting past events to a more strategic emphasis on using insights for future planning.

The Report must be prepared for the incoming Council in the year of the ordinary election and is to be appended to the Annual report in that year.

### DISCUSSION

The State of the MidCoast 2022-2024 Report outlines the progress against the vision and strategies described in the Community Strategic Plan.

It provides an overview of the activities and achievements of Council in providing services and projects to the community over the previous Council term and gives our community insight into achievements and future challenges and opportunities for the MidCoast Local Government Area. While the focus of this Report is on the initiatives that Council has delivered and the outcomes it has achieved, other levels of Government, business, community groups and our individual community members also play a role in helping to reach community goals.

Our Community Strategic Plan *'MidCoast 2022-2032: Shared Vision, Shared Responsibility'* groups community priorities in four outcome areas.

- *Community Outcome 1* - A resilient and socially connected community
- *Community Outcome 2* - An integrated and considered approach to managing our natural and built environments
- *Community Outcome 3* - A thriving and strong economy
- *Community Outcome 4* - Strong leadership and good governance

The structure of the Report is set out by each of these Community Outcome areas. For each community outcome, we provide highlights related to the strategic objectives with a summary of progress for each of the strategies we have employed to help us reach these objectives. At the end of each outcome area there is a section on the challenges and future opportunities relating to achievement of the desired outcome.

The Report also includes a financial performance overview, as well as progress against the measures set out in the Community Strategic Plan.

## **CONSULTATION**

Staff have been consulted in the preparation of this report. Community engagement is not required.

## **TIMEFRAME**

The State of the MidCoast Report is to be appended to the 2023-24 Annual Report, which is required to be endorsed by Council by 30 November 2024.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading

Attachment 1 – State of the MidCoast 2022-2024 Report

## 18.11. SALE OF PROPERTIES

### REPORT INFORMATION

<b>Report Author</b>	<b>Hamish Taylor, Coordinator Property Services</b>
<b>Date of Meeting</b>	<b>27 November 2024</b>
<b>Authorising Director</b>	<b>Steve Embry, Director Corporate Services</b>

### SUMMARY OF REPORT

The purpose of this Report is to recommend that Council sell the following two individual residential blocks (**the Properties**):

- (a) 14 Farley Parade, Gloucester (1 block), and
- (b) 8 Gloucester Street, Stroud (1 block).

### RECOMMENDATION

That Council:

1. Note the contents of this Report and the Confidential Attachments
2. Resolve to approve the marketing and sale of the Properties
3. Authorise the General Manager to execute sale and purchase contracts, with interested persons, on agreed terms, for a price of not less than the lower of the indicated sale price of the properties (as set out in the Confidential Attachments 1, 2 and 3).

### FINANCIAL / RESOURCE IMPLICATIONS

Legal and real estate costs payable by Council on any sale, payable from funds generated by any sale.

### LEGAL IMPLICATIONS

A pro forma contract for sale, will need to be prepared for each Property, prior to the listing of any Property for sale.

### RISK IMPLICATIONS

Nil.

### BACKGROUND

The Properties were identified as being surplus to Council operational requirements.

The option to build residential homes on the Properties and then sell was investigated but not recommended due to the additional risks associated with construction in the current high-cost and interest environment couple with a modest margin gain.

Also considered were build and lease options however net yields for residential dwellings is a long-term, low to modest return.

As such the possible return on the sale of the Properties was investigated with Real Estate appraisals for each of the Properties obtained and provided as Confidential Attachments 2 and 3.

Following which the Property Services team made a recommendation to the Asset Advisory Committee on 31 July 2024 that a report to an Ordinary Council Meeting be prepared recommending that the Properties be sold, with the sale funds to be placed in the Commercial Property Reserve. This recommendation was met with approval by the Asset Advisory Committee.

## **DISCUSSION**

Nil.

## **LIST OF ATTACHMENTS**

1. Summary of Property Information (Confidential)
2. Real Estate Appraisal – 14 Farley Parade, Gloucester (Confidential)
3. Real Estate Appraisal – 8 Gloucester Street, Stroud (Confidential)

Attachments 1, 2 and 3 are 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 to reveal commercially sensitive sales information which if disclosed to the general public would jeopardise Council obtaining the best price possible for the two properties identified in this report.

## **19. CONFIDENTIAL REPORTS**

Nil.