



Vincent Street
CESSNOCK 2325

28 July 2008

To All Councillors

You are hereby notified that the next Meeting of the Corporate & Community Committee will be held in the Council Chambers, on Wednesday, 6 August 2008 immediately following the conclusion of the Infrastructure & Services Committee Meeting, for the purpose of transacting the undermentioned business.

**B R MORTOMORE
GENERAL MANAGER**

AGENDA:

PAGE NO.

(1) APOLOGIES.

(2) CONFIRMATION OF MINUTES.

Minutes of the Corporate & Community Committee Meeting
held on 16 July 2008

(3) OFFICERS' REPORTS

DIRECTOR CORPORATE & COMMUNITY

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(4) QUESTIONS WITHOUT NOTICE.

OFFICER'S REPORTS

DIRECTOR CORPORATE & COMMUNITY REPORT NO. 61/2008

SUBJECT: NAIDOC WEEK 2008 AND SIR RODEN CUTLER WHEEL ROLL

Social Planner, Ms N Drage, reports:-

SUMMARY

On 8 and 9 July 2008, Cessnock City Council assisted in organising two community events. On 8 July, a NAIDOC event was held in the Kurri Kurri Rotary Park. NAIDOC Week is held nationally and aims to celebrate Indigenous culture and the Indigenous contribution to modern Australia. On 9 July, Council organised on behalf of the Sir Roden Cutler Foundation a presentation ceremony for a charitable donation to a person in need of financial support due to sickness and/or disability. An additional aspect of the presentation ceremony was the awarding of two achievement awards.

This report details further the success and outcomes of these events. Both events were well received by the community.

BACKGROUND

NAIDOC WEEK 2008

On 8 July 2008, Cessnock City Council assisted in organising a NAIDOC activity in the Kurri Kurri Rotary Park. The NAIDOC event had two components: an official ceremony which included raising the Aboriginal, Torres Strait Islander and Australian flags, and secondly information provision and fete stalls. Key Indigenous agencies that provide service to the Cessnock Local Government Area were encouraged to participate in the event. The ceremony was attended by Mr Kerry Hickey (Local Member for Cessnock), Mr Bernie Mortomore (General Manager for Cessnock City Council), Mayor Cr. John Clarence OAM and Councillors.

The ceremonial proceedings involved a Welcome to Country performed by Aunty Sandra Griffin and a public address from two Indigenous young people, Tania Long and John Ridgeway, both students at Kurri Kurri High School. The raising of the flags was performed by students from Mount View High School and Cessnock High School. Mayor Cr. John Clarence OAM also delivered a public address. A local Indigenous organisation, the Barkuma Neighbourhood Centre participated in the ceremony and publicly recognised people who had made significant contributions to the local Indigenous community and also thanked people from the Non-Indigenous community who were supportive of the local Indigenous culture. Around one hundred and forty (140) people attended the ceremony and were treated to a performance by Mick 'the Didge' Davison on the Didgeridoo.

In addition to the ceremonial proceedings, workshops, fete and informational stalls were on offer for the remainder of the day. The Barkuma Neighbourhood Service was instrumental in organising the information stalls, and was successful in organising a diverse mix of activities. Also, Kurri Kurri Library participated in the NAIDOC celebrations offering Indigenous story time and Indigenous dot painting workshops. The library events were facilitated by Michael O'Loughlin and were also well attended.

All of the day's events were well received. It is estimated that around four hundred (400) people visited and participated in the NAIDOC celebrations at Rotary Park, Kurri Kurri.

SIR RODEN CUTLER WHEEL ROLL

Earlier in the year, Cessnock City Council was approached by the Sir Roden Cutler Foundation to deliver a local community event. The request was to assist the charity identify a person within the Cessnock Local Government Area in need of support and experiencing illness or hardship and who would benefit from a monetary donation to the value of \$500.00. A second aspect of the Foundation's request was to award a person who has a disability and has made significant contributions to the community.

In deciding on a person to receive the donation, the Trainee Community Worker, with the support of Council's Access Advisory Committee devised nomination forms for the two categories. The nomination forms were circulated to local community service organisations and promoted accordingly. The call for nominations was also published in the local print media. In total, Council received seven (7) nominations.

The award ceremony was held on the 9 July 2008. The event was held at Peace Park, Weston. The recipient of the charitable donation was Mr David Wright. The achievement award was shared by, Ms Maureen Donnelly and Ms Rebecca Robertson. The Sir Roden Cutler Foundation along with Deputy Mayor Cr. Bob Pynsent presented the awards to the recipients. The Sir Roden Cutler Foundation, in addition to awarding local people, also aims to highlight the access issues faced by people who require the use of a wheel chair. In highlighting these challenges, the attendees were encouraged to participate in a wheel chair roll, experiencing access issues first hand. The Sir Roden Cutler Wheel Roll event was well received and was attended by twenty four (24) people.

CONSULTATION

The following Council Officers have been consulted during the preparation of this Council report:

Community and Cultural Programs Manager

STATUTORY IMPLICATIONS

Legislative Implications

Section 356 of the Local Government Act 1993 allows a Council to contribute money and grant financial assistance to persons for the purpose of exercising its functions.

Financial Implications

The expenses incurred in organising these events were funded from the Social Planning and Cultural Services Budgets.

The \$500.00 charitable donation was provided by the Sir Roden Cutler Foundation.

CONCLUSION

The feedback for the NAIDOC Event 2008 has been positive with participants keen to see future NAIDOC Celebrations. In organising aspects of the event, Council was able to establish networks and build on its relationship with local Indigenous services. A budget specifically dedicated to future NAIDOC Celebrations would be advantageous, and would assist to develop and expand on the delivery of local NAIDOC events. It should be noted that Council currently provides specific allocations for Seniors Week (\$2000.00) and Youth Week (\$1500.00 is provided by Council and \$1200.00 from grant funding, totalling \$2700.00).

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Council's participation in the Sir Roden Cutler Foundation Wheel Roll was valuable and enabled a person within the Cessnock Local Government Area to receive a monetary award, along with two (2) further people being acknowledged for their efforts within the community.

RECOMMENDATION that:-

1. The information be noted.
2. Council consider allocating funds to the value of \$1500.00 in the 2009/10 budget for NAIDOC Week activities. This will assist in building on the success of this year's NAIDOC event.

To: **The General Manager**
Corporate & Community
Committee – 6 August 2008

C BENNETT
DIRECTOR CORPORATE & COMMUNITY
24 July 2008

DIRECTOR CORPORATE & COMMUNITY REPORT NO. 62/2008

SUBJECT: REQUEST FOR DONATION

Social Planner, Ms N Drage, reports:-

SUMMARY

On 6 September 2006, Council resolved to adopt a Donations Policy. Since this time Council has funded various donation requests. The policy was amended at Council's meeting held on 16 April 2008.

This report details a request for a donation that Council has received from the organisers of the Hunter Valley Spring Star Party, a fundraising event for the Starlight Children's Foundation Australia. The request meets the revised criteria set out in the Donations Policy, and is submitted to Council for consideration.

BACKGROUND

HUNTER VALLEY SPRING STAR PARTY

Correspondence was received by Council on 23 June 2008 seeking sponsorship towards the Hunter Valley Spring Star Party. The Hunter Valley Spring Star Party is being organised by a local, non registered community group as a fundraising activity in support of the Starlight Children's Foundation Australia. The fundraising activity has the support of the Starlight Children's Foundation Australia.

The correspondence states that the fundraising event is a formal dinner, with entertainment at a Pokolbin Winery. The \$110.00 per person dinner is to be held on 13 September 2008. The request for donation is for \$1,000.00. These funds would be used to sponsor the evening fire works. The Spring Star Party Committee advises that these funds would help to alleviate costs associated with funding the night and would assist the group to reach its funding target.

Since 1988, the Starlight Children's Foundation Australia has granted eighty three (83) wishes in the Cessnock Local Government Area (LGA). Currently, there are six (6) active wishes in progress for children within the Cessnock LGA.

Additionally, children who are admitted to the John Hunter Hospital have access to the Starlight Express Room, a service of the Starlight Children's Foundation. Given the considerable use of the Starlight Express Room at the John Hunter Hospital, it is hard to establish how many children within the Cessnock LGA have accessed this facility. Hence, it is difficult to provide an actual figure regarding how many children within the Cessnock LGA access all of the services offered by the Starlight Children's Foundation Australia.

If Council were to donate funds for the fire works display, the Hunter Valley Spring Star Party Committee will acknowledge Council on the night for providing the sponsorship and will display Council's logo on advertisements.

Alternatively, in a recent telephone conversation the Event Co-ordinator for the Hunter Valley Spring Star Party, advised that instead of sponsoring the fireworks Council could make a monetary donation to the Hunter Valley Spring Star Party, which will in turn be forwarded on to the Starlight Children's Foundation Australia as money raised from the event.

A copy of this request has been included with the Enclosure Documents.

CONSULTATION

The following Council Officers have been consulted during the preparation of this Council report:

Community and Cultural Programs Manager

STATUTORY IMPLICATIONS

Legislative Implications

Section 356 of the Local Government Act 1993 allows a Council to financially assist others by contributing money or granting financial assistance to persons for the purpose of exercising its functions.

Financial Implications

There is presently \$19,643.13 remaining in the Donations Budget for Council's consideration (This is the balance after the donations have been deducted as per Council's resolution at its meeting on 16 July 2008).

Policy Implications

The application is deemed eligible for consideration under the charitable projects criterion of the Donations Policy.

In order to satisfy this criterion, a project must be directly focused on Cessnock LGA. In this particular case, the event is being held within the LGA, and is being promoted to its residents. The proceeds, however, will not necessarily be expended within the LGA, as they will be directed to a national charitable organisation. Having said that, the activities and services of that organisation are accessible by eligible Cessnock LGA residents, even though those activities and services may not be directly or solely focused on the Cessnock LGA.

CONCLUSION

A donation in response to this request will help to benefit children from the Cessnock LGA who are recipients of initiatives organised by the Starlight Children's Foundation Australia. Sponsorship of the fire works display will assist with the costs of running the event, but the financial benefit to the Starlight Children's Foundation Australia will be dependent on the overall financial success of the event in terms of its fundraising outcomes.

Council could be more assured of achieving a direct benefit to children if it took the option of making a donation to the Hunter Valley Spring Star Party which would be forwarded on to the Starlight Children's Foundation Australia as money raised from the event.

RECOMMENDATION that the correspondence be submitted for determination.

To: **The General Manager**
Corporate & Community
Committee – 6 August 2008

C BENNETT
DIRECTOR CORPORATE & COMMUNITY
24 July 2008

DIRECTOR CORPORATE & COMMUNITY REPORT NO. 63/2008

SUBJECT: *AMENDED FEES AND CHARGES 2008/09*

Financial & Administrative Services Manager, Robert Maginnity, reports:-

SUMMARY

A report to consider adoption of the amended fees and charges for 2008/09, following the statutory 28-day public notice provisions of the Local Government Act 1993.

BACKGROUND

Council at the ordinary meeting of 18 June 2008 considered for adoption the draft management plan 2008-2011, incorporating the fees and charges. Council resolved under resolution number 910 that:

“1. Council now adopt the Draft City Management Plan as its final Management Plan for the year 2008/2011.

2. The amended Fees & Charges be advertised for 28 days and then brought back to Council for final adoption.”

The amended fees and charges were placed on public exhibition on 25 June 2008 calling for public submissions on the amended fees as required under Sections 405, 610 and 705 of the Local Government Act 1993. No public submissions in respect of the amended fees and charges were received by the close of the public exhibition period on 23 July 2008.

Council is now formally required to adopt the amended fees and charges as advertised.

FINANCIAL & LEGAL IMPLICATIONS

Financial

The financial impacts of the amended fees and charges have been factored into Councils current adopted budget.

Statutory

Meets Councils statutory obligations under Sections 405, 610 and 705 of the Local Government Act 1993.

RECOMMENDATION that the amended fees and charges as advertised be adopted as part of the Management Plan 2008-2011.

To: ***The General Manager***
Corporate & Community
Committee – 6 August 2008

C BENNETT
DIRECTOR CORPORATE & COMMUNITY
24 July 2008

DIRECTOR OF CORPORATE & COMMUNITY REPORT NO.64 /2008

SUBJECT: BELLBIRD SHOPPING VILLAGE

Property Officer, Mr Joseph Lorriman, reports:-

SUMMARY

At its meeting on 17 May 2006, Council considered General Manager's Report No. 15/2006 on the proposed sale of land to be incorporated as part of the Bellbird Shopping Village. Council resolved the following:

1. Council sell part of Lots 12 & 13 Section F DP 6264, Waratah Street, Bellbird to Maitland Road Developments for the initial offer of \$12,500 plus GST, plus all legal expenses associated with the sale.
2. A condition of the sale include that the carpark not encroach within three (3) metres of the creek bank to enable access with an easement being created to legalise this.
3. A covenant be placed on title restricting the use of the land for carparking only and prohibiting the construction of any buildings, structures etc.
4. The Council Seal be affixed to all relevant documentation.

A copy of GM Report No. 15/2006 is contained within the Enclosure Documents.

BACKGROUND

The developer of the shopping village, Maitland Road Developments, has been in consultation with the City Planning Department with regard to a number of matters relating to the proposed development. It should be noted that the original Development Application (DA) 8/2004/846/1 has been approved, with a Section 96 amendment, 8/2004/846/2 still being considered by Council.

After consultation with Council's City Planning Department, it has been advised that several meetings have taken place over a number of months regarding the Bellbird Shopping Village as well as discussing the carparking arrangements for the development.

Further discussions between Council's City Planning Department and the Infrastructure & Services Department have resolved that it would be more beneficial to Council if the developer dedicated the carpark works, to be constructed on Lots 12 & 13 Section F DP 6264, Waratah Street, Bellbird to Council as well as going through the process of dedicating the road as public road.

Council's Engineering and Survey Officer, advises that Part 2 Division 1 of the Roads Act 1993 facilitates the opening of public roads. Section 10 of this Act permits Council to dedicate any land held by it as a public road by publishing a notice detailing same in the Government Gazette. However, as it is envisaged that not all of the land currently held by Council (Lots 12 & 13) will be required for road purposes, a plan of survey would need to be prepared of the subject area subdividing the current lot pattern to accommodate the proposed development, together with the consolidation of the residue lot areas. Section 9 of the Roads Act details the creation of public road by registration of plan.

It should be noted that previously Council resolved that the developer is to pay for all of Council's legal expenses associated with the sale. To date, none of Council's legal costs have been paid, and Council's solicitor has advised that Council should not sign off on the authority for the developer to undertake the carpark works, in accordance with Part 9 Division 1 Section 137A - 143 of the Roads Act 1993 until such time that Council has been reimbursed for their legal expenses to date.

Maitland Road Developments will also need to pay for any survey work that would need to be undertaken in finalising this matter too.

CONSULTATION

The following staff have been consulted in the preparation of this report:

Engineering and Survey Officer – Mr David Latter
Senior Planning Assessment Officer – Ms Tracey Le Brun
Economic Development Manager – Ms Kavita Payall

Legislative Implications

Part 2 Division 1 of the Roads Act 1993 facilitates the opening of public roads. Section 10 of this Act permits Council to dedicate any land held by it as a public road by publishing a notice detailing same in the Government Gazette.

Part 9 Division 1 Section 137A - 143 of the Roads Act 1993 makes provision for Council to withhold authority to undertake works till such time all associated costs have been paid in full.

Financial Implications

Maitland Road Development has undertaken responsibility for any additional legal and survey costs thereby limiting Council exposure to unforeseen circumstance.

Policy Implications

Nil

CONCLUSION

Council agree to allow Maitland Road Developments to undertake the carpark works at no cost to Council. Additionally, Council go through the process of making the carpark a public road.

RECOMMENDATION that:-

1. Council allow Maitland Road Developments to undertake the carpark works to be constructed upon Lots 12 & 13 Section F DP 6264, Waratah Street, Bellbird.
2. Council go through the process of making the carpark public road.
3. Council not give consent as the roads authority for works to commence in accordance with Part 9 Division 1 Section 137A - 143 of the Roads Act 1993, until such time that Council has been reimbursed for their legal expenses to date.
4. Any additional legal and survey costs incurred will be required to be paid for by Maitland Road Developments.
5. The Council Seal be affixed to all relevant documentation.

To: **The General Manager**
Corporate & Community
Committee – 6 August 2008

C BENNETT
DIRECTOR CORPORATE & COMMUNITY
24 July 2008