



Vincent Street
CESSNOCK 2325

10 June 2008

To All Councillors

You are hereby notified that the next Meeting of the Infrastructure & Services Committee will be held in the Council Chambers, on Wednesday, 18 June 2008, commencing at 6.30pm, 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 Infrastructure & Services Committee Meeting held on 4 June 2008.

(3) OFFICERS' REPORTS

DIRECTOR INFRASTRUCTURE & SERVICES

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47/2008	Tender For Plant Hire And Equipment Tender No. T0708/24	11
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(4) QUESTIONS WITHOUT NOTICE

OFFICER'S REPORTS

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 44/2008

SUBJECT: CESSNOCK COMMUNITY PERFORMING ARTS CENTRE PROGRESS REPORT 5

Recreation & Community Services Manager, Ms N Benson, reports:-

BACKGROUND

On 16 October 2007 North Construction and Building Pty Ltd were engaged to undertake construction of the Cessnock Community Performing Arts Centre (PAC) and works commenced on the site on 29 October 2007. The total budget for the construction of the PAC incorporating car park and stormwater drainage works as well as contract administration is \$8.1M.

The PAC has been divided into three (3) sections and they are referred to as Building A, B or C. A description is as follows:-

- Building A is the two (2) storey building closest to Aberdare Road and will comprise of community offices, meeting rooms, Senior Citizens Room and toilets and change rooms;
- Building B is the centre building that had been demolished will be the theatre, stage and lounge area; and
- Building C is the building closest to the Aberdare Tavern that has been demolished with the exception of the façade and will form the entry foyer, box office and kitchen.

REPORT

Major activities sine last month's report include:-

- Stage floor framing and under-stage ceiling complete
- Re-roofing and roof sheeting works for entire facility 90% complete
- Theatre ceilings set, painted and ready for installation of acoustic panelling
- 90% of mechanical plant has been installed
- Structural steel for the entire facility is complete
- Internal wall rendering complete and internal street skylight is complete

Forecast activities for the coming month include:-

- Commencement of external cladding
- Construction of awnings to buildings B and C
- Installation of internal acoustic panels and cladding features
- Joinery installed to building A
- External painting to buildings A and C
- Main switchboard and power connection to the site

The original contract completion date is 31 July 2008. Works to the under-stage area, building A and C are on track according to the contact schedule and building B is presently 5 weeks ahead of finishing on time. It is expected that Council will commence construction of the carpark at the rear of the centre and in Castlemaine Street at the start of July and landscape works will be completed by Council immediately after.

North Construction and Building Pty Ltd have adjusted the program to suit the current site conditions and works have progressed generally in accordance with the revised construction program. The revised contract completion date is 23 September 2008 and this date will continue to change as the project progresses. Depending on weather conditions and adjustments to the program the date could actually move closer to the original contract completion date.

Expenditure to date on the project is \$3.9M and liaison with the Cessnock Senior Citizen's Association and the Samaritans continues with meetings regarding fit-out, timeframes and leases held at regular intervals. Community consultation has been maintained through correspondence and meetings with TAFE, local schools, dance groups and performing arts committees.

RECOMMENDATION that the information be noted.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 45/2008

SUBJECT: BIENNIAL TENDERS FOR THE PROVISION OF VARIOUS PRODUCTS AND SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2010

Council's Acting Logistics & Waste Operations Manager, Ms R Leayr, reports:-

BACKGROUND

Tenders were called for the following products and services for use within the Council area on various road construction, recreation and maintenance projects for the period 1 July 2008 to 30 June 2010.

Tender No.	Details of Tender
T0708/09	Supply, Delivery & Laying of Asphaltic Road Surfacing Materials 2008/2010
T0708/10	Sprayed Bituminous Road Surfacing 2008/2010
T0708/11	Heavy Patching and Reseal Preparation Services 2008/2010
T0708/12	Kerb and Gutter Construction Services 2008/2010
T0708/13	Supply and Delivery Road Base and Sub Base Materials 2008/2010
T0708/14	Supply and Delivery of Soil 2008/2010
T0708/15	Supply and Delivery of Sands and Rock Dust 2008/2010
T0708/16	Supply and/or Delivery of Rockfill 2008/2010
T0708/17	Supply and Delivery Cover Aggregate 2008/2010

Tenders closed at 2.00 pm Wednesday 21 May 2008.

TENDER'S RECEIVED

Tenders were received from various companies for each different product/service as detailed in the table below.

Tender	Company Name	Business Location
T0708/09 Supply, Delivery & Laying of Asphaltic Road Surfacing Materials	Accurate Road Repairs Pty Ltd	Charlestown
	Pioneer Road Services Pty Ltd	McGraths Hill
	Mid Coast Road Services	Wauchope
	The Asphalt Man Pty Ltd	Charmhaven
	Downer EDI Works	Teralba
	Bitupave Ltd T/as Boral Asphalt	Blackhill
	Ian Rich Asphalt Pty Ltd	Gateshead
	Tropic Asphalts Pty Ltd	Toronto
T0708/10 Sprayed Bituminous Road Surfacing	SRS Roads Pty Ltd	Camellia
	Pioneer Road Services Pty Ltd	McGraths Hill
	Bitupave Ltd T/as Boral Asphalt	Blackhill
	Downer EDI Works	Teralba
T0708/11 Heavy Patching and Reseal Preparation Services	Mid Coast Road Services	Wauchope
	Tropic Asphalts Pty Ltd	Toronto
	Ian Rich Asphalt Pty Ltd	Gateshead
	Sharpe Bros. (Aust) Pty Ltd	West Gosford
	Accurate Road Repairs Pty Ltd	Charlestown
	The Asphalt Man Pty Ltd	Charmhaven

Tender	Company Name	Business Location
T0708/12 Kerb and Gutter Construction Services	Gotrala Pty Ltd Trading As Bolla Civil Concrete Contracting	Abermain
	Ziggy's Kerb Company Pty Ltd (Late Tender)	Kearsley
T0708/13 Supply and Delivery of Road Base and Subbase Materials	Boral Metro Quarries and Recycling	Mayfield/Thornton
	Quarry Products (Newcastle) Pty Ltd	Maitland
	Metromix Pty Ltd	Teralba
	Buttai Gravel P/L T/as Daracon Quarries	Wallsend
	Steelstone	Mayfield
T0708/14 Supply and Delivery of Soil	Oz Mulch Pty Ltd	Toronto
T0708/15 Supply and Delivery of Sands and Rock Dust	Boral Metro Quarries and Recycling	Mayfield/Thornton
	Rosebrook Sand & Gravel Pty Ltd	Maitland Vale
	Quarry Products (Newcastle) Pty Ltd	Maitland
	Buttai Gravel P/L T/as Daracon Quarries	Wallsend
	Metromix Pty Ltd	Teralba
T0708/16 Supply and/or Delivery of Rockfill	Hebden Quarries Pty Ltd	Hebden
	Boral Metro Quarries and Recycling	Mayfield/Thornton
	Buttai Gravel P/L T/as Daracon Quarries	Wallsend
	Quarry Products (Newcastle) Pty Ltd	Maitland
T0708/17 Supply and Delivery Cover Aggregate	Hebden Quarries Pty Ltd	Hebden
	Boral Metro Quarries and Recycling	Mayfield/Thornton
	Quarry Products (Newcastle) Pty Ltd	Maitland
	Buttai Gravel P/L T/as Daracon Quarries	Wallsend
	Metromix Pty Ltd	Teralba

CRITERIA BASED ASSESSMENT

Tenders were assessed using the following criteria to determine the suitability of the company tendering with regard to their resources and management systems:

- Tenderer's Declaration and conformity of tender
- Insurances
- Quality Assurance
- Occupational Health Safety and Rehabilitation
- Ecologically Sustainable Development
- Contractor Resources/Subcontractors (where applicable)
- Sustainable Products

As part of the assessment those companies providing full construction services to Council were required to have more developed management systems than those companies providing a supply only service.

All companies were assessed as having satisfactory resources and management systems to provide the applicable products and services. It was therefore considered appropriate to use the relative price tendered as the primary determinant of the preferred supplier for each product and service.

PRICE BASED ASSESSMENT

The tendered rates are summarised in the Confidential Enclosure to the Supplementary Report to the Committee of the Whole. The summary schedules have been shaded to highlight the lowest tendered rate for each category of product and/or service.

To facilitate fairness in tendering the City has been divided into four (4) delivery zones with separate rates invited for each zone due to their varying haulage distances from source quarries, batch plants and business locations. The delivery zone boundaries are not in any way related to Ward boundaries.

T0708/09 Supply, Delivery & Laying of Asphaltic Road Surfacing Materials

For Supply, Delivery & Laying of Asphaltic Road Surfacing Materials Tropic Asphalts Pty Ltd generally provided the lowest tendered rates for the supply, delivery and laying of most road mixes across all zones. However the lowest price tendered varies according to the quantity ordered with Accurate Road Repairs and The Asphalt Man having the lowest tendered rates for the smaller quantities and Downer EDI Works having the lowest tendered rates for some of the larger quantities

Pioneer Road Service's tender included an alternative offer which included a price reduction across all mixes and zones if Council was willing to agree to continuous rise and fall adjustments based upon movements in bitumen price. However due to the administration demands of such a scenario and unpredictability of pricing for budget purposes it is recommended that the offer be rejected.

T0708/10 Sprayed Bituminous Road Surfacing

Boral Asphalt generally provided the lowest tendered rates for Sprayed Bituminous Road Surfacing when converted to a square metre rate and also had with the lowest prices for most of the bitumen categories. Pioneer Road Services had the lowest square metre rate for the very large quantity work where over 10,000 L of bitumen is used in a day.

Pioneer Road Service's tender included an alternative offer which included a price reduction for bitumen across all zones if Council was willing to agree to continuous rise and fall adjustments based upon movements in bitumen price. However due to the administration demands of such a scenario and unpredictability of pricing for budget purposes it is recommended that the offer be rejected.

T0708/11 Heavy Patching and Reseal Preparation Services

Tropic Asphalts Pty Ltd generally tendered the lowest prices for Heavy Patching and Reseal Preparation Services except for the "up to 100" category for all patches where Accurate Road Repairs offered the lowest prices.

T0708/12 Kerb and Gutter Construction Services

For Kerb and Gutter Construction Services only one tender was received on time, this was from Gotrala Pty Ltd Trading As Bolla Civil Concrete Contracting. A second tender was received from Ziggy's Kerb Company after the closing time but cannot be accepted in accordance with Clause 177 of the Local Government (General) Regulation 2005.

As Council will need at least two contractors to cover the work load under this tender and has used both Contractors in the past it is recommended that Council pursuant to Clause 178 of the Local Government (General) Regulation 2005 Council resolve not to accept any tenders for Kerb and Gutter Construction Services and enter into negotiations with Gotrala Pty Ltd

Trading as Bolla Civil Concrete Contracting and Ziggy's Kerb Company with a view to establishing a panel contract with the two suppliers.

As Gotrala Pty Ltd Trading as Bolla Civil Concrete Contracting tendered the lowest prices for all types of kerb profile it is anticipated that they will be given first preference for work under the contract and Ziggy's Kerb Company will be given second preference.

T0708/13 Supply and Delivery of Road Base and Subbase Materials

Tenders were sought for five (5) different categories (Schedule 2.a to 2.e) of base and sub-base materials which cover a wide variety of stabilised, blended or screened products suitable for many pavement or embankment applications. For Schedule 2.a materials Quarry Products (Newcastle) Pty Ltd generally had the lowest tendered prices.

For Schedules 2.b to 2.e there was such a wide variety of materials offered that it was difficult to make price comparisons between them. Notwithstanding, acceptance of all tendered rates will allow a project specific assessment of the suitability of the various products prior to use.

T0708/14 Supply and Delivery of Soil

Only one tender was received for the Supply and Delivery of Soil and this was from Oz Mulch Pty Ltd. Due to lack of competitive tenders received for this tender the requirement for this product has been reassessed. It has been determined that Council rarely uses large quantities of soil throughout the year and so a preferred procurement method would be to have the Store keep small quantities of soil in a storage bay at the depot. The Store would seek quotes for best pricing each time the soil is required to be re-stocked.

Therefore it is recommended that, pursuant to Clause 178 of the Local Government (General) Regulation 2005 Council resolve not to accept any tenders for the Supply and Delivery of Soil and cancel the proposal for the contract with a view to storing small quantities of soil at the depot.

T0506/11 Supply and Delivery of Sands and Rock Dust

For Supply and Delivery of Sands and Rock Dust Buttai Gravel P/L T/as Daracon Quarries tendered the lowest prices for Bedding & Filling Sand, Rosebrook Sand & Gravel Pty Ltd tendered the lowest prices for Joint Filling Sand and Quarry Products (Newcastle) Pty Ltd tendered the lowest prices for and Rock Dust in all zones.

T0506/12 Supply and/or Delivery of Rockfill

Quarry Products (Newcastle) Pty Ltd tendered the lowest prices for supply and delivery of the Rockfill for mattresses and gabions. Buttai Gravel P/L T/as Daracon Quarries tendered the lowest price for FOL at supply source for both categories.

T0506/13 Supply and Delivery Cover Aggregate

Tenders were sought for four (4) different sizes of uncoated and pre-coated cover aggregate for sprayed bituminous road surfacing, 5mm, 7mm, 10mm and 14mm. Quarry Products (Newcastle) Pty Ltd tendered the lowest prices for supply and delivery of all sizes of uncoated and pre-coated aggregate. The lowest prices for FOL at supply source is shared between Buttai Gravel P/L T/as Daracon Quarries and Quarry Products.

RECOMMENDATION that the tenders received for the various products and services under Tenders T0708/09, T0708/10, T0708/11, T0708/13, T0708/15, T0708/16 and T0708/17 be accepted in accordance with the tendered rates subject to:

1. The tenderer with the lowest tendered rates for the type of product and/or service sought being the preferred supplier/deliverer.
2. Satisfactory work practices, record management, environmental and safety controls being maintained by the contractor.
3. A satisfactory rate of delivery being maintained by the contractor.
4. Service, performance, availability and quality being to the satisfaction of the Director Works and Services.
5. The rise and fall alternative offered by Pioneer Road Service for T0708/09 Supply, Delivery & Laying of Asphaltic Road Surfacing Materials and T0708/10 Sprayed Bituminous Road Surfacing be rejected.
6. All tenderers being informed accordingly.
7. Pursuant to Clause 178 of the Local Government (General) Regulation 2005 Council resolve not to accept any tenders for:
 - a. T0708/12 for Kerb and Gutter Construction Services and enter into negotiations with Gotrala Pty Ltd Trading as Bolla Civil Concrete Contracting and Ziggy's Kerb Company with a view to establishing a panel contract with the two suppliers, and
 - b. T0708/14 Supply and Delivery of Soil and cancel the proposal for the contract with a view to storing small quantities of soil at the depot.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 46/2008

SUBJECT: TENDER FOR HIRE OF CASUAL LABOUR TENDER NO. T0708/23

Acting Logistics and Waste Operations Manager, Ms R Leayr, reports:-

REPORT

Open tenders for the 'Hire of Casual Labour' for the period 1 July 2008 to 30 June 2010 closed on 28 May 2008 with nine (9) tenders received. The tenderers in no apparent order were:

- Complete Staff Solutions Pty Ltd – Broadmeadow
- Labour Power Recruitment Services – Wallsend
- Integrated Group Limited – Maitland
- Ready Workforce Pty Ltd – North Sydney
- Labourco Council Services Pty Ltd – Cooks Hill
- Spectrum Employment Services Cooperative Ltd – Newcastle
- Garth Short Mining Pty Ltd – Aberdare
- RRC Investments Pty Ltd T/As Workforce Extensions – Tamworth
- Skilled Group Limited – Broadmeadow

The tenders are for the provision of casual labour in the categories of Labourer/Traffic Controller, Truck Driver and Carpenter/Plumber. These represent the main fields where Council's labour needs can fluctuate significantly on a daily basis and hence engagement of casual staff via selected labour service providers is considered the most appropriate way to streamline the engagement and administration of such resources.

The tendered rates are summarised in the Confidential Enclosure to the Supplementary Report to the Committee of the Whole. The lowest tendered rates are shaded.

The tendered prices were ranked according to normal Labourer rate tendered (this being the most utilised service) and the top four tenders were then assessed further in accordance with the criteria nominated in the tender documents. Those criteria are:

- Tenderer's Declaration
- Labour Hire Rates
- Financial Details and Capacity
- Insurances
- Physical Resources
- Ecological Sustainable Development
- Previous Experience
- Communication & Timekeeping Arrangements
- Details of Local Employees
- Occupational Health, Safety & Rehabilitation

The assessment concluded that the tender from Labourco Council Services Pty Ltd offers the most advantage to Council. Their tendered hire rates were the lowest tendered. The tender from Labour Power Recruitment ranked second.

Labourco are Council's current provider of casual labour services and hence acceptance of their tender will facilitate a continuity of engagement of current casual staff. Their performance has been rated as 'good' to date however during periods of high demand Council has had difficulty sourcing all required labour from the one supplier. It is therefore recommended that two tenderers be accepted for this contract, with Labourco being the preferred supplier and Labour Power being the second supplier called upon when demand for labour hire is high.

RECOMMENDATION that:-

1. The tenders received from Labourco Council Services Pty Ltd and Labour Power Recruitment Services for the Hire of Casual Labour under Tender No. T0708/23 be accepted, with Labourco being the preferred supplier and Labour Power being the second supplier.
2. The unsuccessful tenderers be informed accordingly.
3. Council's seal be affixed to the contract documents.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 47/2008

SUBJECT: TENDER FOR HIRE OF PLANT AND EQUIPMENT- TENDER NO. T0708/24

Acting Logistics and Waste Operations Manager, Ms R Leayr, reports:-

REPORT

Open tenders for the 'Hire of Plant and Equipment' for the period 1 July 2008 to 30 June 2010 closed on 28 May 2008 with twenty three (23) tenders received. The tenderers in no apparent order were:

- | | |
|--|---|
| 1. Kennards Hire Pty Ltd | 13. John Herbert Earthmoving |
| 2. Road & Rail Civil Pty Ltd | 14. Scott Hoadleys Earthmoving Pty Ltd |
| 3. Kingston Industries Pty Ltd | 15. Mitchell Bros. Earthmoving Pty Ltd |
| 4. JD & J Gavenlock Pty Ltd | 16. Cessnock Water Cartage & Plant Hire Pty Ltd |
| 5. J&L Plant Hire Pty Ltd | 17. Lovetts Cessnock Earthmoving |
| 6. Ace Water Cartage | 18. Hunter Valley Hire Pty Ltd |
| 7. Hartcher Water Haulage & Tipper Hire | 19. Conplant Pty Ltd |
| 8. Active Hire Group Pty Ltd | 20. CZL Group Pty Ltd |
| 9. CEG Rentals Pty Ltd | 21. Scott Rich Earthmoving Pty Ltd |
| 10. Morpeth Turf Pty Ltd T/As Lantry Earthmoving | 22. Lee O'Donohue Earthmoving |
| 11. Bruce Water Cartage | 23. Coates Hire |
| 12. Bulldog Excavations Pty Ltd | |

The tenders are for the periodic hire of various items of plant and equipment to supplement Council's plant fleet as project demands warrant. Tenders were invited on 'Plant Hire Only' and 'Plant Hire plus Operator' bases. Various additional subsidiary rates apply to these two primary categories to allow for such things as overtime, stand-down during wet weather, breakdowns, Rostered Days Off, transport, etc.

The tenders covered the following types of plant and equipment. Some tenderers included additional non-specified items for Council's consideration and these will also be assessed for inclusion on the plant hire database.

- | | |
|---------------------|-----------------------------|
| • Bulldozer | • Roller Pad foot |
| • Excavator | • Roller Smooth Drum |
| • Grader | • Roller Tandem |
| • Loader Backhoe | • Tipper Truck |
| • Loader Low | • Tipper Truck & Dog |
| • Loader Skid Steer | • Tippers Semi |
| • Loader Wheeled | • Tractor – Slasher / Mower |
| • Road Sweeper | • Traxcavator |
| • Roller 3Point | • Utility |
| • Roller Combo | • Water Cart |
| • Roller Multi Tyre | |

The process to be undertaken to develop the database involves an initial, then an ongoing review of the tendered item based upon:

- a) hire rate;
- b) compliance with the Equipment Requirements, Occupational Health and Safety Requirements, Environmental Requirements and Operator Competency Requirements;
- c) Equipment inspection reports;
- d) reliability and availability of supply;
- e) Contractor performance, including their ability and willingness to provide a high level of customer service to Council.

This evaluation process results in a ranking being given to each item in each category which forms the basis for selecting the preferred item for hire.

The contract provides for variation of the hire rates tendered in line with any movements in the Consumer Price Index (CPI) (Sydney – All Groups) on an annual anniversary basis. An option for the Council to extend the contract term by one (1) year is included subject to a similar CPI adjustment of the then hire rates.

Whilst open tenders were invited, this process was adopted to gain the widest possible interest for provision of the services sought and did not reflect a mandatory requirement under the Local Government (General) Regulation 2005. As such it is not necessary for Council to formally resolve to accept any or all tenders. Due to the significant number of responses received, the complexity of the initial tender evaluation process to establish the database and the numerous categories of plant and equipment involved, the database preparation is likely to take several weeks. It is therefore recommended that Council accept all tenders subject to satisfactory assessment and inclusion on Council's plant and equipment hire database.

RECOMMENDATION that:-

1. All tenders received for the Hire of Plant and Equipment under Tender No. T0506/16 be accepted, subject to satisfactory assessment and inclusion on Council's plant and equipment hire database.
2. The tenderers be informed accordingly.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 48/2008

SUBJECT: ROAD STATUS – LAND ADJOINING THE NORTHERN BOUNDARY OF THE VINEYARD GROVE ESTATE AT CESSNOCK

Engineering Survey Officer, Mr D Latter, reports:-

PURPOSE

For the concurrence of Council to the proposed dedication of land as public road pursuant to Section 16 of the Roads Act 1993.

BACKGROUND

As part of the development of Stage 8 at the Vineyard Grove Estate, Council, in order to meet the requirements of the Hunter Water Corporation with regard to a proposed and existing water reticulation main servicing the site, require the subject land/road reserve (refer to the Enclosure to this report) to be formally dedicated as public road.

Vineyard Grove Estate Management Consultants, Woromar Pty Ltd, has brought to Council's attention that the status of this land adjoining the northern boundary of the Estate is uncertain. Their finding arose as a result of these Hunter Water Corporation requirements in respect to both the proposed and existing water reticulation main servicing the subject development.

There are two (2) options available to satisfy these requirements:

Option No. 1: Construction of the 'connecting' main within the existing and proposed Public Reserve of the development involving allotment re-design and reductions in area of proposed lots, OR

Option No. 2: Construction of the 'connecting' main within the area of land which is adjacent to the northern boundary of the Estate. (Design plans submitted to Hunter Water Corporation and awaiting their approval is based on this option)

As Option No. 1 lacks practicality and is of no benefit to any party concerned, the implementation of Option No. 2 is the preferred resolution as it also serves to rectify the status of the subject land.

INFORMATION

The following excerpts from the Roads Act 1993 are provided by way of information as to the statutory requirements:

Under Section 16 Council may dedicate certain land as a public road

16 Council may dedicate certain land as a public road

- 1) This section applies to land that is set aside for the purposes of a road left in a subdivision of land effected before 1 January 1907 (the date of commencement of the Local Government Act 1906) or in a plan of subdivision that was registered by the Registrar-General before 1 January 1920 (the date of commencement of the Local Government Act 1919).*
- 2) The council of the local government area within which such land is situated may, by notice published in the Gazette, dedicate the land as a public road.*

- 3) *On the publication of the notice in the Gazette:*
 - a) *the land described in the declaration becomes free of all trusts, restrictions, dedications, reservations, obligations and interests, and*
 - b) *the land is dedicated as a public road.*
- 4) *No compensation is payable to any person with respect to any loss or damage arising from the operation of this section.*
- 5) *Land may not be dedicated as a public road under this section if the Land and Environment Court has made a declaration under section 17 to the effect that the land may not be so dedicated or if an application for such a declaration is pending before that Court.*

Under Section 17 Application to Land and Environment Court against proposed dedication

17 Application to Land and Environment Court against proposed dedication

- 1) *Before dedicating land as a public road under section 16, the council must cause at least 28 days notice of its intention to do so to be served on the owner of the land.*
- 2) *During that period of 28 days, the owner of the land may, in accordance with rules of court, apply to the Land and Environment Court for a declaration that the land should not be dedicated as a public road.*
- 3) *The Land and Environment Court may make such decision as it thinks fit with respect to the application.*

It should be noted that both the registered survey plans (October 2006) for Stage 12 of the Vineyard Grove Estate DP 1102977 (enclosed) and the registered survey plans (April 1998) of the adjoining Kelman Vineyard Estate DP 270158 (enclosed) show the subject land in question as being "ROAD (20.115 WIDE)".

Woromar Pty Ltd conducted a detailed search of the records of the Department of Lands with regard to the status of the subject land producing the following information:

1. The land adjacent to the Northern boundary of both the Vineyard Grove Estate and the Kelman Vineyard Estate was part of the original grant to David Campbell described as Portion 261, Parish of Pokolbin, County of Northumberland. (Enclosed)
2. Portion 261 was subdivided by David Campbell in the 1850's and named the "Cessnock Estate". This plan is registered as DP 939901 (enclosed) and on it the Vineyard Grove Estate is shown as Lot 11 and the Kelman Estate as Lot 12. The subject land is shown as "Road" on that plan but was never formally dedicated as such.
3. There has been no subsequent attempt to effect either a resumption or dedication of this land as a public road.
4. At the time that the area now occupied by the Cessnock Correctional Centre was transferred to the Department of Corrective Services it excluded the subject land as shown on plan Ms 6575-3070.(Enclosed)
5. The title of the subject land, being the residue of Crown Grant Serial 34 Page 43 dated 26 October 1834, thus remains in the name of the original grantee David Campbell.

Further surrounding registered plans of survey, DP 76202 (August 1924) and DP 844843 (October 1994) both show the subject land as road.

RECOMMENDATION that Council proceed, upon confirmation and verification by Council's solicitor of the search information and documentation provided by Woromar Pty. Ltd., to resolve the status of land adjoining the northern boundary of the Vineyard Grove Estate at Cessnock under the provisions of Section 16 of the Roads Act 1993.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008

DIRECTOR INFRASTRUCTURE & SERVICES REPORT NO. 49/2008

SUBJECT: COUNCIL'S WEEDS MANAGEMENT STRATEGY

Recreation Operations Manager, Ms A Sander, reports:-

BACKGROUND

At its meeting of 16 April 2008 Report No. 5/2008, Council resolved that a further report be submitted to Council after the public exhibition timeframe had elapsed for notification of the Weeds Management Strategy.

REPORT

Council's Draft Weed Management Strategy was placed on public exhibition for comment for the mandatory 28 day period on 22 April 2008.

Council received no comments from the community regarding the Weeds Management Strategy, from this we can assume that the strategy has been accepted by the community. Council can now take steps to implement the Weeds Management Strategy.

The strategy has been developed to raise awareness off weeds and weed related issues to act as a basis for a coordinated weed management program across the Cessnock Local Government Area.

The coordination and integration of available weed management programs, strategies and resources at a local level will minimise the affect weeds have on the sustainability and productivity of both natural and built environments.

The major objectives of the strategy are:

- Prevent new weed problems
- Reduction of current weed infestations
- Raise the awareness of weed issues.

An important component of any strategy is the implementation and monitoring of the action plans. Weed management and new mechanisms for weed control are continually evolving and being developed. Due to this factor a review of the strategy action plans will be carried out annually.

CONCLUSION

The development and implementation of a Weeds Management Strategy in the Cessnock Local Government Area will compliment national, state and regional weed management strategies and provide guidelines for a coordinated approach to weed management by all stakeholders in the Local Government Area.

RECOMMENDATION that Council adopt the Weeds Management Strategy for the Cessnock local government area.

To: **The General Manager**
Infrastructure & Services
Committee – 18 June 2008

L OLDFIELD
DIRECTOR INFRASTRUCTURE & SERVICES
10 June 2008