28 January 2010

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that the next Ordinary Meeting of Council will be held in the Council Chambers, on Wednesday, 3 February 2010 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

(1) OPENING PRAYER
(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS
(3) RECEIPT OF APOLOGIES
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING
   Minutes of the Ordinary Meeting of Council held on 20 January 2010
   (Under separate cover)
   Minutes of the Confidential Meeting of Council held on 20 January 2010
   (Under separate cover)
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Our Vision

Is for a safe, healthy environment where residents can enjoy a high quality of life. Our Cessnock City of the future will offer quality lifestyle and security, local services and shopping, local jobs, an unspoiled environment, safety, convenience, comfort and confidence in the future.

Council’s Charter

* To provide directly or on behalf of other levels of government after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
* To exercise community leadership.
* To exercise its functions with due regard for the cultural and linguistic diversity of its community.
* To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible.
* To have regard to the long term and cumulative effects of its decisions.
* To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible.
* To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.
* To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
* To keep the local community and State Government (and through it, the wider community) informed about its activities.
* To ensure that, in the exercise of its regulatory functions, its acts consistently and without bias, particularly where an activity of the Council is affected.
* To be a responsible employer.

Council’s Values & Management Principles

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Council’s Corporate Goals

1. To promote and provide quality services and facilities which focus on the needs of the community.
2. To protect, enhance and promote our natural, developed and cultural environment.
3. To actively foster the creation of employment and sustainable development opportunities acceptable to community and environmental standards.
4. To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.
5. To identify needs, share information and provide opportunities for active participation and community consultation.
Council adopted Model Code of Conduct

Council adopted its current Code of Conduct on 2 September 2009. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues should be approached.

Generally, the policies refer to the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter

2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting

3. The nature of the interest shall be included in the notification

4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper

5. All declarations of interest shall be recorded by the General Manager

6. All disclosures of interest shall as far as is practicable be given in writing

7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council.

8. The meeting shall not discuss any matter in which a councillor has a pecuniary or non-pecuniary significant conflict of interest while the councillor is present at the meeting.
SUBJECT: DISCLOSURES OF INTEREST
AUTHOR: Corporate Administration Assistant - Robyn Larsen

RECOMMENDATION
That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

SUMMARY
The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES
SUBJECT: CONSIDERATION AND ADOPTION OF INFORMATION REPORTS EİTHER INDIVIDUALLY OR WITH NOMINATED EXCEPTIONS, OR ENGLOBO

AUTHOR: Corporate Administration Assistant - Robyn Larsen

RECOMMENDATION

That Council deal with the following information reports by the nominated exception method.


QS12/2010 Resolutions Tracking Report ................................................................. 33

QS14/2010 Kurri Kurri Animal Shelter ................................................................. 38


PM8/2010 Status of Section 430 Report Ongoing Action Plan at 31/12/2009 ...... 54

PM9/2010 Staff Appointments, Resignations & Transfers ............................... 58

SUMMARY

In accordance with the Council’s Code of Meeting Practice reports for the information of Council are provided for adoption either individually, by nominated exception or englobo.

ENCLOSURES

There are no enclosures for this report
SUBJECT: DEVELOPMENT APPLICATION NO. 8/2007/4/1 - SUBDIVISION COMPRISING A BOUNDARY ADJUSTMENT OF FOUR (4) LOTS AND CONSTRUCTION OF ACCESS ROAD.

AUTHOR: Senior Town Planner - Richard Forbes

Ordinary Meeting of Council at its meeting on 20/01/2010 resolved that the matter be deferred to a future meeting.

RECOMMENDATION

That Development Application No. 8/2007/4/1 for a Subdivision comprising a Boundary adjustment of Four (4) lots and construction of an access road on Lot 582, DP 832600, Lots 191, 185, 139 and 154, DP 755230, 530 Watagan Creek Rd, Laguna be determined pursuant to S80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions at the end of the report.

REASON FOR REPORT

The report is presented to Council on the basis that the proposal is the subject of community objections and is affected by Council's Development and Transfer of Crown Roads Policies (Policy No's R35.3 and S40.7).

APPLICANT

Northbound Pty Ltd

OWNER

Northbound Pty Ltd

APPLICATION LODGED

2 January 2007

PROPERTY ADDRESS

Lot 582, D.P 832600, Lots 191, 185, 139 and 154, DP755230, 530 Watagan Creek Rd, Laguna

AREA

Approx 445 Hectares

ZONING

1(a) Rural
The proposed development comprises the rationalisation by Boundary adjustment of an extensive holding of 445 Hectares comprising four lots (Lot 139 – 40.972 Hectares, Lot 154 – 33.801 Hectares, Lot 185 – 330.737 Hectares and Lot 191 – 27.220 Hectares). The purpose is to consolidate two existing lots (Lots 154 & 191) which are presently undersize with respect to the 40 Hectare minimum lot size standard under the provisions of the Cessnock Local Environmental Plan (1989).

The proposal results in Two (2) additional dwelling sites within the overall holding (445 Hectares).

The creation of the dwelling sites includes consideration of suitable dwelling sites and vehicle access in accordance with Planning for Bushfire protection. The application seeks to formalise an existing gravel access formation running north of the dwelling sites to Watagan Creek Road. The access follows part of a Crown Road reserve to the boundary of adjoining Lots 9 & 12 (the Crown Reserve runs north-south at the western boundary of existing Lots 6 & 7, DP 243086 and continues via a Right of Carriageway over Lot 582, DP 832600 to Watagan Creek road.
The Crown Rd portion of the intended access has been closed by Department of Lands (effective 27 August 2009) and now comprises an extension of the existing right of carriageway across Lot 582, DP 832600, Watagan Creek road. Lots 7 & 8 (the dwelling sites) are to be served by an extension of the existing right of carriageway.

The balance of the property comprises the consolidation of two (2) lots (Lot 191 & Lot 154) to the southeast to form an allotment of greater than 40 Hectares.

The application proposes dwelling envelopes on lots 7 & 8 which are determined with regard to the requirements of the Flora & Fauna impact assessment (as amended) and Bushfire Hazard assessment.

The proposed building sites encompass the existing disturbed areas in proximity to an existing fire trail over the properties and adjoining development to the north (Lots 9 & 12). The topography and vegetation in these locations was principle in the selection of the dwelling sites as the balance of the property is characterised by elevated sedimentary ridgelines incised by steep, vegetated gullies. The potential adverse impact of clearing for a dwelling site for bushfire protection, access and establishment of a useable area for buildings is well documented by the application and such that the selected envelopes have been rationally derived from the Flora & Fauna and Bushfire assessment of the proposal.

**BACKGROUND**

The proposal has been under extended assessment due to the resolution of the following:

1. The creation of building envelopes on proposed Lots 7 & 8 comprises development subject to Council Policy for ‘Crown Roads – Development and Transfer’ which requires Council to accept transfer of a crown road which is to serve new development. As a consequence, the access road to Lots 7 & 8 would ordinarily be transferred to Council and constructed to a rural road category standard. Consultation with Council’s assets engineers indicates that acceptance of the dedication of the road is not a reasonable cost to be borne by Council and the construction standard is beyond a reasonable nexus between the cost of such a road and the development of two dwelling sites.

2. The alternative to construction and dedication in accordance with Council’s Policy is the closure of the Crown road portion and creation of a right of carriageway to serve the two dwelling sites. This course of action has taken a significant period of time.
3. The original Flora and Fauna assessment did not contain sufficient detail with respect to the dwelling sites, clearing required for bushfire hazard reduction and access. The amended report was received some time after original application and was essential to obtaining comment from the Catchment Management Authority (CMA).

In the course of assessment, the proponent lodged a separate application for subdivision creating four (4) new allotments over adjoining Lot 185 DP 755230 (DA 8/2009/133). The proposal has integrated proposed Lot 5 which was originally included in the current proposal.

**SITE DESCRIPTION**

The subject site comprises open Eucalypt woodland and Blue Gum Forest communities. The site has been subject to previous logging activity other than on steep escarpments located in the western portion of the site. The understorey is sparse, mixed grassland in the location of the dwelling sites and the lower reaches of the property.

The western portion of the property is deeply outcropped sandstone and vegetated slopes which are more constrained than the cleared land located to the eastern portion of the property. The eastern portion of the property provides opportunity for development consistent with that found on adjoining property (rural pursuits or lifestyle properties). The site is classified as agricultural class 4 & 5 and is not a significant agricultural resource.

The original Flora & Fauna Report prepared in 2007 noted that the ridge tops and upper slopes comprised areas constrained by potential impact on mature trees and habitat communities. The lack of any permanent water over the subject site is a significant constraint to the establishment of notable habitat characteristics. This is reflected by the survey results which confirm limited field fauna recordings.

The site is subject to significant bushfire hazard. The proposal has been assessed in accordance with the requirements of Section 46(1) (g) of the Rural Fires Regulation 2002 and a Bushfire Safety Authority issued under Section 100B of the Rural Fires Act (1997). The impact of bushfire risk has determined the extent and nature of the proposed access and the location and size of the potential building envelopes as shown by the plans.

The subject land has been surveyed for Indigenous Cultural Heritage characteristics. The report concluded that the development will have no adverse impacts given observations at the site and establishment that no known/registered locations lie within the development envelopes.
ENVIRONMENTAL PLANNING INSTRUMENTS

The proposal is subject to the provisions of the Clauses 10, 11 & 12 of the Cessnock Local Environmental Plan, 1989 and Cessnock DCP (2006) – Part D.1 (Subdivision) and the objectives for development in zone 1(a) Rural "A".

CONSULTATION

The proposal has been notified to fifty-five (55) adjoining properties due to the extensive area of the property. Council received five (5) responses by way of objection.

The concerns raised can be summarised as follows;

1. Any proposed access is to be contained within the land owners own property – No obligation should be placed upon neighbours to grant access.

2. Land is unsuitable due to bushfire hazard.

3. Concern that the location of the access thru Lots 9 & 12 has been subject of unapproved works prior to lodgement including tree removal.

4. Concern that the access to the proposed lots will be unsafe and not afford access to bushfire vehicles and residents in an emergency.

5. The properties will be land locked.

6. Degradation of the environment due to increased human activity in the location.

7. The potential impact of the development on the existing private road through Lot 84, DP 755230.

The concerns were forwarded to the proponents and their response to each of the objections is dealt with under separate submission enclosed for Council’s information.

With respect to each objection, the following assessment comments are made;

Objection:

*Any proposed access is to be contained within the land owners own property – No obligation should be placed upon neighbours to grant access*

Comment:

The concern of the objector is that the applicant in having difficulty
establishing legal physical access, may seek to require it under Section 88K of the Conveyancing Act - that is to force access upon the objector on the grounds that the land is land locked and it would be unreasonable for the owner to withhold consent.

The comment relates to the right of carriageway in the western portion of the site accessing Watagan Creek road via properties adjoining Lot 185 of the subject land. The establishment of the dwelling lots does not depend on access to Watagan Creek Road being derived from any lot adjoining Lot 185.

Objection:

*b Land is unsuitable due to bushfire hazard.*

Comment:

The proposal has been referred to NSW Rural Fire Service and has been issued with a Section 100B Bushfire Safety Authority.

Objection:

*Concern that the location of the access thru Lots 9 & 12 has been subject of unapproved works prior to lodgement including tree removal.*

Comment:

The access thru Lots 9 & 12 has been subject to maintenance works over time however there is no evidence to indicate that the maintenance of the access for the purposes of mitigating bushfire hazard comprised unauthorized works.

Objection:

*Concern that the access to the proposed lots will be unsafe and not afford access to bushfire vehicles and residents in an emergency.*

Comment:

The proposal is subject to conditions requiring the establishment of access complying with the appropriate bushfire safety standards.

Objection:

*The properties will be land locked.*

Comment:

The lots subject to development will be provided with legal, physical
access to a Public Road (Watagan Creek Road).

Objection:

**Degradation of the environment due to increased human activity in the location.**

Comment:

The scale of the development proposed and the determination that the dwellings are to lie within the most appropriate portions of the property will ensure that the impact of human activity is minimized.

Objection:

**The potential impact of the development on the existing private road through Lot 84, DP 755230.**

Comment:

The land to which the comment refers is not impacted by the development of dwelling sites on lots located to the west of the property concerned. The proposal will not result in the construction of any roads or rights of carriageway thru Lot 84.

**REFERRALS:**

The proposal has been considered by:

b. NSW Rural Fire Service (Section 100B Bush Fire Safety Authority).
c. Department of Lands.
d. Catchment Management Authority

The recommendations of those consulted have formed proposed conditions of consent.

**PLANNING ASSESSMENT**

All heads of consideration detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following relevant matters identified:

a. The Provisions of any Environmental Planning Instrument

**Cessnock Local Environmental Plan, 1989**

The proposal is subject to the provisions of clauses 11 & 12 of the Cessnock Local Environmental Plan (1989) as they apply to subdivision.
Clause 11 (Cessnock Local Environmental Plan, 1989).

On the basis that the proposal results in the creation of no new lots, the application was considered under clause 11(2) (d) which permits subdivision without consent. The clause states that consent is not required;

“11(2) (d)….. to enlarge the area of an allotment of land within zone No 1(a) by amalgamating the allotment with another allotment.” (Cl 11(2)(d)CLEP, 1989).

Clause 11 (2) applies in this instance only to the extent that the consolidation of existing lots forms part of the proposal however, the intention of the proposal is that two (2) of the resultant allotments accommodate a dwelling. It remains an option for the applicant to lodge a plan of consolidation over Lots 139 & 154 thereby creating an allotment of 40 Hectares for a dwelling and seek a dwelling application over the resultant lot.

The proposal lies outside of the exemptions of clause 11 (CLEP 1989) by virtue of the need to create two dwelling sites and the need for assessment of the consequent bushfire, access and site suitability implications arising from the future use of the land.

Clause 12 (Cessnock Local Environmental Plan 1989)

The proposal complies with the provisions of clause 12 (1) of the Cessnock Local Environmental Plan (1989) which states;

Subject to this clause, land within Zone 1(a) Rural shall not be subdivided unless each allotment to be created has an area of not less than 40 Hectares.

The boundary adjustment will not have the effect of reducing the size of any allotment within the property holding to an area of less than 40 Hectares.

b. The Provisions of any Development Control Plan - (Cessnock DCP 2006)

The proposal complies with the requirements of the Cessnock DCP (2006) with respect to the size and suitability of the lots for their intended purpose. A complying building envelope has been provided for each of the dwelling lots. No land of agricultural value is diminished by the proposal.

Part D.1 of the DCP prescribes that no more than two lots in a subdivision should derive access from a right of carriageway, however
in this instance, the number of lots which presently use a combination of Crown Road and a right of carriageway from Watagan Creek Rd will remain unchanged, that is, there will be no additional allotments created should consent be granted. The planning benefit in the proposed means of access is that the access will be established to an appropriate standard and measures put in place via development consent to ensure a maintenance obligation is shared by the users. The access will not form a road dedicated to Council and there is no additional maintenance obligation on Council should consent be granted.

The proposal will not have the effect of excluding access to any lots to the South of the subject land which are in separate ownership as these allotments derive access from Dairy Arm road and Swamp Hen road and are physically separated from the subject land by a substantial escarpment.

RELEVANT ISSUES (S79c(b)(c)&(e)):

All heads of consideration detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following matters of particular relevance:

1. Flora & Fauna Impact of the location of two dwellings & required Bushfire Safety APZ.

The proposal was accompanied by a Flora & Fauna assessment which dealt with the features of the site in general terms. Council requested more specific details which considered the likely impact of the creation of the dwelling lots and examined the suitability of these sites for the development given the extent of likely clearing. The additional information was received and referred to the Hunter Catchment Management Authority (CMA).

The CMA expressed a broad view that residential development of rural land of the character of the subject land should not be encouraged but have indicated that they were in support of the recommendations of the amended survey. The site is characterised by Hunter Grey Gum woodland and sensitive rocky eucalypt woodland in the steeper sections. The dwelling sites have been restricted to the more disturbed eastern portions of the property which avoids the rocky eucalypt community. The subject site contains areas of lowland which support Redgum communities. The proposal avoids disturbance of the lowland communities and preserves these more productive areas in the existing property holdings.

The six recommendations of the amended flora & fauna report have been accepted by the CMA and the amended flora & fauna survey has
formed the basis for suitable conditions of consent.

2. Establishment of Legal Physical Access – Part Crown Road.

The subject land is presently served by part right of carriageway and part Crown Road Reserve. The effect of this is that two (2) of Council’s Policies apply to the proposal. The access to the development was initially intended to be via a part Crown Road. The following therefore apply:


Council accept transfer of Crown Roads from the Department of Land and Water Conservation which are to service a development, after the Construction Certificate for Engineering Roadworks on that section of Crown Road have been approved by Council.

This is to be on the basis that the Department of Land and Water Conservation agree to take these roads back if the development does not proceed within the normal period which the consent operates.

b. Road Standards for Crown Road Transfers. DS&CS 123/2002 - MINUTE NO: 684 - POLICY NO: S40.7

In respect of Crown Roads proposed to be transferred to the care and control of Council, the road will be required to be constructed to the standard identified in the table prior to transfer occurring:

One (1) Equivalent Tenement (ET) is defined as being a single rural dwelling that generates six (6) vehicle movements per day on the surrounding road network. An ET figure for other types of development, eg cabins, transport depots etc, can then be determined by relating the traffic generation calculated for the development to the traffic generation for a rural dwelling.

These standards have been based on current engineering best practice with a view to simplifying the requirements and negating the need for proper geotechnical assessment of the subgrade for small developments. These standards are based on a sub grade CBR of 3 and assume that appropriate drainage and subgrade preparation occurs in accordance with Council’s “Engineering Requirements for Development”. A reduction in the pavement depth may be considered if the Developer carries out a geotechnical assessment of the sub grade and a pavement design.

Council also reserves the right to increase the pavement depth or require a pavement design if on inspection of the sub grade it is
considered that a CBR value of 3 is not achievable. There may be certain instances such as dust nuisance or public health concerns etc, whereby the sealing of even the minor roads will be required. These individual cases are to be treated on their merits. As a guide, if the road passes existing dwellings or potential building envelopes located within 60 metres of the road then the sealing of 100 metres of the road in front of these sites is required.

The above “Policy for Rural Local Road Standards” is adopted as an addendum to "Engineering Requirements to Development" and is to be used to develop development consent conditions for developments located on Crown Roads.

On the basis that Council does not accept the care, control and maintenance of the access and that there is no broader community benefit in pursuing dedication of the access as a public road, Council’s development engineers have recommended that the part Crown Road be closed such that the relevant Council policies (Policy R35.3 & S40.7) no longer apply. The Department of Lands were approached and have undertaken (effective 27 August 2009) to close the portion of road on behalf of the applicant.

The proposed dwelling sites will be serviced by a right of carriageway subject to an 88B Instrument, a draft of which has been considered and determined to be satisfactory. As the policy road standards do not apply, the access road can be executed to a standard commensurate with the predicted traffic volumes and in compliance with Planning for Bush Fire protection standards.

3. Suitability of the site for the development.

The assessment of the proposal has dealt with the principle constraints to development of the site for the purpose of establishing two dwelling sites. The assessment has satisfactorily concluded with respect to;

e. Flora & Fauna impact of the clearing required in establishing the building envelopes.

f. Requirements for Bush fire safety required for the erection of two dwellings and establishing an access complying with Planning for Bush fire protection standards.

g. Requirements for legal, safe and trafficable access to the dwelling sites.

Suitable conditions of consent have been proposed which continue to address the constraints imposed by the locality should consent be granted.

4. Contributions - SECTION 94:

On the basis that no additional allotments will be created, the
provisions of the existing Section 94 contributions plan do not apply ie; no additional lots are to be created.

**STRATEGIC LINKS** Management Plan
The assessment of this application supports Council’s Second Goal – To protect, enhance and promote our natural, developed and cultural environment.

a. Other Plans
Nil

**STATUTORY IMPLICATIONS**

a. Policy and Procedural Implications
The proposal includes measures with respect to the operation of Council’s Crown Roads policies which will ensure that there are no future maintenance burdens on Council.

b. Financial Implications
Nil

c. Legislative Implications
Nil

d. Risk Implications
Nil

e. Other Implications
Nil

**OPTIONS**
Council may grant consent subject to conditions or refuse the application providing reasons for refusal.

**CONCLUSION**
The report is presented to Council on the basis that the proposal is the subject of community objections and is affected by Council’s Development and Transfer of Crown Roads Policies (Policy No’s R35.3 and S40.7). The assessment has concluded that the community objections do not raise any planning matters which would warrant refusal of the application.

Issues with respect to bushfire hazard, legal, physical access and flora & fauna have been resolved satisfactorily and it is recommended that Development Application No 8/2007/4/1 for Subdivision comprising and Boundary Adjustment and construction of the access road be granted
consent subject to conditions.

ENCLOSURES

1. Proposal Plans
2. 88B Instrument
3. Response to objections
4. Submissions
5. Submissions - *This matter is considered to be confidential under Council Policy*
STANDARD CONDITIONS

TERMS OF CONSENT

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans numbered 18527 dated 11/7/2008 and Dwelling Envelopes as shown by Plan No 2646-DA prepared by Carman Surveyors, the Statement of Environmental Effects including Flora & Fauna Assessment as amended by Urban Bushland Management Pty Ltd dated December 2006 and August 2008, Bushfire Report of Australian Bushfire Protection Planners Pty Ltd (ABPP) December 2006 and Archaeological Assessment by McCardle Cultural Heritage and any other information submitted in support of the application, except as modified by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council's approval.

Access, Car Parking and Loading Arrangements

2. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason
To ensure that a safe adequate all-weather access is available to the development

General

3. Submission of a final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason
To enable the linen plan to be legally made.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Access, Car Parking and Loading Arrangements

4. The Registered Proprietors of the land shall upgrade / extend the existing carriageway to an all-weather access road within rights of carriageway from Watagan Creek Road to provide vehicular access to each lot. The access road shall be constructed to a minimum 7 metre wide, 100mm compacted gravel standard including...
a 1m wide cleared verge on either side of the road. Passing bays shall be provided at a spacing of 200m. All works shall be in accordance with Council’s ‘Engineering Requirements for Development’ (available at Council’s offices) NSW Rural Fire Service ‘Planning for Bushfire Protection’ and AS 2890.1. Full details shall be submitted to and approved by the PCA prior to release of the Construction Certificate for the subdivision works. The works shall be completed prior to issue of a Subdivision Certificate.

**Reason**
To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

5. The Registered Proprietors of the land shall construct a bitumen sealed access crossing from the edge of the road formation to the property boundary. Construction of the access crossing shall be in accordance with Standard Drawing SD13 from Council’s ‘Engineering Requirements for Development’ (available at Council’s offices) and Australian Standard 2890.1 & 2. Full details shall be submitted to and approved by the PCA prior to release of the Construction Certificate for the Subdivision Works.

The access crossing is required to be constructed prior to the issue of the Subdivision Certificate.

Construction of the crossing will require inspections to be undertaken by Council and the applicant shall pay Council an Engineering site supervision fee of $388.00 in accordance with Council’s current fees and charges, prior to the inspections being undertaken. This fee will facilitate up to two (2) inspections. However, should further inspections become necessary as a result of unsatisfactory works, additional inspection fees will be required ($194.00 per inspection).

Prior to commencement of works Council is to undertake a site inspection with the contractor to outline the construction requirements. The applicant is to advise Council at least 48 hours prior to inspections of works within the footpath and/or road reserve.

This consent also constitutes a design approval for road and drainage works within the road reserve under s138 of the Roads Act 1993.

**Reason**
To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

6. The registered proprietors of the land shall submit a report from a suitably qualified and experienced Geotechnical Engineer on the dam wall. The report shall assess the adequacy of the access road including a detailed layout of the proposed road and existing and proposed ground levels, and any spillway(s) in the vicinity of the access. The report shall detail any works necessary to upgrade the dam wall for the proposed use as an access road. This report shall be submitted to the PCA for approval prior to release of the Construction Certificate for the Subdivision Works.

**Reason**
To ensure that a safe adequate all-weather access is available to the development.
DURING CONSTRUCTION

General

7. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason
To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer’s cost.

Site Works

8. This consent allows the removal of trees and other vegetation from the site of approved building envelopes permanent access ways in accordance with the proposed bushfire protection measures and requirements of the Section 100B Bushfire Safety Authority under Section 100B of the Rural Fires Act (1997). No other trees or vegetation shall be removed or lopped except with prior written consent of Council.

Reason
To ensure that only trees and vegetation directly affected by the development are removed from the site, and to grant approval for such removal.

9. All vegetation cleared from the site is to be contained within the site unless otherwise approved by Council.

Reason
To ensure noxious weeds identified on the site are not transferred.

10. Should any archaeological sites be uncovered as a result of site clearing works, all work shall cease and the National Parks and Wildlife Service shall be consulted for their requirements.

Reason
To ensure any potential archaeological sites are not destroyed.

11. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council’s “Engineering Requirements for Development”, Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing ‘Soil and Water Management for Urban Developments’. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason
To ensure protection of the environment by minimising erosion and sediment.
PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

12. The applicant shall submit to Council evidence that the requirements of Energy Supplier, the Hunter Water Corporation and telecommunications authorities have been met in regard to the provision of services provided by those authorities to the subdivision. Such evidence shall be submitted to and approved by Council prior to endorsement of the final plan of survey and release of the Subdivision Certificate.

Reason
To ensure that adequate services are provided to each new lot created.

13. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason
To ensure that all services are wholly contained within each new lot created.

14. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate.

Reason
To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new lots created.

15. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is $120.00 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.

Reason
To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

16. Reciprocal rights of carriageway, easements for access and easements for services shall be created over the access corridors serving each lot, Lot 9 DP 755230 and Lot 12 DP 755230 in favour of the lots served thereby. The appropriate notation being placed on the plan of subdivision and an instrument under Section 88B of the Conveyancing Act being submitted to Council setting out the terms of easements as required by this consent. Council, in addition to the owner of the land benefited by the easement, is to be a party whose consent is needed to release or vary easements.

Reason
To ensure that adequate vehicular access and servicing rights are secured in respect of the proposed development.

17. The applicant shall prepare a suitable 88B instrument which clearly indicates the following with respect to the proposed easement for access:

   (a) That the benefiting users are wholly responsible for the ongoing maintenance of their easement for access.

   (b) That Council will not be responsible for any maintenance or improvement of private access roads, easements for access or rights of carriageway.

The 88B instrument shall include the following with respect to Flora & Fauna on the proposed dwelling site(s).

   (a) That bush rock, hollow logs and fallen timber are retained within each site and protected to provide habitat to hollow-nesting birds and mammals.

   (b) That no development be permitted to occur in proximity to any sandstone cave, overhang or crevice likely to provide habitat to fauna species.

   (c) That the endorsed 88B instrument shall be submitted to Council prior to Council’s endorsement and release of the Surveyor’s transparency.

Reason
To ensure that adequate legal and physical access arrangements are made in respect to the development.

18. The Section 88B Instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and release of the subdivision certificate. Alternatively, Council will accept, at the discretion of the Development Services Manager, a copy of the Section 88B Instrument with an accompanying letter from the acting Solicitor or Surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, to the Land Titles Officer for registration with the linen plan of subdivision.

Reason
To ensure the Section 88B Instrument is submitted to the Lands Titles Office in the same form as it is submitted to Council.

Access, Car Parking and Loading Arrangements

19. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that the access road serving each lot is located wholly within rights of carriageway.

Reason
To ensure that the proposed development has a legal means of physical access.
20. Prior to the issue of a subdivision certificate the registered proprietor of the land shall pay $33.00 per new lot created for the issuing of a rural address number plaque. Upon registration of the subdivision with Land and Property Information, Council’s Property Officer will issue you with the above plaque, which can be picked up from Council’s Administration Building during normal business hours.

Reason
To ensure that each allotment is readily identifiable by the public and emergency services.

Schedule 2

Bush Fire Safety Authority under Section 100B of the Rural Fires Act, 1997.

21. The existing access road to the property within Lots 9 & 12, D.P 755230 and Lot 582, DP 832600 from Watagan Creek Rd shall be upgraded to provide a 7 (seven) metre wide all weather surface capable of carrying a fully laden Category one Rural Fire Tanker (15 Tonnes) and passing bays shall be provided at a maximum of 200 metre intervals as outlined in recommendation No 13 of the Bushfire Protection Assessment prepared by ABPP dated 25 November 2006.
SUBJECT: MOTIONS OF URGENCY
AUTHOR: EA to Director Corporate & Community - Joanne Walpole

RECOMMENDATION
That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

SUMMARY
Under Clause 10.5 of Council’s Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

AUTHOR: Senior Town Planner - Richard Forbes

RECOMMENDATION

That the report be received and the information noted.

SUMMARY

Council at its meeting of 20 January, 2010 considered Development Application No 8/2007/4/1 for a subdivision comprising a boundary adjustment of four (4) lots and construction of an access road. Council was addressed by one speaker on the matter. Council resolved at the meeting to defer the matter to a future meeting.

The purpose of this information report is to provide additional detail with respect to the extent of the subject land over which the application has been made and clarify the location of the lots subject to the boundary adjustment application.

The revised plans for Council's information have been provided as an enclosure to this report. The additional information is provided to enable Council to further consider Development Application No 8/2007/4/1 as presented to the meeting of 20 January, 2010 under Report No EE2/2010.

ENCLOSURES

1. Subject Land Map and Proposed Plan
SUMMARY

This report seeks consideration of an amended drainage strategy for the Whitburn Estate area at Greta North. The previous open floodway proposal is now not favoured and a piped drainage system is recommended. Consideration is also sought regarding the timely implementation of such a drainage scheme.

RECOMMENDATION

1. Representations be made to the NSW Roads & Traffic Authority and State and Federal Members of Parliament to provide urgent funding for the necessary culvert upgrade across the New England Highway.

2. Council pursue implementation of a piped drainage system together with a nominal overland secondary flow path through the Whitburn Estate area at Greta North located within the existing Drainage Reserve.

3. Council allocates funds for Stage 1 works of the Whitburn Estate Drainage Scheme (being New England Highway to Kent Street) by deferring drainage works from the 2009/2010 Drainage Program and allocating all $500,000 of the drainage works as part of Council’s 2010/2011 Capital Works Program. The projects that will need to be deferred include Macquaire Street Cessnock, Church Street Ellalong and Ruby Street Bellbird.

4. Council consider closing the existing local park on the corner of Oxford Street and Whitburn Street with the long term strategy of relocation of the park to coincide with the drainage reserve off Whitburn Street.

5. Council investigation the potential of a land swap with the owner of 45 Whitburn Street with the lot on the corner of Whitburn and Oxford Street or other location.

6. Council commence the process of reclassifying Lot 25 from community land to operational land with the view of sale. Proceeds of this sale to be used to fund upgraded park facilities in Greta.

7. On completion of drainage works downstream of Kent Street any surplus residential parcels be sold and the proceeds be directed at drainage works that have been deferred as a result of this recommendation.

BACKGROUND

Council has been aware for some considerable time of the severe flooding problems experienced by numerous residential properties in the Whitburn Estate area at Greta North. The subject area is bounded to the south by the New England Highway as shown in Enclosure 1 to this report.

In 1986 Consultants Ian H. Marshall & Associates in association with Peter Sullivan & Associates Pty Ltd completed a drainage catchment study for the Greta North area including the Whitburn Estate residential precinct. That study identified a drainage strategy and the consultants prepared preliminary engineering designs for Council to alleviate the flooding problems within the Whitburn Estate. The drainage strategy recommended upgrading of the...
The culvert under the New England Highway as the highest priority aspect of the scheme. The highway embankment impounds floodwaters over upstream properties due to the existing grossly inadequate 2 x 600mm diameter pipe culvert at this location which is the primary catchment outlet. The proposal was to upgrade this culvert to 2 x 1650mm diameter pipelines, as shown in Enclosure 2 to this report.

The 1986 drainage strategy also included acquisition of several residential parcels situated adjacent to the existing 10m wide Drainage Reserve, excavation of a broad open drainage floodway channel between the New England Highway culvert and York Street along this corridor together with new or upgraded multi-cell culverts being constructed at each road crossing. The proposal was intended to cater for the 1% Annual Exceedance Probability (AEP) storm event runoff.

REPORT

The 1986 drainage strategy has not been substantially implemented to date with Council only purchasing three (3) of the required properties, namely those situated between Whitburn Street and Kent Street, to cater for the existing and proposed open channel. The upgrading of the drainage culverts under the New England Highway is the responsibility of the NSW Roads and Traffic Authority (RTA) and no work has commenced on the upgrades.

Subsequent to that drainage proposal considerable development has occurred within the area with a section of York Street now being fully constructed by a developer with a multi-cell box culvert crossing constructed adjacent to the existing Drainage Reserve. Several residences have been erected in close proximity to the Drainage Reserve on parcels affected by runoff during a 1% AEP storm. A Development Application 8/2009/331 for the construction of a dwelling-house was lodged with Council on 23/6/2009 for Lot 5 Sec C DP5904 45 Whitburn Street, Greta.

Following lodgment of the Development Application, the applicant was requested to submit a Flood Study and Flood Risk Management Plan, given that the Greta Drainage Study is based on a desk top analysis and not on detailed survey information. This was required to be undertaken to determine the impact of the proposed filling on flood behaviour of the watercourse and adjoining properties, to determine the safety of residents and visitors during a flood and to provide details of a Flood Risk Evacuation Plan.

The Flood Study and Risk Management Plan provided by the applicant essentially endorsed the findings of the Greta Drainage Study. The subject lot is located in a floodway and the depth and velocity of flows are such that it is a high hazard area.

The 1986 drainage strategy of excavating a broad (20m wide x 1.5m deep) grassed open drainage floodway through a residential area is now not favoured due to safety concerns during major storm events and the associated ongoing high maintenance cost. The attraction to children presented by a fast flowing open drain is considered an inappropriate safety hazard to introduce into a residential area. Extensive sewer reticulation has also occurred throughout the residential part of the catchment including along and across the Drainage Reserve and this now substantially constrains the drainage relief measures possible. A primary closed pipe drainage system is now considered the most acceptable solution to the flooding problems of the area, together with a nominal overland flow path retained to help cater for runoff during extreme storm events. This will allow drainage works to be contained within the 10 metre wide drainage reserve with low velocity of water. The
nature of the catchment and limited extent of Council-owned land dictates that flooding controls by the use of a detention basin or series of basins is not feasible.

A piped drainage system would take best advantage of the existing Drainage Reserve corridor and minimises the need for further land acquisitions. This would also reduce the area affected by the 1% AEP. It may be possible for Council to sell some of the residential properties already purchased to help finance such a drainage scheme or utilise those properties for other community purposes once the scheme is implemented.

The financial implications in this report sets out the estimated cost of completing the works. However, the key to this entire drainage works is the upgrading of the culverts under the New England Highway. Consultation has commenced with the RTA regarding plans to upgrade this culvert.

In light of the above a review of Council owned land in the vicinity indicates that Council owns two parcels of land at the corner of Oxford and Whitburn Streets. This is currently occupied by a park with less than satisfactory play equipment. This park will need to be improved to meet legislative requirement and the community needs. One (1) of these parcels of land is classified as operational land whilst the other is classified as community land.

There are a number of strategies that Council can utilise to overcome the drainage needs of the area, improve safety surrounding the properties where approval has been given and allow other Development Applications to proceed. These options are detailed in the options section of this report but are summarised as follows:

- Prevent further development until the drainage works are completed. This will under current funding arrangements take approximately three (3) budget cycles.
- Modify the current drainage program and allocate next year’s funds to complete works to Kent Street. This would mean that this section could be finished by December 2010 and allow properties to proceed after works are completed.
- Discuss a land swap with owner of lot 45 Whitburn Street with Council owned land and if agreed work to relocate the existing local park to the area surrounding the drainage reserve.

**CONSULTATION**

No community consultation has occurred to date regarding the amended drainage strategy. This would be undertaken once more rigorous investigation of the constraints and preliminary designs have been substantially completed so that the extent of likely construction works are better known. Discussions have also occurred with the Senior Executive Team, RTA and the owner of 45 Whitburn Street.

**STRATEGIC LINKS**

a. Management Plan

This relates directly to Council’s first goal – to promote and provide quality services and facilities which address the needs of the community.

b. Other Plans
Nil.

**STATUTORY IMPLICATIONS**

a. Policy and Procedural Implications

Nil.

b. Financial Implications

The proposal will substantially impact upon Council’s future Capital Works Programs for the provision of drainage infrastructure. The total Council budget required for the drainage work is expected to be in the order of $1.5M. The strategy will therefore need to be implemented over several budget periods in line with the competing demands on Council’s resources.

The upgraded culvert required under the New England Highway should be funded and constructed by the RTA. Since the New England Highway is both a classified State Road and a National Route, it is recommended that representations be made to both State and Federal Members of Parliament to seek their support for the necessary culvert funding as a matter of urgency. The presence of numerous and substantial utility services along the Highway and elsewhere in this vicinity may substantially influence the preferred culvert design and hence the project cost.

c. Legislative Implications

There are legislative implications and corresponding time frames that need to be complied with for the reclassification of community land to operational land.

d. Risk Implications

Flooding risks within the Whitburn Estate are considered high with several residences fronting the New England Highway and Whitburn Street prone to flooding from stormwater runoff during even moderate storm events. The risk of property damage and risk to personal safety (especially of children) is considered moderate to high, but increasing, as the area becomes further developed.

The risk of Council needing to defend itself in litigation for damages claims due to property damage or personal injuries associated with flooding is also present.

e. Other Implications

Nil.

**OPTIONS**

1. A ‘Do Nothing Option’ is not considered appropriate in the circumstances. The existing level of development is considered to warrant Council’s immediate action. Purchasing with the intent of future re-sale of the most severely flood-affected properties may be an interim solution but is not suggested as a long term strategy as the road culverts will need
to be upgraded in any case. These upgraded culverts will in-turn necessitate upgrading of the intervening floodways.

2. Council pursue implementation of a primary piped drainage system together with a nominal overland secondary flow path through the Whitburn Estate area at Greta North located within the existing Drainage Reserve.

3. Consideration be given to allocating funds for staged construction works of the Whitburn Estate Drainage Scheme as part of Council’s 2010/2011, 2011/2012 and 2012/2013 Capital Works Program and restrict development until this is completed.

4. Consideration be given to allocating funds for Stage 1 construction works of the Whitburn Estate Drainage Scheme (New England Highway to Kent Street) by deferring the works from the 2009/2010 Drainage Program and allocating all $500,000 of the drainage works as part of Council’s 2010/2011 Capital Works Program. The projects that will need to be deferred would include Macquaire Street Cessnock, Church Street Ellalong and Ruby Street Bellbird and would provide $600,000.00 towards this project.

5. Close the existing park on the corner of Oxford and Whitburn Streets with the long term strategy of relocation of the park to coincide with the drainage reserve off Whitburn Street. This would enable the investigation of a land swap to be advanced. The remaining parcel of land could be reclassified to operational and sold. Funding from the sale would then be available to fund the new park facilities.

6. Combination of Option 4 and 5 would allow some developments to proceed in a timely manner whilst Council completed construction works.

Conclusion

The need for Council to implement a drainage scheme for the Whitburn Estate area at Greta North is considered necessary due to recent development occurring within the catchment and the increasing pressure to develop such residential land in the Lower Hunter Region. It is also considered timely for Council to consider implementing a drainage scheme prior to the area becoming extensively developed to help minimise construction costs.

Enclosures

1. Whitburn Estate - Floodprone Land and Council Owned Lane
2. Whitburn Estate - 1986 Drainage Strategy
SUBJECT: RESOLUTIONS TRACKING REPORT
AUTHOR: Corporate Administration Assistant - Robyn Larsen

SUMMARY

The enclosure contains three (3) reports, being:

1. Completed Actions
2. Pending Actions
3. Actions from last Council meeting (9 December 2009)

RECOMMENDATION

That the report be received and the information noted.

ENCLOSURES

1. Completed Actions
2. Pending Actions
3. Actions from Council meeting 20 January 2010
SUBJECT: TENDER FOR THE SUPPLY AND DELIVERY OF ONE (1) SMOOTH DRUM VIBRATING ROLLER (T0809/09)

AUTHOR: Logistics, Depot & Building Services Manager - Renae Leayr

SUMMARY

Tenders were received for the Supply and Delivery of One (1) Smooth Drum Vibrating Roller on 3 June 2009. This report presents the assessment process undertaken and makes recommendation of the preferred supplier.

RECOMMENDATION

That Council accept the tender from BT Equipment Pty Ltd to supply one (1) smooth drum roller being Bomag BW211D-4 for the net change over cost of $114,800.00 (GST exclusive).

BACKGROUND

A bulk plant tender was called on 6 May 2009 to facilitate replacement of three (3) items of plant which had reached the end of their economic life and were identified for renewal on Council’s plant replacement program. The tender called for the supply and delivery of the following plant:

- One (1) Side Loading Garbage Truck
- One (1) Suction Street Sweeper
- One (1) Compaction Roller

Tenders were received on 3 June 2009. Due to the diversity of the above plant, each item has been assessed and reported to Council separately. The replacement of the Garbage Truck was addressed in reports QS62/2009 and QS78/2009 and the Suction Street Sweeper was addressed in report QS87/2009.

This report covers the assessment and recommendation for the Compaction Roller.

REPORT

Twelve (12) conforming tenders were submitted by nine (9) suppliers. Tenders are tabled below in alphabetical order according to Supplier:

<table>
<thead>
<tr>
<th>Item</th>
<th>Supplier</th>
<th>Indicative Changeover Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bomag BW211D-4 Smooth Drum Vibrating Roller</td>
<td>BT Equipment Pty Ltd 6 Ferngrove Place SOUTH GRANVILLE NSW 2142</td>
<td>$114,800.00</td>
</tr>
</tbody>
</table>
## Providing Quality Services

### Report No. QS13/2010

### Infrastructure & Services

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Vendor Details</th>
<th>Price</th>
</tr>
</thead>
</table>
| 2 | High Impact LEBRERO model X4 Smooth Drum Vibrating Roller | Carrington Equipment Group  
Suite 24, 235 Darby Street  
COOKS HILL NSW 2300 | $67,450.00 |
| 3 | Volvo SD160DX Single Drum Compactor               | CJD Equipment Pty Ltd  
10 Anzac Avenue  
SMEATON GRANGE NSW 2567  | $165,500.00 |
| 4 | Dynapac CA-362 Smooth Drum Vibrating Roller       | Clark Equipment Sales  
2294 Pacific Hwy  
HEATHERBRAE NSW 2324 | $110,000.00 |
| 5 | Ammann Asc 130D Single Drum Vibratory Roller      | Conplant Pty Ltd  
Lot 10 Johnson Ave  
WESTON NSW 2326 | $120,300.00 |
| 6 | Ammann Asc 130D Single Drum Vibratory Roller      | Conplant Pty Ltd  
Lot 10 Johnson Ave  
WESTON NSW 2326 | $120,700.00 |
| 7 | Dynapac CA-302D Smooth Drum Vibrating Roller      | Dynapac Australia  
132 Toongabbie Rd  
GIRRAWEEN NSW 2145 | $115,442.00 |
| 8 | Dynapac CA-362D Smooth Drum Vibrating Roller      | Dynapac Australia  
132 Toongabbie Rd  
GIRRAWEEN NSW 2145 | $117,386.00 |
| 9 | Multipac YZ12C Smooth Drum Vibrating Roller       | G.C.M. Agencies Pty Ltd  
34 Beaumont Road  
MT KURING-GAI NSW 2080 | $105,000.00 |
| 10| Caterpillar CS56 Smooth Drum Vibrating Roller     | WesTrac Pty Ltd  
1 Crescent Street  
HOLROYD NSW 2142 | $136,150.00 |
| 11| Caterpillar CS64 Smooth Drum Vibrating Roller     | WesTrac Pty Ltd  
1 Crescent Street  
HOLROYD NSW 2142 | $149,720.00 |
| 12| HAMM 3414 Smooth Drum Vibrating Roller            | Wirtgen Australia Pty Ltd  
2-12 Sommerville Circuit  
EMU PLAINS NSW 2750 | $95,000.00 |

The above tenders were assessed using the following process:

- Comparison of the plant specifications with Council’s specification requirements to eliminate any non-complying plant.
- Creating a shortlist of plant for demonstration based on the specification, price, past performance in the industry and performance at other Councils.
Providing Quality Services
Report No. QS13/2010
Infrastructure & Services

- Demonstration and test drive of the shortlisted plant.
- Determine the preferred item of plant based on the demonstration.

The results of the specification comparison and demonstrations are provided in the Confidential Enclosure to this report. Five (5) of the plant tendered met the essential aspects of Council’s specification requirements. To determine a shortlist for demonstration, the changeover price, availability of parts and the past performance of the plant in the industry and at other Councils was taken into consideration.

Based on the above analysis three (3) rollers were chosen for demonstration, these being:

1. Bomag BW211D-4 Smooth Drum Vibrating Roller
2. Ammann Asc 130D Single Drum Vibratory Roller
3. Dynapac CA-302D Smooth Drum Vibrating Roller

After the demonstrations the Bomag BW211D-4 Smooth Drum Vibrating Roller was determined to be the preferred item.

The Bomag was found to be superior to the other rollers that were demonstrated because:

- It has proven to be a suitable and reliable machine for the specific application in maintenance. The trade-in plant is a Bomag and it has performed well.
- It has the best accessibility for daily service checks and for maintenance by Council’s plant mechanics.
- It has the best cabin setup, with good AC, good storage for the operator, external mirrors adjustable from inside the cabin and best security against vandalism.
- It has the best visibility from the cabin to the drum and the rear wheels.
- Its air intake is located above the cabin to provide improved efficiency and less dust through the system.
- It is predicted to have the best resale value at the end of its life.

CONSULTATION

In preparation of this report the following stakeholders were consulted:

Council’s Plant Superintendent.
Council’s Director Infrastructure & Services.
Council’s Executive Maintenance Coordinator.
Council’s Maintenance Roller Operator.

STRATEGIC LINKS

a. Management Plan

This report links to Council’s first management plan goal, to promote and provide quality services and facilities which address the needs of the community.

b. Other Plans

Nil.
STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

Sufficient funds are available within Council’s Plant Reserve to purchase the recommended replacement roller.

c. Legislative Implications

N/A.

d. Risk Implications

N/A.

e. Other Implications

N/A.

OPTIONS

The other items of plant offered in the tender are not preferred because they are less suitable to Council’s requirements than the recommended option, the Bomag.

CONCLUSION

The Bomag BW211D-4 Smooth Drum Vibrating Roller meets all the significant aspects of Council’s specification requirements, performed best in the demonstrations, and is competitively priced when compared to the other items of plant offered. The Bomag brand also has a proven track record with Council.

ENCLOSURES

1 T0809/09 Roller Replacement Specification & Price Comparison - Enclosure 1 - This matter is considered to be confidential under Section 10A(2) (d) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

2 T0809/09 Roller Replacement Demonstration Comments - Enclosure 2 - This matter is considered to be confidential under Section 10A(2) (d) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.
SUBJECT: KURRI KURRI ANIMAL SHELTER
AUTHOR: Director City Planning - Darryl Fitzgerald

SUMMARY
The purpose of this report is to provide background information in response to the request that Council staff investigate extending the opening times of the Kurri Kurri Animal Shelter by one extra hour per day to facilitate the community’s need to retrieve impounded animals.

RECOMMENDATION
That the information be noted.

BACKGROUND
At the Council Meeting held on 20 January 2010 Council resolved:

1. That Council investigate extending the opening times of the Kurri Kurri Animal Shelter by one extra hour per day to facilitate the community’s need to retrieve impounded animals. The investigation to include consideration of volunteer programs and the relocation of the pound.

2. A report to be submitted to the next Council Meeting with background on this situation.

REPORT
Kurri Kurri Animal Shelter is located in Mitchell Street at Kurri Kurri. The Council facility is located on crown land and is managed by Cessnock City Council Rangers and a casual animal attendant. The opening hours of the facility are 9.00am – 10.00am Monday, Tuesday, Thursday and Saturday.

The purpose of the shelter is to temporarily house stray and abandoned Companion Animals and Stray Livestock such as horses, cows, goats and at times, birds such as chickens and roosters.

The shelter is a temporary facility to house Companion Animals for a period of 7 -14 days under the Companion Animal Act 1998.

Council is obligated to provide a service to collect stray, abandoned and unwanted animals within its Local Government area as part of a service to the community. In NSW the management of animals in pounds is covered by:

- The Companion Animals Act 1998; and

Draft Code of Practice for the Accommodation or Shelter of Animals
Providing Quality Services  
Report No. QS14/2010

City Planning

The purpose of the Code is to provide the minimum standards for the accommodation or shelter of animals. The requirements of this Code do not replace and are additional to the obligations and requirements under any other legislation. The Code and its provisions are to be observed by operators of facilities for the accommodation or shelter of animals and by the persons who work in them.

The objective of the Code is to ensure that all such animals are treated in a way which maintains their comfort, security and wellbeing at all times, and minimises the stress these animals experience in an unfamiliar environment. This includes ensuring that all reasonable action is taken to reunite animals with their owners, or to re-home animals with new owners. In addition, this Code is aimed at securing public confidence in pounds, so that they are seen in a positive light, and in promoting responsible pet ownership.

General guidelines on the minimum standards of accommodation, management and care that are appropriate to the physical and behavioural needs of impounded animals are provided, together with monitoring requirements and operational procedures for both management and staff. They are intended to ensure that individual animals receive a high level of attention.

Animals housed in pounds have certain basic requirements: accommodation and equipment designed to suit their anatomy and behavioural patterns:

- protection from the elements and provision of comfortable conditions of temperature, ventilation and lighting;
- protection from other animals;
- space enough to move, stretch, rest and exercise;
- feed and water to provide essential nutrients; and
- protection from disease, parasites and vermin.

These requirements must also be accompanied by regular monitoring to ensure early detection of problems.

These guidelines indicate the minimum standards of accommodation, management and care to meet the physical and behavioural needs of seized animals along with monitoring requirements and operational procedures for both management and staff.

The Kurri Kurri Animal Shelter does not meet the standards prescribed in the draft Code of Practice. Investigations of the options of relocating the animal shelter or contracting for the provision of the service have commenced.

Ranger Services

Council has certain statutory/legislative and regulatory obligations under various pieces of legislation. Council’s Ranger Service carries out the duties listed below and Council has an obligation under Section 8 of the Local Government Act 1993 to ensure that the exercise of its regulatory power is carried out consistently and without bias.

- Companion Animal Act matters (CAA)
  - Dog/cat attacks
  - Dogs/cats roaming, collection, straying
  - Dogs dangerous/savage
Livestock (cattle, horses, goats, etc) straying on roads
Council Pound duties (including microchipping, cleaning, feeding, alarms, etc)
Legal (CAA, environmental, parking, etc)
Road Rules 2008 (parking complaints/patrols)
Education programs (Companion Animal Management Plan, parking, etc)
Council website updates
Roads/footpath hazard obstruction
Roads/reserves illegal use
Roads abandoned vehicles/articles
Roadside advertising/trading
Dogs – restricted breeds
Keeping of dogs (health)
Animals keeping of – Birds, cattle, goats, horses, poultry, pigs, etc.
Overgrown allotments
Unsightly property
Noise – motor bikes, vehicles, barking dogs.
Waste/dumping – roadside litter, public land, from vehicles
Air pollution – smells from animals, burning off, etc.

A review was undertaken of Ranger Services approximately eighteen months ago to examine and address work practices, probity issues, legislative requirements, WorkCover and OH&S requirements in line with industry standards and best practice so as to ensure that Council provides a Ranger Service that promotes fairness, integrity, consistency, transparency and a service that can better respond to the community and Council’s needs.

In summary the review culminated in a complete redesign of the Ranger Service with the overriding principle of providing the best service possible to Council’s customers.

The Department of Local Government Section 430 report dated January 2009 welcomed the changes being implemented by Council and acknowledged that Council was moving in the right direction and managing the ranger functions competently. The report stated that the recent changes must be followed through and managed consistently and recommended that to continue improvement of the operation of the Ranger unit all recommendations identified in the Promoting Better Practice Review, the WorkCover Improvement Notice 7 – 110028 and the Price Waterhouse Coopers (2006) agreed upon procedures report should be implemented.

Current surveys and review of workload within the Ranger unit have revealed that the current team of 4 rangers (senior ranger and 3 rangers) cannot logistically carry out their regulatory functions and respond to all CRMS’s (customer requests) and still comply with adopted procedures and OH & S standards. The review revealed a shortfall of 3,254 hours between the average yearly workload and the available ranger resource.

With a team of four, including the senior ranger which has significant administrative duties, there is often only 2 or 3 staff on duty at any one time due to rosters, RDO’s, sick leave, training, pound duties, etc. After hours/weekends only 1 ranger is on duty to ensure a fair and equitable spread of hours over the 4 person ranger team.

The workload and occupational health and safety issues which impinge upon the capacity of the Ranger unit are:

This is Page 40 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 3 February 2010
Occupational Health & Safety

A number of occupational health and safety issues have been raised by the ranger staff and there is genuine concern for the welfare of rangers within the unit. These relate to:

- Staff working alone on high risk/high exposure tasks i.e. dog attacks, roaming livestock, parking patrols, etc.
- A number of staff have been threatened, assaulted (AVO’s have been taken out and court action pending);
- A number of staff have been attacked and bitten by dogs over the past 6 months.
- Safety of rangers when attending premises of known offenders.
- Ranger safety when attending callouts in isolated areas with no communication.

It is recognised within the Industry that there are certain duties that require 2 rangers to attend to ensure the health and safety of the officers concerned. This has become more apparent with media coverage responding to the escalation of violence towards rangers generally. It has also been given legislative recognition with the state government enacting legislative changes in response to the violent behaviour shown towards Council rangers, such that assaults on rangers now carry the same penalties as assaults on police officers.

Council’s Ranger Service Operations Manual, adopted by Senior Executive in November 2008 states that all dog attacks should be investigated by 2 officers (a minimum of 2 rangers are required for capturing procedures, interviewing offender, victim and witnesses and for personal safety).

All roaming livestock complaints should be attended by 2 rangers (traffic control, containing stock, etc). Certain programmed parking patrols should be attended by 2 rangers (time parking, school zones, etc for personal safety) eg Road Rules 2008 programmed school zone patrols have been requested by the community, school principals, bus companies and taxi companies. They are time consuming and in most cases require 2 staff for OH & S requirements. Newcastle City Council & Lake Macquarie City Council requires 2 officers for all parking patrols. This is now becoming the industry standard for rangers safety.

Workload

The Ranger Service has approximately the same staffing levels of Councils of similar size to Cessnock, eg. Maitland (4 staff) and Port Stephens (5 staff) however Maitland and Port Stephens do not have the additional burden of operating an animal pound – see notes to the table below.
The following table reflects the Ranger staffing levels for each Council.

<table>
<thead>
<tr>
<th>COUNCIL</th>
<th>TOTAL NUMBER OF RANGERS</th>
<th>OPERATION OF POUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAITLAND</td>
<td>4 including team leader</td>
<td>Not operated by Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All animals are taken to the RSPCA facility at Rutherford.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 2008/2009 – 483 dogs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>This does not include surrenders at RSPCA (i.e. no Ranger involvement)</td>
</tr>
<tr>
<td>PORT STEPHENS</td>
<td>5 including team leader</td>
<td>Not operated by Council.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Private contractor handles all pound duties.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>790 dogs per year average</td>
</tr>
<tr>
<td>CESSNOCK</td>
<td>4 including team leader</td>
<td>Council operated pound at Kurri</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 2008/2009 – 750 dogs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council Rangers manage pound including all call outs for releases, break-ins/vandalism and maintenance.</td>
</tr>
</tbody>
</table>

NOTES
1. Maitland and Port Stephens do not operate an animal pound. Rangers transport companion animals to private pound facilities.
2. Cessnock’s Animal Pound takes a minimum of 1,248 hours per year of the rangers time to manage. This figure does not include the additional time/call outs for releases outside pound opening hours, time/call outs required on break-ins/vandalism and maintenance.

Reference is also made to Report No QS57/2009 to the Ordinary Meeting of Council held on 5 August 2009 pertaining to Dog Attacks (Dangerous/Savage Dogs) and the impact on Council’s Ranger Services.

The following extract from this report shows the extent and impact on the Ranger Service in responding to roaming/nuisance dogs and dog attacks within the city area compared to other Lower Hunter Valley councils.
Comparison with other councils 2008/09

<table>
<thead>
<tr>
<th>Council</th>
<th>Population</th>
<th>Dogs Impounded</th>
<th>Dangerous Dogs/Dog Attack Complaints</th>
<th>Total Ranger Service Complaints</th>
<th>% of Dog Attacks/Dangerous Dog Complaints to Total No. of Complaints</th>
<th>% of Dog Attacks/Dangerous Dog Complaints Per Capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cessnock</td>
<td>45,000</td>
<td>750</td>
<td>240</td>
<td>2,313</td>
<td>10.38%</td>
<td>0.53%</td>
</tr>
<tr>
<td>Maitland</td>
<td>58,000</td>
<td>483</td>
<td>60</td>
<td>2,350</td>
<td>2.55%</td>
<td>0.103%</td>
</tr>
<tr>
<td>LMCC</td>
<td>200,000</td>
<td>684</td>
<td>330</td>
<td>4,701</td>
<td>7%</td>
<td>0.165%</td>
</tr>
<tr>
<td>Newcastle</td>
<td>145,000</td>
<td>1,169</td>
<td>282</td>
<td>4,500</td>
<td>6.26%</td>
<td>0.19%</td>
</tr>
</tbody>
</table>

NB. The dogs impounded for Cessnock do not include the dogs that have been seized and released to their owners on the same day (i.e. – dogs that are microchipped, owners identified and dogs returned without going to the animal shelter).

The above statistics highlight the workload and resources that are required to respond to straying dogs, dog attacks and dangerous dogs/savage dogs within Cessnock local government area compared to other Councils surveyed. The magnitude of the dog problem is reinforced by rangers that have worked at other Lower Hunter Councils and can testify to the disproportionate use of resources required for dog matters within the Cessnock local government area. Dangerous dogs/dog attacks are very labour intensive/time consuming for the Ranger Service.

The disproportionate use of resources on dog matters, particularly dog attacks places enormous limitations on the Ranger Service to effectively respond to other requests/duties/responsibilities.

CONSULTATION

NIL

STRATEGIC LINKS

a. Management Plan

This report is linked to goal 1 within Council’s Management Plan: “To promote and provide quality services and facilities with address the needs of the community.”

b. Other Plans
Providing Quality Services
Report No. QS14/2010
City Planning

This report is linked to Council’s Companion Animal Management Plan.

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

Ranger Enforcement Policy - The purpose of this policy is:

- To enable Council staff to act consistently and promptly in enforcement action to allegations of unlawful activity and to ensure transparency, procedural fairness and natural justice principles are followed.
- To confirm that Cessnock City Council has a minimal tolerance approach to unlawful activity.
- The initiation of a process of education and creation of awareness within the Community in relation to the reasons for and importance of compliance.

d. Financial Implications

N/A

e. Legislative Implications

N/A

f. Risk Implications

N/A

g. Other Implications

N/A

CONCLUSION

The information in this report is background material to a further report to be presented to Council in response to the request that Council staff investigate extending the opening times of the Kurri Kurri Animal Shelter by one extra hour per day to facilitate the community’s need to retrieve impounded animals.

ENCLOSURES

There are no enclosures for this report
This report provides an update on the progress made on the IT Health Check Ongoing Action Plan as at 31 December 2009.

That the report be received and the information noted.

BACKGROUND

Council engaged IAB Services (IAB) to conduct an IT Health Check in early 2008.

The IT Health Check Action Plan was first adopted by Council at the Ordinary Council Meeting of 16 July 2008.

An action plan was sent to both the Department of Local Government (DLG) and the IAB in July 2008 and a follow-up action plan was sent to both organisations with the Section 430 Report Action Plan in March 2009.

A further update on this Action Plan was sent to the DLG in October 2009 as part of the Section 430 Report Action Plan Update.

REPORT

It is now considered appropriate for Council to receive an update as at 31 December 2009.

Substantial progress has been made on this Action Plan since July 2008. Council adopted 22 recommendations as part of the report of 16 July 2008.

As at 31 December 2009, 4 recommendations remained incomplete (5 as at 30 June 2009). Therefore 18 recommendations (82%) of the original recommendations have been fully completed (77% as at 30 June 2009).

Of the 4 outstanding recommendations, three (recommendations 3.6.1, 5.1 and 5.2) have had some progress even though they are not fully completed at 31 December 2009. The final recommendation (9.3.1) will not commence until at least 1 July 2010 due to a lack of funding and resources to undertake the project.

At this stage this is the only recommendation likely to be outstanding as at 30 June 2010. A discretionary budget bid is currently being prepared by the Information Systems Manager for the 2010/2011 Financial Year. Council is hopeful of having the resources and funding to undertake this important project from 1 July 2010.
CONSULTATION

Information Systems Manager
Senior Executive Team

STRATEGIC LINKS

a. Management Plan

This report is linked with goal four of the Management Plan “To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.”

b. Other Plans

This report is linked to Council’s Strategic Plan Our People, Our Place, Our Future.

The report is specifically linked to Our Future – Professional Management, Professional Services.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

This report is linked to the following “live” Action Plans:


The report also has links to the Governance Health Check Action Plan. This Action Plan will take over from the above Action Plans in the next 6 to 12 months.

b. Financial Implications

There are no financial implications for this report.

c. Legislative Implications

There are no legislative implications for this report.

However it is good governance to regularly monitor, review and update action plans. This assists organisations to achieve “continuous improvement”.

d. Risk Implications
In the absence of formal frameworks Council runs the risk of not having good governance standards. Action Plans such as this assist in the goal of continuous improvement and the implementation of better governance practices.

e. Other Implications

There are no environmental, social, community or insurance implications associated with this report.

**OPTIONS**

Council can choose to receive the report or choose not to receive the report. The report is an information report in order to update Councillors on the progress made in implementing the recommendations.

**CONCLUSION**

The purpose of the report is to provide an update to Councillors on the IT Health Check Action Plan. As stated in the report an update was provided to the DLG as at 30 September 2009 in October 2009.

**ENCLOSURES**

1. IT Health Check Ongoing Action Plan from 1 July 2008 to 30 June 2012 6 Pages
SUBJECT: STATUS OF DLG PROMOTING BETTER PRACTICE REPORT
ONGOING ACTION PLAN AT 31 DECEMBER 2009

AUTHOR: Director Corporate & Community - Craig Bennett

SUMMARY

This report provides an update on the progress made on the Department of Local Government’s (DLG) Promoting Better Practice Report Ongoing Action Plan as at 31 December 2009.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND


An action plan was sent to both the Department of Local Government (DLG) and the Independent Audit Bureau (IAB) in July 2008 and a follow-up action plan was sent to both organisations with the Section 430 Report Action Plan in March 2009.

A further update on this Action Plan was sent to the DLG in October 2009 as part of the Section 430 Report Action Plan Update.

REPORT

It is now considered appropriate for Council to receive an update as at 31 December 2009.

Substantial progress has been made on this Action Plan since July 2008. Council adopted 25 recommendations as part of the report of 16 July 2008.

As at 31 December 2009, 4 recommendations remain incomplete (7 as at 30 June 2009). Therefore 21 recommendations or 84% of the original recommendations have been fully completed as at 31 December 2009 (18 or 72% as at 30 June 2009).

Of the 4 outstanding recommendations, three (recommendations 3, 6 and 8) have had some progress even thought they are not fully completed at 31 December 2009.

The other recommendation (5) is being completed as part of the overhaul of Council’s policy framework. This recommendation will not be completed until the end of June 2010 due to the heavy staffing resources required to undertake the task.

At this stage all recommendations are expected to be finalised by 30 June 2010.
CONSULTATION

Governance and Corporate Planning Manager
Information Systems Manager
Senior Executive Team

STRATEGIC LINKS

a. Management Plan

This report is linked with goal four of the Management Plan “To be a professionally managed
and customer focused organisation which provides leadership through partnerships with the
community.”

b. Other Plans

This report is linked to Council’s Strategic Plan Our People, Our Place, Our Future.
The report is specifically linked to Our Future – Professional Management, Professional
Services.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

This report is linked to the following “live” Action Plans:

1. IT Health Check Ongoing Action Plan from 1 July 2008 to 30 June 2012.

2. IAB Fraud and Corruption Risk Assessment Ongoing Action Plan from 1 July 2008 to
   30 June 2010.


The report is also linked to the Governance Health Check Action Plan. This Action Plan will
take over from the above Action Plans in the next 6 to 12 months.

b. Financial Implications

There are no financial implications for this report.

c. Legislative Implications

There are no legislative implications for this report.

However it is good governance to regularly monitor, review and update action plans. This
assists organisations to achieve “continuous improvement”.

d. Risk Implications
In the absence of formal frameworks Council runs the risk of not having good governance standards. Action Plans such as this assist in the goal of continuous improvement and the implementation of better governance practices.

e. Other Implications

There are no environmental, social, community or insurance implications associated with this report.

OPTIONS

Council can choose to receive the report or choose not to receive the report. The report is an information report in order to update Councillors on the progress made in implementing the recommendations.

CONCLUSION

The purpose of the report is to provide an update to Councillors on the DLG Promoting Better Practice Report Action Plan. As stated in the report, an update was provided to the DLG as at 30 September 2009 in October 2009.

ENCLOSURES

1. DLG Promoting Better Practice Ongoing Action Plan from 1 July 2008 to 30 June 2010 7 Pages
SUBJECT: STATUS OF FRAUD AND CORRUPTION RISK ASSESSMENT MANAGEMENT PLAN ONGOING ACTION PLAN AT 31 DECEMBER 2009

AUTHOR: Director Corporate & Community - Craig Bennett

SUMMARY


RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The Action Plan was first adopted by Council at the Ordinary Council Meeting of 3 September 2008.

An action plan was sent to both the Department of Local Government (DLG) and IAB Services (IAB) in September 2008 and a follow-up action plan was sent to both organisations with the Section 430 Report Action Plan in March 2009.

A further update on this Action Plan as at 30 September 2009 was sent to the DLG in October 2009 as part of the Section 430 Report Action Plan Update.

REPORT

It is now considered appropriate for Council to receive an update at 31 December 2009.

Substantial progress has been made on this Action Plan since September 2008. Council adopted 87 recommendations as part of the report of 3 September 2008.

As at 31 December 2009 13 recommendations remained incomplete (30 June 2009 - 27 recommendations remained incomplete). Therefore 74 recommendations of the original recommendations (85%) have been fully completed (30 June 2009 - 60 recommendations or 69% of the original recommendations were fully completed).

Of the 13 outstanding recommendations, 12 (recommendations 6, 10, 11, 12, 42, 52, 53, 56, 60, 65, 77 and 84) have had some progress even though they are not fully completed at 31 December 2009.

The only recommendation which has not had any progress (recommendation number 82) will be progressed in the next couple of months.

Therefore all of the recommendations are expected to be completed by 30 June 2010.
CONSULTATION

Information Systems Manager
Human Resources Manager
Governance and Corporate Planning Manager
Land Use Planning Manager
Senior Management Team

STRATEGIC LINKS

a. Management Plan

This report is linked with goal four of the Management Plan “To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.”

b. Other Plans

This report is linked to Council’s Strategic Plan Our People, Our Place, Our Future.

The report is specifically linked to Our Future – Professional Management, Professional Services.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

This report is linked to the following “live” Action Plans:

1. IT Health Check Ongoing Action Plan from 1 July 2008 to 30 June 2012.

The report also has links to the Governance Health Check Action Plan. This Action Plan will take over from the above Action Plans in the next 6 to 12 months.

b. Financial Implications

There are no financial implications for this report.

c. Legislative Implications

There are no legislative implications for this report.

However it is good governance to regularly monitor, review and update action plans. This assists organisations to achieve “continuous improvement”.

d. Risk Implications
In the absence of formal frameworks Council runs the risk of not having good governance standards. Action Plans such as this assist in the goal of continuous improvement and the implementation of better governance practices.

e. Other Implications

There are no environmental, social, community or insurance implications associated with this report.

OPTIONS

Council can choose to receive the report or choose not to receive the report. The report is an information report in order to update Councillors on the progress made in implementing the recommendations.

CONCLUSION

The purpose of the report is to provide an update to Councillors on the Action Plan. As stated in the report, an update was provided to the DLG as at 30 September 2009 in October 2009.

ENCLOSURES

1 Fraud and Corruption Risk Assessment Ongoing Action Plan from 1 July 2008 to 30 June 2010 32 Pages
SUBJECT: STATUS OF SECTION 430 REPORT ONGOING ACTION PLAN AT 31 DECEMBER 2009

AUTHOR: Director Corporate & Community - Craig Bennett

SUMMARY


RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

The Action Plan was first adopted by Council at the Ordinary Council Meeting of 18 March 2009.

An Action Plan was sent to the Department of Local Government (DLG) in March 2009.

A further update on this Action Plan as at 30 September 2009 was sent to the DLG in October 2009.

The Action Plan is due for final completion and submission to the DLG by 31 March 2010.

REPORT

It is now considered appropriate for Council to receive an update at 31 December 2009.

Substantial progress has been made on this Action Plan since March 2009. Council adopted 16 recommendations as part of the report of 18 March 2009.

Two of the recommendations (recommendations 4 and 13) contained some sub recommendations. Recommendation 4 contained 12 sub recommendations and recommendation 13 contained 10 sub recommendations.

Therefore, the report contained 36 recommendations and sub recommendations which are required to be completed by Council by 31 March 2010.

As at 31 December 2009 10 recommendations and sub recommendations remained incomplete (30 June 2009 - 17 recommendations incomplete). Therefore 26 recommendations (72%) of the original recommendations have been completed since March 31 2009 (30 June 2009 - 19 recommendations (56%) of the original recommendations were completed).
All of the 10 outstanding recommendations (recommendations 1, 2, 4(iii), 4(xi), 7, 8, 11, 13(v), 13(vi) and 13(vii) have had some progress even though they are not fully completed at 31 December 2009.

Of the 10 outstanding recommendations only 4 recommendations (recommendations 2, 11, 13(v) and 13(vi) are not expected to be fully completed by 31 March 2010.

Recommendation 2 is not expected to be completed by 31 March 2010 as it relates to the Community Strategic Plan. This project will not be fully completed until at least 31 December 2010. The completion date still complies with the new integrated planning and reporting legislation introduced by the DLG.

Recommendation 11 is not expected to be completed until 30 June 2010. This recommendation relates to the DLG Promoting Better Practice Review Ongoing Action Plan. This action plan has four recommendations which are unable to be completed until 30 June 2010 due to varying reasons.

Recommendation 13(v) is not expected to be completed by 31 March 2010 as it relates to the Fraud and Corruption Risk Assessment Management Plan Ongoing Action Plan. This action plan is not expected to be fully completed until 30 June 2010. There will however only be five recommendations (6, 52, 53, 65 and 82) out of the 87 original recommendations that will not be completed by 31 March 2010.

Recommendation 13(vi) is not expected to be completed as it relates to the IT Health Check Ongoing Action Plan. This action plan is not expected to be fully completed by 31 March 2010. The last recommendation of this action plan (9.3.1) will not be completed until 30 June 2012. This recommendation relates to identifying, evaluating, acquiring and deploying a more effective Electronic Document Management System (ECMS) which supports its business requirements.

A discretionary budget bid will be prepared for the 2010/2011 financial year. The funding and resources are significant for this project. The project will take two years to implement.

The current ECMS, whilst not being as efficient and effective as a range of systems is functional. The organisation can survive without the system for a couple of years. The new system will assist in Council’s goal of continuous improvement.

Therefore 32 or 89% of the recommendations are expected to be fully completed by 31 March 2010.

CONSULTATION

Senior Executive Team
STRATEGIC LINKS

a. Management Plan

This report is linked with goal four of the Management Plan “To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.”

b. Other Plans

This report is linked to Council’s Strategic Plan Our People, Our Place, Our Future.

The report is specifically linked to Our Future – Professional Management, Professional Services.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

This report is linked to the following “live” Action Plans:

1. IT Health Check Ongoing Action Plan from 1 July 2008 to 30 June 2012.


The report also has links to the Governance Health Check Action Plan. This Action Plan will take over from the above Action Plans in the next 6 to 12 months.

b. Financial Implications

There are no financial implications for this report.

c. Legislative Implications

Section 434 of the Local Government Act 1993 requires Cessnock City Council to take appropriate steps to do such things arising from the recommendations contained in the Section 430 Report.

d. Risk Implications

In the absence of formal frameworks Council runs the risk of not having good governance standards. Action Plans such as this assist in the goal of continuous improvement and the implementation of better governance practices.
e. Other Implications

There are no environmental, social, community or insurance implications associated with this report.

OPTIONS

Council can choose to receive the report or choose not to receive the report. The report is an information report in order to update Councillors on the progress made in implementing the recommendations.

CONCLUSION

The purpose of the report is to provide an update to Councillors on the Action Plan. As stated in the report, an update at the end of September 2009 was provided to the DLG in October 2009.

ENCLOSURES

1 DLG Section 430 Report Ongoing Action Plan 1 March 2009 to 30 June 2012 11 Pages
SUBJECT: STAFF APPOINTMENTS, RESIGNATIONS & TRANSFERS

AUTHOR: Corporate Administration Assistant - Robyn Larsen 
EA to Director Corporate & Community - Joanne Walpole

SUMMARY

Report on resignations, appointments and transfers

RECOMMENDATION

That the report be received and the information noted.

<table>
<thead>
<tr>
<th>Employees Name</th>
<th>Position</th>
<th>Date of Resignation</th>
<th>Years of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gavin Evans</td>
<td>Senior Building &amp; Assessment Officer</td>
<td>24/11/2009</td>
<td>6 Years – 5 Months</td>
</tr>
<tr>
<td>Jennifer See</td>
<td>Administration Support Officer (I &amp; S)</td>
<td>04/12/2009</td>
<td>4 Months</td>
</tr>
<tr>
<td>Lesley Norley</td>
<td>Mechanic</td>
<td>08/12/2009</td>
<td>28 Years – 2 Months</td>
</tr>
<tr>
<td>Jarrod Grant</td>
<td>Purchasing &amp; Stores Co-ordinator</td>
<td>11/12/2009</td>
<td>4 Years – 7 Months</td>
</tr>
<tr>
<td>Kevin Radnidge</td>
<td>Development Compliance Officer</td>
<td>18/12/2009</td>
<td>1 Year – 7 Months</td>
</tr>
<tr>
<td>Peter Bell</td>
<td>Temporary Part time Crime Prevention Officer</td>
<td>01/01/2010</td>
<td>2½ Months</td>
</tr>
<tr>
<td>Chris Hamson</td>
<td>Switchboard Operator</td>
<td>01/01/2010</td>
<td>15 Years – 1 Month</td>
</tr>
<tr>
<td>Dean Austin</td>
<td>Water Truck Operator</td>
<td>07/01/2010</td>
<td>8 Years – 8 Months</td>
</tr>
<tr>
<td>Alison Lawrence</td>
<td>Sustainability Co-ordinator</td>
<td>08/01/2010</td>
<td>14 Years – 6 Months</td>
</tr>
<tr>
<td>Ray Pascoe</td>
<td>Asset Engineer</td>
<td>27/01/2010</td>
<td>1 Year – 7 Months</td>
</tr>
</tbody>
</table>
### Staff Appointments

<table>
<thead>
<tr>
<th>Employees Name</th>
<th>Position</th>
<th>Date of Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephanie King</td>
<td>Part Time Library Assistant</td>
<td>14/12/2009</td>
</tr>
<tr>
<td>Luke Reynolds</td>
<td>Investigation Engineer</td>
<td>14/12/2009</td>
</tr>
<tr>
<td>Kylie Mead</td>
<td>Administration Officer</td>
<td>18/01/2010</td>
</tr>
<tr>
<td>Peter Jennings</td>
<td>Infrastructure Planning Engineer</td>
<td>14/02/2010</td>
</tr>
</tbody>
</table>

### Internal Staff Transfers

<table>
<thead>
<tr>
<th>Employees Name</th>
<th>From</th>
<th>To</th>
<th>Date of Transfer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donna Lorriman</td>
<td>Planning Assistant</td>
<td>Customer Services Officer</td>
<td>18/01/2010</td>
</tr>
<tr>
<td>Kate Curry</td>
<td>Administration Officer</td>
<td>Planning Assistant</td>
<td>18/01/2010</td>
</tr>
</tbody>
</table>

**ENCLOSURES**

There are no enclosures for this report
NOTICES OF MOTION NO. BN7/2010

SUBJECT: AIRPORT CONSULTATIVE COMMITTEE
COUNCILLOR: Ian Olsen

MOTION

Council form an Airport Consultative Committee to address the issue of airport users and neighbours of the airport. The Committee consist of 1 Ward A and B Councillors, Council staff, Airport Management and User Groups as well as inviting nominations from concerned residents and vineyard operators.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 February 2010.

RATIONALE

Cessnock Airport is growing in use and changes to the circuit have caused concern to some residents. So that these issues can be raised in a proper forum and all parties are given an opportunity to explain the methods and reasoning behind their concerns. I believe this could alleviate some of the issues and complaints that we now receive.

Sgd: Ian Olsen
Date: 25 January 2010

ENCLOSURES There are no enclosures for this report.
SUBJECT: PACIFIC NATIONAL TRAIN SUPPORT CENTRE AT GRETA
AUTHOR: Councillor - Graham Smith

Detail
Can the Director City Planning advise whether there have been any further developments on this project since the release of the Preliminary Environmental Assessment in September 2009, and what input Council has had to the project, which is being managed by the Department of Planning under Part 3a?

FOR COUNCIL'S INFORMATION

ENCLOSURES
There are no enclosures for this report