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, 17 August 2011 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 3 August 2011
5. DISCLOSURES OF INTEREST
   DI14/2011 Disclosures of Interest ..................................................5
6. ADDRESS BY INVITED SPEAKERS
7. CONSIDERATION AND ADOPTION OF INFORMATION REPORTS EITHER INDIVIDUALLY OR WITH NOMINATED EXCEPTIONS OR ENGLOBO
   CIR17/2011 Consideration and Adoption of Information Reports .............6
8. MAYORAL MINUTES
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9. MOTIONS OF URGENCY
   MOU22/2011 Motions of Urgency ......................................................8
10. DEFERRED BUSINESS
    EE28/2011 Mount View Road Millfield Precinct: Section 94
        Contributions Plan .................................................................9
11. ENHANCING OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT
    † EE30/2011 Mount View Road Millfield precinct: Section 94
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12. PROVIDING QUALITY SERVICES

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13) **PROFESSIONAL MANAGEMENT AND LEADERSHIP**

- PM43/2011 Investment Report - July 2011
- PM44/2011 Minutes of Hunter Councils Meetings
- PM45/2011 Deed of Settlement and Release – Kinsley Constructions Pty Ltd

14) **ACTIVE PARTICIPATION AND COMMUNITY CONSULTATION**

- AP10/2011 Community Forums

15) **BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN**

- BN31/2011 Government Road Funding
- BN32/2011 Determination of Development Applications subject to Draft LEP 2011

16) **ANSWERS TO QUESTIONS FOR NEXT MEETING**

- AQ31/2011 Council Pool Season 2011/2012
- AQ32/2011 Trees in Cooper Street
- AQ33/2011 Floral Tributes
- AQ34/2011 Answers to Questions for Next Meeting
- AQ35/2011 Staff Who Have Left Council since January 2011
- AQ36/2011 Staffing levels
- AQ37/2011 Community Vision and Strategic Action Plan for the Vineyards District
- AQ38/2011 “We buy houses” - unauthorised signs
- AQ39/2011 Kurri Kurri Coles - S96 Application
- AQ41/2011 Public Toilets - Coles Kurri Kurri
- AQ42/2011 LWP Appeal in Regard to Huntlee
- AQ43/2011 Internal Auditor
- AQ44/2011 Internal Audit Review
- AQ45/2011 External Auditor

17) **QUESTIONS FOR NEXT MEETING**

18) **COUNCILLORS' REPORTS**
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 in a manner that is consistent with and actively promotes the principles of multiculturalism.
* To promote and to provide and plan for the needs of children.
* To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
* 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 plan for, account for and manage the assets for which it is responsible.
* To engage in long-term strategic planning on behalf of the local community.
* To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
* 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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<th>One Stop customer service</th>
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<td>Flatter management structures and eliminate duplication</td>
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<td>Continually seek improvement</td>
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<td>The leadership role of Council</td>
<td>Fairness, equity, trust and integrity in all dealings</td>
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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 Officer - 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

There are no enclosures for this report
RECOMMENDATION

That Council deal with the following information report englobo.

MM7/2011 State Government Road Funding - Wine Country Roads..........................7
EE30/2011 Mount View Road Millfield precinct: Section 94 Contributions Plan........15
QS63/2011 Resolutions Tracking Report..............................................................28
PM43/2011 Investment Report - July 2011 ............................................................29
PM44/2011 Minutes of Hunter Councils Meetings .............................................34

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
MAYORAL MINUTE No. MM7/2011

SUBJECT: STATE GOVERNMENT ROAD FUNDING - WINE COUNTRY ROADS

RECOMMENDATION
That the information be noted.

REPORT
On Tuesday 9 August 2011, I received advice from Mr Jaymes Boland-Rudder, Chief of Staff from the Hon. Duncan Gay, MLC, the Minister for Roads and Ports, who has confirmed the pledge of $20 million over four (4) years for Wine Country roads in the Cessnock region, an election commitment made during the election campaign, will be honoured by the NSW Government.

Mr Boland-Rudder advised details will be released as part of the State Government’s 2011 Budget in September.

ENCLOSURES
There are no enclosures for this report
SUBJECT: MOTIONS OF URGENCY

AUTHOR: Corporate Administration Officer - Robyn Larsen

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

There are no enclosures for this report
SUBJECT: MOUNT VIEW ROAD MILLFIELD PRECINCT: SECTION 94 CONTRIBUTIONS PLAN  

AUTHOR: Strategic Landuse Planning Manager - Bo Moshage  

Ordinary Meeting of Council at its meeting on 3/08/2011 12:00:00 AM resolved that the matter be deferred to a future meeting.

SUMMARY

The purpose of this report is to provide an overview of the submissions received in response to the public exhibition of the draft Section 94 Contributions Plan for the Mount View Road Millfield Precinct. A number of submissions were received including an extensive submission from the proponent advocating a lower level of contributions. As a result, Council officers have extensively reviewed the draft Plan and sought additional expert legal and planning advice.

This report recommends amendments to the draft Contributions Plan, which has the effect of reducing the amount of development contributions. This is mainly because a number of matters previously highlighted in the draft Plan will now be addressed through conditions of development consent at the subdivision stage.

RECOMMENDATION

1. The Draft Section 94 Contributions Plan for the Mount View Road Millfield Precinct be adopted, to be effective on gazettal of the draft Local Environmental Plan.

2. The Department of Planning be notified of Council’s resolution.

3. Advise the submission makers of the outcome of this report.

BACKGROUND

Council has agreed to finalise the rezoning of land at Mount View Road Millfield and is currently being considered by the Department of Planning and Infrastructure in conjunction with the draft Comprehensive Local Environmental Plan. The development of the Mount View Road Millfield Precinct will provide for 159 additional lots housing 398 people on land on the eastern side of Mount View road on the north of the existing urban area of Millfield. A Locality Plan is provided in the enclosure documents.

At its meeting held 26 May 2010, Council resolved under report EE18/2010 that:

1. The draft Section 94 Contributions Plan be exhibited for a minimum period of twenty-eight (28) days in accordance with Council’s notification policy.

2. A further report is to be presented to Council following exhibition of the draft Section 94 Contributions Plan.
A copy of the recommended draft Section 94 Contributions Plan for the Mount View Road
Millfield Precinct is provided in the enclosure documents.

REPORT

The draft Section 94 Contributions Plan was exhibited from 2 June 2010 to 30 June 2010.
Two (2) submissions were received. A table providing details of the issues raised is provided
in the enclosure documents.

In summary, one submission considers that the increased traffic and pedestrian movements
resulting from the new development will create a need to upgrade Mount View Road,
upgrade part of Wollombi Road, provide kerb and gutter, footpaths/cycleways, landscaping
and street lighting.

In response to these concerns, the infrastructure needs arising from the proposed
development, and any wider implications for the Millfield area have been assessed and
reviewed. The matters that can be addressed under Section 94 have been included in the
amended draft Plan/Work Schedules as appropriate. Where the demand for new
infrastructure is entirely attributable to the proposed development, it is proposed that these
infrastructure needs are addressed through conditions of development consent to be applied
at the subdivision stage.

The second submission contained an extensive discussion and analysis of the provisions of
the draft Plan. It raised a range of issues relating to the basis of population estimates, the
infrastructure required, and the apportionment of costs to new development. The submission
considered that there was little justification for a number of the infrastructure items for which
a contribution was being sought.

This submission also drew attention to inconsistencies between the draft Plan and the City
Wide Residential Plan. These inconsistencies are acknowledged and arise because the City
Wide Residential Plan is due for comprehensive review. The City Wide Residential Plan is
based on a 2006 review of a 2003 Plan, and is increasingly becoming out of date. Work has
commenced on a new Section 94 framework which will include a new suite of City Wide
Section 94 Plans.

In response to the second submission, Council officers undertook a thorough review of the
draft Plan. This review included advice from legal counsel and from planning consultants
that specialise in Section 94 matters. This advice confirmed that there were a number of
areas where the draft Plan could be improved. Council officers have incorporated this advice
into the Plan and have also reassessed the infrastructure needs arising from the new
development to ensure the contributions are justified.

As a result of the changes that resulted from this process, it is considered that the provisions
of the amended draft Plan comply with the requirements of the Environmental Planning and
Assessment Act and its Regulations.

Council officers have used the review as an opportunity to produce a “template” Section 94
Plan which can be used to produce future Plans more efficiently and with greater legal
surety.
As a result of the review of the draft Plan, the contribution rate has been reduced from $16,907.00 per lot to $7,958.00 per lot.

The large reduction in the contribution rate has occurred because it is now proposed to require the provision of a number of infrastructure items (such as the upgrading of Mount View Road) through conditions of development consent at the subdivision stage, rather than as Section 94 contributions.

This approach has the advantage of the details of the proposed development being clear at the subdivision stage, and accordingly the requirements for additional/upgraded infrastructure able to be determined more accurately. Secondly, Council is exposed to less financial risk as a result of any potential underestimation of the cost of works in the Section 94 Plan.

The amended draft Plan includes contributions towards:

- An expanded community facility in Millfield (100%)
- A local park within the development area (100%)
- Road improvements and drainage on Wollombi Road (44.2%)
- Bus stops and shelters on Wollombi Road (40%)
- Pedestrian refuges on Wollombi Road (40%)
- An expanded aquatic facility in Cessnock (1.36%)
- An expanded indoor sports facility in Cessnock (1.36%)
- An expanded library facility in Cessnock (1.36%)
- The Performance Arts/Cultural Centre (1.36%)

Note: Figures in brackets are the proportion of the total cost of each item sought in the form of development contributions.

The following infrastructure requirements will addressed at the development consent stage:

- Upgrade Mount View Road to cater for additional traffic arising from the proposed development.
- Reconstruct including drainage along part of Second Street to cater for additional traffic and drainage needs arising from the proposed development.
- Reconstruct including drainage part of First Street to cater for traffic and drainage needs from the proposed development.
- Upgrade drainage in Mount View Road.
- Provision of pedestrian /cycleways along Mount View Road.
- Lighting along Mount View Road.

A significant amendment proposed to the draft Plan is a requirement for a local park (0.5ha) to be provided within the development area, rather than an upgrade of the existing park facilities. This change is recommended because the review of the draft Plan concluded that the development area was located beyond a reasonable walking distance of the existing park, as well as the existing park being on the south side of Wollombi Road (the proposed development is on the north side). The provision of the local park now complies with Council's Recreation and Open Space Strategic Plan.
CONSULTATION

Internal consultation has occurred with:

- Community & Cultural Engagement Manager (Community Services Group)
- Strategic Asset Planning Manager (Strategy and Sustainability Group)
- Recreation Services Manager (Community Services Group)

STRATEGIC LINKS

a. Management Plan

The following goals, objectives and outcomes in Council’s Management Plan relate to the Land Use Planning Program:

Goal: Protect, enhance and promote the natural, developed and cultural environment.

Objectives: Continue to develop residential development controls.

Outcome: The amended draft Section 94 Contributions Plan is consistent with Council’s Management Plan.

b. Other Plans

City Wide Settlement Strategy

The Cessnock City Wide Settlement Strategy identifies the Mount View Road Millfield Precinct as an investigation area for “infill housing”.

Open Space Strategic Plan and Cultural Plan

The draft Section 94 Contributions Plan for the Mount View Road Millfield Precinct is consistent with, and contributes to the implementation of, Council’s Recreation and Open Space Strategic Plan and Social and Cultural Plan.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

If adopted by Council, the Section 94 Contributions Plan for the Mount View Road Millfield Precinct will become effective upon gazettal of the draft Local Environmental Plan.

b. Financial Implications

The draft Section 94 Contributions Plan adopts an approach of levying contributions based on apportioned demand for additional infrastructure and facilities resulting from the development of the Mount View Road, Millfield Precinct. This development is anticipated to involve approximately 159 additional lots and 398 people over a 10 to 15 year time frame. A developer contribution of $7,958.00 per lot is proposed under the draft amended Plan towards the cost of additional infrastructure and services.
The costs to Council in the key areas over the life of the Plan are as follows:

**Part A - Open Space / Recreational / Sporting Facilities**

The Precinct represents 1.36% of the population expected in the Cessnock Catchment to 2026, and accordingly it is proposed that it contribute 1.36% of the cost of district level facilities required to meet future needs, specifically the upgrading/expansion of the Cessnock Indoor Sporting Facility and the upgrade/replacement of aquatic facilities at Cessnock. Any apportionment of costs obligates Council to provide the required infrastructure, and consequently to source the remainder of the funds from other sources including other Section 94 Plans or the General Fund.

**Part B - Community Facilities**

A contribution towards the upgrading of the District Library to meet additional demand and the provision of the Performing Arts/Cultural Centre at Cessnock is proposed to be sought on the same proportionate basis as for Open Space/Recreational Facilities.

**Part C – Roads, Traffic, Drainage and Stormwater Management**

The cost of upgrading of part of Wollombi Road is apportioned between Council and the Section 94 Plan on the basis of the proportion of general traffic volumes relative to that generated by the proposed development. 44.2% of the cost of works on Wollombi Road is apportioned to the developer and 40% towards the provision of two (2) bus stops/shelters and two (2) pedestrian refuges, with the remainder funded by Council.

**Conditions of Development consent**

The proposal to require certain infrastructure items to be provided as a condition of development consent should not have a cost implication for Council.

**Plan preparation and Plan administration**

 Provision has been included in the amended draft Plan for development contributions to defray Council’s costs in preparing and administering the Plan.

**c. Legislative Implications**

This report has regard to the provisions of the Environmental Planning and Assessment Act and its Regulations. Legal advice has been sought during the preparation of the section 94 Plan.

**d. Risk Implications**

The amended draft Section 94 Contributions Plan for the Mount View Road Millfield Precinct is likely to present a reduced financial risk to Council by making it the responsibility of the developer to provide certain infrastructure at the development consent stage, rather than the Council through a Section 94 Contributions Plan on the basis of estimated costs.
e. Other Implications

Generally, the implications relative to the draft Section 94 Contributions Plan are ensuring the timely provision of services and infrastructure, planning for suitable access and the adequate provision of community/recreational services and facilities.

OPTIONS

1. Support the recommendation. Support will permit the progression of the rezoning proposal and the provision of infrastructure to the Precinct.

2. Not support the proposed recommendation. Non-support may delay the progression of the rezoning proposal or may lead to the rezoning proposal being finalised with inadequate infrastructure planning.

3. Further amend the draft Section 94 Plan. Further amendment may incur a risk that the resultant plan may have legal, financial or infrastructure provision deficiencies.

CONCLUSION

The draft Contributions Plan for the Mount View Road Millfield Precinct was publicly exhibited and received submissions as detailed in the enclosures. As a result the draft Plan has been comprehensively revised, and subject to expert S94 and legal scrutiny.

These amendments have addressed issues relating to the justification and apportionment of contributions.

It is recommended that Council adopt the amended draft Contributions Plan.

ENCLOSURES

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<td>Locality Plan</td>
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<td>2</td>
<td>Draft Section 94 Contributions Plan for Mount View Road Millfield Precinct</td>
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<td>Summary of Submissions</td>
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SUMMARY
The purpose of this report is to inform Council on the matters for deferral of report EE28/2011 – Mount View Road Millfield: Section 94 Contributions Plan.

RECOMMENDATION
That Council note the content of this report.

BACKGROUND
Council at its meeting of 3 August 2011, resolved that Report EE28/2011 be deferred to the next meeting to allow for the following matters to be addressed:-

• Cycleways and where is it specifically nominated within the Section 94 Contribution Plan
• The percentage or apportionment of that cycleway and the distance of those cycleways.
• Whether there is an opportunity to extend that proportion to provide a linkage into the village.

REPORT
In an action identified in Council’s Bicycle Plan, earlier this year, Council constructed a 2 metre wide pedestrian / cycleway to service cyclists and pedestrians at Millfield, with a particular emphasis on children attending the Millfield Primary School.

Located on the southern side of Wollombi Road, the path covers a distance of approximately 1 kilometre from Eleventh Street to the Millfield Primary School. It is noted, however, that the path was extended an additional 350 metres (approximately) to the Millfield Bridge.

The extension, connection and crossing into Mt. View Road and First Street is nominated as a Priority 2 action in Council’s Bicycle Plan. The construction of the cycleway between Eleventh Avenue and Bennett Street is included in Council’s budgeted LGA Pathways Program 2011-2012. These works represent an infrastructure requirement from an unmet demand from existing settlement in the Millfield area.

In formulating the draft s.94 Contributions Plan, it was proposed to require the provision of a number of infrastructure items (including the provision of pedestrian / cycleway along Mt View Road) through conditions of development consent at the subdivision stage, rather than as Section 94 contributions.
As such, the provision of cycleways, are not mentioned in the draft Millfield Section 94 Contributions Plan reported to Council on 3 August 2011. It is noted however, that cycleways have been included under the types of services/facilities that are contained within the category Roads and Traffic Facilities within the Section 94 Contributions Plan. To assist with clarity it is recommended to amend the Section 94 Contributions Plan to delete cycleways from the Roads and Traffic Facilities category.

This approach, as documented in Council report EE28/2011, has the advantage of detailing the development requirements for delivery as required at the subdivision stage. It also reduces Council’s exposure to financial risk as a result of any potential underestimation of the cost of works in the Section 94 Contributions Plan.

In conditioning a development application, Council needs to consider the infrastructure needs which can be 100% attributable to new development to ensure these requirements are justified and not subject to an appeal to the Land and Environment Court.

The developer funded pedestrian / cycleway will be approximately a 1 kilometre length, which will leave a ‘gap’ of approximately 300 metres between these new works and those identified in Council’s Bicycle Plan to First Street along Mount View Road.

Consideration by Council of the connection of these pedestrian / cycleways facilities will need to be undertaken within existing budget constraints. Based on an estimate of $300 per lineal metre this will cost approximately $90,000. Council will need to consider the prioritisation of cycleway funding to address this ‘gap’ as the development progresses over an anticipated 10-15 years.

In response to Councillor Gorman’s enquiry in regard to the proponents of the Mount View Road, Millfield planning proposal the following information is provided; Mount View Joint Venture incorporating the following landowners – Austmark Properties, AN Ricketts, WE Bell and GM Lathleam, Purdon Harris Haulage Pty Ltd and PP Merrick.

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL EXTRAORDINARY FLOODPLAIN MANAGEMENT COMMITTEE MEETING HELD 17 JUNE 2011

AUTHOR: Infrastructure Planning Engineer - Peter Jennings

RECOMMENDATION

That the Minutes of the Cessnock City Council Extraordinary Floodplain Management Committee of 17 June 2011 be adopted as a resolution of the Ordinary Council.

PRESENT:
Her Worship the Mayor, Councillor Alison Davey (in the Chair)
Councillor Bob Pynsent (alternate)
Ms Louise Gee (Group Leader Strategy & Sustainability)
Mr Phil Miles (Strategic Asset Planning Manager)
Mr Peter Jennings (Infrastructure Planning Engineer)
Mr Nick Greenhalgh (Competitive Building Services Coordinator)
Mr Richard Forbes (Acting Development Services Manager)
Mr Peter Medi (Office of Environment and Heritage)
Mr Trevor Milgate (Cessnock SES)
Ms Helen McClelland of Abermain (Community Representative)
Mr Merv Pyne of Cessnock (Community Representative)

IN ATTENDANCE:
Mr D Lyons (Consultant BMT WBM)

APOLOGIES:
RECOMMENDED that the apologies received from
Councillor Neil Gorman
Councillor Chris Parker
Mr Callaghan Cotter (Hunter / Central Rivers Catchment Management Authority)
Mr Ken Speer (Regional SES)
Mr Steve Meadows of Wollombi (Community Representative)
Mr Adam Davies of Abermain (Community Representative)
Mr Noel Mitchell of Cessnock (Community Representative)
be accepted.

MINUTES:
N/A as this is an extra-ordinary meeting for the purpose of transacting the undermentioned business only.

BUSINESS ARISING FROM PREVIOUS MINUTES

N/A as this is an extra-ordinary meeting for the purpose of transacting the undermentioned business only
DEFERRED BUSINESS

Nil.

LISTED MATTERS

LM06/10 Review of Preliminary Draft “Wollombi Flood Risk Management Study & Plan”

Consultant Darren Lyons of BMT WBM led discussions to review and consider comments to the Flood Risk Management Options for the Wollombi Valley. A Preliminary Draft of the “Wollombi Floodplain Risk Management Study & Plan” was distributed to committee members prior to the meeting to review and provide comments back for discussion, this document is at Enclosure 1.

The committee discussed options tabled in the draft document plus comments submitted by absent members (Councillor Chris Parker and Mr Steve Meadows - Community Representative) and tabled as part of the discussion on the draft “Wollombi Floodplain Risk Study and Plan” document.

The committee requested the provision of additional information relating to associated costs/benefit analysis relating to (property/assets, risk to life, early warning system, improved monitoring/gauges network higher in catchment). Further comments to be provided from Council’s Built & Natural Environment Group regarding Planning Levels for this catchment with associated justification for the final Planning Level to be recommended by the committee, in consideration of the nature of the catchment.

The committee requested a further meeting would be necessary to review these extra details. The extra details requested by the committee to be finalised and provided by consultant in an amended Draft Report for final review, and recommendation by the committee, prior to presenting to the Wollombi community.

The project time line was adjusted to allow for review of the additional information to achieve final delivery of the “Wollombi Flood Risk Management Study & Plan” by 30 September 2011.

- Review of Preliminary Draft document and provision of extra details requested by committee to be provided by Built & Natural Environment and Strategy & Sustainability to consultant by 29 July 2011.
- Committee Meeting to review final details of Draft “Wollombi Flood Risk Management Study & Plan” in early August 2011.
- Recommendation of Council Resolution for Public Exhibition for a period of 28 days of final “Wollombi Floodplain Risk Management Study & Plan” to Council Meeting of 7 September 2011.
Committee meeting to review community exhibition submissions and final delivery of “Wollombi Floodplain Risk Management Study & Plan” by BMT WBM – mid October 2011.


Additional details be supplied to consultant by 29 July 2011 to enable finalisation of the draft “Wollombi Floodplain Risk Management Study & Plan” for recommendation of exhibition.

Built & Natural Environment and Strategy & Sustainability to provide extra details as requested by the committee to the consultant by 29 July 2011.

CORRESPONDENCE

1. Email 14 June 2011 from Councillor Parker:

“As you know I have had some misgivings for some time about the inadequacy of the 0.5 freeboard issue, so I guess it is no surprise that I would strongly support the 1 metre freeboard recommendation. However I still feel strongly that we must always be looking for any evidence that the recorded levels can be modified to give the correct levels for these calculations. I guess these observations are not surprising given my comments at past meetings.”

2. Email 17 June 2011 from Mr Steve Meadows of Wollombi:

“As discussed, I am forwarding on some comments that the floodplain management committee may wish to consider.

1) I am inclined to support the proposal for the adoption of the (revised) 1:100 level plus 1 metre freeboard, with the following qualification - I would prefer greater clarity on whether climate change impacts are likely to fall within the 1 metre freeboard. I had hoped that Professor Edwards (UNSW) would be able to address the committee on this. He gave an impressive presentation at Laguna recently and has indicated that he would be available to give a presentation. UNSW has been developing climate change forecasts in collaboration with NSW government agencies for the NSW State Plan. Page 2 of the interim findings states “The greatest increases (in rainfall) are projected to occur in summer, particularly in the far south of the region (ie Cessnock), where rainfall is projected to increase by up to 50%.” This is clearly higher than any of the scenarios considered by the consultant (rises of 10, 20 and 30 percent).
2) Of the recommendations relating to the DCP, a number of people have expressed concern about the higher building standards being applied to houses located in between the 1:100 plus freeboard level and the maximum flood level. Can anyone put an estimate on the increase in construction costs arising from this requirement?

3) I was a bit surprised at the sketchiness of recommendations relating to the other recommendations (especially Emergency Management Options), though I may have misunderstood the current process. For example there is absolutely no comment relating to the need to maintain phone communication during flood events."

**GENERAL BUSINESS**

Nil.

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: INTERSECTION OF MR220 WINE COUNTRY DRIVE AND FLEMING STREET, NULKABA

AUTHOR: Acting Strategic Asset Planning Manager - Ranjith Koswanage

SUMMARY

This report provides information on the status of the upgrading of the MR220 and Fleming Street intersection at Nulkaba as a result of development taking place at the Potter’s Tavern.

RECOMMENDATIONS


2. That Council endorses the expenditure of approximately $30,000 from the 2011-2012 budget for the detailed design of this intersection.

3. That the construction of the intersection at MR220 and Fleming Street is included in the draft 2012-2013 Road Construction Program.

BACKGROUND

At the Ordinary Council Meeting held on 23 June 2010 following the consideration of a Notice of Motion by Councillor Olsen it was resolved:

1. That Council, as a matter of urgency, instigate discussions with the Roads and Traffic Authority (RTA) to have design works completed, costing of the project investigated and what the RTA are prepared to contribute towards the construction of the intersection of MR220 Wine Country Drive and Fleming Street, Nulkaba to the standards Austroads Type C Intersection.

2. After discussions, design work and costing have taken place a report be prepared for Council to consider how this project can be funded and completed without affecting Council’s current budget.

On 21 May 1990 a contribution of $80,000 was paid to Council, being a payment from the developer towards the upgrade of the MR220 and Fleming Street intersection, and construction of the access road (Fleming Street). This payment comprised of $65,000 for the intersection works, and $15,000 for the construction of the access road (Fleming Street). An historical check in September 2003 by Council’s than Director Corporate & Regulatory Services established that the upgrade of MR220 had taken place with widening on the Potters Tavern (eastern) side of the road. However, further widening on the western side of the road as well as drainage and line marking to bring the intersection up to an Austroads Type C standard had not been undertaken. This check also established that the roadwork required in Fleming Street for which a $15,000 contribution was paid had been completed.
In 1997 the applicant was advised by Council that only $21,837.04 was available from the original payment for the intersection works as funds had been spent on road acquisitions and partial construction works. Since 1997 however, these funds have been used to fund other road works in the Nulkaba area and thus no funds are currently available or allocated to the project.

REPORT

Following the completion of the Concept Plan for a Type C Intersection a letter was forwarded on 27 May 2011 to the Roads and Traffic Authority (RTA) requesting contributions towards the construction of the intersection at MR220 Wine Country Drive and Fleming Street, Nulkaba. The cost for the completion of the required upgrade works is estimated at $400,000.00. Please refer to enclosure 4 and 5.

Council received a response from the RTA on 27 June 2011 advising that the RTA currently has no work planned to upgrade the subject intersection and no funds available to contribute towards the cost of any upgrade works. The RTA has also advised that the construction work would need to be completed at no cost to the RTA. Please refer to enclosure 6.

Therefore in accordance with Council’s resolution to investigate how this project can be funded and completed without affecting Council’s current budget it is recommended that the detailed design of this intersection (estimated cost $30,000.00) be undertaken in 2011-2012, and the construction of the intersection at MR220 and Fleming Street be included in the draft 2012-2013 Road Construction Program. This recommendation will impact on those roads that have been included in the indicative 2012-2013 Road Construction Program.

CONSULTATION

- Roads and Traffic Authority
- Council’s Design Engineers, Community Services Group

STRATEGIC LINKS

a. Management Plan

N/A.

b. Other Plans

NIL

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Nil.
b. Financial Implications

The estimated cost for the construction of the Type C intersection at the intersection of MR 220 Wine Country Drive and Fleming Street, Nulkaba is around $400,000.00. If the project is to be scheduled in the financial year 2011/12, this will affect the current capital works program. Alternatively, the work could be schedule for construction in the financial year 2012/13 which will delay the identified priority projects in the indicative Road Construction Program.

There are funds available (approximately $30,000.00) in the 2011/12 budget to undertake the detailed design of the intersection.

c. Legislative Implications

If Council resolves not to progress the construction of the intersection it is recommended that legal advice is sought regarding the expenditure of the developers' payment for this identified project in 1997.

d. Risk Implications

Nil.

e. Other Implications

Nil.

OPTIONS

1. Detailed design of this intersection is undertaken in 2011-2012, and the construction of the intersection at MR220 and Fleming Street is included in the draft 2012-2013 Road Construction Program. This option will impact on the indicative 2012-2013 priority Road Construction Program, and will involve the expenditure of funds in the 2011-2012 budget for the detailed design works.

2. Further design and construction of the intersection at MR220 and Fleming Street not be progressed. Prior to progressing this option it is recommended that legal advice be sought to clarify risk implications.

CONCLUSION

The RTA has advised Council that they currently have no work planned to upgrade the subject intersection and no funds available to contribute to the cost of any upgrade works. The RTA has also advised the construction work would need to be completed at no cost to the RTA.
ENCLOSURES

1. Notice of Motion - 23 June 2010 1 Page
2. Supporting Documentation 14 Pages
3. Council Resolution - 23 June 2010 1 Page
4. Letter to RTA - 27 May 2011 2 Pages
5. Concept Plan to RTA - 27 May 2011 1 Page
SUBJECT: WYNDHAM STREET, GRETA - PACIFIC NATIONAL COMMUNITY SUPPORT  
AUTHOR: Group Leader Community Services - Waid Crockett

SUMMARY

To provide Council with the details of the offer from Pacific National to support the community of Greta and in particular the improvement to roads around Greta Public School.

RECOMMENDATION

That subject to and conditional upon:

a) receipt of a proposed donation of $180,000.00 from Pacific National; and

b) the Council in its absolute discretion determining that the works can be carried out for an amount not exceeding $180,000.00,

The Council, by its employees, contractors or nominees, will commence the following works to improve traffic problems around Greta Public School and will endeavour to complete those works by 30 November 2011:

- Pavement construction on Price Street and Sale Street to establish two-way traffic flow.
- Construction of a school crossing in Wyndham Street.
- Any survey, design, planning, building, engineering, stormwater, drainage or other construction work required to complete the works listed above.

That pursuant to Section 337 of the Local Government Act 1993, Council delegate authority to the General Manager to execute a deed of agreement with Pacific National to effect the payment of the deed to Council and the delivery of the works.

BACKGROUND

Pacific National has commenced construction of a train support facility at Greta to service and provision rail locomotives and wagons. Approval for the train support facility was given by the New South Wales Minister for Planning. Approval from the Council was not required for the train support facility.

As a goodwill gesture, Pacific National propose to donate funds to the Greta Community and identified a project that would see the upgrade of roads around Greta Public School.

Options for the upgrade to the roads around Greta Public School has been discussed with Councillors and staff and was reported to the Traffic Committee. This was then raised with Council where the following resolution was passed.
1. That option 2 – Sale Street to Price Street, as detailed below be adopted:
   • Construction of Price Street and Sale Street to establish two-way traffic flow;
   • A 30 space car parking facility within the northern road reserve of Sale Street;
   • Indented bus bay and drop off area on the northern side of Wyndham Street in front of Greta Public School;
   • Concrete footpath from car park to school entrance;
   • School crossing in Wyndham Street.

2. That, as a matter of urgency, Council further explores the offer of assistance from Pacific National with the outcome to be reported to Council.

Staff have continued to work with Pacific National on this project to the point where a draft agreement has been developed for Councils’ consideration.

**REPORT**

Council has sought some advice on this matter to ensure that any agreement meets Councils legislative requirements under the Local Government Act and Roads Act 1993.

It is important to ensure that the contract does not restrict Council in any way from its responsibilities as a roads authority under the Roads Act 1993, and in turn expose Council to unnecessary legal action for breach of contract in the event that it, for some reason, was unable to carry out the specific works.

Consideration has also been given in the agreement to ensure that any contract with Pacific National does not raise or trigger the tendering provisions under the Local Government Act 1993 or provisions relating to public-private partnerships.

The draft agreement is conditional upon the donation being made available from Pacific National and then Council carrying out the works outlined in the proposed resolution above. If the donation is not made then the works will simply not proceed.

Contra to this, if the Council does not make the resolution then any donation paid by Pacific National will be returned.

**CONSULTATION**

A survey with the local community was undertaken prior to the Traffic Committee receiving the initial report to look at options around traffic safety.

Pacific National Councillors
Traffic Committee
Sparke Helmore

**STRATEGIC LINKS**

a. Management Plan

This report links to goal 1 of the Management Plan, which is “To promote and provide quality services and facilities which address the needs of the community.”
b. Other Plans

N/A

**STATUTORY IMPLICATIONS**

a. Policy and Procedural Implications

Councils’ Code of Conduct Policy discusses our responsibility to fulfil our statutory duties and exercise reasonable care and diligence and act in a way that enhances public confidence in what we do.

b. Financial Implications

There are no financial implications for Council from this decision.

c. Legislative Implications

Council holds the responsibility as a roads authority under the Roads Act 1993.

d. Risk Implications

There is a risk that this project may not proceed if the cost of the project exceeds the donation provided by Pacific National.

There is also a risk that there may be other unknown factors that could result in delays to the project and therefore not meet the timeframe expectations of Pacific National.

Proceeding with this project will potentially have an impact on our current works programme as other projects will have to be postponed to accommodate this project.

e. Other Implications

Nil

**OPTIONS**

N/A

**CONCLUSION**

The report is submitted for Councils’ determination. The donation from Pacific National will assist Council in undertaking some traffic safety measures that would not normally be a priority under the current programme.

It is recommended that Council adopt the resolution.

**ENCLOSURES**

1. Draft Contract with Pacific National
SUBJECT: RESOLUTIONS TRACKING REPORT
AUTHOR: Corporate Administration Officer - Robyn Larsen

SUMMARY

The enclosure contains two (2) reports, being:

1. Completed Actions
2. Pending Actions

RECOMMENDATION

That the report be received and the information noted.

ENCLOSURES

1. Completed Actions
2. Pending Actions
SUBJECT: INVESTMENT REPORT - JULY 2011
AUTHOR: Financial Services Manager - Robert Maginnity

SUMMARY

Clause 212 of the Local Government (General) Regulation 2005 requires a monthly report to Council detailing all money invested under Section 625 of the Local Government Act 1993.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Councils' Investment Policy, the Local Government (General) Regulation 2005 and the Local Government Act 1993 require a report to Council detailing investments held within the investment portfolio at the end of each month.

REPORT

Statement by the Responsible Accounting Officer

I, Robert Maginnity, as Responsible Accounting Officer, hereby certify that this report is produced in accordance with Clause 212 of the Local Government (General) Regulation 2005 and that all investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council’s Investment Policy.

General Investment Commentary

Following assessment of cash flow requirements surplus funds are available for investing in accordance with Council’s investment policy and where possible maturing investments were reinvested during the month. Deposits continue to be made with various financial institutions (all authorised deposit taking institutions under Federal Government banking legislation) with an emphasis on “cash” type investments (at call and term deposits). These investments are in compliance with the current Ministerial Investment Order, with non compliant investments held being covered under a grandfather clause within the Order.

The Reserve Bank of Australia official cash rate as at 31 July 2011 was 4.75%. Scheduled board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. At the August board meeting the cash rate was retained at 4.75%, with last rate change being made in November 2010. Market expectations are mixed with differing opinions as to whether rates will move in the short term, particularly with the uncertainty surrounding US and European economies. The trend in the BBSW is for reduced rates the longer the term of the investment, which would tend to indicate a lowering of the cash rate in the short term, however this is indicative only.

The media release from the Reserve Bank is provided as Enclosure 1 to this report.
CDO Investment Commentary

Council currently has three CDO investments totalling $3.5 million held within the portfolio, with the Generator CDO for $2 million due to mature on 8 October 2011. Concern still exists in relation to principal and interest on these three long term investments within the portfolio. Please note the investments referred to above are shown with a zero interest rate.

A conservative approach has been taken in regard to these investments and any interest received is treated as a bonus and has not been factored into the original budgeted interest figure. Given the recent upheaval in the financial markets a degree of uncertainty still remains on these investments. It should be noted that the concerns are based on “any amount of principal loss” and not complete loss of principal, although the likelihood of total loss of principal is a possibility.

The investments carrying such risk in Council’s portfolio are:

- Investment 1069 (Generator – CDO held with RIMsec) – remains a high level risk on interest and a low to moderate level risk on capital return. Matures in October 2011.
- Investment 1132 (Kakadu – CDO held with JP Morgan) affected by numerous defaults, remains a high level risk on capital return and medium level risk on interest.
- Investment 1142 (Coolangatta – CDO held with Lehman Brothers) – affected by Lehman’s bankruptcy, remains a high level risk on both interest and capital return.

Actual investment revenues met budget expectations for the financial year.

Investment Portfolio Information

The investments held by Council as at 31 July 2011 are set out in the table below:

<table>
<thead>
<tr>
<th>Inv. No.</th>
<th>Form Held With</th>
<th>Type</th>
<th>Coupon Term (Days)</th>
<th>Next Coupon Date</th>
<th>Maturity Date</th>
<th>Current Coupon Rate</th>
<th>LTD Interest Rate</th>
<th>Par Value $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1243</td>
<td>Commonwealth Bank</td>
<td>Cash</td>
<td>4.10%</td>
<td>08-Oct-11</td>
<td>08-Oct-11</td>
<td>4.50%</td>
<td>257</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commonwealth Bank</td>
<td>At Call</td>
<td>4.50%</td>
<td>08-Oct-11</td>
<td>08-Oct-11</td>
<td>4.50%</td>
<td>2,635</td>
<td></td>
</tr>
<tr>
<td>1069z</td>
<td>RIMsec</td>
<td>CDO</td>
<td>90</td>
<td>08-Oct-11</td>
<td>08-Oct-11</td>
<td>0.00%</td>
<td>4.55%</td>
<td>1,200</td>
</tr>
<tr>
<td>1132s</td>
<td>JP Morgan Australia Ltd</td>
<td>CDO</td>
<td>92</td>
<td>20-Sep-11</td>
<td>20-Mar-14</td>
<td>0.00%</td>
<td>6.58%</td>
<td>200</td>
</tr>
<tr>
<td>1142q</td>
<td>Lehman Brothers</td>
<td>CDO</td>
<td>92</td>
<td>20-Sep-11</td>
<td>20-Jun-14</td>
<td>0.00%</td>
<td>2.43%</td>
<td>500</td>
</tr>
<tr>
<td>1187k</td>
<td>Newcastle Permanent BS</td>
<td>TD</td>
<td>91</td>
<td>25-Aug-11</td>
<td>25-Aug-11</td>
<td>6.02%</td>
<td>6.02%</td>
<td>500</td>
</tr>
<tr>
<td>1213f</td>
<td>Bankstown City CU</td>
<td>TD</td>
<td>91</td>
<td>20-Oct-11</td>
<td>20-Oct-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>500</td>
</tr>
<tr>
<td>1215e</td>
<td>Illawarra Mutual BS</td>
<td>TD</td>
<td>119</td>
<td>11-Aug-11</td>
<td>11-Aug-11</td>
<td>5.90%</td>
<td>5.90%</td>
<td>800</td>
</tr>
<tr>
<td>1225c</td>
<td>Maitland Mutual BS</td>
<td>TD</td>
<td>91</td>
<td>08-Sep-11</td>
<td>08-Sep-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>800</td>
</tr>
<tr>
<td>1227c</td>
<td>Newcastle Permanent BS</td>
<td>TD</td>
<td>91</td>
<td>01-Sep-11</td>
<td>01-Sep-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>600</td>
</tr>
<tr>
<td>1229c</td>
<td>Newcastle Permanent BS</td>
<td>TD</td>
<td>91</td>
<td>18-Aug-11</td>
<td>18-Aug-11</td>
<td>6.02%</td>
<td>6.02%</td>
<td>600</td>
</tr>
<tr>
<td>1231b</td>
<td>Newcastle Permanent BS</td>
<td>TD</td>
<td>91</td>
<td>08-Sep-11</td>
<td>08-Sep-11</td>
<td>6.02%</td>
<td>6.02%</td>
<td>700</td>
</tr>
<tr>
<td>1233a</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>91</td>
<td>22-Sep-11</td>
<td>22-Sep-11</td>
<td>6.17%</td>
<td>6.17%</td>
<td>700</td>
</tr>
<tr>
<td>1236</td>
<td>Maitland Mutual BS</td>
<td>TD</td>
<td>181</td>
<td>06-Oct-11</td>
<td>06-Oct-11</td>
<td>6.15%</td>
<td>6.15%</td>
<td>600</td>
</tr>
<tr>
<td>1239a</td>
<td>Illawarra Mutual BS</td>
<td>TD</td>
<td>107</td>
<td>24-Aug-11</td>
<td>24-Aug-11</td>
<td>5.92%</td>
<td>5.92%</td>
<td>800</td>
</tr>
<tr>
<td>1241a</td>
<td>Illawarra Mutual BS</td>
<td>TD</td>
<td>48</td>
<td>10-Oct-11</td>
<td>10-Oct-11</td>
<td>5.95%</td>
<td>5.95%</td>
<td>600</td>
</tr>
<tr>
<td>1242a</td>
<td>Maitland Mutual BS</td>
<td>TD</td>
<td>50</td>
<td>10-Aug-11</td>
<td>10-Aug-11</td>
<td>5.65%</td>
<td>5.65%</td>
<td>700</td>
</tr>
</tbody>
</table>

**TOTAL** 15,237
The following table provides information on the level of funds held and the percentage invested with financial institutions in Council’s investment portfolio:

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Amount $’000</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank of Australia</td>
<td>2,892</td>
<td>18.99%</td>
</tr>
<tr>
<td>Newcastle Permanent Building Society</td>
<td>2,400</td>
<td>15.75%</td>
</tr>
<tr>
<td>Illawarra Mutual Building Society</td>
<td>2,200</td>
<td>14.44%</td>
</tr>
<tr>
<td>Maitland Mutual Building Society</td>
<td>2,100</td>
<td>13.78%</td>
</tr>
<tr>
<td>RIMsec</td>
<td>2,000</td>
<td>13.13%</td>
</tr>
<tr>
<td>Lehman Brothers International</td>
<td>1,000</td>
<td>6.56%</td>
</tr>
<tr>
<td>Suncorp Bank</td>
<td>700</td>
<td>4.59%</td>
</tr>
<tr>
<td>AMP Bank</td>
<td>500</td>
<td>3.28%</td>
</tr>
<tr>
<td>Bankstown City Credit Union</td>
<td>500</td>
<td>3.28%</td>
</tr>
<tr>
<td>JP Morgan Chase Bank</td>
<td>500</td>
<td>3.28%</td>
</tr>
<tr>
<td>Australian Defence Force Credit Union</td>
<td>445</td>
<td>2.92%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>15,237</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

<table>
<thead>
<tr>
<th>Investment Type</th>
<th>Risk Assessment</th>
<th>Amount $’000</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash/At Call</td>
<td>Low</td>
<td>3,392</td>
<td>22.26%</td>
</tr>
<tr>
<td>Collateralised Debt Obligation</td>
<td>Medium</td>
<td>3,500</td>
<td>22.97%</td>
</tr>
<tr>
<td>Term Deposit</td>
<td>Low</td>
<td>8,345</td>
<td>54.77%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>15,237</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>This Year</th>
<th>Last Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portfolio Average Interest Rate (YTD)</td>
<td>4.56%</td>
<td>4.51%</td>
</tr>
<tr>
<td>BBSW Average Interest Rate (YTD) *</td>
<td>4.97%</td>
<td>4.84%</td>
</tr>
<tr>
<td>Actual Investment Interest Earned (YTD)</td>
<td>$66,937</td>
<td>$69,906</td>
</tr>
<tr>
<td>Revised Budgeted Investment Interest (YTD)</td>
<td>$75,826</td>
<td>$76,310</td>
</tr>
<tr>
<td>Original Budget Investment Interest (Annual)</td>
<td>$874,100</td>
<td>$845,000</td>
</tr>
<tr>
<td>Revised Budget Investment Interest (Annual)</td>
<td>$874,100</td>
<td>$865,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investment Balances (Par Value)</th>
<th>This Year</th>
<th>Last Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Balance 1 July (each year)</td>
<td>$19,044,000</td>
<td>$20,087,000</td>
</tr>
<tr>
<td>Current Balance</td>
<td>$15,237,000</td>
<td>$16,049,000</td>
</tr>
</tbody>
</table>

* BBSW 90 day Bank Bill Reference Rate (performance measure as per Investment Policy)
The following graph compares actual interest earned to budget for this year and last year.

![Monthly Investment Interest: Actual to Budget](image)

The following graph compares percentage interest rates for YTD average to last year’s actual YTD and current 90 days BBSW and last year’s 90 days BBSW rate.

![Performance Measurement: Average Interest Rate Compare to Benchmark](image)

**CONSULTATION**

Senior Finance Officer

**STRATEGIC LINKS**

a. Management Plan

This report is linked to Council’s 4th goal 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 Community Plan “Cessnock 2020”. Investment returns are an integral part of funding sources for future services and community expectations within the “Cessnock 2020” plan.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Investments are made in accordance with Investment Policy Number F12.3.

b. Financial Implications

Investment returns are included in Council’s Management Plan and amendments effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget. A portion of the portfolio and its associated investment income is restricted as it relates to funds held from developer contributions and Domestic Waste Management and is not available for operational projects.

c. Legislative Implications

This report meets Council’s statutory obligations under the Local Government (General) Regulation 2005 and the Local Government Act 1993.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report

OPTIONS

N/A

CONCLUSION

The report details investments held at month end and meets statutory reporting obligations.

ENCLOSURES

1 RBA Media Release 2 August 2011 2 Pages
SUBJECT: MINUTES OF HUNTER COUNCILS MEETINGS

AUTHOR: General Manager - Lea Rosser

SUMMARY

On 20 April 2011 Council resolved that the minutes from Hunter Councils’ meetings be tabled at each next possible meeting of Cessnock City Council, as an information report to be received and noted.

RECOMMENDATION

That the minutes from the April and July 2011 Hunter Councils meetings be received and noted.

BACKGROUND

On 20 April 2011 Council resolved that the minutes from Hunter Councils’ meetings be tabled at each next possible meeting of Cessnock City Council, as an information report to be received and noted (BN6/2011).

REPORT

Prior to 2010 the Minutes and Agendas of Hunter Councils Board Meetings were provided to members of the Board and General Managers only. Hunter Councils had no policy on their wider dissemination, so how they were then dealt with was a matter for the individual Board Member’s consideration. A number of Councils provided – and continue to provide – summary reports to their Councils in their Council Meeting Agendas. This reporting was not then and is not now compulsory.

The Board adopted a policy in regard to the Minutes in 2010 (refined in 2011) and as a result the Minutes and Agendas of Board Meetings are now placed on the website. As Hunter Councils operates a number of commercial activities – and the Board is the Board of Directors for those activities as well as its role as “the voice of the Hunter” – some of the reports are commercial in confidence. The commercial oversight aspect of the Board’s role is becoming increasingly important, so commercial in confidence reports will remain a feature in all future agendas.

The Agendas and Minutes placed on the website reflect the diverse range of Hunter Councils and the mix of regional advocacy (the Board’s role) and business operations (the organisation’s and the CEO’s focus). All reports that do not relate to commercial in confidence activities and / or matters of a personnel nature will be included, however, without exception in Agendas / Minutes placed on the website.

This report provides Hunter Councils minutes from April and July 2011 for the information of Councillors.

The next meeting of Hunter Councils is scheduled to be held on 29 September 2011.
CONSULTATION

N/A

STRATEGIC LINKS

a. Management Plan

This report is linked to Goal 4 “To be a professionally managed and customer focused organisation which provides leadership through partnerships with the Community”.

b. Other Plans

N/A

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

OPTIONS

N/A

CONCLUSION

N/A

ENCLOSURES

1 Minutes - 28 April 2011
2 Minutes - 28 July 2011
SUBJECT: DEED OF SETTLEMENT AND RELEASE - KINSLEY CONSTRUCTIONS PTY LTD

AUTHOR: Group Leader Customer Services - Michael Brady

SUMMARY
The purpose of this report is to seek a resolution from Council to affix the Council Seal on a Deed of Settlement and Release between Kinsley Constructions Pty Ltd and Cessnock City Council in relation to Contract Number 155/04/25 for the construction of the Baddeley Park Sportsground in 2004.

RECOMMENDATION
That:
1. Council authorise the Common Seal of Cessnock City Council to be affixed to the Deed of Settlement and Release between Cessnock City Council Kinsley Constructions Pty Ltd relating to the contract for construction of the Baddeley Park Sportsground Improvements (Contract No. 155/04/25); and
2. Council authorise the Mayor and General Manager to execute Deed of Settlement and Release between Cessnock City Council Kinsley Constructions Pty Ltd relating to the contract for construction of the Baddeley Park Sportsground Improvements (Contract No. 155/04/25).

BACKGROUND
Council and Kinsley Constructions Pty Ltd on 8 November 2004 entered into a contract for construction of the Baddeley Park Sportsground Improvements (Contract No. 155/04/25) for the lump sum of $4,919,640 (excluding GST).

A dispute arose between the parties regarding the Contract and several variations of the contract. Council on or about 4 August 2010, received a Notice of Dispute from Kinsley regarding the variations.

Council sought legal advice from Sparke Helmore and the Deed of Settlement and Release is the outcome of that advice.

REPORT
Following the construction of the Baddeley Park Sportsground in 2006 a dispute arose between Council and Kinsley Constructions Pty Ltd regarding the contract and several variations of that contract. The variations mainly related to costs associated with additional works, notably the acceleration and disruption of works due to the use of the facility prior to the date of practical completion.

Council officers in July met with Sparke Helmore with a view to finalising the matter. It was clearly evident from those discussions, that a failure by all parties to reach an agreement would invite costly legal proceedings and ultimately independent mediation to achieve a
negotiated settlement. The outcome of those proceedings may or may not substantially prejudice the outcome for Council.

CONSULTATION

The General Manager
Sparke Helmore Lawyers
Acting Group Leader Community Services

STRATEGIC LINKS

a. Management Plan

This report relates to Council’s first Goal which is 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 cost to Council for the settlement is $65,000 (excluding GST) and the Land and Property Miscellaneous Reserve has adequate funds to cover the costs.

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Other Implications

NIL

OPTIONS

Two options are available to Council. Firstly, Council may resolve to refuse to affix the Seal to the Deed of Settlement and Release and in which case this may result in further legal proceedings by Kinsley Constructions Pty Ltd with the potential for a substantial cost for additional legal fees.
Alternatively, Council may resolve to affix the Seal to the Deed of Settlement and Release as a means to finalise the matter.

**CONCLUSION**

NIL

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: COMMUNITY FORUMS

AUTHOR: General Manager - Lea Rosser

SUMMARY

Notice of Motion No. BN20/2011 requested that the annual community forums that ceased during the community engagement phase of the Cessnock 2020 Strategic Plan be reintroduced, and that a report be brought to Council detailing the previous locations and times of year each community forum was previously held and options for additional forums to be included each calendar year.

RECOMMENDATIONS

1. That Council reinstate the community forums to be held annually in each of the following localities: Wollombi, Branxton, Mulbring, and Pokolbin.

2. That should Council determine additional forums be scheduled, the location and how many forums are to be held in each location be considered.

BACKGROUND

Historically community forums have been held throughout the LGA on an annual basis. These forums were suspended during the community engagement phase of the development of the Cessnock 2020 Strategic Plan.

REPORT

Community forums were held annually during April, May and June at the following locations:

Wollombi Community Hall
Branxton Community Hall
Mulbring Primary School
Pokolbin Community Hall

CONSULTATION

Media & Communication Officer

STRATEGIC LINKS

a. Management Plan

This report links to Council's Management Plan 2010 – 2013 Goal 4 “To be a professionally managed and customer focussed organisation which provides leadership through partnerships with the community” and Goal 5 “To identify needs, share information and provide opportunities for active participation and community consultation”
b. Other Plans

This report also links to the Cessnock 2020 Plan Objective 5.2.2 “Develop and implement strategies to encourage and empower the community to participate in consultation activities”.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The costs involved in venue hire should be considered should Council determine that additional community forums should be held.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

OPTIONS

Option 1: Council reinstate one forum to be held annually in each of the following localities: Wollombi, Branxton, Mulbring, and Pokolbin.

Option 2: Council introduce forums in the original locations but hold two forums each year with approximately six months between each forum in each location.

Option 3: Council determine alternative or additional locations in which to hold community forums throughout the Local Government Area and determine how many forums are to be held in each location.

CONCLUSION

Community forums held at various locations across the Local Government Area provide an opportunity for residents to directly engage with Councillors and senior staff. Although at times the forums have been poorly attended, they never-the-less afford residents the ability to raise issues that are pertinent to their own Ward and matters can be addressed in a direct manner.

As detailed in Council's Community Plan, Cessnock 2020, it is important that Council meets Objective 5.2 Encouraging more community participation in decision making, specifically 5.2.1 Councillors to be regularly available for community members to raise issues of concern,
Active Participation and Community Consultation

Report No. AP10/2011

General Manager's Unit

5.2.2 Develop and implement strategies to encourage and empower the community to participate in consultation activities and 5.2.3 Council to have a greater presence in outlying communities within the area.

ENCLOSURES

There are no enclosures for this report
NOTICES OF MOTION No. BN31/2011

SUBJECT: GOVERNMENT ROAD FUNDING

COUNCILLOR: Bob Pynsent

MOTION

That a delegation led by the Mayor and three (3) Councillors seek an urgent meeting with the Minister for Road, Duncan Gay to ascertain exactly how much money the State Government is committing to Cessnock vineyard roads over the next four years.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 August 2011.

RATIONALE

In the March State election the national party pledged $20m over 4 years to vineyard roads. It has now come to light that is not entirely Cessnock vineyard roads but other LGA’s. To enable Cessnock Council’s infrastructure program to progress it is essential that this situation be clarified.

Sgd: Bob Pynsent
Date: 9 August 2011

ENCLOSURES

There are no enclosures for this report
NOTICES OF MOTION No. BN32/2011

SUBJECT: DETERMINATION OF DEVELOPMENT APPLICATIONS SUBJECT TO DRAFT LEP 2011

COUNCILLOR: Jeff Maybury

MOTION

That council adopt as policy that were Development Applications:-

1. Lodged before the gazettal of the new/draft Cessnock LEP 2011, and
2. that propose a development that would be prohibited under the new/draft Cessnock LEP 2011, and
3. that development is currently permissible under the existing Cessnock LEP 1989, and
4. where the application satisfies a merits based assessment in respect to compliance with the relevant Council DCP and other heads of consideration,

that the reason that a proposal is only prohibited and not consistent with the future zoning objectives of the site under the new/draft Cessnock LEP 2011 not be used as a fatal reason for the determination of such development applications (ie that development applications be refused because they will only be prohibited under the new LEP).

It is my intention to move the above motion at the next Ordinary Meeting of Council on 17 August 2011.

RATIONALE

Applicants and developers require certainty in respect to making investment decisions. The current status of the draft Cessnock LEP 2011 is creating a high degree of uncertainty and confusion which is discouraging investment. Further I believe that with the new Council management there is also confusion amongst Council staff and inconsistent advice being provided to the community on how development applications being lodged will be determined in respect to the impending new LEP.

Council needs to have a policy on how it wants development applications lodged before the gazettal of the new LEP dealt with in respect to the provisions of the new LEP.

Further the community expects that there is a degree of equity and fair play and that if a particular form of development is currently permissible but will be prohibited under the new LEP that they have the opportunity to take up that right before the new LEP is gazetted.
A recent memo from the Group Leader Built and Natural Environment suggest that the “line in the sand” was drawn when Council sent the new LEP to the Department of Planning for final consideration before being gazetted. That was not communicated to the community or the development industry at that point in time, in fact those who enquired of Council were advised that such application would be considered as permissible until the new LEP was gazetted and that the new LEP would not be used as a fatal reason to refuse an application.

Further it is not clear if indeed the new LEP is imminent and certain. The date keeps getting pushed back and was originally slatted for gazetted in September 2008. Then it was the end of 2010 when Council considered it in September 2010, then before the March state election this year, then by the end of June, now I understand the timetable is October this year. We cannot be certain that gazetted is certain and imminent.

Then there was the recent decision by the Minister to allow variations to the Standard LEP template and that is significant for Cessnock as we should have local provisions applying to the vineyards, at HEZ and Bow Wow Creek gorge. Consequently it is not clear that the LEP will not be further reviewed in light of these developments. There was also a recent Court case at Kurringai where a new LEP was thrown out because changes were made following exhibition and the LEP was not re-exhibited. Council cannot be confident that Parliamentary Counsel will not send back our LEP again for re-exhibition in light of that Court Case.

Finally the relevance of the Court Case that the Group Leader Building and Natural Environment has referenced needs to be questioned. Capuanno v Hastings Council related to a proposed McDonalds restaurant that was highly controversial and in which there were numerous reasons for the refusal of the subject DA. In the policy I am seeking such development applications would still be refused, but the reason a proposal is merely prohibited under the new LEP being the sole reason that a proposal does not meet a merit in a section 79C assessment not been seen as fatal to such applications.

Sgd: Jeff Maybury
Date: 9 August 2011

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: COUNCIL POOL SEASON 2011/2012
AUTHOR: Acting Recreation Services Manager - Nathan Eveleigh

Q32/2011 – Council Pools

Asked by Councillor Smith at the Ordinary Meeting of Council held on 20 July 2011.

“Councillor Smith asked for a report back to Council indicating the dates of opening and closing, whether there will be early season options for lap swimmers and waterpolo and has Council filled all the staffing roles?”

Cessnock Pool – Season to commence Monday September 19 2011. Operations being Monday to Friday 6am – 6pm only for the first two (2) weeks of the season.

Branxton Pool – Season to commence Saturday 1 October 2011.

Branxton and Cessnock Pool will be fully operational from October 1, 2011 with opening times at both pools being

- Monday to Friday – 6am – 6pm for General Admission
- Saturday and Sunday – 7am – 6pm for General Admission

The closing date for the 2011/2012 outdoor pool season will be Friday March 30 2012.

Lap swimmers will be able to access Cessnock pool from 6am Monday September 19 2011 (Monday to Friday for the first two (2) weeks of the season only).

The Pool season allocations are currently being advertised for the 2011/2012 and close on Friday 2 September 2011. At this stage the water polo club have not submitted an application for the use of Cessnock pool with proposed dates and times. The water polo club in the past have been allocated afternoon training two (2) days per week, Tuesday and Thursday 5.30pm – 7.30pm and games are played on Sunday afternoons.

Council’s pool staffing needs are being addressed with the recruitment process well underway for seasonal and casual staff. Last pool season Council recruited two (2) additional permanent lifeguards to complete the majority of the lifeguard rostering requirements; however pool casuals are still required to complete the roster.

ENCLOSURES

There are no enclosures for this report
SUBJECT: TREES IN COOPER STREET
AUTHOR: Acting Recreation Services Manager - Nathan Eveleigh

Q32/2011 – Trees in Cooper Street, Cessnock

Asked by Councillor Bob Pynsent at the Ordinary Meeting of Council held on 20 July 2011.

“What is the history of their status and the damage being caused to roads and footpath with the trees being on the edge of the road?”

Council has received correspondence from multiple residents in Cooper Street over recent years regarding the Camphor Laurel trees lining Cooper Street, Cessnock. These trees are approximately fifty-five (55) years old.

In February 2006 Council resolved to:

1. Carry out remedial works to remove any hazards and sight distance problems
2. Council remove the Camphor Laurel trees in conjunction with any reconstruction works that may be programmed in future budget submissions
3. An assessment of the damage to the properties in Cooper Street be undertaken, particularly number 26 Cooper Street.

Further requests and a petition to have the Camphor Laurel trees removed from the road shoulder were received and Council at its 2 August 2006 meeting resolved:

1. That the eleven (11) Camphor Laurel trees be removed from Cooper Street in conjunction with reconstruction works as part of the Urban Construction Program
2. The Camphor Laurel trees be referred to the Traffic Committee for further consideration
3. Removal of the trees to be expedited if recommended by the Traffic Committee
4. The site be inspected regularly

Council’s Tree Services Team and Energy Australia contractors have pruned and/or lifted the trees to remove and hazards for motorists and residents at various stages. Energy Australia is required to ensure vegetation is managed where it is growing into safety clearance zones around Energy Australia’s network (powerlines).

Three (3) of the eleven (11) trees have been removed to date. Identified in the future Local Road Urban Construction program is a project for the reconstruction of pavement and drainage works in Cooper Street between King and Quarrybylong Streets, but is subject to funding in future budgets.

It has been noted by Council Officers that whilst the kerb and guttering is unsightly in some places, it does not, at this stage, pose any safety risks.

ENCLOSURES
1 Previous Council reports and resolutions  6 Pages
SUBJECT: FLORAL TRIBUTES

AUTHOR: Acting Recreation Services Manager - Nathan Eveleigh

Q31/2011 – FLORAL TRIBUTES

Asked by Councillor James Hawkins at the Ordinary Meeting of Council held on 20 July 2011.

“Asked for a copy of Council’s Policy in relation to any other interment options”

As detailed in the Council’s adopted Cemetery Strategy adopted in May 2009, there are numerous interment options for cemetery locations. Not all of these are offered within Council’s cemeteries. A summary of each is provided below:

- Monumental Burial
- Columbarium Walls
- Modern Lawn
- Ash Interments in Garden
- Native/Woodland Ash Interments
- Memorials
- Monumental Lawn
- Crypts and Mausoleums

A full copy of Council’s Cemetery Strategy has been included in the enclosure documents providing additional information with regard to interment options and Council policies as they relate to cemeteries.

ENCLOSURES

1 Cessnock City Council Cemetery Strategy
SUBJECT: ANSWERS TO QUESTIONS FOR NEXT MEETING
AUTHOR: Financial Services Manager - Robert Maginnity

Q37/2011 - Answers to Questions for Next Meeting asked by Councillors

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

“Councillor Parker asked why questions that are being asked within the “Questions for Next Meeting” section of the Agenda are not being answered at the following meeting?”

While every effort is made to provide answers to questions at the following meeting, a lack of sufficient time is the reason why in some cases this does not occur. Essentially in between meetings, there are only four days in which to prepare reports for the next meeting, as well as attend to operational matters and answer questions from the previous meeting. Added to this are the numerous questions posed by councillors to officers in between meetings either by email or telephone, some of which require considerable detail. It should be noted the CRMS has been designed to capture some of those questions from councillors in between meetings.

Respectfully, while acknowledging councillors have a right to ask questions, it should be noted that the impact of some of those questions does draw officer’s attention away from critical operational issues.

The Council resolution on Questions For Next Meeting has been reproduced below:

1. That Cessnock City Council Code of Meeting Practice be amended to include the Agenda item “Questions for Next Meeting” in Council’s general order of business and that provision be made for each Councillor to ask no more than two “Questions for Next Meeting” per Council meeting.

2. That when such questions are asked, if there is nothing preventing an answer being given straight away, that the answer will be given.

ENCLOSURES

There are no enclosures for this report
SUBJECT: STAFF WHO HAVE LEFT COUNCIL SINCE JANUARY 2011
AUTHOR: Organisational Development Manager - Janette Crosdale

Q37/2011 – Staff who have left Council since January 2011

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

“Councillor Parker asked for a report on the number of staff who have left Council since January this year.”

In response to Councillor Parker’s request there have been twenty six (26) staff leave Council’s employ since 1/1/2011 and of those three (3) employees retired and three (3) employees were employed on a temporary basis.

ENCLOSURES

There are no enclosures for this report
SUBJECT: STAFFING LEVELS
AUTHOR: Organisational Development Manager - Janette Crosdale

Q44/2011 - Staff Levels

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

“Councillor Parker asked what are the current staffing level?”

In response to Councillor Parker’s request and in accord with the adopted structure and budget, Council’s staffing level as at 29 July 2011 is 284 employees representing a Full Time Equivalent (FTE) of 262.98.

ENCLOSURES

There are no enclosures for this report
SUBJECT: COMMUNITY VISION AND STRATEGIC ACTION PLAN FOR THE VINEYARDS DISTRICT  

AUTHOR: Group Leader Strategy & Sustainability - Louise Gee

Q50/2011 - Community Stakeholder Meetings

As asked by Councillor Hawkins at the Ordinary Meeting of Council held on 3 August 2011:

“Community Visioning Pamphlet – Community workshops are to be held next week. When and how was it advertised and why the rush?”

The community engagement processes for the development of the Vision and Action Plan for the Vineyards District provides two key options to facilitate community participation:

1. Attendance at three stakeholder workshops

Advertisements were placed in the Braxton/Greta news 1 August 2011 and the Advertiser 3 August 2011 advising of the dates for the initial two stakeholder workshops (evening 8 August 2011 and morning 9 August 2011). The date of the third stakeholder workshop is to be advised, however, it is anticipated to be held end of August 2011. The advertisement poster was also delivered to Millfield, Wollombi and Laguna General Store’s to be placed on their Community Notice Boards.

Invitation letters were also forwarded to landowners, key stakeholders and State government agencies advising of the workshops and on-line survey tool.

The on-line survey tool was launched 5 August 2011 and will be available for community members to add their views until 16 September 2011. Advertisements advising of the on-line survey tool have been placed in the Braxton/Greta news 15 and 29 August 2011, the Advertiser 10, 17, 24 and 31 August 2011 and 7 September 2011, and Our Own News in Wollombi (Oon) September 2011 edition.

Council agreed that a draft Community Vision and Strategic Action Plan will be completed by late September 2011, with the intention of Council to adopt a Community Vision for the Vineyards District and Action Plan by late October 2011.

As Council is aware there are three major planning proposals within the Vineyards District which require consideration; however, it has been agreed by the Department of Planning and Infrastructure that these proposals need to be considered within a contemporary strategic context. The Department of Planning and Infrastructure have been advised of Council’s timeframes for the Community Visioning project and have advised that Council’s approach regarding the further progress of these proposals be deferred until the Vineyard Visioning project is completed. It is therefore important that the Vineyard Visioning project is completed within the agreed timeframes to ensure there are no unnecessary delays to the consideration of these planning proposals.

ENCLOSURES

There are no enclosures for this report.
SUBJECT: "WE BUY HOUSES" - UNAUTHORISED SIGNS

AUTHOR: Group Leader Built & Natural Environment - Gareth Curtis

Q36/2011 – “We Buy Houses” Unauthorised Signs

Asked by Councillor Hawkins at the Ordinary Meeting of Council held on 3 August 2011.

“We Buy Houses” signs that have been put on telegraph poles throughout Cessnock and asked whether there was a Policy in regard to unauthorised signage and their removal.

There is a Policy in regards to enforcement of unauthorised signs. Policy E1.0 Ranger Enforcement Policy was adopted by Council on 6 August 2008.

Under the Policy, unauthorised signs would be considered general compliance matters or nuisance matters. Signs erected in a public place without approval are also considered “abandoned articles” under the Impounding Act 1993.

Under the Policy and the Impounding Act 1993 Rangers can issue warnings to the owner of any signs erected in a public place without approval and may impound the signs if they are not removed within 24 hours.

Rangers have telephoned the phone number on the signs and instructed the person responsible to cease erecting these signs without the required approvals. The difficulty in only having a phone number contact means that Rangers often are unable to ascertain ownership of the signs as it is difficult to obtain ownership details by telephone when the person contacted is unco-operative or changes phone numbers which is commonly the case. Where ownership can be established, penalty notices will be issued if the owner continues to carry out these activities. Penalty notices (on-the-spot fines) of $110 may be issued under the Impounding Act 1993.

Investigations to-date, including covert enquires by the Rangers, have however been unable to ascertain persons responsible for the erection of the unauthorised signs. Investigations will continue.

Rangers have impounded a number of these unauthorised signs (“We buy Houses” conspicuous yellow signs) erected on telegraph poles and other infrastructure throughout the area) and will continue to investigate and remove these signs where possible, taking into account occupational health and safety concerns (height of signs). Where the signs are placed at a height inaccessible to the ranger team they will be referred to Council’s Community Services for removal.

ENCLOSURES

There are no enclosures for this report
SUBJECT: KURRI KURRI COLES - S96 APPLICATION
AUTHOR: Development Services Manager - Janine McCarthy

Q48/2011 –Kurri Kurri Coles – S96 Application

Asked by Councillor Maybury at the Ordinary Meeting of Council held on 3 August 2011

“Has Coles or the building owner of the site lodged a Section 96 modification application and will it be possible for Council to make as a condition of consent in any Section 96 modification the provision of public toilets. Will Council be notified of any Section 96 application if one is lodged?”

No Section 96 application is currently lodged with Council in respect to this site. Notwithstanding, in the event that Council does receive a Section 96 Application, Council can only impose conditions of consent that relate specifically to the modification sought by the Applicant.

ENCLOSURES

There are no enclosures for this report
SUBJECT:    PUBLIC TOILETS - COLES KURRI KURRI
AUTHOR:    Health & Building Manager - Colin Davis

<Question No> - <Public Toilets – Coles Kurri Kurri>

As far as we are aware Coles and Liquorland are part of the Coles Myer Group. Ownership is not a determining factor under the Building Code of Australia in relation to the provision of toilets.

As advised in the email to all Councillors on 26 July 2011 the new supermarket is not required to provide public toilet facilities in accordance with the Building Code of Australia (BCA) as it is a stand alone facility and is not defined as a “shopping centre”.

To provide further clarification for Council, under the BCA a “shopping centre” does not require sanitary facilities for patrons if the building accommodates not more than 600 people. The number of persons accommodated (as defined within the BCA) in the new Coles supermarket/Liquorland is 525 persons including staff.

ENCLOSURES

There are no enclosures for this report
SUBJECT: LWP APPEAL IN REGARD TO HUNTLEE
AUTHOR: Group Leader Strategy & Sustainability - Louise Gee

Q40/2011 – LWP appeal in regard to Huntlee

 Asked by Councillor Maybury at the Ordinary Meeting of Council held on 3 August 2011:

“How Council could assist LWP with their appeal in regard to Huntlee?”

Under the Environmental Planning and Assessment Act and its supporting Regulations, Cessnock City Council, in conjunction with Singleton Council, would be the relevant planning authority in the consideration and assessment of the Huntlee New Town development proposal. It is therefore paramount that Council’s role as an assessment authority (pending the outcome of the appeal) cannot be compromised by providing assistance to LWP. Council must always ensure that its assessment of proposals is transparent and in accordance with its role as an approval authority.

ENCLOSURES

There are no enclosures for this report
SUBJECT: INTERNAL AUDITOR

AUTHOR: General Manager - Lea Rosser

QS42 – Internal Auditor

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

Has an Internal Auditor been appointed yet?

Yes, a redeployed staff member had been trained to take on the role of Internal Auditor, but has now accepted a position with another organisation. The position will be advertised externally. I am also exploring the following alternative options:

- Utilizing a shared resource with adjacent Hunter Councils;
- Engaging an external provider.

ENCLOSURES

There are no enclosures for this report
SUBJECT:  INTERNAL AUDIT REVIEW
AUTHOR:  General Manager - Lea Rosser

QS41 – Internal Audit Review

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

What stage is Council up to in relation to the formation of a committee?

Advertisements have been drafted for placement in newspapers as soon as the Internal Audit role is filled.

ENCLOSURES

There are no enclosures for this report
SUBJECT: EXTERNAL AUDITOR
AUTHOR: General Manager - Lea Rosser

QS43 – External Auditor

Asked by Councillor Parker at the Ordinary Meeting of Council held on 3 August 2011.

Has Council explored the idea of having an external auditor undertaking the internal auditor function?

Yes, this option is currently being explored as an alternative method of service provision.

ENCLOSURES

There are no enclosures for this report