



30 January 2014

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, 5 February 2014 at 6.30pm, for the purposes of transacting the undermentioned business.

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### **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**

- Respect
- Integrity
- Innovation
- Fairness
- Teamwork
- Commitment

### **Our Community's Vision**

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

*Cessnock – thriving, attractive and welcoming.*

### **Our Community's Desired Outcomes**

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



## ***Council Model Code of Conduct***

Council adopted its current Code of Conduct on 20 February 2013. 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.

Disclosures Of Interest

Report No. DI2/2014

Customer Services



**SUBJECT:** *DISCLOSURES OF INTEREST*

**RESPONSIBLE OFFICER:** *Director Corporate and Community - Robert Maginnity*

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**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.

Motions of Urgency  
Report No. MOU2/2014  
Customer Services



**SUBJECT:** *MOTIONS OF URGENCY*  
**RESPONSIBLE OFFICER:** *Director Corporate and Community - Robert Maginnity*  
*Corporate Administration Officer - Robyn Larsen*

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**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:** *SAFETY OF AWNINGS LOCATED OVER PUBLIC ROADS*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

### **SUMMARY**

Council at its meeting of 11 December 2013 resolved that a further report come back to Council which detailed information regarding footpath, pedestrian and scaffolding matters associated with inspecting an awning located over a public road.

### **RECOMMENDATION**

**That Council receive the report and note the information.**

### **BACKGROUND**

On 11 December 2013, Council considered a report and resolved as follows:

*Council seeks a further report which addresses the following:*

- a) Would an application be required to close the footpath off while doing inspections?*
- b) Would pedestrian access be required at all times?*
- c) Would scaffolding be required as a safety aspect while working on the awning?*

This request for additional information relates to an advisory letter sent by Council to all property owners in the local government area in relation to their responsibilities and the steps those owners should take to ensure the structural safety of their awnings.

### **REPORT/PROPOSAL**

If building owners choose to act on the advice provided by Council and the NSW Department of Planning & Infrastructure and engage a professional engineer to assess and certify the structural adequacy of their awning located over a public road, the process by which the engineer obtains information to satisfy themselves whether the awning is structurally adequate or not varies between engineers and individual awnings.

However, Practice Note 18 *Inspection and Assessment of Existing Tied Awnings* (July 2008) produced by the Association of Consulting Structural Engineers of New South Wales recommends a multi-inspection procedure involving both visual and invasive inspections. The type of inspection undertaken by the engineer will determine the answers to the questions sought by Council.

**a) Would an application be required to close the footpath off while doing inspections?**

#### Comment

For visual inspections that do not involve the use of scaffold or mobile lifting platform for access, such as from ground level or from within the building or roof, an application is not required.

**Our Natural, Developed and Cultural Environment**

**Report No. EE7/2014**

**Built & Natural Environment**



For invasive inspection, such as lifting roof sheets to inspect an internal structure, or where erection of scaffold or use of a mobile lifting platform on the public road reserve is required for access, an application seeking approval under Section 138 of the Roads Act is required. The approval process would cover the need for public liability insurance and a diagram to show the location of scaffold, lifts, and the like. It would also consider a safe route for pedestrians and any limitations on adjoining parking spaces during the inspection.

**b) Would pedestrian access be required at all times?**

Comment

Maintaining pedestrian access during inspections is desirable but not always achievable. Should a safer alternate route be convenient, such as crossing to the other side of the road, a Section 138 approval is likely to require erection of temporary signage to redirect pedestrians.

**c) Would scaffolding be required as a safety aspect while working on the awning?**

Comment

It is the responsibility of the individual to undertake work in accordance with the relevant Workplace Health and Safety (WHS) requirements. A scaffold may be an option utilised by individuals working on the awning. If the awning needs structural support while work is undertaken, use of props, such as adjustable Acrow props may be suitable. The Section 138 approval is likely to require the use of hoarding of plywood or the like to maintain safe pedestrian access under or around any scaffold or prop. Alternatively, if a safer alternate route is convenient, this may be signposted and used.

**OPTIONS**

Nil

**CONSULTATION**

Building Services Team Leader  
Manager Health & Building  
Manager Design Delivery  
Director Planning and Environment

**STRATEGIC LINKS**

**a. Delivery Program**

N/A

**b. Other Plans**

N/A

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**Report No. EE7/2014**

**Built & Natural Environment**

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***IMPLICATIONS***

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

N/A

**c. Legislative Implications**

N/A

**d. Risk Implications**

Nil if works carried out in accordance with legislative requirements

**e. Other Implications**

Nil

***CONCLUSION***

The report addresses the further information sought by Council at its meeting on 11 December 2013 regarding footpath, pedestrian and scaffolding matters associated with inspecting an awning located over a public road.

***ENCLOSURES***

There are no enclosures for this report



**SUBJECT:** *REPORT ON THE MEETING OF THE CULTURAL PLANNING AND DEVELOPMENT COMMITTEE HELD ON 10 DECEMBER 2013*

**AUTHOR:** *Community & Cultural Engagement Manager - Simon Eade*

**RECOMMENDATION**

That Council accept and note the minutes of the meeting of the Cultural Planning and Development Committee held on 10 December 2013.

**MINUTES OF THE CULTURAL PLANNING & DEVELOPMENT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON TUESDAY 12 DECEMBER 2013, COMMENCING AT 3.00PM**

**PRESENT:** The Mayor Councillor Bob Pynsent (Chairperson), Councillor Graham Smith, Councillor Suellen Wrightson, Dr J Barnes, Ms V Cochrane

**APOLOGY:** Ms C Parsons

**Recommendation:** That the apology be accepted

Moved: Clr G Smith      Seconded: Clr B Pynsent

**IN ATTENDANCE:** Mr S Eade Community and Cultural Engagement Manager, Dr V Sienczuk CPAC Co-ordinator

**LISTED MATTERS**

**1. CONFIRMATION OF MINUTES**

**Recommendation:** Minutes of the meeting of the Cultural Planning and Development Committee held on 10 December 2013 be confirmed.

Moved: Clr G Smith      Seconded: Ms V Cochrane

**2. BUSINESS ARISING FROM PREVIOUS MINUTES**

**01-2013 Community Membership of the Committee**

Dr Barnes from Cessnock Regional Art Gallery has been contacted regarding suggestions for possible additional community representatives for the Committee.

**3. DISCLOSURES OF INTEREST**

Nil.



**4. 02-2013 CESSNOCK PERFORMING ARTS CENTRE – REVIEW OF 2013 AND PROGRAM FOR 2014**

Dr Sienczuk tabled the 2013 year in review document, which will be utilised to attract further sponsorship of the CPAC. It is hoped that it will be possible to attract sponsors for specific shows. The developing partnership with the Civic Theatre is proving worthwhile, with cross promotion delivering an increase in Newcastle based clients, and benefits with advertising (for example shared advertising costs on some shows, or pooling of funds to enable a more prominent advertisement). Music shows are still proving popular, as are dance school concert bookings. Attendance at the Melbourne Comedy Festival show also increased.

The 2014 program has been released, with early bookings being received the day after the release.

The 2014 program will be formally launched on 7 February 2014.

**5. 03-2013 CESSNOCK REGIONAL ART GALLERY – REVIEW OF 2013 AND PROGRAM FOR 2014**

Dr Barnes reported that the Gallery has had a full program of exhibitions during 2013, that 2014 was already fully booked, and work had started on programming exhibitions for 2015.

The programs on 2013 were not equally successful in terms of attendances, but all were well reviewed by the Newcastle Herald. Several of the exhibitions were profiled as the lead item in reviews, including photographs.

A Gallery fundraising event was held at the CPAC in November, with 40-50 people attending. The event was well received. A second event was an organised bus tour of Sculpture in the Vineyards, which was also well attended.

The Gallery has made progress in building its relationship with local high schools. It is intended to develop this relationship in relation to how the Gallery can assist the school in meeting curriculum outcomes, and to continue this association in 2014.

The latest exhibition, of 30-40 Max Dupain photographs depicting the Pokolbin vineyards and landscape, opens on 14 December 2014.

A printed program for the exhibition program for the first half of 2014 had been distributed.

**6. CORRESPONDENCE**

Nil.



## 7. GENERAL BUSINESS

### 7.1 Cessnock City Art Collection – possible display of selected works at the CPAC

It was agreed that it would be worthwhile to provide additional community exposure to selected works from the Cessnock City Art Collection. This could be achieved by displaying some of the works at the CPAC, and can be organised at the appropriate time by relevant Council staff.

### 7.2 Library Strategic Plan

Clr Smith suggested that the Library Strategic Plan, once finalised, be presented to the Committee for information.

### 7.3 Renew meeting with Marcus Westbury

The Mayor Clr Bob Pynsent, reported that Cessnock City Council has been engaged in a dialogue with Mr Marcus Westbury, the proponent of Newcastle's *Renew* project. This project has seen the successful revitalisation of parts of Newcastle CBD in Hunter Street as a result of empty retail premises being leased at reduced rental rates by arts workers and arts organisations. Discussions have been taking place to investigate the possibilities of a similar project being developed for the Cessnock CBD.

## 8. NEXT MEETING DATE

The next Committee meeting will be held at 3pm on Tuesday 11 February 2014.

Other 2014 Committee meeting dates were agreed as follows:-

25 March 2014 at 3pm

8 July 2014 at 3pm

14 October 2014 at 3pm

*The meeting closed at 3.50pm.*

## **ENCLOSURES**

There are no enclosures for this report.

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Report No. QS9/2014

Community Services



**SUBJECT:** *CESSNOCK YOUTH COUNCIL (INTERIM) COMMITTEE - REPORT ON A MEETING HELD ON 28 NOVEMBER 2013 WITH INTERESTED COMMUNITY MEMBERS AND NOMINATIONS FOR MEMBERSHIP OF THE COMMITTEE*

**RESPONSIBLE OFFICER:** *Community & Cultural Engagement Manager - Simon Eade*

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## **SUMMARY**

This Report summarises the outcomes of a meeting held on 28 November 2013 which was attended by young people of the community who were interested in becoming members of the Cessnock Youth Council (Interim) Committee. It also submits to Council for consideration the nominations that have been received from young people who are interested in becoming community representatives of the Committee.

## **RECOMMENDATION**

- 1. That Council note the information contained within this Report;**
- 2. That Council appoint the nominees who have submitted nomination forms to be community representatives on the Cessnock Youth Council (Interim) Committee;**
- 3. That Council consider the appointment of a Councillor to be on the Cessnock Youth Council (Interim) Committee to replace Councillor Gibson.**

## **BACKGROUND**

At the first formal meeting of the Interim Committee, held on 14 August 2013, the Committee resolved "That Council engage the Cessnock LGA Youth community and invite interested parties to attend the next Committee meeting." This resolution was adopted by Council when it adopted the Minutes of this Interim Committee at its meeting held on 18 September 2013 (QS87/2013).

An engagement plan was prepared by Council staff which resulted in widespread promotion of the details of the meeting, scheduled to be held on 28 November 2013. Fliers were distributed to all schools, sporting organisations, community groups, youth agencies, Council's Libraries and Help and Information Centre. It was also promoted on Council's website and in local media.

The meeting was held on 28 November 2013 in fulfilment of this resolution. It was attended by nine (9) young people, two (2) parents, the Mayor and Councillor Campbell, the Acting Group Leader Community Services, the Community and Cultural Engagement Manager and the CYCOS Co-ordinator. Apologies were received from seven (7) young people, Councillor Hawkins and Councillor Troy (Councillor Gibson had earlier resigned from the Cessnock Youth Council (Interim) Committee). (The remaining nominated Councillors on the Committee are Councillor Campbell, Councillor Hawkins and Councillor Troy).

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The meeting was not convened as a formal meeting of the Cessnock Youth Council (Interim) Committee, as the membership of the Committee is still in the process of being established, and only the Mayor and one (1) nominated Councillor was in attendance. The meeting focused on the purpose and broad terms of reference of the Cessnock Youth Council (Interim) Committee.

**REPORT/PROPOSAL**

**Summary of the meeting**

Nine (9) young members of the community were present at the meeting.

Apologies were received from seven (7) members of the community who expressed interest in the Cessnock Youth Council (Interim) Committee, but who were unable to attend.

Following a welcome and introductions, those present were guided through a general discussion regarding the Cessnock Youth Council (Interim) Committee. The community members present were all in agreement that the establishment of this forum for young people was a welcome development, providing an opportunity for them to participate in and contribute to a Council/community activity with a youth focus.

Items canvassed included the purpose and function of the Cessnock Youth Council; the topics that could be considered by the Council; the timing and frequency of meetings; membership; and the operation and function of the Committee.

It was agreed that the Cessnock Youth Council should be inclusive, with all members encouraged to participate in an informal, non-threatening environment that is designed to encourage the contribution of participants.

It was agreed that there should be at least four (4) meetings per year (one (1) per school term), with additional meetings to be organised as required. Meetings should be held after 5pm to maximise the opportunities to attend, as some people have school and work commitments (especially on a Thursday) immediately after school finishes for the day.

It was also agreed that each meeting should have a specific topic as the main agenda item to enable focused discussion to take place. There should also be opportunities to be consulted on Youth Week and relevant Cessnock City Council strategies development.

The topics suggested for the first six (6) meetings of the Cessnock Youth Council are:

- Public transport – in particular buses, and across the Local Government Area
- Skate parks
- Bullying
- Drug and Alcohol abuse
- Education / Career and Vocational guidance / Skilling
- Community Volunteering

Further topics of interest might include suicide, depression and domestic violence.

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It was agreed that a suitable time for meetings to be held would be on a Tuesday, 5.30pm – 6.30pm, at Council's Administration Building, although meetings could be held elsewhere in the Local Government Area depending on the main topic of discussion.

It was proposed that the first meeting of 2014 will be held on Tuesday 11 February, 5.30pm – 6.30pm, with a focus on the topic of public transport and skate parks.

It was agreed that these details would be drafted into a formal statement of Terms of Reference which will be considered at the next meeting of the Committee.

***Nominations for community representative membership of the Cessnock Youth Council (Interim) Committee***

As a result of the promotion of the meeting and attendance at the meeting, the eighteen (18) nominations for community representative membership of the Cessnock Youth Council (Interim) Committee have been received.

The information provided on the nomination forms by the nominees has been summarised in a spreadsheet attached as **Enclosure 1**. (The names of the nominees have not been publicly included in this Report as most of the nominees are under 18 years of age. If consent to publish names is forthcoming from parents/guardians of the nominees, Council will be in a position to publish the names in due course.)

The nominees are residents from a broad range of localities from the Local Government Area – Aberdare, Abermain, Abernethy, Bellbird, Bellbird Heights, Cessnock, Kearsley, Kitchener, North Rothbury, Sawyers Gully and Weston. Their ages range from 11 to 18 years old, and from their nomination form and/or their contribution at the meeting they demonstrate the qualities and interest that would benefit the Cessnock Youth Council.

**OPTIONS**

1. That the information contained in the Report be noted and the nominations accepted.

This is the preferred option.

2. That the information be noted and some or all of the nominations not be accepted.

**CONSULTATION**

The following Council officers were consulted in the preparation of this Report:

Acting Director Works and Infrastructure  
Director Corporate and Community  
CYCOS Co-ordinator

**STRATEGIC LINKS**

**a. Delivery Program**

The establishment of the Cessnock Youth Council (Interim) Committee has links to Council's Community Strategic Plan 2023:

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**Community Services**



- Objective 5.1 Fostering and supporting community leadership
- Objective 5.2 Encouraging more community participation in decision making
- Objective 5.3 Making Council more responsive to the community

It also links to the 2013-2017 Delivery Program and Operational Plan 2013-2014 –

5.1.2.b Investigate opportunities to encourage youth leadership

**b. Other Plans**

The establishment of the Cessnock Youth Council (Interim) Committee has links to Council's Social and Cultural Plan (2009-2014) (Page 82) –

Our youth, our future, through CYCOS, continue to offer support to young people by:

- Offering opportunities that foster personal growth and provide positive outcomes;
- Providing opportunities through the identification of needs and planning of activities and programs.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil.

**b. Financial Implications**

Nil.

**c. Legislative Implications**

Nil.

**d. Risk Implications**

Nil.

**e. Other Implications**

Nil.

**CONCLUSION**

By noting the information in this report and accepting the nominations that have been received, Council will be finalising the establishment of the Cessnock Youth Council (Interim) Committee and enabling it to become fully operational in 2014. The proposal to establish the Committee has been well received by the young people of the Local Government Area, and its presence will provide an effective link for consultation and engagement with the younger population of Council's communities as it continues to develop future services and strategies.

**ENCLOSURES**

- |   |            |
|---|------------|
| <b>1</b> Nominees Profiles - <i>This matter is considered to be confidential under Section 10A(2) (j) of the Local Government Act, as it deals with Council Policy.</i> | 0<br>Pages |
|---|------------|

Providing Quality Services

Report No. QS10/2014

Community Services



**SUBJECT:** *DRAFT DISABILITY INCLUSION BILL 2014*

**RESPONSIBLE OFFICER:** *Community & Cultural Engagement Manager - Simon Eade  
Community Planning Co-Ordinator - Natalie Drage*

### **SUMMARY**

This report seeks to provide Council with information regarding the Draft Disability Inclusion Bill 2014 (the Bill). If the Bill proceeds it will have implications for Council in that Council will be required to develop a Disability Action Plan (DAP).

Council at the present time does not have a DAP. The requirement for a DAP and its subsequent implementation has the ability to effect positive change and increase accessibility within the Local Government Area (LGA) benefitting both residents and visitors.

### **RECOMMENDATION**

**That Council receive the report and note the submission.**

### **BACKGROUND**

In early 2013, the NSW Department of Family and Community Services, Ageing Disability and Home Care undertook a comprehensive review of the Disability Services Act 1993 (NSW) (the Act). As an outcome, the NSW Government, in December 2013, released for public consultation the Draft Disability Inclusion Bill 2014. Submissions on the Bill are currently being sought with the consultation period ending 14 February 2014. The Bill is available for viewing on the Department's website at [http://www.adhc.nsw.gov.au/about\\_us/legislation\\_agreements\\_partnerships/nsw\\_disability\\_services\\_act\\_review](http://www.adhc.nsw.gov.au/about_us/legislation_agreements_partnerships/nsw_disability_services_act_review)

### **REPORT/PROPOSAL**

The Bill foreshadows the introduction of legislation in 2014 that will replace the Disability Services Act 1993 (NSW). The Bill advises the requirement for all local Councils to develop a DAP. Once the Act has been assented to, Councils will need to prepare a DAP in accordance with the prescribed timeframe. The timeframe will be established as part of the regulations which will follow the new legislation.

The process for Councils in developing a DAP includes the requirement for community consultation. Furthermore, the Bill advises that the DAP must:-

- a) specify how the Department or local Council proposes to have regard to the disability principles in its dealings with matters relating to people with a disability, and
- b) include strategies to support people with disability, including, for example, strategies about the following:
  - i. providing access to buildings and facilities,
  - ii. providing access to information,

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- iii. accommodating the specific need of people with disability,
- iv. supporting employment of people with disability
- iv. encouraging and creating opportunities for people with disability to access the full range of services and activities available in the community.

Once developed, the DAP must be publicly available with a copy provided to the Disability Council NSW. Additionally, Council within its Annual Report is required to comment on the progress of the Plan's implementation and provide a copy to the Minister for Disability Services.

Overview of Council's Submission

Given the consultation process for the proposed Bill, Council officers have drafted a submission (**Enclosure 1**). In summary, Council's submission highlights support for the Bill. Opportunities to assist people with a disability to have improved access to facilities, services and information are positive for not only individuals but the entire community.

To ensure a well-designed and effective local DAP however, Council's submission highlights the importance of an appropriate timeframe to research and develop the DAP. For example, a thorough community engagement and consultation process is required and this would include the Plan being placed on public exhibition for at least 28 days. Hence, Council's submission recommends an appropriate timeframe for developing the DAP to be twelve months.

The submission also asks if financial support will be made available to organisations required to develop a DAP. Information sessions for how to develop a DAP (in accordance with the legislation and guidelines) are also encouraged in the submission.

**OPTIONS**

Option 1 - That Council support the Disability Inclusion Bill 2014.

This option is preferred and would require Council to develop a DAP. A DAP would be of considerable benefit to both residents and visitors of the Cessnock LGA.

Option 2 – That Council not support the Disability Inclusion Bill 2014.

This option is not preferred given it would be at the detriment of encouraging and achieving accessibility within the LGA.

**CONSULTATION**

This report has been discussed with:-

- Acting Manager Administration Services
- Integrated Planning and Strategic Property Manager

**STRATEGIC LINKS**

**a. Delivery Program**

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**Community Services**



This report has links to the 2013-2017 Cessnock City Council, Delivery Program in particular Objective 1.1 'Promoting Social Connections'.

If the Bill and associated legislation is to proceed, Council's Operational Plan will include an action to develop a DAP.

**b. Other Plans**

This report has links to the Cessnock LGA Social and Cultural Plan 2009-2014, in particular the action strategy 'Accessible and Equitable Communities'.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

N/A

**b. Financial Implications**

If government funding is not made available for the development of a DAP, Council will be required to allocate its own resources. This could be either a direct financial cost in terms of the appointment of a staff resource or alternatively an existing Council officer absorbing the role. This latter option however could be at the detriment of already scheduled work tasks.

**c. Legislative Implications**

The NSW Draft Government Bill is formally titled 'Disability Inclusion Bill 2014'. The Bill foreshadows the introduction of legislation in 2014 that will replace the Disability Services Act 1993 (NSW).

**d. Risk Implications**

If the Bill proceeds and Council is required to develop a DAP the risk to Council could be budgetary, for example staff resources to develop the DAP along with program money to action its strategies. Actual costs at this stage are not yet known, nor is it known if there will be any external funding opportunities.

**e. Other Implications**

N/A

**CONCLUSION**

The introduction of the Bill is a positive move and will assist people with a disability to have improved access to facilities, services and information. It has benefits for not only individuals but the entire community. It has the ability to make sustainable improvements where change is required.

**ENCLOSURES**

- [1](#) Draft Disability Inclusion Bill 2014 - Submission from Cessnock City Council 1 Page

Providing Quality Services

Report No. QS13/2014

Community Services



**SUBJECT:** *REPORT OF THE ABORIGINAL ADVISORY COMMITTEE MEETING HELD ON 6 DECEMBER 2013*

**RESPONSIBLE OFFICER:** *Community & Cultural Engagement Manager - Simon Eade*

### **RECOMMENDATION**

That Council accept and note the minutes of the meeting of the Aboriginal Advisory Committee meeting held on 6 December 2013.

A meeting of the Cessnock City Council Aboriginal Advisory Committee was held on 6 December 2013 and reports as follows.

### **MINUTES OF THE ABORIGINAL ADVISORY COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON 6 DECEMBER 2013, COMMENCING AT 8.30AM**

**PRESENT:** Councillor Rod Doherty  
Councillor James Ryan (from 9.08am)  
Mr Les Elvin (Community Representative)  
Ms Denise Kelly (Community Representative)  
Ms Susan Mulyk (Community Representative)  
Mr Craig Layer (Community Representative)

**IN ATTENDANCE:** Mr Simon Eade (Cultural & Community Engagement Manager)  
Mr Scott Christie (Strategic Landuse Planner)

**APOLOGIES:** Mr Les Atkinson (Community Representative)

**MINUTES:** **RECOMMENDED** that the Minutes of the Aboriginal Advisory Committee Meeting held on 8 November 2013, as circulated, be taken as read and confirmed as a correct record.

**Moved:** Councillor R Doherty **Seconded:** Mr L Elvin

### **DISCLOSURE OF INTEREST**

1. Nil.

### **BUSINESS ARISING FROM PREVIOUS MINUTES**

4-2013 Reconciliation Australia – possibility of guest speaker

Mr Eade reported that a presentation to the Committee by representatives of Reconciliation Australia has been organised for 10.30am on Friday 14 February 2014.

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The presentation will focus on the process to be undertaken to develop a Reconciliation Action Plan.

- 3-2013 Cessnock LGA Aboriginal Heritage Study – update by Council’s Strategic Landuse Planner, Mr Scott Christie

There was further discussion regarding the Cessnock Local Government Area Aboriginal Heritage Study prepared for Council by Aboriginal & Heritage Management Solutions (AHMS). Copies of the study have previously been provided to Committee members for their consideration, and one submission has been submitted to date. It was noted that the intent of the Study was to provide sensitivity maps regarding Aboriginal heritage, and not to attribute land areas to specific Aboriginal peoples.

Mr Christie encouraged Committee members to provide further feedback and comment on the Study before the February 2014 meeting. It was requested that, if possible, any feedback that challenges content in the study should include supporting evidence, and if this is not possible, the feedback could make recommendations that disputed content be withdrawn.

**RESOLUTION OF COMMITTEE:**

- 1. That community representatives of the Committee review the Cessnock Local Government Area Aboriginal Heritage Study and by 1 February 2014 provide a submission to Council which identifies those areas of content where changes are recommended, and that supporting documentation be provided for any changes other than deletions.***

**MOTION**

**Moved:** Mr C Layer

**Seconded:** Mr L Elvin

**DEFERRED BUSINESS**

- 5-2013 Protocols for Aboriginal participation in Council activities

It was agreed that the development of a Reconciliation Action Plan would include consideration of protocols for Aboriginal participation in Council activities. Therefore, any substantive discussion should be deferred until Council has indicated commitment to the development of a Plan. In the meantime, Committee members agreed to draft points for discussion for the next Committee meeting.

**LISTED MATTERS**

- 6-2013 Appointment of Committee Chairperson for the period January – June 2014

At the Committee meeting held on 19 July 2013, the Committee agreed that the role of Chairperson should be a shared, inclusive responsibility, with the role being rotated amongst the membership. Ms S Mulyk was appointed as Chairperson until the end of 2013. The Committee agreed that the Chairperson for the period January – June 2014 should be Mr C Layer.

**RESOLUTION OF COMMITTEE:**

1. *That Mr C Layer be appointed as Committee Chairperson for the period January – June 2014.*

**MOTION**                      **Moved:**      Ms S Mulyk                      **Seconded:**      Cllr R Doherty

**CORRESPONDENCE**

1. Reconciliation Australia – Email 27/11/13: Confirmation of presentation date and time.

Noted.

**GENERAL BUSINESS**

- 07-2013 Notification from the National Native Title Tribunal of an application for determination of native title covering lands within the broad area generally comprising the Central Coast of NSW, including part of the Cessnock City Council area**

Mr Christie advised that Council had received notification from the National Native Title Tribunal of an application for determination of native title covering lands within the broad area generally comprising the Central Coast of NSW, including part of the Cessnock City Council area. A report was in the agenda for the Council meeting scheduled for 11 December 2013 [EE95/2013] which recommended to Council that it lodge an application with the Federal Court seeking approval to become a party to the application to ensure Council's interests are protected.

It was agreed that an email with a link to the report would be sent to Committee members for their information.

- 08-2013 Reconciliation Australia presentation**

It was agreed that an invitation should be extended to Councillors, Council's General Manager and Leadership Group, and key Council staff to attend the presentation to the Committee by Reconciliation Australia.

**RESOLUTION OF COMMITTEE:**

*That an invitation be extended to Councillors, Council's General Manager and Leadership Group, and key Council staff to attend the presentation to the Committee by Reconciliation Australia.*

**MOTION**                      **Moved:**      Cllr J Ryan                      **Seconded:**      Mr C Layer

- 09-2013 School census**

It was reported that a recent census at one of the local high schools indicated that the student enrolment included 10 percent of the student population identifying as Aboriginal and Torres Strait Islander, which is significantly higher than the

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Community Services

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Cessnock Local Government Area Aboriginal and Torres Strait Islander population of 4.8 percent (2011 Census).

**10-2013 Black Creek Association**

It was reported that at the recent Black Creek Aboriginal Corporation Annual General Meeting, Ms S Mulyk was appointed Chairperson of the Corporation, with Mr L Elvin appointed as Vice Chairperson.

***NEXT MEETING DATE***

The next meeting of the Committee shall be Friday 14 February 2014 at 9.00am (followed by the presentation by Reconciliation Australia representatives at 10.30am).

*The Meeting Was Declared Closed at 10.00 am.*

***ENCLOSURES***

There are no enclosures for this report.

Providing Quality Services

Report No. QS14/2014

Community Services



**SUBJECT:** *SAFETY ROAD INTERSECTIONS UPDATE*

**RESPONSIBLE OFFICER:** *Design Delivery Manager - Katrina Kerr*

### **SUMMARY**

Council resolved at its meeting of 6 February 2013:-

*That:*

1. *Council note the role and responsibility of the Local Traffic Committee;*
2. *Council request the State Member for the Electorate for Cessnock, Mr Clayton Barr MP, to make representations to the State Government for a review of safety at the intersections of Charles Street / Cessnock Road, Abermain, Duffie Drive / Maitland Road, Cessnock and Quarrybylong Street / Aberdare Road, Aberdare.*
3. *Statistics on local fatalities across the Cessnock LGA road network be brought back to Council.*

### **RECOMMENDATION**

1. **That Council note the outcome of representations to the State Government;**
2. **That Council note statistics on fatalities across the Cessnock LGA.**

### **BACKGROUND**

Concerns about safety at the intersections of Charles Street / Cessnock Road, Abermain, Duffie Drive / Maitland Road, Cessnock and Quarrybylong Street / Aberdare Road, Aberdare led Council to request further information and representations to the State Government.

In response, this report provides feedback on representation to the State Government including a meeting and considerations on the three intersections by Roads and Maritime Services (RMS), and statistics on fatalities in the Cessnock LGA.

### **REPORT/PROPOSAL**

**Representations to State Government:** A request to reconsider safety at three intersections was referred to the RMS early in 2013. Following the RMS review of the intersections, the Regional Manager Hunter and Network Safety Manager Hunter met with Council staff to discuss the concerns, statistics and issues. RMS subsequently wrote to Council providing the following advice:

#### Duffie Drive/Maitland Road, Cessnock:

This intersection has a history of right angle crashes and has been nominated in the past few years by both RMS and Cessnock Council under the National Blackspot Program. There have been 25 crashes recorded in Roads and Maritime crash data since mid-2007, 16 of

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which resulted in injuries. All but three of these crashes involved a vehicle right turning out of Duffie Drive.

For the National Blackspot Program, proposals are priority ranked based on cost benefit analysis, which aims to ensure the best overall crash reduction from the program.

An intersection upgrade (to a roundabout or traffic lights) at Duffie Drive/Maitland Road would be a relatively high cost project under this program and the cost benefit has been lower than successful nominations in the past few years.

The local safety concerns at this intersection are appreciated and the RMS intends to further pursue funding under future National and State funded safety programs. In the meantime, RMS will review the speed zone through the intersection.

Charles Street/Cessnock Road, Abermain:

This intersection has a history of eastbound rear end crashes. There have been twelve crashes on the eastbound approach to the intersection since mid-2007, six of which involved injuries. There have also been two crashes involving motorists turning right out of Charles Street, one of which involved injuries.

At the nearby Orange Street intersection, there have been six crashes since mid-2007, one of which involved an injury. Three of these crashes were rear end; one a 'head on'; one involved a pedestrian; and one a motorist turning right out of Orange Street.

RMS has previously investigated traffic lights at these intersections, which has not been a competitive project on cost benefit analysis.

RMS is currently considering line marking adjustments to better allow through eastbound traffic to pass traffic turning right into Charles Street. Any feasible option will be discussed further with Council officers prior to implementation.

RMS will also investigate whether any adjustments can be made to the marked foot crossing near Orange Street to further improve its visibility for eastbound traffic.

Quarrybylong Street/Aberdare Road, Aberdare

This intersection was a successful nomination under the National Blackspot Program and minor safety works were completed in August 2010.

The work involved further traffic calming on Quarrybylong Street near the intersection, and relocation of the stop line so that stopped motorists could better view oncoming traffic.

Between the start of 2007 and August 2010, there were three crashes involving southbound motorists crossing Aberdare Road, one of which involved injuries. Since the minor safety works were undertaken in 2010, there have been no crashes involving this movement.

For all movements at the intersection, there were eight crashes between the start of 2007 and August 2010, three of which resulted in injuries; since August 2010, there has been one tow away crash.

RMS does not propose further work at this intersection.

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**Crash Statistics:** The most recent crash statistics for the Cessnock LGA are shown in (**Enclosure 1**). In the five year reporting period 2008 to 2012, there were a total of 911 casualty crashes, resulting in 1,193 casualties, which included 33 deaths and 1,160 injuries. Speeding was a factor in 245 (26.9%) of these casualty crashes, alcohol was a factor in 72 (7.9%) and fatigue factored in 110 (12.1%) of them. A further 33 (2.8%) casualty crashes involved the non-use of occupant restraints or helmets.

An noteworthy statistic is that motorcyclists are overrepresented in Cessnock LGA road trauma, accounting for 19.8% of casualties and 34.5% of fatalities. This overrepresentation in motorcyclist casualties is approximately twice the State average.

These casualty crash statistics will be used by Design Delivery as a fundamental component in the formulation of a Draft Road Safety Strategy for the LGA, which is currently being prepared.

**OPTIONS**

N/A

**CONSULTATION**

For the preparation of this Report, consultation occurred with the following Council staff:

- Engineering Officer (Traffic Management)
- Roads Safety Officer

For the preparation of this Report, consultation occurred with the following external stakeholders:

- Regional Manager Hunter, RMS
- Network Safety Manager Hunter, RMS
- State Member for Cessnock, Mr. C Barr

**STRATEGIC LINKS**

**a. Delivery Program**

This report links directly to Objective 4.2 – Improving the road network.

**b. Other Plans**

This report links the Draft Road Safety Strategic Plan which is currently being prepared.

**IMPLICATIONS**

**a. Policy and Procedural Implications**

Nil.

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**Community Services**

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**b. Financial Implications**

Nil.

**c. Legislative Implications**

Nil.

**d. Risk Implications**

Nil.

**e. Other Implications**

Nil.

***CONCLUSION***

RMS has reviewed their consideration of the three intersections as requested by Council and provided their approach to each one in their response to Council. Council will continue to work with RMS to ensure these matters are addressed in a timely manner.

The crash statistics for Cessnock will be considered as part of the Draft Road Safety Strategic Plan currently being finalised.

***ENCLOSURES***

- 1** Crash Data Analysis for Cessnock LGA 2008-2012 6 Pages

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Customer Services



**SUBJECT:** *RESOLUTIONS TRACKING REPORT*

**RESPONSIBLE OFFICER:** *Director Corporate and Community - Robert Maginnity  
Corporate Administration Officer - Robyn Larsen*

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**SUMMARY**

The enclosure contains pending actions from previous meetings as well as completed actions for the month of December 2013 and January 2014.

**RECOMMENDATION**

**That Council receive the report and note the information.**

**ENCLOSURES**

- 1 Pending Actions 0 Pages
- 2 Completed Actions for Dec 2013 and Jan 2014 0 Pages



**SUBJECT:** *DOUBTFUL DEBT WRITE-OFFS*

**RESPONSIBLE OFFICER:** *Director Corporate and Community - Robert Maginness*

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**SUMMARY**

The purpose of this report is to seek a Council resolution for the write-off of debts in accordance with Clause 213 of the Local Government (General) Regulation 2005, as the amounts are outside of the General Manager's delegated authority.

**RECOMMENDATION**

1. That Council consider the amounts of \$168,382.96 for sundry debtor 4216/95, \$6,355.20 for sundry debtor 6699/93 and \$81,954.54 for Gamers Motor Auctions to be bad and written off in accordance with Clause 213 (5) (a) of the Local Government (General) Regulation 2005 as the debt is not legally recoverable.
2. That Council consider the amount of \$7,803.10 for sundry debtor 2160/95 to be bad and written off in accordance with Clause 213 (5) (b) of the Local Government (General) Regulation 2005 as a result of a decision of a court.
3. That the write-offs are funded from the provision for doubtful debt where a provision has previously been raised and the doubtful debt expense be charged for the balance.

**BACKGROUND**

Consistent with normal operating procedures and in line with accounting requirements, there is a need for amounts raised within the sundry and rates debtor systems to be reviewed to identify those accounts considered either uncollectible or not financially viable to be collected and for such to be classified as a bad or doubtful debt.

As rates are charges levied against the land these are not generally considered to be bad or doubtful debts as they are able to be recovered either when a property is sold or ultimately through action under Section 713 of the Local Government Act 1993 (sale of land for unpaid rates). However, charges raised through the sundry debtor system are normally applicable to individuals and are more likely to be a bad or doubtful debt.

Clause 213 of the Local Government (General) Regulation 2005 provides the mechanism for a debt to be written off and is reproduced below for Councils' information.

**213 Restrictions on writing off debts to a Council**

- (1) This clause does not apply to amounts owed to a Council for rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances.

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- (2) A Council must from time to time, by resolution, fix an amount above which debts to the council may be written off only by resolution of the Council.
- (3) A debt of or below that amount can be written off either by resolution of the Council or by order in writing of the Council's General Manager. In the absence of a resolution under subclause (2), the Council's debts can be written off only by resolution of the Council.
- (4) A resolution or order writing off a debt to a Council must:
  - (a) specify the name of the person whose debt is being written off, and
  - (b) identify the account concerned, and
  - (c) specify the amount of the debt,or must refer to a record kept by the Council in which those particulars are recorded.
- (5) A debt can be written off under this clause only:
  - (a) if the debt is not lawfully recoverable, or
  - (b) as a result of a decision of a court, or
  - (c) if the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.
- (6) The fact that a debt is written off under this clause does not prevent the Council concerned from taking legal proceedings to recover the debt.

**REPORT/PROPOSAL**

A review of the sundry debtors system and Council general ledger balance sheet accounts has identified a number of accounts where recovery of the debt has not been possible to achieve and it is recommended that the debts be written off in accordance with Clause 213 of the Local Government (General) Regulation 2005.

All sundry debtor accounts received monthly statements and had follow up actions from Council's finance staff, and some of the debts referred to in this report have also had some type of legal recovery action commenced which has not resulted in collection of the debt.

It is proposed to charge the write-offs to the doubtful debt provision, where such a provision has previously been allowed for within Councils accounts and to charge the remaining debt to the doubtful debt expense in the current financial period.

Debts proposed to be written off in accordance with Regulation 213 (5) (a) as the debt is not lawfully recoverable:

- HEZ Pty Ltd – Debtor 4216/95 - \$168,382.96

Accounts incurred for funding of HEZ planning resources in 2008 (up to October). Company in liquidation, formal proofs of debts completed and returned to administrator (McGrath Nichol Corporate Recovery), who has advised that there are no funds available for distribution.

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The debt was provided for as doubtful debt in 2008/09.

- Ox Demolition Pty Ltd – Debtor 6699/93 - \$6,355.20.

Account issued for waste disposal at landfill in May, June & November 2012. Payment arrangement entered into but defaulted on after first payment of \$200 in September 2012. Advice received that owner of company had passed away and notification received that company was placed in liquidation. Council has received advice from the liquidators (tph insolvency) that the finalisation of the Liquidation of the Company has occurred and that there were insufficient funds available to enable a distribution to creditors.

This debt will be charged to the doubtful debt expense in 2013/14.

- Gamers Motor Auctions – \$81,954.54

Funds not received from sales of motor vehicles in 2011/12 when the auction company went into liquidation. Formal proofs of debts completed and returned to administrator (Jirsch Sutherland). No funds are expected to be available for distribution to creditors.

The debt was provided for as doubtful debt in 2011/12.

Debt proposed to be written off in accordance with Regulation 213 (5) (b) as a result of a decision of a court:

- Aviation & Leisure Corporation – Debtor 2160/95 - \$7,803.10

Accounts issued for incurred expenses in airport management operations from November 2008 to April 2009. Matter considered as part of the Expert Determination regarding Cessnock Airport, with outcome that the debt is not legally recoverable under the determination. A subsequent Council resolution was passed to not pursue further action in regards to the Determination.

The debt was provided for as a doubtful debt in 2012/13.

**OPTIONS**

Council could continue carrying the debt within its accounts, however it is unlikely that the amounts will be paid or in some cases recoverable for the reasons outlined in the report.

**CONSULTATION**

Finance Staff  
Integrated Planning & Strategic Property Manager

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**STRATEGIC LINKS**

**a. Delivery Program**

This report aligns with the community's desired outcome of *Civic Leadership and Effective Governance* and, in particular, the strategic direction that Council's processes are consistent and transparent.

**b. Other Plans**

Nil

**IMPLICATIONS**

**a. Policy and Procedural Implications**

There is no policy or procedural implications relevant to this report. The amount for write-off exceeds the level of delegation to the General Manager, so a Council resolution is required to process the proposed write-offs.

**b. Financial Implications**

The majority of the debts have previously been recognised in Council's accounts as income and in a majority of cases a doubtful debt has also been provided for. The write-off will be charged to this provision, with little impact on Council's current operating budget.

**c. Legislative Implications**

Clause 213 of the Local Government (General) Regulation 2005 provides the mechanism for a debt to be written off.

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

**CONCLUSION**

The debts proposed to be written off in accordance with the provisions of Clause 213 of the Local Government (General) Regulation 2005 have very little chance of being recovered or are not legally recoverable. Any further action would involve further expense being incurred which is also unlikely to be recovered.

A review of bad and doubtful debts is in accordance with the normal accounting practices.

**ENCLOSURES**

There are no enclosures for this report

Professional Management and Leadership

Report No. PM8/2014

General Manager's Unit



**SUBJECT:** 2014 LGMA NATIONAL CONGRESS

**AUTHOR:** General Manager - Stephen Glen

**SUMMARY**

The purpose of this report is to enable Council to determine delegate/s, if any, for the 2014 Local Government Managers Australia (LGMA) National Congress and Business Expo, to be held in Melbourne from 30 April 2014 to 2 May 2014.

**RECOMMENDATION**

**That Council determine attendee/s for the 2014 LGMA National Congress.**

**BACKGROUND**

Upon review of past Council Business papers, it would appear that a report has been provided to Councillors each year seeking determination of delegates to attend the annual LGMA National Congress and Business Expo.

In addition, professional development for Councillors has been identified as a deliverable in the 2013/14 Operational Plan.

**REPORT**

The 2014 LGMA National Congress will be held in Melbourne from 30 April, 2014 to 2 May 2014. This year's conference is titled "Productive Communities". The Congress will explore the concepts, leading practice and impacts of productivity, and what it might look like for Councils. Keynote speakers will include: Nicholas Gruen, Economist; Jane-Frances Kelly, The Grattan Institute; Professor Roy Green, Dean UTS Business School; and Professor Gary Banks, Dean and CEO ANZSOG. A copy of the conference flyer is attached (**Enclosure 1**).

It has been well understood and accepted for many years now that the three key components for fostering a climate of economic growth are population, participation and productivity. There are also a number of drivers that contribute to such growth including, but not limited to, tertiary education, technology and innovation. This Congress offers participants key insights into productivity and how it can be optimised for the benefit of local communities. With exponential population growth on the horizon for the City of Cessnock and the broader Hunter region, Councillors may benefit from a greater understanding and awareness of productivity in the context of Local Government.

It is estimated that the total cost per delegate will be approx. \$4,500. This includes airfares, accommodation, congress registration, transfers and meals.

Requests to attend the 2014 LGMA Congress have been received to date from the Mayor. In accordance with *Councillors Expenses and Facilities Policy* a Council resolution is required to approve interstate conferences and related travel expenditure.

Councillors are requested to determine delegates for the 2014 LGMA Congress.

Professional Management and Leadership

Report No. PM8/2014

General Manager's Unit



**CONSULTATION**

Nil

**STRATEGIC LINKS**

**a. Delivery Program**

Professional development for Councillors is linked to Civic Leadership and Effective Governance.

**b. Other Plans**

n/a

**STATUTORY IMPLICATIONS**

**a. Policy and Procedural Implications**

Application for attendance at the 2014 LGMA National Congress and Business Expo is in accordance with *Councillors Expenses and Facilities Policy*.

**b. Financial Implications**

Funding is provided for within the 2013/2014 budget to cover the required amount of approximately \$4,500 per Councillor. However, such expenditure will impact on other training requests for this financial year.

**c. Legislative Implications**

Nil

**d. Risk Implications**

Nil

**e. Other Implications**

Nil

**CONCLUSION**

This report is submitted for Council's determination as to delegates, if any, for the 2014 LGMA Congress and Business Expo.

**ENCLOSURES**

- [1](#) LGMA National Congress and Business Expo 0 Pages

Notices Of Motion

Report No. BN1/2014

General Manager's Unit



***NOTICES OF MOTION No. BN1/2014***

**SUBJECT:** ***WORKS MANAGEMENT PLAN FOR KERB AND GUTTERING AND ASSOCIATED DRAINAGE THROUGHOUT THE LGA***

**COUNCILLOR:** ***Rod Doherty***

***MOTION***

**That Council staff provide a report to Council on the implications of developing an integrated Kerb and Gutter Strategy that will allow future developments to be planned around an adopted strategy document.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 February 2014.

**RATIONALE**

Council is receiving numerous requests from Mum and Dad investors for deletion of conditions of consent in DA's related to kerb and guttering of individual properties when the remainder of the street is not programmed for full kerb and guttering.

It would be fair of Council to request a monetary contribution to kerb and guttering of a property owner if the street was programmed to be completely kerb and guttered within a six month period.

If no plans are in place for programmed works of this nature, then I believe it is unfair and unreasonable for a ratepayer to be forced to complete the works design and construction at their full expense.

A plan would give each person lodging a DA a reasonable explanation of timing and expectation of costs.

It would also give the planners a road map to discuss with the proponent their obligations before lodgment of the DA.

The majority of the Cessnock outer towns and villages have little kerb and guttering and limited plans, if any, for kerb and guttering into the future, yet they are more than 100 years old.

Sgd: Rod Doherty

Date: 22 January 2014

***ENCLOSURES***

There are no enclosures for this report

Notices Of Motion

Report No. BN2/2014

General Manager's Unit



***NOTICES OF MOTION No. BN2/2014***

**SUBJECT:** *ENGAGEMENT OF CONSULTANTS*

**COUNCILLOR:** *Bryce Gibson*

***MOTION***

**That delegated authority be granted to the General Manager to determine all expenditure in relation to the engagement of consultants in accordance with Council's Procurement Policy.**

It is my intention to move the above motion at the next Ordinary Meeting of Council on 5 February 2014.

**RATIONALE**

Council resolved on 12 December 2012 that "the engagement of consultants for any purpose at a cost above \$10,000 will only occur after the consent of the elected Council with a report attached for approval with a least two different consultants to choose from".

There once was a time where this type of micromanagement of Council may have been required, however that time I believe has passed and currently is causing unneeded work to be completed. The redeployment of this currently wasted time could be better spent on more productive ventures.

Sgd: Bryce Gibson

Date: 23 January 2014

***ENCLOSURES***

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ2/2014

Community Services



**SUBJECT:** *26 NORTHCOTE STREET, KURRI KURRI*

**RESPONSIBLE OFFICER:** *Acting Recreational Services Manager - Paul Burton*

**Q362/2013 – 26 Northcote Street, Kurri Kurri**

Asked by Councillor Maybury at the Ordinary Meeting of Council held on 6 November 2013.

*Councillor Maybury advised of a large tree at 26 Northcote Street, Kurri, which Council have inspected and advised that it is a healthy tree, and the fact that the owners have an additional \$2,000 excess on their insurance if any part of the tree should do any damage and asked if Council could investigate the issue?*

*The General Manager asked Councillor Maybury if he could supply a copy of the insurance policy for Council to consider?*

The tree at 26 Northcote Street, Kurri Kurri is identified as a mature Spotted Gum (*Corymbia maculata*) and stands at an estimated 20 metres in height with a spread of 14 metres. The building insurance policy for 26 Northcote Street, Kurri Kurri has a special condition that states 'a special excess of \$2000 applies to all claims resulting from a Tall Tree causing damage to the premises at the insured address'. The rationale for this special condition is based on the tree's proximity to the house which is approximately eight (8) metres.

Council has investigated the matter as per the request and it is not recommended to subsidise the \$2000 special excess charge as it may obligate Council to enter into negotiations with the resident should the value or conditions of their insurance policy change. Adopting responsibility for the excess may also obligate Council to take on similar liability for other residences.

Council has discussed this with the resident and is working with them to determine whether a permit could be issued for its removal under the current Tree Preservation Policy.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ3/2014

Community Services



**SUBJECT:** *LIST OF UNAVAILABLE FACILITIES*

**RESPONSIBLE OFFICER:** *Recreation & Community Facilities Co-Ordinator - Nathan Eveleigh*

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**Q367/2014 – List of unavailable facilities**

Asked by Councillor Stapleford at the Ordinary Meeting of Council held on 11 December 2013.

*“Councillor Stapleford thanked staff for the list of facilities that are available for public use and asked for a list of those facilities that are not available to the public?”*

In accordance with Section 53 of the Local Government Act 1993, Council is required to keep a register of all land vested in, or under its control. The only community facility currently not in active use by a community or commercial entity under a lease or license agreement is the former Cessnock Pensioner's Hall located in North Avenue, Cessnock. The Cessnock Pensioners Association relocated to the Cessnock Performing Arts Centre when it was constructed in 2009.

There is a long-standing Council resolution that the former Cessnock Pensioner's Hall be reclassified and sold, with proceeds from the sale of the facility to be used in the ongoing maintenance and upgrade of the Cessnock Performing Arts Centre.

The reclassification of land can only commence once a Plan of Management for the land has been adopted. A generic Plan of Management for community facilities is currently being drafted which will include all community facilities that are not currently covered by a Plan of Management. The generic Plan of Management is scheduled for adoption in mid 2014.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ4/2014

Built & Natural Environment

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**SUBJECT:** *RESPONSIBILITY FOR ORPHANED WASTE DUMP - HYDRO ALUMINIUM*

**RESPONSIBLE OFFICER:** *Health & Building Manager - Colin Davis*

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**Q365/2014 – Orphaned Waste Dump – Hydro Property**

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 11 December 2013

*“What Council’s responsibility is in regard to the orphaned waste dump at the Hydro property?”*

Council has limited responsibility in regard to the orphaned waste dump on the Hydro property.

Hydro Aluminium Kurri Kurri Pty Ltd is subject to an Environment Protection License issued by the NSW EPA. The NSW EPA are the Appropriate Regulatory Authority for the site and are responsible for ensuring compliance with all conditions within the Environment Protection License including storage of hazardous or restricted solid waste.

This means any complaints or potential license breaches brought to Council’s attention will need to be referred to the NSW EPA for investigation and action.

**ENCLOSURES**

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ5/2014

Built & Natural Environment

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**SUBJECT:** *HERITAGE LISTING AND MAPS*

**RESPONSIBLE OFFICER:** *Coordinator Strategic Landuse Planning - Bo Moshage*

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Asked by Councillor Hawkins at the Ordinary Meeting of Council held on 22 January 2014.

*Councillor Hawkins asked for an update on why the removal of some properties off the Heritage Listing is not reflected on the Heritage maps?*

Since the notification of the Cessnock Local Environmental Plan 2011 on 23 December 2011, a number of mapping discrepancies and anomalies, as well as inconsistencies between the heritage schedules and maps have been identified.

These mapping errors occurred through the inaccurate translation of Council's then (draft) Local Environmental Plan maps to the final Local Environmental Plan maps by the Department of Planning and Infrastructure. Following a comprehensive mapping review, these matters are being corrected through the Planning Proposal process.

**ENCLOSURES**

There are no enclosures for this report