



13 March 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, 19 March 2014 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

(1) **OPENING PRAYER**

(2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

(3) **RECEIPT OF APOLOGIES**

Apologies received from:
Councillor Graham Smith

(4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Ordinary Meeting of Council held on 5 March 2014

(5) **DISCLOSURES OF INTEREST**

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(6) **ADDRESS BY INVITED SPEAKERS**

The following people have been invited to address the meeting of Council:

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Mr Jason Masters		PM26/2014 - Audit Committee - Address to Council by the Chair	74	15 mins
Mr Stephen Leathley	Insite Planning	ED1/2014 - Report on the Economic Development Strategy Final Draft	40	7 mins

(7) **MAYORAL MINUTES**

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(16)	COUNCILLORS' REPORTS		



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. DI5/2014

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Acting Governance and Business Services Manager - Kim Appleby*

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.

Mayoral Minute

Report No. MM2/2014

General Manager's Unit



MAYORAL MINUTE No. MM2/2014

SUBJECT: REQUEST FOR DONATION - KURI KURRI SPEEDWAY CLUB

RECOMMENDATION

That Council consider the provision of a perpetual Mayor's Cup trophy to Kurri Kurri Speedway Club Inc.

REPORT/PROPOSAL

Correspondence has been received from Kurri Kurri Speedway Club Inc. requesting the donation of a perpetual trophy for senior speedway solos. It is proposed that the new event will be the highlight of the 2014 Club Championships, to be officially launched on 22 March 2014.

The Club has specifically requested that the new senior event be titled the "Mayor's Cup".

It should be noted that in previous years Council provided donations under Policy F12.14 "Donations", which set out the assessment criteria, funding objectives and annual funding limits applicable. In the 2009/10 financial year, Councillors elected to discontinue the funding allocation associated with this policy and therefore no funding provisions have been made under this policy since.

Council receives a number of requests for donations from various individuals and community groups on a regular basis. Those individuals and organisations have been advised that whilst the donation requests may have merit and may be eligible for financial support under the policy, regrettably there is currently no budget allocation to meet this need.

Although Kurri Kurri Speedway Club are not requesting a financial donation, as such; there will still be a cost to purchase and engrave the requested trophy.

There are sufficient funds in the Mayor's Office donations/subscriptions budget.

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU5/2014

Corporate and Community Services



SUBJECT: *MOTIONS OF URGENCY*

RESPONSIBLE OFFICER: *Acting Governance and Business Services Manager - Kim Appleby*

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: *FEASIBILITY - PLANNING PROPOSAL - ECHIDNA CLOSE, BELLBIRD*

RESPONSIBLE OFFICER: *Strategic Landuse Planning Manager - Martin Johnson*

SUMMARY

The purpose of this report is to provide a preliminary assessment on the feasibility of a Council initiated Planning Proposal to increase the minimum lot size in the Echidna Close, Bellbird Precinct, from 2000m² to 4000m². The report also makes a recommendation as to an appropriate course of action for the future progression of this matter.

RECOMMENDATION

That Council consider a Planning Proposal to amend the minimum lot size for the land known as the “Echidna Close Bellbird Precinct” after the completion of the comprehensive review of the City Wide Settlement Strategy (2010).

BACKGROUND

On 17 July 2013, Council refused a Development Application (DA) for a two (2) lot subdivision (comprising lots of 1867m² and 2191m²) at 3 Echidna Close, Bellbird. As part of the resolution, Council directed staff to investigate the feasibility of a planning proposal to increase the minimum lot size in the Echidna Close, Bellbird Precinct, from 2000m² to 4000m².

REPORT/PROPOSAL

The Echidna Close rural residential precinct includes a total of fifty (50) privately owned residential blocks and four (4) Council owned lots set aside for drainage purposes. The precinct is zoned R5 Rural Residential under the Cessnock Local Environmental Plan 2011 and all lots have access to electricity, telephone, water and are serviced by on site sewerage. The precinct is characterised by large single storey dwellings and outbuildings predominantly constructed within the last ten (10) years. There is only one vacant lot left within the precinct. The current minimum lot size in the precinct is 2,000m² under the Cessnock Local Environmental Plan 2011. The average lot size within the precinct is 4,200m².

Land to the south, east and west of the precinct is zoned RU2 Rural Landscape and has a minimum lot size of 40ha. Land further to the east towards Cessnock is zoned R2 Low Density Residential with a minimum lot size of 450m². Land to the north is zoned RU4 Primary Production Small Lots with a minimum lot size of 40ha.

Relationship to the Strategic Framework

Under the Gateway process, any planning proposal to amend the minimum lot size needs to be assessed against the strategic planning framework prior to approval from Planning and Infrastructure.

Our Natural, Developed and Cultural Environment

Report No. EE59/2014

Planning and Environment



- The Lower Hunter Regional Strategy proposes that any future rezoning proposal for rural-residential development, beyond areas already available or identified, should be consistent with the Sustainability Criteria (contained in Appendix 1 of the Strategy) and consistent with an endorsed local Council Strategy.
- The City Wide Settlement Strategy (2010) recommends minimum lot sizes of 2,000m² if reticulated systems can be provided (Chapter 7 Rural - Residential Land). The Strategy states that reducing the minimum lot size for subdivision (and providing for increased development yield) is appropriate where full reticulated systems can be provided, where there is demand for such lots and where the proposal is considered to provide a more efficient use of existing zoned land, infrastructure and services.

Existing Subdivision Potential

Council staff have undertaken a preliminary desktop review of the precinct in order to ascertain how many of the existing lots can be subdivided into two (2) 2,000m² lots under the current provisions of the Cessnock LEP 2011. The majority of lots within the precinct are over 4,000m² which would infer that there is still subdivision potential within the precinct. Although on-site physical investigation revealed that approximately ten (10) lots have potential for future subdivision, there are a number of practical constraints to subdivision occurring.

A locality plan is provided as **(Enclosure 1)**.

Constraints of Subdivision

- Each lot within the precinct is serviced with pressure sewer systems. These systems are different to the traditional gravity sewer systems and are an economical and environmentally friendly way of collecting, transporting and disposing of wastewater. The sewage is discharged to an on-property pumping station. The pumping station then discharges through a small pipeline into Hunter Water's sewerage system.
- The existing location of some buildings creates physical restriction for further subdivision as access cannot be provided to any potential newly created allotments to the rear.
- Given that all the lots are serviced by pressure sewerage systems, subdivision would require additional space to relocate many existing systems. In the case of battle axe allotments, the access handle cannot be included in the calculations in accordance with to clause 4.1(4B) of the Cessnock LEP 2011. This provides constraints to future development as all this is required to happen within the confines of the lot.
- Cessnock Development Control Plan 2010 requires a minimum frontage of 20 meters, a width to depth ratio of 1:4 and for some lots, asset protection zones from the Rural Fire Service. If subdivision created battle-axe allotments this provision is unlikely to be complied with.
- In addition, the refusal of the DA at 3 Echidna Close has set a clear precedent and any further subdivision in the area is likely to receive considerable public objection.

Discussion

The DA lodged to subdivide the land at 3 Echidna Close highlights that there remains some subdivision potential in the precinct. The refusal of this DA highlighted considerable public objection to future subdivision. There are also a wide range of technical constraints to the future subdivision in the area.

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Should Council resolve to maintain existing minimum lot sizes of 2000m², this is sending a clear message that Council supports the potential for future subdivision in the area. As land development becomes more viable, Council may receive increased pressure to consider and approve DAs for subdivision. Refusal of these applications may be difficult to argue.

From a practical point of view, and in the interests of the public, it is considered optimal to amend the minimum lot size of the Echidna Road precinct to 4,000m² to formally preclude any future subdivision in the area. However, a planning proposal to undertake such amendments will be inconsistent with the existing strategic documentation. Should Council submit a Planning Proposal to Planning and Infrastructure to increase the minimum lot size to 4,000m², Council will need to justify inconsistency with both the City Wide Settlement Strategy (2010) and the Lower Hunter Regional Strategy. It is unlikely that any justification could be argued at this stage however, Council staff will be reviewing the existing framework, including the City Wide Settlement Strategy (2010) in the 2014/15 period. Following completion of that review, there is likely to be justification to pursue a planning proposal to amend the minimum lot sizes within the Echidna Close Precinct.

OPTIONS

1. Maintain existing minimum lot sizes of 2000m². This is sending a clear message that Council is open for the potential of future subdivision in the area.
2. Prepare a planning proposal to increase the minimum lot sizes in the Echidna Close, Bellbird Precinct to 4000m². Provide justification against the existing strategic framework and submit this to Department of Planning and Infrastructure in accordance with the Guide to Preparing Local Environmental Plan.
3. Defer lodging a planning proposal with Department of Planning and Infrastructure until a review of the City Wide Settlement Strategy has been undertaken. This will enable a thorough review of all potential issues to be undertaken and provide the necessary strategic justification for amendment to the Cessnock Local Environmental Plan 2011. This option is preferred and recommended to Council.

CONSULTATION

Nil.

STRATEGIC LINKS

a. Delivery Program

A review of the City Wide Settlement Strategy (2010) to identify future development areas, settlement patterns and conservation outcomes is scheduled to commence in 2014. In order to support and inform changes to the City Wide Settlement Strategy, a number of City Wide Strategic studies need to be undertaken, namely the Rural Lands Study (which will address the minimum lot size), Residential Strategy and Employment Lands Strategy. These studies are programed to commence subject to Council endorsement.

Our Natural, Developed and Cultural Environment

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b. Other Plans

City Wide Settlement Strategy

The City Wide Settlement Strategy (2010) recognises that fully serviced residential 'lifestyle' lots are reflective of current demand for larger residential holdings. Principles in the Strategy encourage efficient use of existing rural-residential zoned land, infrastructure and services and a direction towards more sustainable communities. Strategic land capability analysis supporting the Strategy identifies the land at Echidna Close as being suitable for higher density residential development. The Strategy recommends that the minimum lot size for subdivision should be reduced where full reticulated systems are provided. This is to achieve an increasing development yield and represent a more efficient use of existing zoned land, infrastructure and services. Until the City Wide Settlement Strategy is reviewed and any amendments are adopted, the Strategy is Cessnock City Council's current strategic direction for the City.

State Environmental Planning Policies

The Planning Proposal would also need to be consistent with relevant State Environmental Planning Policies and Section 117 Ministerial Directions.

IMPLICATIONS

a. Policy and Procedural Implications

The City Wide Settlement Strategy (2010) incorporates the outcomes and actions arising from the twenty five (25) year timeframe of the Lower Hunter Regional Strategy.

Opportunities for Council to review the City Wide Settlement Strategy are available every five (5) years in accordance with legislative requirements for review of the Local Environmental Plan subject to adequate Council resourcing.

A review of the City Wide Settlement Strategy to identify future development areas, settlement patterns and conservation outcomes is scheduled to commence in 2014.

b. Financial Implications

The cost of this project is funded from Council's Land Use Planning budget. The Cessnock LEP 2011 will, however, continue to require strategic planning and mapping resources.

c. Legislative Implications

This report has regard to the provisions of the Environmental Planning & Assessment Act (1979) and its Regulations.

d. Risk Implications

N/A.

Our Natural, Developed and Cultural Environment

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Planning and Environment



e. Other Implications

Nil.

CONCLUSION

The preliminary assessment of the feasibility of a Planning Proposal to increase the minimum lot size in the Echidna Close, Bellbird Precinct from 2000m² to 4000m² revealed that subject to servicing, infrastructure, and individual lot configuration, there remains some further future subdivision potential in the precinct. However, this potential is limited in the short to medium term due to existing on-site constraints.

In order to gain the support of Department of Planning and Infrastructure to amend the minimum lot size, Council will need to justify the inconsistency with the strategic documentation. This will require Council to review and amend the current City Wide Settlement Strategy (2010) to enable relevant issues (eg. servicing, infrastructure and lot size etc) to be investigated and the strategic justification to be established. Until such time as this strategic review has been undertaken and completed, it would be recommended that any consideration to amending the lot size within the Echidna Close precinct be deferred.

ENCLOSURES

- [1](#) Locality Plan 1 Page
- [2](#) Aerial Location Plan 1 Page

Providing Quality Services

Report No. QS23/2014

Planning and Environment



SUBJECT: *REPORT OF THE CESSNOCK CITY COUNCIL
ENVIRONMENTAL MANAGEMENT AND STRATEGY
COMMITTEE MEETING HELD ON 12 FEBRUARY 2014*

RESPONSIBLE OFFICER: *Principal Natural Environment Planner - Ian Turnbull*

RECOMMENDATION

1. That Council receive and note the minutes of the Environmental Strategy and Management Committee Meeting held on 12 February 2014.
2. That Council request the NSW Government provide refined CSG exclusion area and buffer zone mapping around residential and future growth areas at a scale that is interpretable by the community.
3. That Council staff consider options for appropriate mapping to be presented to the next Committee meeting should refined CSG Exclusion area and buffer zone mapping not be available from the NSW Government.
4. That Council notes the Committee's support for the public exhibition of the Draft Biodiversity Strategy.
5. That Council staff provide a proposed State of Environment Report framework to the Committee by August 2014.

A meeting of the Cessnock City Council Environmental Strategy and Management Committee was held on 12 February 2014 and reports as follows:

***MINUTES OF THE ENVIRONMENTAL STRATEGY & MANAGEMENT
COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD ON 12
FEBRUARY 2014, COMMENCING AT 3.30pm***

PRESENT: Mayor Bob Pynsent (Chair)
Steve Meadows
Bernice Brown
Grant Pateman
John Goswell (from 3.50pm)
Kelly Moylan
Mae Miles

IN ATTENDANCE: Mr Gareth Curtis (A/General Manager)
Mr Ian Turnbull (Principal Natural Environment Planner)

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Planning and Environment



APOLOGIES: Margaret Roberts
Councillor Rod Doherty
Councillor James Ryan
Mr Michael Alexander (Manager Waste & Environment)
Ms Nicole Benson (A/ Director Works & Infrastructure)

RESOLVED that the apologies received be accepted.

MINUTES: **RESOLVED** that the draft Minutes of the Environmental Strategy & Management Committee Meeting held on 11 September 2013, as circulated, be taken as read and confirmed as a correct record.

Moved: Bernice Brown, Seconded: Mae Miles

DISCLOSURE OF INTEREST

1. Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

02-2013 Coal Seam Gas Forum / Mining SEPP Amendments

The Committee received an update on the proposed Coal Seam Gas Forum and the recently gazetted amendments to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP). Maps of Coal Seam Gas exclusion areas and buffer zones as produced by the NSW Government were tabled.

MOTION **Moved:** Mae Mills **Seconded:** Kelly Moylan

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL'S CONSIDERATION

- 1) That it request the NSW Government provide refined CSG exclusion area and buffer zone mapping around residential and future growth areas at a scale that is interpretable by the community.
- 2) That if this mapping is not available, staff consider options for appropriate mapping to be presented to the next Committee meeting.

03-2013 Biodiversity Strategy

MOTION **Moved:** Steve Meadows **Seconded:** John Goswell

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL'S CONSIDERATION that Council notes the Committee's support for the public exhibition of the Draft Biodiversity Strategy.

DEFERRED BUSINESS

Nil

LISTED MATTERS

2014-01 Council Restructure

Acting General Manager, Mr G Curtis outlined the new organisational structure to the Committee and advised the most up to date chart is available on Council's internet.

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: Nil

2014-02 Draft Waste Strategy Update

Mr Meadows advised the Committee that he had undertaken a review of the draft strategy and expressed concerns regarding the focus on domestic waste as opposed to commercial and industrial and the financial implications of this.

RESOLUTION OF COMMITTEE: The Committee noted his concerns.

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: Nil

2014-04 Meeting Schedule 2014

RESOLUTION OF COMMITTEE: The Committee determined to meet at 10am on the 2nd Wednesday of April, June August and October in 2014 subject to availability of majority of members.

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: Nil

2014-05 Regional Biodiversity Prospectus Project

RESOLUTION OF COMMITTEE: To receive a presentation on the project and invite Councillors.

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: Nil

CORRESPONDENCE

Nil

GENERAL BUSINESS

2014-06 State of Environment Report (SoE)

The Committee discussed the changes to SoE reporting requirements under the Integrated Planning and Reporting Framework.

RESOLUTION OF COMMITTEE: Nil

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: That Council staff provide proposed framework to the Committee by August 2014.

2014-07 Cycleways

The Committee discussed the relationship between ecotourism and cycleways within the LGA. The Richmond Vale Rail Trail cycleway was recognised as an example of this and the Committee was advised of the project status. The Committee expressed an interest & support of cycleways within the LGA and recognised the linkages between ecotourism, a car dependent economy and the health benefits of cycling.

RESOLUTION OF COMMITTEE: Staff to advise status of CCC Cycleway Strategy.

RECOMMENDATION FOR COUNCIL'S CONSIDERATION: Nil

2014-08 Bird ID for Birdwatchers

John Goswell spoke to the Committee about a project he was interested in similar to one occurring at Barraba where site within Travelling Stock Routes (TSR) are selected for bird identification signs for visitors to utilise. Seeking project support "in principle". John will come back to the Committee with further information.

The Meeting Was Declared Closed at 4.50pm

Providing Quality Services

Report No. QS24/2014

Works and Infrastructure



SUBJECT: *KLING STREET, WESTON - BLACK BEAN TREE*

RESPONSIBLE OFFICER: *Recreation Services Manager - Nicole Benson*

SUMMARY

At its Ordinary Meeting of 23 October 2013, Council resolved (Notice of Motion BN22/2013) that a report be presented to Council in regard to the impact of the removal of the Black Bean (*Castanospermum australe*) tree situated in front of 36 Kline Street, Weston.

RECOMMENDATION

That Council receive and note the information within the report.

BACKGROUND

In 2013, Council staff were requested to remove the seed pods produced by a Black Bean tree in Kline Street, Weston as they were proving to be a hazard for local residents. In response to the request, Council officers arranged to have the seed pods removed twice a week (Mondays and Fridays) during the period after flowering. This information was conveyed to Councillors in a memo dated 16 September 2013. Removal or trimming of the tree was not considered necessary at the time as the tree was assessed as being a healthy specimen.

At the Council meeting of 18 September 2013, Council officers were asked (Q332/2013, Q337/2013 and Q342/2013) if the tree could be removed and/or access be improved. A subsequent response indicated that removal of the tree was not permissible under Council's Tree Preservation Policy and access could be improved and maintained through regular removal of the seed pods.

REPORT/PROPOSAL

Black Bean trees are a hardy species that are suited to a wide range of conditions throughout Australia. Following flowering in March to May, large cylindrical pods measuring approximately 12 to 20 centimetres in length and four to six centimetres in width are produced from these trees. These pods split in two, revealing three (3) to five (5) large bean like seeds. Whilst the Black Bean tree is not a local native, it is native to Australia.

The subject Black Bean tree is approximately nine metres in height with a spread of approximately five metres. In 2013, Council removed the seed pods twice a week for 10 weeks during the period immediately after flowering at a cost of approximately \$1700.

Removal of the tree would result in the following impacts:

Negative

- Loss of passive cooling on adjacent residences during warmer seasons;
- Loss of native vegetation;

Providing Quality Services

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Works and Infrastructure



- Loss of habitat;
- Reduced streetscape amenity;
- Financial costs associated with removal and disposal of the tree; and
- Inconsistency with Council's adopted Trees and Vegetation Management Guidelines.

Positive

- Reduced risk of damage to property caused by falling/throwing seed pods;
- Improved access for pedestrians;
- Improved solar exposure to adjacent residences during cooler months; and
- Cost saving through eliminating the requirement for ongoing clearing of seed pods.

OPTIONS

Two options are available for Council to consider and they are as follows:-

Option 1: Remove the Black Bean tree

Removal of the tree would be inconsistent with Council's Trees and Vegetation Management Guidelines (former Tree Preservation Order).

Option 2: Preserve the Black Bean tree and remove seed pods

Preservation of the tree will require ongoing removal the seed pods.

CONSULTATION

In preparing this report the following Council staff have been consulted;

- Acting Recreation Services Manager
- Open Space Operations Coordinator
- Ecologist
- Natural Environment Planning Manager
- Insurance Officer

STRATEGIC LINKS

a. Delivery Program

Nil

b. Other Plans

Cessnock Development Control Plan 2010 – Part C, Chapter 7 Trees & Vegetation Management.

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Works and Infrastructure



IMPLICATIONS

a. Policy and Procedural Implications

Under Council's Trees and Vegetation Management Guidelines, the Black Bean tree cannot be damaged, lopped or removed without the approval of Council. This Approval may be via Development Consent or the granting of a permit in accordance with Clause 5.10 (3) of Cessnock Local Environment Plan 2011.

When considering an application, falling leaves, flowers, fruit or twigs are not be considered sufficient justification to remove a tree in accordance with the Guidelines.

b. Financial Implications

The financial implications of each of the proposed options are outlined below.

Option 1: Remove the Black Bean tree

The approximate cost of removing the tree and stump would be \$1,100 (excluding application and processing costs). Should the tree be replaced with a suitable species an additional \$1,500 would be required.

Option 2: Preserve the Black Bean tree and remove seed pods

The current practice which involves removing the seed pods twice a week for 10 weeks during the period immediately after flowering costs approximately \$1700.

The approximate cost of removing the seed pods on an annual basis, before dropping, would be \$1,300. This cost includes hiring an elevated work platform and implementing traffic control.

c. Legislative Implications

Nil

d. Risk Implications

There is no reasonable conclusion that Council would be held liable for any damage caused by the falling seed pods. The seed pods are a naturally occurring event and it is up to members of the public to take due care when walking, riding or driving within the vicinity of the tree.

The costs associated with ongoing maintenance of a juvenile tree, in the event that the tree is replaced, are currently unquantifiable. Juvenile trees are vulnerable to damage from vandalism and severe weather events and any re-occurring instances of either of these may cause unjustifiable costs to Council in maintenance and damage prevention.

Removing the tree would be inconsistent with Council's adopted Trees and Vegetation Management Guidelines.

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Works and Infrastructure



e. Other Implications

The main concerns of the local residents are access, vandalism and the damage the pods and seeds could cause if they are thrown at people and/or property. These risks can be mitigated through effective maintenance protocols.

CONCLUSION

The Black Bean tree in front of 36 Kline Street, Weston is considered to be a good specimen, healthy and of a low risk with regard to failure. The benefits of trees are widely accepted and Council's guidelines encourage the preservation of established trees where possible. Preservation of the subject tree would ensure Council operates within its own guidelines.

ENCLOSURES

There are no enclosures for this report

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Works and Infrastructure



SUBJECT: *REPORT OF THE CESSNOCK CITY COUNCIL LOCAL TRAFFIC COMMITTEE MEETING HELD ON 17 FEBRUARY 2014*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr*

RECOMMENDATION

That Council endorse the report recommendations of the Cessnock City Local Traffic Committee meeting held on 17 February 2014.

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COMMUNITY MEETING ROOM ON MONDAY 17 FEBRUARY 2014, COMMENCING AT 9.35AM

PRESENT: Councillor J Maybury (Acting Chairperson)
Mr C Barr (State Member for Cessnock)
Senior Constable M Bernard (NSW Police Force - Central Hunter LAC)
Mr M Morrison (RMS)

IN ATTENDANCE: Mr J Carey (Engineering Officer (Traffic Management))
Mr W Jeffrey (Road Safety Officer)
Mrs K Kerr (Design Delivery Manager)
Mr M Kerr (Rover Coaches)
Ms M Nikolaidis (Strategic Traffic & Transport Planning Engineer)

APOLOGIES: Councillor J Hawkins

CONFIRMATION OF MINUTES

That the minutes of the Local Traffic Committee meeting held on 16 December 2013 were previously confirmed by members in attendance as being true and correct.

DISCLOSURE OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

1. Greta Street, Aberdare – Pavement Markings

The State Member for Cessnock enquired about the status of RMS investigations regarding the configuration of the Colliery Street intersection and was advised by RMS that the re-marking of a short section of the double unbroken (BB) centreline marking had been inadvertently omitted, which gave motorists the impression that the State road followed the

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Colliery Street road reserve alignment rather than curving left into Greta Street. RMS advised that the BB markings are to be remarked as soon as possible.

The State Member also asked if the previous “Give Way” sign in Colliery Street could be re-instated and was advised by RMS that instead, a proposal to formally re-align the intersection using pavement markings, to indicate the path of the State road has been developed and will be implemented in the near future.

This proposal will identify the Colliery Street (South) approach as the minor leg of the intersection and will be controlled by a “Give Way” sign and markings. The advance warning ‘T’ sign on the eastern approach will be replaced to show a curve with the minor leg (Colliery Street south) intersecting.

LISTED MATTERS

SUBJECT: *HEDDON STREET, KURRI KURRI - PROPOSED LOAD LIMIT*

REPORT NO.: *TC1/2014*

REFERENCE: *CRM 392/2014*

DETAILS:

The following points were discussed:

- The proposed 8 tonne load limit would allow garbage trucks to use the roads.
- School and service buses are permitted to use the roads as they have a legitimate destination within the load limited area, including bus stops and Stanford Merthyr Infants School.
- A proposed bus route amendment, expected in April 2014, to link Stanford Merthyr to Kurri Kurri and Maitland.

MOTION **Moved:** Barr **Seconded:** Bernard

RECOMMENDATION FOR COUNCIL’S CONSIDERATION

An eight (8) tonne Gross Vehicle Mass Load Limit restriction be applied to the following roads in Kurri Kurri and Stanford Merthyr:

- Wickham Street between Maitland Road and Seaham Street;
- Seaham Street between Maitland Road and Colliery Street;
- Colliery Street between Seaham Street and Heddon Street; and
- Heddon Street between Colliery Street and Lang Street.

CARRIED UNANIMOUSLY

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SUBJECT: *LANG STREET, KURRI KURRI - TEMPORARY ROAD CLOSURES FOR "KURRI KURRI NOSTALGIA FESTIVAL 2014"*

REPORT NO.: *TC2/2014*

REFERENCE: *CRM 24636/2013*

DETAILS:

The following point was discussed:

- The Traffic Management Plan and Traffic Control Plan were recently revised and deemed satisfactory for the event.

MOTION **Moved:** Maybury **Seconded:** Barr

RECOMMENDATION FOR COUNCIL'S CONSIDERATION

Temporary road closures surrounding Rotary Park, Kurri Kurri be approved for the proposed "Kurri Kurri Nostalgia Festival 2014", in accordance with Council's Conditions of Development Consent, the revised Traffic Management Plan, the revised Traffic Control Plans and for the following dates:

Saturday 29 March 2014 - 7.00 a.m. to 4.00 p.m.

- Lang Street – Hampden Street to Kurri Kurri Community Centre.

Sunday 30 March 2014 - 7.00 a.m. to 4.00 p.m.

- Lang Street – Mitchell Avenue to 100m west of Allworth Street;
- Allworth Street – Laneway at rear of "Jakes Chicken", 50m south of Lang Street to Laneway at rear of Coles, 50m north of Lang Street;
- Hampden Street – 50m south of Barton Street to Bruncker Street; and
- Barton Street – Hampden Street to Allworth Street.

CARRIED UNANIMOUSLY

SUBJECT: *BARTON STREET, KURRI KURRI - LOADING ZONE*

REPORT NO.: *TC3/2014*

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REFERENCE: *CRM 23571/2013*

DETAILS:

The following point was discussed:

- The location of the proposed loading zone is near the Kurri Kurri Post Office and not near the Kurri Kurri Community Centre.

MOTION **Moved:** Barr **Seconded:** Morrison

RECOMMENDATION FOR COUNCIL'S CONSIDERATION

A one (1) space "Loading Zone" be installed at the western end of the existing "90 Degree Rear to Kerb" parking area in Barton Street, Kurri Kurri, located immediately east of the existing parking space for people with disabilities.

CARRIED UNANIMOUSLY

SUBJECT: *MOUNT VIEW ROAD, CESSNOCK - PROPOSED TRAFFIC CALMING*

REPORT NO.: *TC4/2014*

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2. Broke Road, Pokolbin – All Weather Sealed Bus Parking Area

The Rover Coaches representative raised concerns about the recent DA approval for events at Tempus Two, however there is no provision for a formal sealed wet weather bus parking area within the site. The Committee was advised that Tempus Two propose to allow bus parking adjacent to grapevines, however the surface is not suitable during wet weather and the concern is that the use of the Broke Road road shoulder as an alternate location to the site will significantly impact on Broke Road.

NSW Police has not been requested to assist by providing officers by the 'user pays' method.

Approximately 9,800 tickets had already been sold, yet a suitable all weather bus parking area had not yet been confirmed. It was advised that Council had not reviewed the proposed Traffic Management Plan/Traffic Control Plan for the events and that this would be followed up with the relevant DA case manager and Rover Coaches would be advised of the outcome.

3. Wickham Street, Stanford Merthyr – Traffic Calming

Council's Engineering Officer (Traffic Management) tabled a Concept Design for the provision of improved traffic management facilities at various roads surrounding Stanford Merthyr Infants School. The proposal includes:

- A permanent road closure in Wickham Street at Seaham Street;
- Intersection pavement widening in Seaham Street at Maitland Street;
- Removal of the existing "Give Way" priority controls at the Seaham Street/Wickham Street intersection;
- Fencing of the Council reserve opposite the school; and
- Centreline linemarking.

Council's Road Safety Officer advised that the Principal of Stanford Merthyr Infants School was supportive of the proposal and requested that angle parking be provided on the Seaham Street frontage.

The Rover Coaches representative advised that as part of a recent bus route review, that it was proposed to use Wickham Street however indicated that the diversion of the proposed route via the Maitland Street/Seaham Street intersection could be negotiated.

The Committee was advised that the closing date for comments on the proposal was 19 February 2014 and all submissions would be considered at the next Local Traffic Committee meeting on 17 March 2014.

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4. Church Street, Cessnock – Traffic Calming

Council's Engineering Officer (Traffic Management) a concept plan showing the completion of Church Street traffic calming from Moore Street to Jurd Street and in Jurd Street from Jurd Street to Allandale Road.

The proposal includes:

- Centreline and edgeline linemarking;
- Lane dividers at the Church Street/Jurd Street intersection to act as traffic medians;
- "Stop" sign in Jurd Street; and
- Signposting, including intersection advance warning and speed zone reminder signs with pavement numerals.

The Committee was advised that parking restrictions are not proposed and that there would be no loss of parking across residential frontages.

The Committee was advised that the proposal is currently under public consultation, with the closing date for submissions being 19 February 2014, that all relevant stakeholders have been invited to comment and that the proposal would be considered for approval at the next Traffic Committee meeting on 17 March 2013.

5. Maitland Road, Cessnock – Road Works

Councillor Maybury enquired if the works currently under construction on Cessnock Road will include a right turn lane into Long Street. Councillor Maybury also advised that the provision of a "No Right Turn" restriction had been approved several years ago.

An enquiry is to be forwarded to Council's Works Delivery Section.

Councillor Maybury then enquired if the temporary speed limit signage erected for the works was appropriate over the Christmas period as there was no work occurring on site for many weeks. The RMS representative advised that the signs were enforceable and that the Traffic Control Plan for the site may have required reduced speed conditions due to reduced shoulder widths etc.

6. Buchanan Road, Buchanan – Load Limit and Road Classification

Councillor Maybury enquired if a load limit could be applied to Buchanan Road as a measure to reduce the volumes of vehicles expected on the road upon the opening of the Hunter Expressway. A load limit could be applied if the condition of the pavement and other infrastructure warranted the action.

Secondly, Councillor Maybury enquired if the roads classification was being elevated from a local road to a higher class. Council's Strategic Traffic & Transport Planning Engineer indicated that the matter would be followed up and that Councillor Maybury would be advised.

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CORRESPONDENCE TABLED AT THE MEETING

1. Mulbring Street, Kearsley – Traffic Bypassing School Zone

Council's Engineering Officer (Traffic Management) tabled an email from RMS indicating that traffic has been using Mulbring Street as a 'rat-run' around Kearsley Public School in the morning periods to avoid the school zone pedestrian crossing, in Caledonia Street.

The RMS representative advised that the site had been inspected: the request from Kearsley Kitchens (to reverse the priority at the Mulbring Street/Tomalpin Street intersection) was not supported and that the placement of a traffic counter would assist, to determine the volumes of traffic using these roads during the morning periods.

The Meeting Was Declared Closed at 10:20am

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Report No. QS26/2014

Works and Infrastructure



SUBJECT: *CESSNOCK CITY COUNCIL ROAD SAFETY STRATEGIC PLAN 2014 - 2018*

RESPONSIBLE OFFICER: *Design Delivery Manager - Katrina Kerr*

SUMMARY

The purpose of this report is to seek Council's endorsement for the public exhibition of the Draft Cessnock City Council Road Safety Strategic Plan 2014–2018.

RECOMMENDATION

- 1. That Council note the content of the Draft Cessnock City Council Road Safety Strategic Plan 2014–2018**
- 2. That Council approve exhibition of the Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 for public and stakeholder comment.**

BACKGROUND

Local Councils are uniquely positioned to plan, implement, and deliver road safety projects applicable to their communities.

As a participant in the NSW Local Government Road Safety Program (LGRSP), Cessnock City Council, in partnership with Transport for NSW (TfNSW) and Roads and Maritime Services (RMS), aims to reduce the likelihood of road deaths and injuries in its local community.

Council's role in the LGRSP is to prepare a Local Road Safety Three Year Action Plan, develop and deliver local road safety projects, submit road safety project applications for grant funding, demonstrate financial and in-kind contributions to projects, and to evaluate and report on all road safety officer projects and activities. In order to fulfill this obligation, a Road Safety Officer (RSO) was appointed to Council's Design Delivery Section in August 2013.

Council's RSO has recently reviewed and updated Council's Road Safety Strategic Plan to include new A.B.S Census and road safety crash data, as the existing Plan was developed using LGA demographic data derived from the A.B.S. Census 1991 and road safety crash data analysis relating to crash statistics from the 1990s. National and State Road Safety Strategies have also evolved considerably in the intervening period. Similarly, road trauma trends and essential strategic responses have also been transformed under the influence of ever-changing trends and technological advances occurring during that period.

A revised strategic plan, based on existing demographic information and crash data analysis from the period 2008 to 2012, has now been drafted for Council's consideration.

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REPORT/PROPOSAL

The Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 embraces the Safe System approach to road safety, as adopted in the *National Road Safety Strategy 2011-2020* and the *NSW Road Safety Strategy 2012-2021*. The objectives of the draft Plan are to:

- Establish clear road safety goals for Council and the community;
- Strive towards a reduction in road trauma and associated social and monetary costs to Council and the local community;
- Enhance community awareness and ownership of road safety issues to encourage a voluntary compliance with traffic laws amongst all road users;
- Continue to highlight road safety as a priority within Council design, development and delivery processes;
- Improve Council's capacity to take advantage of Commonwealth and State road safety funding programs.

The public exhibition of the draft Plan will form part of a broader community engagement process, which aims to demonstrate the means by which road safety is integrated into the mainstream business of Council. It will also provide an opportunity for public and stakeholder comment. During the public exhibition period the draft Plan will be available for viewing at the following locations:

- Cessnock City Council public libraries,
- Council's Administration Building
- Cessnock City Council web site,

The draft Plan will also be sent directly to key stakeholders, including Council's Workplace Health and Safety Officer, Works Delivery staff, RMS, NSW Police, NRMA, NSW Motor Cycle Council, and other peak motoring groups.

Comments will be received by mail, email, phone, Facebook, twitter and via comment forms. All feedback will be considered and incorporated into the final Plan.

The final Plan will be the foundation document for the development of a Local Road Safety Three Year Action Plan, which will provide the framework for the development and implementation of linked road safety projects. These projects will be based on the internationally adopted Safe System approach to road safety.

OPTIONS

1. Approve exhibition of the Draft Plan.

This will convey Council's commitment to road safety to the community and outline the means by which this will be achieved and provide the opportunity for community and stakeholder input at the planning stage.

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2. Request amendments to the Draft Plan.

The current draft Plan embraces the Safe System approach and accords with both the State and National road safety strategies currently in force; it is unlikely that a re-draft under the same criteria would produce a materially different replacement document.

3. Continue without an updated Plan.

This option would limit Council's participation in the LGRSP as the existing road safety strategic plan is out dated. The value of having a contemporary structured framework would be lost. Local responses to road safety issues would likely be ad-hoc as well as being difficult to evaluate and report on. Capacity to take advantage of Commonwealth and State road safety grants would most likely be compromised.

CONSULTATION

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

- Design Delivery Manager,
- Engineering Officer (Traffic Management),
- Chair of the Access Advisory Committee,
- Community Planning Coordinator,
- Youth Services Coordinator, and
- Communication Coordinator

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

- Hunter Region Office of RMS,
- Maitland City Council's Road Safety Officer,
- Local Traffic Committee.

Key internal stakeholders to be invited to comment on the Strategy include Council's Workplace Health and Safety Officer and Works Delivery staff.

Key external stakeholders to be invited to comment include RMS, NSW Police, NRMA, NSW Motor Cycle Council, and other peak motoring groups. Comments and feedback, received by mail, email, phone, Facebook, twitter and via comment forms, will be considered and incorporated in the final Plan.

STRATEGIC LINKS

a. Delivery Program

The Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 is directly linked to Council's 2013-2017 Delivery Program: specifically:

Objective 1.3 - Promoting Safe Communities.

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b. Other Plans

The Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 is linked to the strategic directions of the Cessnock 2023 Community Strategic Plan and specifically:

- Objective 1.3 Promoting Safe Communities,
- Objective 4.1 Better transport links,
- Objective 4.2 Improving the road network,
- Objective 5.2 Encouraging more community participation in decision making,
- Objective 5.3 Making Council more responsive to the community.

IMPLICATIONS

a. Policy and Procedural Implications

The development, coordination, and implementation of a Council Road Safety Strategic Plan is prescribed by the Second Deed of Variation, RMS/Council Road Safety Officer Program Funding Agreement (clause 5.8) which was executed by Council on 18 April 2013.

b. Financial Implications

The costs associated with exhibiting the Draft Cessnock City Council Road Safety Strategic Plan will be funded from existing operational budgets.

c. Legislative Implications

Implementation of a Road Safety Strategic Plan, which is intrinsically linked to the Delivery Program, would assist Council in complying with its obligations under section 404 of the *Local Government Act 1993*, which mandates that Council have a Delivery Program detailing the principal activities to be undertaken by the council to implement the strategies established by the Community Strategic Plan.

Similarly, implementation of a Road Safety Strategic Plan has implications for Council when exercising its functions under the *Roads Act 1993* as a "roads authority", as prescribed by Section 7 of the Act.

d. Risk Implications

Failure to exhibit the Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 will negate the community engagement process, and deny Council the opportunity of demonstrating to the community the means by which road safety is integrated into its mainstream business and preclude the opportunity for public comment on such an important area of public safety.

e. Other Implications

Exhibition of the Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 will raise the profile of road safety objectives within Council and amongst the broader community.

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CONCLUSION

Council has recently re-committed to participating in the latest phase of the LGRSP, which adopts the Safe System approach, striving towards safer people, safer roads, safer speeds and safer vehicles and equipment. The participation agreement for the LGRSP mandates that Council implement a road safety strategic plan.

It is recommended that the Draft Cessnock City Council Road Safety Strategic Plan 2014-2018 be placed on public exhibition for a period of 28 days

ENCLOSURES

There are no enclosures for this report

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Report No. QS27/2014

Works and Infrastructure



SUBJECT: *CESSNOCK WASTE MANAGEMENT STRATEGY*
RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*

SUMMARY

At its meeting of 9 October 2013, Council resolved to:

1. *Place the draft Waste Management Strategy on public exhibition for a minimum of 28 days.*
2. *That a further report outlining any public submissions received be prepared for Council's consideration following the exhibition period.*

The purpose of this report is to advise Council of the submissions received and to seek adoption of the Cessnock Waste Management Strategy 2014 – 2019 (the Strategy).

RECOMMENDATION

That Council adopt the Cessnock Waste Management Strategy 2014 - 2019.

BACKGROUND

At its meeting of 4 July 2012 (Report QS/49/2012) Council resolved:

“To undertake a comprehensive review of the Waste Strategy that:

- *is appropriate for our community*
- *informs and educates our community*
- *is financially robust*
- *meets legislative requirements*
- *delivers on commitments to other strategies and plans*

As part of the comprehensive review Council prioritise investigations into reducing the green waste stream (approx. 20 percent of total) and the organic waste stream (approximately 20 percent of total) from entering our landfill. An interim report is to be presented to Council within 3 months i.e. by the end of October 2012 outlining any achievable options for reducing the extent of these waste streams going to landfill in the current financial year.”

Consultants Mike Ritchie & Associates were engaged to assist Council in the preparation of the Strategy via report PM 24/2013 adopted by Council at its meeting of 20 March 2013.

REPORT/PROPOSAL

After extensive research and consultation, the Strategy has been completed and is provided as **(Enclosure 1)** to this report. The Strategy is supported by the Review Report for Cessnock Waste Management Strategy **(Enclosure 2)**. The Review Report provides the foundation for developing the Strategy and summarises the characteristics of the Cessnock

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region and current waste services and infrastructure to illustrate the Cessnock context that forms the foundation for recommendations to be developed. The National and State waste trends are also detailed, in order to present the parameters within which Cessnock's Strategy must operate.

The Strategy builds upon the investigation, research and initiatives already undertaken that include:

- Technology based processing of mixed waste via the Hunter Integrated Resource (HIR) waste project with Lake Macquarie, Maitland and Newcastle Councils which was abandoned in 2009.
- Expansion of the landfill facility via the Environmental Impact Study (EIS) and development approval process.
- Trials conducted and contractual arrangements entered to recover landfill gas.
- Expanded resource capture through kerbside collection of dry recyclables and drop off options for electronic and household items.

Given the significant changes in the operating environment since the last review of the Waste Strategy in 2010, the new Strategy will reflect the changes and substantial shift from an operational focus to include:-

- The significant financial investment and management responsibilities.
- Change in focus and service delivery.
- The legislative environment and associated costs.
- Build on the achievements already made.
- Identify gaps, opportunities and long term sustainable practices.

Contributing to the direction of the Strategy is the NSW Governments *Waste and Resource Recovery Act 2001* and subsequent Waste and Sustainability Improvement Program and its recent successor, the Waste Less Recycle More Program. These programs may provide Council with a funding opportunity, derived from the waste levy, in return for the delivery of prescribed outcomes or standards.

Considerable knowledge and data has been collected by Council in relation to the existing waste stream and areas that have the potential to make significant contribution to reducing the volume of waste to landfill, including:

- Kerbside audit of both waste and recycling bins.
- Comprehensive analysis of audit data.
- Community survey relating to service satisfaction and focus.
- Input into the specification for the next kerbside recycling contract.
- Secured approval for landfill expansion.
- Inclusion of transfer facility in expansion proposal.
- Arrangements for landfill gas management.
- Numerous "free" drop off facilities on site.

Whilst the progress and achievements to date are commendable, the Strategy and a comprehensive Implementation Plan have been developed in such detail that allows the achievements to be built upon and deliver greater diversion from landfill.

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The Strategy encompasses objectives and actions for issues that extend beyond kerbside and business-generated waste management, to include waste generation, education and illegal waste flows. The Strategy will provide a sustainable and least cost waste service to the people of Cessnock, whilst complying with environmental, legislative and safety obligations as well as encouraging waste minimisation.

OPTIONS

Option 1

Adopt the Strategy

Option 2

Not adopt the Strategy and continue to introduce actions as required. This is not recommended and may expose Council to issues such as an ever increasing waste levy and carbon pricing; non acceptance by the community; and continued consumption of landfill space.

CONSULTATION

The public exhibition of the Draft Waste Management Strategy commenced on 21 October 2013 and concluded on 19 November 2013. All submissions received until 12am on 19 November 2013 were considered in the feedback process and development of the Strategy. Section 8 of the Strategy summarises the consultation methods and outcomes and the Implementation Plan was amended where appropriate to include feedback and suggestions from stakeholders. It is important to note that the feedback did not alter the draft Strategy and provided further reinforcement and support to the direction Council is proposing.

The following methods of communication and consultation were employed:

- Community workshops;
- Online surveys;
- Written Surveys;
- Leaflets (delivered to every household in LGA via Aust Post)
- Mayoral Column; and
- Press Release to advertise the strategy and consultation.

The draft Strategy was also exhibited via:

- The Council website www.cessnock.nsw.gov.au
- The Administration Centre
- Local print media
- Local radio 2CHR
- Cessnock and Kurri Kurri library

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Table 1: Breakdown of the various types of submission/consultations

Medium	Responses
Online Survey Submissions	200
Written Survey Submissions	31
Other Written Submissions (Including letter, email and Facebook)	8
Workshop Attendance: Cessnock	9
Of which stayed for presentation	(6)
Workshop Attendance: Kurri Kurri	30
Of which stayed for presentation	(25)
Total Participants	278

Table 2: Summary of feedback and Implementation Plan amendments.

Consultation Comment	Inclusion/Amendment in Strategies and Implementation Plan
Proceed with the introduction of a garden organics collection service and subsequent transfer to a food and garden organics collection service.	Already action in the table edited to: <ul style="list-style-type: none"> • Introduce a garden organics (GO) then food organics and garden organics (FOGO) collection service, to reduce the amount of organic material being landfilled.
Consider an investigation into bulky waste vouchers not being passed on to tenants from landlords.	New action and 2 sub-actions: <ul style="list-style-type: none"> • Review the system of Bulky Waste Collection <ul style="list-style-type: none"> ○ Review the use of vouchers, particularly with regard to whether vouchers are being received by tenants in rental properties. ○ Consider a user pays bulky waste collection with a local contractor for the elderly or those without adequate transport to the landfill.
Consider a user pays bulky waste collection with a local contractor for the elderly or those without adequate transport to the landfill.	
Initiate an Illegal Dumping Campaign using the hot-spot data collected as part of this project.	New sub-action: <ul style="list-style-type: none"> • Initiate an Illegal Dumping Campaign using the hot-spot data collected as part of this project
Consider a littering campaign investigating hot spots and drivers in the region using a proven litter-rating tool and mobile apps.	New sub-action: <ul style="list-style-type: none"> • Develop and implement a littering campaign investigating hot spots and drivers in the region using a proven litter-rating tool and mobile apps.

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Consultation Comment	Inclusion/Amendment in Strategies and Implementation Plan
Consider an extension to the re-use centre at CWRC, using Australian best practice methodologies, possibly in cooperation charity services.	New sub-action: <ul style="list-style-type: none"> • Consider extending the re-use centre at CWRC, possibly in conjunction with charity services.
Explore opportunities for grant funding under the NSW Government's Waste Less Recycle More Initiative, in order to upgrade and improve waste management facilities and services.	Already action in the table edited to: <ul style="list-style-type: none"> • Investigate options for funding of waste management under the NSW Government's Waste Less Recycle More Initiative, for example, the provision of public place litterbins.

In addition the following internal consultation was undertaken:

- Group Leader Community Services
- Communications Coordinator
- Internal Staff Workshop 8 May 2013
- Councillor Workshop 8 May 2013
- Presentation to Environment Committee 11 September 2013
- Presentation to Tidy Town Groups AGM 17 September 2013
- Councillor Briefing 25 September 2013

STRATEGIC LINKS

a. Delivery Program

This report links to objective 3.3 of the 2013 – 2017 Delivery Program which is Better Waste Management and Recycling, more specifically objective 3.3.1 which is to commence implementation of the priority projects from the revised Waste Management Strategy.

b. Other Plans

Cessnock Waste Strategy 2010
 NSW Government Waste Less, Recycle More Initiative 2013
 National Waste Policy 2009 – Less Waste, More Resources

IMPLICATIONS

a. Policy and Procedural Implications

The Strategy will inform and guide future waste management policy, procedure and practice.

b. Financial Implications

There are no immediate financial implications created by adoption of the Strategy. Future projects or programs will be the subject of separate reports for Council's determination.

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c. Legislative Implications

The Waste Avoidance and Resource Recovery Act 2007, establishes the NSW Waste Strategy and diversion targets.

d. Risk Implications

If the Strategy is not adopted, the results will be reflected through:

- Continued increase in cost via the NSW Waste Levy.
- Continued cost via Federal Government Carbon Pricing Scheme.
- Non acceptance by the community.
- Continued consumption of landfill space.

e. Other Implications

Nil

CONCLUSION

It is clear that the current waste generation rates and disposal practice is unsustainable. Previous and recent audits of the domestic waste stream, provides clear evidence of materials that can be easily targeted to deliver significant reductions in waste to landfill and operating costs.

ENCLOSURES

- [1](#) Waste Management Strategy 2014-19 52 Pages
- [2](#) Waste Strategy Review Report 102 Pages

Employment and Sustainable Development Opportunities

Report No. ED1/2014

General Manager's Unit



SUBJECT: *REPORT ON THE ECONOMIC DEVELOPMENT STRATEGY
FINAL DRAFT*

RESPONSIBLE OFFICER: *Economic Development Manager - Jane Holdsworth*

SUMMARY

Report on the feedback from the public exhibition in November 2013 of the draft Cessnock Local Government Area Economic Development Strategy (Strategy).

RECOMMENDATION

1. That Council adopt the Cessnock LGA Economic Development Strategy with the amendments outlined in this report.
2. That Council undertake and complete actions and tasks as outlined in this report.

BACKGROUND

Consistent with the Cessnock Community Strategic Plan 2023 and the community's desired outcome of a sustainable and prosperous community, Council sought to develop an Economic Development Strategy in order to improve the economic wellbeing and prosperity of Cessnock LGA.

The objectives of the Strategy are to:

- Support creation of local long term and stable employment opportunities
- Enable and encourage diverse and long term appropriate investment in our economy (built, environment, human)
- Attract business, government and industry to establish or expand locally to mitigate reliance on dominant industries
- Promote ongoing investment in a skilled workforce
- Strengthen the local economy and improve resilience through recognising the need to enhance Cessnock local government area's amenity, image and quality of life
- Develop mutually beneficial cooperative partnerships across the community
- Respond and adapt appropriately to changes within our economy and recognise future opportunities

In November 2013 the Strategy was placed on public exhibition. Five (5) submissions were received.

REPORT/PROPOSAL

Council received five (5) submissions following the exhibition of the Strategy in November 2013.

Employment and Sustainable Development Opportunities

Report No. ED1/2014

General Manager's Unit



In summary the key issues were:

1. LGA social and employment issues, including the trend by local businesses to employ and procure from outside of the LGA.
2. EDS appears to under-represent the impact of tourism on the local economy, in particular on employment
3. Need more engaged and helpful attitude within Council
4. Social procurement
5. Public amenity in Cessnock CBD
6. There is no recognition of NSW Review of Local Government
7. Promotion of tourism and tourism goals
8. Seeking Council support for major sporting facility in the Vineyards area to promote sports tourism, with possible funding from Section 94 contributions
9. Little mention of golf tourism
10. Acknowledgement of Vineyards Vision
11. Address secondary tourism
12. Strategy alignment
13. Concerts and events - limited understanding
14. EDS has a negative impact on the brand positioning for the region
15. Comments in the EDS limiting events
16. Transport and infrastructure needs to support tourism in the LGA
17. Council needs to review the operation and potential development/expansion of Cessnock Airport to drive tourism
18. Tourism gateway – needs improvement
19. Expansion and Growth of the Tourism Industry – development of the vineyards area
20. EDS to include a recommendation to amend LEP 2011 (entertainment and recreation facilities – permitted uses)
21. Recommendation in the EDS that Council liaise with Dept of Planning & Infrastructure for reintroduction of permissibility for tourism related shops on RU4 zone
22. EDS include a strategy to review S.94 for tourist developments

A list of the issues, responses and actions are attached as **(Enclosure 1)**.

OPTIONS

Option 1

Adopt the draft Cessnock LGA Economic Development Strategy as exhibited.

Not recommended.

Option 2

- a. Adopt the Cessnock LGA Economic Development Strategy with the amendments as outlined in this report.
- b. Undertake and complete actions and tasks as outlined in this report.

Recommended

Employment and Sustainable Development Opportunities

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General Manager's Unit



CONSULTATION

Many individuals, groups and organisations from within and external to the Cessnock LGA were consulted during the development of the draft Economic Development Strategy. Extensive consultation was undertaken including seven community workshops (Cessnock, Kurri Kurri, Branxton, Lovedale, Pokolbin, Ellalong and Wollombi); workshops with the Cessnock Chamber of Commerce, Employment and Training Service Providers and businesses involved in the creative and cultural industries; interviews with Government Agencies, Economic Development Managers from adjoining LGAs, local and regional business and industry organisations and a range of local business operators; and business and community surveys.

STRATEGIC LINKS

a. Delivery Program

This report aligns with the community's desired outcome of A Sustainable and Prosperous Economy – in particular, Objective 2.1 diversifying local business options; 2.2 achieving more sustainable employment opportunities; 2.3 increasing tourism opportunities and visitation in the area.

b. Other Plans

Cessnock City Council documents:-

- Cessnock Community Strategic Plan 2023
- Economic Development Framework, 2008
- CBD Masterplan
- Places, Spaces and Faces – Social and Cultural Plan 2009 – 2014
- Recreation and Open Space Strategic Plan
- Sustainable Cessnock CBD Business and Marketing Plan
- City Wide Settlement Strategy 2010

A wide range of references to other plans and studies utilised can be found in Appendix 7 of the draft Economic Development Strategy.

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Projects and programs to be delivered in the 2014/2015 year to commence implementation of the EDS have been included in the 2014/2015 Economic Development Unit budget.

c. Legislative Implications

N/A

Employment and Sustainable Development Opportunities

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d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The draft Economic Development Strategy provides clear direction and resulting opportunities to positively influence the sustainability, economic wellbeing and prosperity of the Cessnock LGA. It enables the Council to strategically lead the economic growth, stimulation and strengthening of local businesses and the attraction of investment that will create and maintain a conducive business and social environment.

Ultimately, the Strategy will promote economic development, jobs and creating a community for Cessnock LGA where people wish to live, work, invest and enjoy.

ENCLOSURES

- [1](#) Response to Submissions 5 Pages
- [2](#) Changes to Strategy Document 5 Pages



SUBJECT: *REVISED CODE OF MEETING PRACTICE*

AUTHOR: *Acting Governance and Business Services Manager - Kim Appleby*

SUMMARY

The draft Code of Meeting Practice was exhibited in accordance with Council's resolution of 22 January 2014. Two (2) submissions were received during the exhibition period. Details of the submissions are included in this report.

Subsequently, the draft Code, as amended, is provided (**Enclosure 1**) for Council's consideration and adoption.

RECOMMENDATION

1. Council adopt the Draft Code of Meeting Practice with the amendments as in the report.
2. That the changes to the Code of Meeting Practice commence at the first Ordinary Meeting of Council in May after the community has been notified of the approved changes.

BACKGROUND

At its Meeting of 22 January 2014, Council resolved:

1. *That Council receive and note the report.*
2. *That Council determine englobo voting will be incorporated into the draft Code of Meeting Practice for all reports.*
3. *That Council place the draft Code of Meeting Practice on public exhibition for 28 days, and receive a further report back on 19 March 2014 following the exhibition period.*

The draft revised Code was publicly exhibited from 29 January 2014 to 26 February 2014, with a submission period to 12 March 2014, in accordance with Section 361 of the Local Government Act 1993.

REPORT

Submissions

During the exhibition period, two (2) submissions were received.

The first submission focussed on *Section 7.8 - Addressing Council*, with the following issues raised:

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Corporate and Community Services



Issue:

1. *remove “subject to the approval of the General Manager”, as it can create a perception that some speakers can be muzzled and some topics can be prevented from being brought into the open at the discretion of the General Manager.*

Comment

Having a vetting process does not gag members of the public from speaking, but rather provides some discretion in ensuring that speakers address the agenda item specifically.

However, as there could be a perception that Council is not fostering an open and transparent stakeholder engagement process, the words “subject to the approval of the General Manager” have been replaced with “subject to the approval of Council”.

The revised draft Code, as attached, has included this amendment.

Issue:

2. *Permit members of the public to address Council on any Council-related matter not listed on the agenda.*

Comment:

Currently, Council does not provide for an “open forum” prior to the commencement of a Council meeting. Council could determine to enable this type of community engagement at any time without requiring the Code to be amended.

If this was proposed, a protocol would be developed to facilitate such engagement.

Issue:

3. *Specify the number of speakers allowed to speak at a meeting.*

Comment:

The current provisions within the draft Code enable discretion to be used by the Chairperson (Mayor) if there are too many speakers on any given agenda item, and the time required for each speaker could unduly prolong the meeting.

There may be occasions where there is significant public interest in a matter and to restrict the ability to address Council would be an impost on procedural fairness and natural justice.

There are no changes to the draft code.

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Issue:

4. *extend speaking time for members of the public to five (5) minutes.*

Comment:

The draft Code provides for a limit of three (3) minutes, with an option for extension, if required. This provision is considered sufficient for matters before Council.

The second submission related to the prayer. The submission noted the following:

Issue:

1. *“As Christian residents of the City of Cessnock, we strongly support the retention of an opening prayer at all Council meetings”.* The rationale provided references to Australia and the City of Cessnock being predominantly Christian, and that the opening of assemblies of government (Federal, State, or Local) with prayer to that effect remains the appropriate public acknowledgement of such dependence.

Comment:

Whilst the Census 2011 does reflect Cessnock as a predominantly Christian local government area, the number of non religious persons experienced the greatest change from the previous Census (+2,673) compared to Christians and non Christians. This trend was also reflected nationally.

Current Position

Arising from the exhibition period, some document housekeeping has been undertaken to correct typing errors. This has been of a minor nature.

The exhibited document incorporated the Council Prayer.

Opening a Council Meeting with a prayer is discretionary and subject to the will of the Council. Councillors can simply choose not to open the meeting with a prayer, without excluding the prayer itself from the Code.

If Council wishes to exclude the prayer from the Code, it is recommended that the document will require re-exhibition.

CONSULTATION

Consultation was held with Councillors, the General Manager and Directors at a Briefing Session on Wednesday, 13 November 2013.

The current consultation underway by the Office of Local Government in relation to the Independent Local Government Review Panel and Local Government Acts Taskforce includes recommendations for the implementation of a Model Code of Meeting Practice to mitigate differing practices across NSW Councils. Should this occur, the revised draft Code, as attached, will become obsolete.

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STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 5.3 of the Operational Plan “Making Council more responsive to the community” by improving the efficiency and transparency of Council processes.

b. Other Plans

Not applicable.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

The revision of Council’s Code of Meeting Practice was undertaken as part of the broader Council Policies review in 2013.

b. Financial Implications

Nil

c. Legislative Implications

The revision of the *Code of Meeting Practice* is consistent with Sections 360-363 of the Local Government Act 1993.

d. Risk Implications

NA

e. Other Implications

NA

OPTIONS

1. Council adopt the draft *Code of Meeting Practice* incorporating the amendment “subject to the approval of the General Manager” with “subject to the approval of Council”, and some minor housekeeping related to typing errors.
2. Council exclude the prayer and determine to re-exhibit the draft *Code of Meeting Practice* for a further period of 14 days.

Option 1 is the preferred option.

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CONCLUSION

Council may adopt a *Code of Meeting Practice* that incorporates the provisions of the Local Government (General) Regulation 2005 relating to the conduct of Council and Committee Meetings. The Code may supplement, but not be inconsistent with, the Regulations. The revised draft *Code of Meeting Practice* is attached for Council's adoption.

ENCLOSURES

- 1 Revised Draft Code of Meeting Practice 87 Pages

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Corporate and Community Services



SUBJECT: *2014 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CALL FOR MOTIONS AND NOMINATIONS TO ATTEND*

RESPONSIBLE OFFICER: *Acting Governance and Business Services Manager - Kim Appleby*

SUMMARY

This report provides information for Council regarding the call for motions for the 2014 National General Assembly of Local Government to be held in Canberra on 15 – 18 June 2014. Nominations for attendance are also required (**Enclosure 1**).

RECOMMENDATION

- 1. That Council determines if a motion/s is to be submitted for the 2014 National General Assembly of Local Government.**
- 2. That Council determines its attendees and voting delegate for the 2014 National General Assembly of Local Government.**

BACKGROUND

The Australian Local Government Association has extended an invitation to Councils to participate in the National General Assembly (NGA) of Local Government to be held in Canberra from 15 to 18 June 2014.

REPORT/PROPOSAL

The Australian Local Government Association Board is calling for motions under the 2014 NGA under this year's theme "Getting Down to Business".

There have been no motions received to date.

To be eligible for inclusion in the NGA Business Papers motions must be prepared in accordance with the "Call for Motions Discussion Paper" and must meet the principles of:

1. Fall under the NGA theme
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory local government associations.

Motions must be submitted electronically and be received by 17 April 2014.

The call for motions and the discussion paper are attached (**Enclosures 2 and 3**) for Councils' information. The discussion paper is also available on the ALGA website at www.alga.asn.au

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Council should also now determine its attendees and voting delegate for the 2014 National General Assembly of Local Government.

OPTIONS

Option 1: Council determines to submit a motion/s to the 2014 National General Assembly.

Option 2: Council determines not to submit any motion to the 2014 National General Assembly.

CONSULTATION

The General Manager and Executive have been consulted in the preparation of this report.

STRATEGIC LINKS

Delivery Program

This report is aligned with Objective 5.1 Fostering and Supporting Community Leadership.

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

It is estimated that the total cost per delegate would be approximately \$2,500. This includes airfares, accommodation, congress registration, transfers and meals.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Other Implications

N/A

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CONCLUSION

This report provides information regarding the 2014 National General Assembly of Local Government for Councils consideration.

ENCLOSURES

- [1](#) Application Form to Attend Conference/Seminar/Training 1 Page
- [2](#) 2014 National General Assembly - Call for Motions 3 Pages
- [3](#) 2014 National General Assembly - Discussion Paper 13 Pages

SUBJECT: *INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL
AND LOCAL GOVERNMENT ACTS TASKFORCE REPORTS*

RESPONSIBLE OFFICER: *Acting Governance and Business Services Manager - Kim
Appleby*

SUMMARY

The Independent Local Government Review Panel and Local Government Acts Taskforce final reports are currently on public exhibition. Public submissions are being sought with a closing date of 4 April 2014.

At a Councillor Briefing held on 26 February 2014, it was agreed that Cessnock City Council would prepare its own submission in relation to the reports to the Office of Local Government. A subsequent Councillor Briefing was held on 12 March 2014. The draft submission (**Enclosures 1, 2 & 3**) is provided for Council's consideration and endorsement.

RECOMMENDATION

- 1. That Council endorse the submission in relation to the Independent Local Government Review Panel and Local Government Acts Taskforce Reports.**
- 2. That Council forward the submission to the Office of Local Government prior to 4 April 2014.**

BACKGROUND

At its Meeting of 20 March 2013, and in response to the Independent Local Government Review Panel's draft Discussion Paper "*The Case for Sustainable Change*", Council resolved:

- 1. That Cessnock City Council not support any amalgamation with other Councils.*
- 2. That Cessnock City Council supports voluntary boundary adjustments if they are in the best interest of the community for more effective use of Council resources.*
- 3. That Cessnock City Council supports Hunter Councils in furthering shared services across the region.*
- 4. That the Mayor seek the united support of Hunter Councils in opposing amalgamations.*

Following extensive community consultation, the Independent Local Government Review Panel and Local Government Acts Taskforce final reports were released for public comment in January 2014, with the initial exhibition period until 7 March 2014.

Subsequently, Hon Don Page, Minister for Local Government extended the deadline to Friday 4 April 2014 for submissions in response to feedback from the sector and requests from Councils to the Minister. The extension also recognises the significance and importance of the government response to local government.

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At the time of release, the Minister stated “*The NSW Government is committed to helping Councils and their communities have a strong local government sector and to find solutions that work. We need to work together to identify what is really important and what needs to be done to strengthen and support the system of local government. The reports show quite clearly that local government is facing many challenges and that “no change” is simply not an option if we want NSW to become No 1 again. However, this change needs to be developed in partnership with Councils and their communities.*”

A Councillor Briefing was held on 26 February 2014 where submissions from Hunter Council’s General Managers Advisory Committee were reviewed. Councillors requested that consideration be given to the implications for Cessnock City Council in relation to *Taskforce* recommendations regarding public lands and that attention to the proposed structural options and senior staff remunerations were suggested. A subsequent Councillor Briefing was held on 12 March 2014 where a draft submission on behalf of Cessnock City Council was presented.

It was agreed that Cessnock City Council should prepare its own submission and forward to the Office of Local Government prior to the extended deadline of 4 April 2014. Councillors were asked to submit comments/suggestions to be included in the submission. At the time of writing this report, no feedback outside of the briefings had been received.

REPORT/PROPOSAL

Arising from *Destination 2036*, the NSW Government commissioned the *Independent Local Government Review Panel* and the *Local Government Acts Taskforce* to identify options to improve the effectiveness and efficiency of local government in NSW.

Such options included, but were not limited to, governance models, structures and boundary changes; to meet the deliverable goal of “a more sustainable system of democratic local government with added capacity to meet the needs of local and regional communities; and to be a valued partner of State and Federal governments”.

Both *Review* teams consulted widely with the local government sector and relevant stakeholders, including communities at large, and have presented *Reports* to Government outlining key recommendations. Research was undertaken into local government in other parts of Australia, New Zealand, England and Canada; in addition to desktop reviews of other *Reports* and enquiries.

A summary of recommendations from both *Reviews* are provided (**Enclosures 4 & 5**).

Local Government Acts Taskforce

The purpose of the *Local Government Acts Taskforce* was to make recommendations towards a complete re-write of the *Local Government Act* and review the *City of Sydney Act*, with the intention of developing principles-based, enabling legislation that is streamlined, easily understood, in a logical framework, eliminates unnecessary red tape, and will provide a legislative and statutory framework to meet the current and future needs of the community and the local government sector. Such reform will be the most significant since the last re-write two decades ago in 1993.

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The *Taskforce* recommended that IP&R becomes the central framework to the new *Act*. It further recommended that the prescription is taken out of the *Act* and reallocated to *Regulations, Codes, and Guidelines*.

The *Taskforce* Terms of Reference included:

- To take account of the work, findings, and government decisions in relation to the NSW Planning System Review, the Destination 2036 Action Plan, and the State Plan "NSW 2021 – A Plan to Make NSW Number One".
- To conduct its work in a manner that recognises the terms of reference and approach being taken by *the Independent Local Government Review Panel*.
- To adopt the decisions of government in relation to the recommendations of the *Independent Local Government Review Panel*.

Taskforce recommendations regarding public lands are welcomed in respect of retention of protections through land classifications. This is particularly important for those lands with identified endangered ecological communities (EECs) and fauna habitat. The availability and access to community land is also pivotal to community wellbeing.

The recommendation to simplify the categories of use of community lands to optimise ancillary uses is also a positive objective.

Undertaking a public hearing by an independent person where change of dominant use or disposal of the land asset is proposed will ensure that local communities are actively engaged in the process of determining the future options for community lands.

Council is currently preparing separate Plans of Management for its community lands. It should be noted that any changes to provisions for public lands may result in these Plans becoming redundant. Council has made reference to the resourcing implications in its submission.

At its Meeting of 19 February 2014, Council resolved:

That a report be provided to Council outlining a project plan and associated resources required to undertake a review of Council's property portfolio including but not limited to those lands for development.

Officers undertaking this project have been advised of the proposed recommendations, specifically in relation to public lands.

Taskforce recommendations relating to Councillor's roles in determining organisational structures are intended to focus elected members on the strategic alignment of the organisation to support the delivery of services and programs as committed to local communities through the IP&R process.

Currently, senior staff positions and respective remunerations are required to be included in the Annual Report. The recommendations, if adopted, will not change this. Aggregating the total remuneration packages (TRP) has been a common practice of many Councils. The advantages of such practices provide Councils with greater flexibility in attracting and retaining highly skilled professionals, while at the same time, meeting public transparency and accountability provisions in the annual reporting requirements.

Independent Local Government Review Panel

According to the *Revitalising Local Government Report*, the 12 key themes that influenced the direction of the *Independent Local Government Review* included the following:

1. The overarching imperative is to ensure the long-term sustainability and effectiveness of NSW local government: in its present form and under current policy settings the system as a whole will not remain sustainable and fit-for-purpose for much longer.
2. The focus of policy should be on strengthening 'strategic capacity' – ensuring that local government has the right structures, governance models, skills and resources to discharge its responsibilities and realise its potential.
3. Major new initiatives are required to tackle the underlying problems of financial weakness and infrastructure backlogs.
4. In particular, a series of measures must be put in place to promote greater 'fiscal responsibility' within local government and to make associated improvements to local government's efficiency, accountability and political governance.
5. Changes to the rating system and rate-pegging are essential to generate the revenues needed to fund infrastructure and services, and – equally as important – to make the system more equitable.
6. Given limited funds, the distribution of grants must change to direct more assistance to areas of greatest need.
7. Stronger regional organisations are vital to ensure increased resource sharing and joint planning, and to support vulnerable rural-remote councils.
8. Structural reform – including Council amalgamations – is another essential component of reform, notably in metropolitan Sydney.
9. The process for considering possible amalgamations and boundary changes needs to be overhauled, and a package of incentives introduced to encourage voluntary mergers.
10. The particular issues and problems facing the Far West of NSW require special arrangements.
11. Working relations between local government and State agencies need to be improved across the board, and regional coordination should be the centrepiece of this effort.
12. Reforms must be pursued as an integrated package, not one-off measures.

FINDINGS

Contextual

The *Panel* identified four key reasons for change. These included:

- To remain fit for purpose;
- To address weak income streams, outstanding works programs and negative population growth;
- To realise full potential as partners in a system of government; and
- To improve relations with the State government.

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There is no 'one size fits all'. The *Panel* noted that there was a need for a systems approach. They also commented that amalgamations will need to occur as part of a broader systemic review.

1,800 submissions were received during the *Review*.

Key concerns related to:

- Amalgamations
- Local Boards
- New look multi-purpose County Councils
- Regional Water Alliance
- Treasury Corp
- Rating system
- Cost shifting
- Grant funding
- Western Region Authority
- Governance options

Importance was given to:

- Diversity
- Evolving functions
- Community governance
- Community perspectives
- More effective role

There were some contradictions within the *Report*. It was stated that community polling indicated satisfaction with the performance of local government compared with State and Federal government, and yet the *Panel* expressed concern with the performance of Councils in the wider system of government.

The *Panel* recommended that local government should be making significant contributions to the five major strategies within the State Plan. It could be argued that this is more about cost shifting and less about strategic partnerships.

Structural

The *Panel* suggested a number of different structural models. These included: Regional Joint Organisations, Local Councils, Rural Councils, and Community Boards. The *Panel* cited amalgamations and boundary changes as an essential element of local government reform, though cautioned against isolated voluntary amalgamations.

Whilst stating that NSW cannot sustain 152 Councils, the *Panel* acknowledged that amalgamations will not always be possible where distances are too great. In terms of access, it is suggested that it should take no more than 60 -90 minutes to drive to an administration centre in country areas, and 30 – 45 minutes in metropolitan areas.

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The *Report* noted that the *Panel* has no desire to create a 4th tier of government, and yet they proposed mandatory Joint Organisations that will be in addition to the current voluntary membership-based Regional Organisations of Councils. They proposed various boundaries for the Joint Organisations, with the Hunter region being layered over the existing Hunter Councils area, with the exclusion of Gloucester and Great Lakes. The Hunter is considered an 'engine room' of the State's economy. Hunter Councils however prefer a single Regional Organisation and the *Panel* appeared to support this. There is a proposal put by the *Panel* to amalgamate Newcastle and Lake Macquarie, with further consideration for a merger of Dungog and Maitland. These are the only forecasted merger proposed to date for this region. There are a number of recommended boundary changes in metropolitan and rural/remote areas across the State.

It is suggested that provisions for Rural Councils will be incorporated into the new Local Government Act by 2015.

A suggested schedule of referrals to the Boundaries Commission will commence in 2014 and continue through until 2020.

Financial

An observation was made that there have been few Councils applying for Special Rate Variations (SRVs). It was noted that Treasury Corp (TCorp) suggested that the number understates the need for faster revenue growth. There was no mention that past rejection of submissions may have had some bearing on the low numbers. There was also reference to a need for borrowings, where appropriate, with debt being an appropriate way to fund infrastructure and large expenditure. There is a purported indicative deficit of \$7.2 - \$7.4 billion in local government infrastructure backlogs.

TCorp's focus was to ensure that Councils achieve a break-even or better financial result; that there is improved asset management; that capacity building for Councillors and Management is evident; that there are increased borrowings; and increased rates revenues to meet growth. They also identified a need for improved comparative data amongst Councils. The financial position of Cessnock was noted as grounds for concern.

There were two underlying issues regarding sustainability. These were: small Councils with limited staff, and skill shortages in financial and asset management.

The *Panel* argued that local government financial audits should be oversighted by the Auditor-General. They also noted that all Councils should have a Chief Financial Officer, either as a dedicated position or a function within an existing role.

According to the *Report*, rates are a tax, not a fee for service. Swimming pools, leisure centres and business enterprises should be funded by fees and charges, not rates.

The principles of tax include: equity, efficiency, simplicity, sustainability, and policy consistency. There was a suggestion that equity could be addressed by calculating rates at the capital improved value, not the unimproved capital value. The *Panel* suggested that rates should be set within a margin of up to five percent above the rate peg. There was an acceptance that the current rate-pegging system impacts adversely on sound financial management.

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The *Panel* also suggested a thorough review of the Federal Assistance Grant Scheme (FAGs), with proposed redistribution/allocation of funds. Although meritorious, it is unlikely that the Federal government would yield to such suggestions for fund redistribution.

Governance

It was highlighted that the key to effective governance was a positive relationship between the Mayor and General Manager. In addition, mandatory professional development is recommended for Councillors and the Executive. The *Panel* observed that many General Managers do not have the requisite leadership skills necessary to drive reform and ensure sustainability.

The *Panel* proposed that popularly elected Mayors nominate their deputy, with full Council only ratifying or rejecting the decision. This proposal may be useful for peer elected Mayors but may not be practical for those popularly elected. Popularly elected Mayors may have support in the community, but may lack the political support in the Chamber.

The *Report* recommended that Councils review and adopt organisational structures down to Divisional level and direct reports to the General Manager. Many Councils already take this approach, though some drill down to subordinate levels. Focussing on the higher tiers can assist to align the structure with strategy.

It has been recommended that the Office of Local Government's (OLG) functions should be revised. At present, the regulatory/compliance functions dominate much of the workloads and are very resource intensive.

A Ministerial Advisory Group will work with the OLG over the next three years to implement the reform program.

OPTIONS

Option 1. Council endorse the submission, as attached, and forward to the Office of Local Government prior to 4 April 2014.

Option 2. Council amend the submission, as attached, and forward to the Office of Local Government prior to 4 April 2014.

Option 3. Council not endorse the submission, as attached, and take no further action.

Option 1 is the preferred option.

CONSULTATION

Consultation has been undertaken with Councillors, the Executive and the Management Team.

In addition, submissions by Hunter Council's General Manager's Advisory Committee (GMAC), United Services Union, and Local Government Internal Audit Network of NSW have been reviewed.

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Hunter Councils GMAC (**Enclosure 6 & 7**) supported most of the Taskforce recommendations, with the exception of public hearing requirements for changes to community lands. Similarly, they supported most of the Panel's recommendations. They have proposed that their organisation establish a pilot Joint Organisation and this appears to be supported by the *Panel*. They did not support provisions for Councils to hold Annual General Meetings; the establishment of Regional Water Alliances within each Joint Organisation (JO); eligibility for JOs to attract general purpose Federal Assistance Grants; and consolidation of regional centres.

In its submission, the United Services Union (**Enclosure 8**) maintains its position of employment protections and provides commentary in relation to rate pegging, cost shifting, infrastructure backlogs, and observations that a number of amalgamated Councils (2004 and prior) have been considered by TCorp to be "at risk" financially. USU states "*Clearly, if TCorp is correct in its assessment of these Councils, it must be deduced that the process of amalgamation has not led to these Councils moving from alleged "at risk" status, to a financially secure status as a result of amalgamation*".

The Local Government Internal Audit Network of NSW (**Enclosure 9**) limited their submission to matters relating to internal audit. They support the recommendations relating the mandatory requirements for internal audit functions and improved statutory reporting of the performance of assurance functions.

STRATEGIC LINKS

a. Delivery Program

This report is aligned with Objective 5.1 Fostering and Supporting Community Leadership and Objective 5.3 of the Operational Plan "Making Council more responsive to the community" by improving the efficiency and transparency of Council processes.

b. Other Plans

If proposed legislative changes occur, this will have impacts on many Council Plans and Programs. The depth and breadth of such impacts can only be calculated once the NSW Government determines its position.

IMPLICATIONS

a. Policy and Procedural Implications

If proposed legislative changes occur, this may have impacts on many Council Policies and Procedures. It is too difficult at this point in time to qualify what these may be.

b. Financial Implications

If proposed legislative changes occur, this will have financial implications for all Councils. One of the major drivers for the reform program has been financial sustainability. Once again, at this point in time, and given that we do not know what will eventuate, it is too difficult to quantify these implications.

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c. Legislative Implications

The objective of the Local Government Acts Taskforce was to make recommendations towards a complete re-write of the Local Government Act. This, by its very purpose, will have significant legislative implications.

d. Risk Implications

There will be inherent risks with any reform that takes place. Such risks can only be assessed once the future direction for local government has been determined.

e. Other Implications

The proposed recommendations will result in sweeping reforms across local government in NSW. There will be significant implications for all Councils with the proposed legislative amendments.

CONCLUSION

The NSW Government has released the Independent Local Government Review Panel and Local Government Acts Taskforce final reports and these are currently on public exhibition.

Following recent Councillor Briefings, it has been agreed that Council will prepare its own submission to the Office of Local Government in relation to the reports.

A draft submission is attached for Council's consideration and endorsement.

ENCLOSURES

1	CCC Draft Submission to Office of Local Government	7 Pages
2	Attachment 1 - CCC Submission	8 Pages
3	Attachment 2 - CCC Submission	14 Pages
4	Independent Local Government Review Panel - Summary of Recommendations	6 Pages
5	Local Government Acts Taskforce - Summary of Recommendations	10 Pages
6	Hunter Councils Submission 1	8 Pages
7	Hunter Councils Submission 2	14 Pages
8	USU Submission	55 Pages
9	LGIAN NSW Submission	10 Pages

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Report No. PM21/2014

Corporate and Community Services



SUBJECT: *INVESTMENT REPORT - FEBRUARY 2014*

RESPONSIBLE OFFICER: *Acting Financial Services Manager - Paul Grosbernd*

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 Council receive the report and note the information.

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/PROPOSAL

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 projected cash flow requirements surplus funds are invested in accordance with Council's investment policy. Maturing investments where possible, are reinvested with an emphasis on "cash" type investments (at call and term deposits).

The Reserve Bank of Australia (RBA) official cash rate as at 28 February 2014 was 2.50 percent. Scheduled board meetings for the RBA 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 March board meeting the cash rate was retained at 2.50 percent.

Actual investment revenues remain slightly below budget expectations at the end of February, due to a lower than anticipated interest rate level for the year. Council's investment return has been consistently higher than the adopted benchmark in the Investment Policy being the 90 days BBSW rate. The actual level of returns is approximately 0.25 percent less than budget estimates at this point in time. This situation will continue to be monitored closely and any required adjustments to the estimates will be reported in future Quarterly Budget Reviews.

Professional Management and Leadership

Report No. PM21/2014

Corporate and Community Services



Collateralised Debt Obligation (CDO) Commentary

Council's investment portfolio contains one (1) CDO totalling \$0.5 million being:

- Investment 1132 (Kakadu – held with JP Morgan - \$500,000) affected by numerous defaults, remains a high level risk on capital return and the level of risk on interest return can now also be considered high. **Matures 20 March 2014.**

A degree of uncertainty remains on this CDO even with the relatively short period of time to maturity, particularly in light of the continued volatility in financial markets. These concerns are based on *any amount of principal loss not complete loss of principal, although the likelihood of total loss of principal remains a possibility.*

Council's Investment Policy and the Ministerial Investment Order both promote the retention of capital as the major consideration in regards to investment. With the relatively short time to maturity the CDO risk assessments have been revised. The risk in respect of a loss of capital (total or partial) for the CDO has been retained at **medium/high** as any loss of capital cannot be guaranteed to not eventuate. The investment continues to return quarterly interest coupons however the receipt of such interest coupons cannot be guaranteed so the investment is shown with a zero interest rate in the portfolio. Due to the short time to maturity the associated interest risk is now considered to be **low/medium**.

Professional Management and Leadership

Report No. PM21/2014

Corporate and Community Services



Investment Portfolio Information

Total cash and investments held by Council as at 28 February 2014 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Life to Date Interest Return	Par Value \$'000
	Commonwealth Bank	Cash			2.25%		2,410
	Commonwealth Bank	At Call			2.40%		3,711
1243	AMP Bank	At Call			3.35%		500
1132a	JP Morgan Australia Ltd	CDO	90	20-Mar-14	0.00%	5.96%	500
1215o	Illawarra Mutual BS	TD	126	13-May-14	3.50%	3.50%	800
1225k	Maitland Mutual BS	TD	147	11-Jun-14	3.65%	3.65%	800
1231l	Newcastle Permanent BS	TD	91	6-Mar-14	3.60%	3.60%	700
1233h	Suncorp Bank	TD	91	21-May-14	3.50%	3.50%	700
1236g	Maitland Mutual BS	TD	133	5-Mar-14	3.70%	3.70%	600
1241j	Illawarra Mutual BS	TD	132	21-May-14	3.50%	3.50%	600
1251e	Westpac Bank	TD	182	28-May-14	3.53%	3.53%	600
1252d	National Australia Bank	TD	153	19-Mar-14	3.78%	3.78%	600
1254e	Westpac Bank	TD	121	16-Apr-14	3.47%	3.47%	700
1255f	ANZ Bank	TD	91	22-May-14	3.55%	3.55%	800
1256d	National Australia Bank	TD	121	04-Jun-14	3.69%	3.69%	900
1257d	Westpac Bank	TD	152	28-Apr-14	3.52%	3.52%	800
1258f	ANZ Bank	TD	91	8-May-14	3.55%	3.55%	700
1259c	ANZ Bank	TD	182	7-May-14	3.55%	3.55%	600
1260b	National Australia Bank	TD	146	4-Jun-14	3.74%	3.74%	1,000
1262b	Newcastle Permanent BS	TD	91	5-Mar-14	3.60%	3.60%	600
1263a	Westpac Bank	TD	183	18-Mar-14	3.67%	3.67%	600
1264b	Illawarra Mutual BS	TD	91	12-Mar-14	3.50%	3.50%	600
1266b	Westpac Bank	TD	152	24-Jun-14	3.55%	3.55%	700
1267a	Newcastle Permanent BS	TD	91	19-Mar-14	3.60%	3.60%	800
1269	Maitland Mutual BS	TD	131	25-Mar-14	3.70%	3.70%	900
1270a	Bendigo & Adelaide Bank	FRN	89	14-May-14	3.91%	3.91%	500
1271	Members Equity Bank	TD	183	30-May-14	3.73%	3.73%	500
1272	ANZ Bank	TD	91	6-Mar-14	3.60%	3.60%	900
1273	Members Equity Bank	TD	133	17-Apr-14	3.68%	3.68%	600
1274	AMP Bank	TD	91	13-Mar-14	3.75%	3.75%	700
1275	Illawarra Mutual BS	TD	91	20-Mar-14	3.50%	3.50%	500
1276	Newcastle Permanent BS	TD	91	13-Mar-14	3.70%	3.70%	800
1277	Greater Building Society	FRN	86	24-May-14	3.93%	3.93%	500
TOTAL							27,221

Professional Management and Leadership

Report No. PM21/2014

Corporate and Community Services



The following table provides information on the level of funds held and the percentage invested with financial institutions in Council's investment portfolio:

Financial Institution	Amount \$'000	% of Portfolio
Westpac Bank	3,400	12.49%
ANZ Bank	3,000	11.02%
Maitland Mutual Building Society	2,300	8.45%
Newcastle Permanent Building Society	2,900	10.65%
Commonwealth Bank of Australia	6,121	22.49%
National Australia Bank	2,500	9.18%
Illawarra Mutual Building Society	2,500	9.18%
AMP Bank	1,200	4.41%
Members Equity Bank	1,100	4.04%
Suncorp Bank	700	2.57%
JP Morgan Chase Bank	500	1.84%
Bendigo & Adelaide Bank	500	1.84%
Greater Building Society	500	1.84%
TOTAL	27,221	100.00%

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

Investment Type	Risk Assessment		Amount \$'000	% of Portfolio
	Capital	Interest		
Cash/At Call Deposits	Low	Low	6,621	24.32%
Collateralised Debt Obligation	Medium/High	Low/Medium	500	1.84%
Term Deposits	Low	Low	19,100	70.17%
Floating Rate Note	Low	Low	1,000	3.67%
TOTAL			27,221	100.00%

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:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	3.52%	4.24%
BBSW Average Interest Rate (year to date) *	2.62%	3.27%
Actual Investment Interest Earned (year to date)	\$545,344	\$527,182
Budget Investment Interest (year to date)	\$546,664	\$556,064
Original Budget Investment Interest (Annual)	\$840,000	\$834,100
Revised Budget Investment Interest (Annual)	\$820,000	\$834,100

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$22,953,000	\$20,866,000
Month End Current Balance	\$27,221,000	\$19,216,000

* BBSW 90 day Bank Bill Reference Rate (performance measure as per Councils Investment Policy)

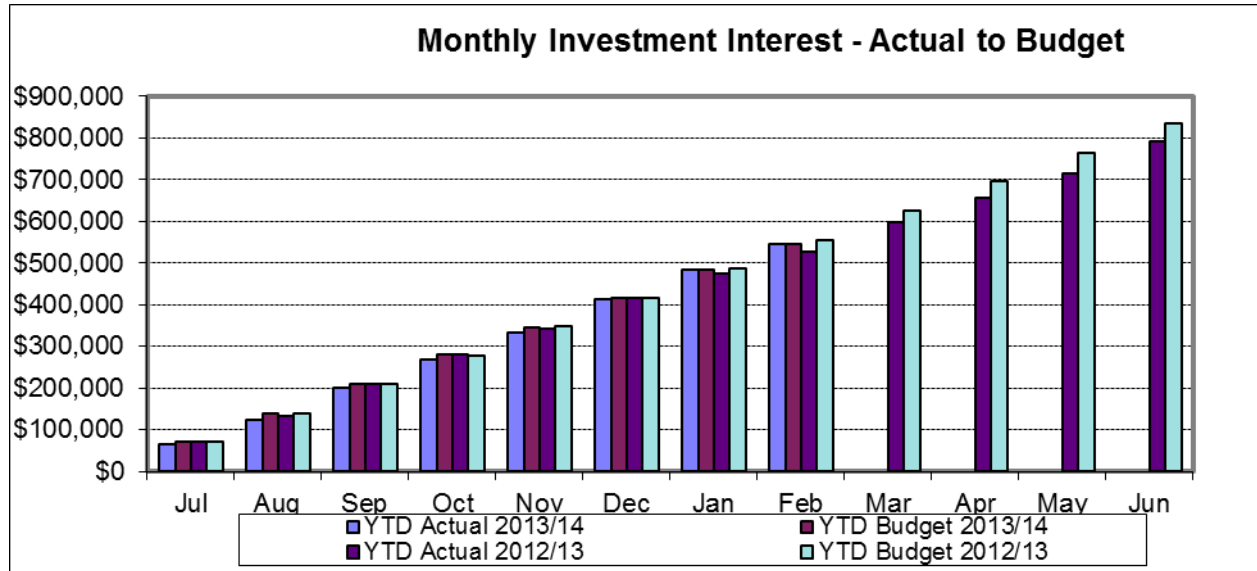
Professional Management and Leadership

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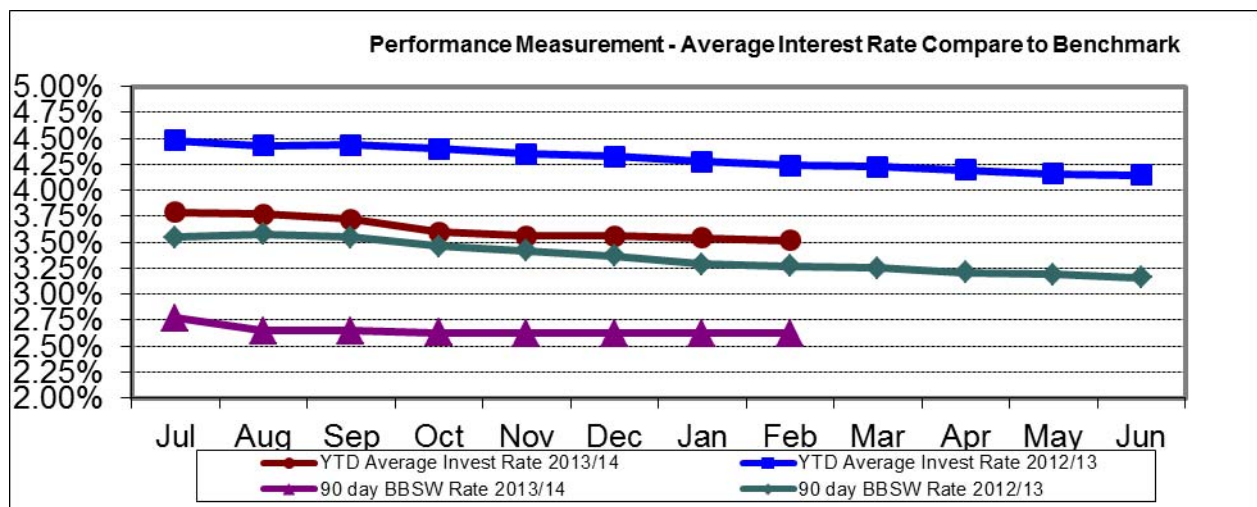
Corporate and Community Services



The following graph compares actual interest earned to budget for this year and last year.



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.



OPTIONS

N/A

CONSULTATION

Financial Accountant

Professional Management and Leadership

Report No. PM21/2014

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

This report is linked to Council's Delivery Program and Operational Plan. Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Investments are made in accordance with Council's Investment Policy which accords with the Ministerial Investment Order.

b. Financial Implications

Investment returns are included in Council's Delivery Program and Operational Plan. Amendments are 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.

CONCLUSION

The report provides details on investments held at month end and meets Council's statutory and policy reporting obligations.

ENCLOSURES

There are no enclosures for this report.

Professional Management and Leadership

Report No. PM22/2014

Corporate and Community Services



SUBJECT: *LEGAL EXPENDITURE - MONTHLY STATEMENT
FEBRUARY 2014*

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

SUMMARY

A report updating Council on litigation and legal activity for the month.

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

The Litigation Oversight Committee resolved that a monthly report be presented to Council outlining any litigation or legal activity for the preceding month. This report provides that information to Council.

REPORT/PROPOSAL

Council has a tender panel for the provision of legal services. This tender is due to expire in April 2014. Part of the requirements of the tender specifications was that the successful tenderers were to provide a monthly summary of current legal actions to Council.

The Legal Oversight Committee had resolved that a monthly summary be provided to Council on those monthly reports provided by the Legal Tender Panel, as well as other relevant litigation/legal action underway.

The requested information is provided as an enclosure to this report. Table 1 shows those matters currently recorded as open with the total invoice fees and outstanding unbilled fees listed as per the advice from the Legal Panel provider. Table 2 shows the total expenditure and income processed through Council's accounts for the current financial year only.

OPTIONS

The report is provided for information purposes only.

CONSULTATION

Relevant Directors and Sectional Managers
Legal Providers – Council Tender Panel

Professional Management and Leadership

Report No. PM22/2014

Corporate and Community Services



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

The Litigation Oversight Committee is responsible for monitoring Council legal expenditure and this report is provided to Councillors for their information.

b. Financial Implications

There are no financial implications associated with this report. All legal expenditure is funded from existing budget allocations or via the quarterly budget review process.

c. Legislative Implications

N/A

d. Risk Implications

There are no risk implications associated with this report.

e. Other Implications

Nil

CONCLUSION

The legal report summary is provided for Councillors information as required by the Litigation Oversight Committee.

ENCLOSURES

- 1** Summary of Legal Matters - 28 February 2014 3 Pages

Professional Management and Leadership

Report No. PM23/2014

Corporate and Community Services



SUBJECT: *REPORT OF THE CESSNOCK CITY COUNCIL LITIGATION OVERSIGHT COMMITTEE MEETING HELD ON 21 AUGUST 2013*

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

RECOMMENDATION

That Council accept and note the Minutes of the Cessnock City Council Litigation Oversight Committee meeting held on 21 August 2013.

The Special Meeting of the Cessnock City Council Litigation Oversight Committee as held on 21 August 2013 commencing at 11.00 am and reports as follows:

PRESENT: Mayor Bob Pynsent (Chair)
Councillor Cordelia Troy
Councillor Morgan Campbell

IN ATTENDANCE: General Manager – Stephen Glen
Acting Group Leader Customer Services – Robert Maginnity
Group Leader Built & Natural Environment – Gareth Curtis
Organisational Development Manager – Darrylen Allan

APOLOGIES: *Nil*

DISCLOSURE OF INTEREST

Nil

LISTED MATTERS

PRESENTATION BY LOCAL GOVERNMENT LEGAL

The Committee received a presentation from representatives of Local Government Legal.

The Meeting Was Declared Closed at 11.50 am

ENCLOSURES

There are no enclosures for this report

Professional Management and Leadership

Report No. PM24/2014

Corporate and Community Services



SUBJECT: *REPORT OF THE CESSNOCK CITY COUNCIL LITIGATION OVERSIGHT COMMITTEE MEETING HELD ON 5 MARCH 2014*

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

RECOMMENDATION

That Council accept and note the Minutes of the Cessnock City Council Litigation Oversight Committee meeting held on 5 March 2014.

The Meeting of the Cessnock City Council Litigation Oversight Committee as held on 5 March 2014 commencing at 5.00 pm and reports as follows:

PRESENT: Mayor Bob Pynsent (Chair)
Councillor Cordelia Troy
Councillor Morgan Campbell
Councillor James Ryan

IN ATTENDANCE: General Manager – Stephen Glen
Director Corporate & Community Services – Robert Maginnity
Acting Manager Governance & Business Services – Kim Appleby

APOLOGIES: *Nil*

DISCLOSURE OF INTEREST

Mayor Pynsent declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he is a Board member of Hunter Councils which owns Local Government Legal who may be a tenderer for the Legal Panel.

The General Manager declared a Non Pecuniary Interest – Less Than Significant Conflict for the reason that he is member of the General Managers Advisory Committee of Hunter Councils which owns Local Government Legal who may be a tenderer for the Legal Panel.

LISTED MATTERS

1. PROVISION OF LEGAL SERVICES TENDER

Moved – Councillor Campbell

Seconded: Councillor Ryan

COMMITTEE RECOMMENDATION:

1. That Council seek Expressions of Interest from Legal Practitioners specialising in areas of legal practice i.e., industrial relations and contract management.

Professional Management and Leadership

Report No. PM24/2014

Corporate and Community Services



2. That the Litigation Oversight Committee will reconvene in one month's time at the conclusion of the Expression of Interest process to review submissions received and to determine whether to progress to a selective tender.

GENERAL BUSINESS

Nil

The Meeting Was Declared Closed at 5.20 pm

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *POLICY REVIEW - NAMING OF COUNCIL ASSETS*

RESPONSIBLE OFFICER: *Business Support Manager - Roslyn Ashton*

SUMMARY

At its Meeting of 22 January 2014, Council resolved to place the draft policy Naming of Council Assets on public exhibition. At the close of the exhibition period, no submissions had been received. It is now appropriate to adopt this policy and include in Council's policy register and provide access via Council's website.

RECOMMENDATION

1. That Council adopt the draft policy as exhibited.
2. That Council include the amended policy in Council's policy register and provide access via Council's website.

BACKGROUND

At its meeting of 22 January 2014 Council resolved:

That Council

1. *Place the revised Draft Naming of Council Assets Policy on public exhibition for 28 days.*
2. *That the revised Naming of Council Assets Policy be adopted by Council at the conclusion of the exhibition period if no submissions are received.*

REPORT/PROPOSAL

The public exhibition period commenced on 29 January 2014 and concluded on 26 February 2014. No submissions were received during the exhibition period.

OPTIONS

1. Adopt the recommendations. This is the preferred option.
2. Request further amendments to the policy which will result in Council being requested to re-exhibit the policy.

CONSULTATION

Consultation has been undertaken with the staff responsible for this policy and the relevant Managers and Directors.

Notice was placed in the Advertiser advising of the exhibition dates and exhibition material was placed at Council's Help and Information Centre and placed on Council website.

STRATEGIC LINKS

a. Delivery Program

Review of Council's policies is linked to *Civic Leadership and Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The recommendations in this report will not have any impact on other Council policies.

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

Council resolved to place the draft Naming of Council Assets Policy on public exhibition, and at the close of the exhibition period, no submissions were received. It is now appropriate to adopt the subject policy and include in Council's *Policy Register* and provide access via Council's website.

ENCLOSURES

There are no enclosures for this report

Professional Management and Leadership

Report No. PM26/2014

General Manager's Unit



SUBJECT: *AUDIT COMMITTEE - ADDRESS TO COUNCIL BY THE CHAIR*

RESPONSIBLE OFFICER: *Internal Auditor - Justine Mangion*

SUMMARY

In accordance with the endorsed provisions of the Audit Committee Charter, the Chairman of the Audit Committee has been invited to address Council and provide a Chairman's Report.

RECOMMENDATION

That Council receive and note the Audit Committee Chairman's verbal report.

BACKGROUND

The Audit Committee Charter provides for the current Committee Chair to publically address Council and provide an annual Chairman's Report. The offer to take up this provision was formally extended by the Mayor, Councillor Bob Pynsent, at the 4 February 2014, Audit Committee Meeting.

REPORT/PROPOSAL

The Chairman's Report will be received as a verbal address to Council.

OPTIONS

N/A

CONSULTATION

Mayor
General Manager
Audit Committee Chairman

STRATEGIC LINKS

a. Delivery Program

This report links to strategic objective 5.3 which directs Council to be responsive to the community; and have processes which are efficient and transparent. This strategic direction has been central to the establishment and continued operation of the Internal Audit function, and Audit Committee.

b. Other Plans

Cessnock Strategic Audit Plan 2013-2016
DLG Guidelines on Internal Audit – September 2010

Professional Management and Leadership

Report No. PM26/2014

General Manager's Unit



IMPLICATIONS

a. Policy and Procedural Implications

Audit Committee Charter

b. Financial Implications

N/A

c. Legislative Implications

Council's Audit Committee Charter is aligned with the Office of Local Government's (formerly DLG) Model Audit Committee Charter, which provides for a public address to Council and Chairman's report from an Audit Committee.

d. Risk Implications

NIL

e. Other Implications

NIL

CONCLUSION

The Audit Committee Charter provides for the current Committee Chair to publically address Council and provide an annual Chairman's Report. The offer to take up this provision was formally extended by the Mayor, Councillor Bob Pynsent, at the 4 February 2014, Audit Committee Meeting. This public address will be the Chairman's inaugural report after the establishment of the Audit Committee in 2013.

ENCLOSURES

There are no enclosures for this report.

Professional Management and Leadership

Report No. PM27/2014

General Manager's Unit



SUBJECT: *REPORT OF THE CESSNOCK CITY COUNCIL AUDIT COMMITTEE MEETING HELD ON 4 FEBRUARY 2014*

RESPONSIBLE OFFICER: *Internal Auditor - Justine Mangion*

RECOMMENDATION

That Council endorse the report recommendations of the Cessnock City Council Audit Committee meeting held on 4 February 2014.

MINUTES OF AUDIT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON TUESDAY, 4 FEBRUARY 2014, COMMENCING AT 9.00 AM

PRESENT: Mr Jason Masters - Independent Chair
Mayor Bob Pynsent
Mr Neal O'Callaghan - Independent Representative
Dr Felicity Barr - Independent Representative

IN ATTENDANCE: Mr Gareth Curtis – Acting General Manager
Mr Robert Maginnity - Acting Group Leader Customer Services
Mr Paul Grosbernd – Acting Financial Services Manager
Mr Geoff Allen – External Auditor – Forsyths Business Services Pty Ltd
Cath Watson – Forsyths Business Services Pty Ltd
Mrs Justine Mangion – Internal Auditor
Ms Robyn Larsen – Minute Taker

INVITEES: Mr Steve Hepple – Information Services Manager
Kim Appleby – Acting Administration Services Manager

APOLOGIES

APOLOGIES: **RECOMMENDATION OF COMMITTEE** that the apologies tendered on behalf of Mr Stephen Glen, General Manager, and Councillor Campbell, be accepted.

CONFIRMATION OF MINUTES

MINUTES: **RECOMMENDATION OF COMMITTEE** that the Minutes of the Audit Committee held on 5 November 2013, as circulated, be taken as read and confirmed as a correct record.

DISCLOSURES OF INTEREST

COMMITTEE DISCLOSURE OF INTEREST NO. ACCDI1/2014

SUBJECT: **DISCLOURES OF INTEREST**

The Chair noted for the record that his position on the Wyong Shire Council was now Chairman. This would have no impact on the current meeting.

NIL

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM1/2014

SUBJECT: **INFORMATION TECHNOLOGY PROJECTS AND SECURITY**

The Audit Committee complimented the Manager Technology Systems for the quality and detail of the report and briefing. This has assisted the Committee to have an improved transparency of Council's Information Technology environment and major projects.

Key topics of discussion included security improvements; access arrangements; project management methodology; Contractor performance; and the emerging technology challenge to balance on-line access and knowledge management and security.

RECOMMENDATION OF COMMITTEE

- 1. That the Audit Committee receive the report and note the information.**
- 2. That an update report be provided to the Committee on Contractor Access in six months time.**
- 3. That Council consider the reinstatement of the Information Technology Steering Committee.**

Professional Management and Leadership

Report No. PM27/2014

General Manager's Unit



4. That Council consider a standardised Project Management methodology for implementation across Council.

LISTED MATTERS - COMMITTEE NO. ACCLM2/2014

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - DECEMBER 2013

The Committee acknowledged the improved and comprehensive Financial Reports as provided. Committee discussion centered on explanation of budget movements and provisions for staffing vacancies.

RECOMMENDATION OF COMMITTEE

1. That the Audit Committee receive and endorse the December 2013 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.
2. Note the improved quality of financial reporting and promote continued quality forecasting of financials.

LISTED MATTERS - COMMITTEE NO. ACCLM3/2014

SUBJECT: APPOINTMENT OF EXTERNAL AUDITOR

The Audit Committee welcomed Forsyths to the meeting as Council's newly appointed External Auditors.

Mr Geoff Allen, Senior Audit Partner, addressed the Committee and provided an overview of Forsyths Business Services. He advised that a training session/conference would be sponsored by Forsyths in June/July for their client's accounting personnel to outline changes in accounting standards and practice. The Committee acknowledged the invitation and requested that the Council participant obtain a copy of session notes provided.

RECOMMENDATION OF COMMITTEE

That the Audit Committee:

1. note the appointment of Forsyths Business Services Pty Ltd as Councils external auditor for the six year period 1 July 2013 to 30 June 2019 in accordance with the Council resolution of 20 November 2013.

Professional Management and Leadership

Report No. PM27/2014

General Manager's Unit



2. welcome the representatives from Forsyths Business Services Pty Ltd, Mr Geoff Allen and Cath Watson to the Audit Committee meeting.
3. Request Forsyths provide the Client Service Agreement at the Quarter 4, 6 May 2014 meeting.

LISTED MATTERS - COMMITTEE NO. ACCLM4/2014

SUBJECT: STATUTORY COMPLIANCE

The Committee briefing outlined and discussed Council's development of a compliance reporting tool.

RECOMMENDATION OF COMMITTEE

That the report be received and noted.

LISTED MATTERS - COMMITTEE NO. ACCLM5/2014

SUBJECT: INTERNAL AUDIT REPORT

The Committee noted that the Annual Audit Plan had commenced and that the first internal audit on Equipment Disposal had been completed, and provided to Management for their response. The Audit Report will be provided to the Committee out-of-session, for discussion at the next meeting.

The Committee also asked management to provide feedback on the quality of the report at the next meeting.

RECOMMENDATION OF COMMITTEE

1. That the report is received and its contents noted.
2. That a status on completion against the Annual Audit Plan is provided in the Internal Audit Report.

LISTED MATTERS - COMMITTEE NO. ACCLM6/2014

SUBJECT: AUDIT COMMITTEE RECOMMENDATIONS MANAGEMENT

The Committee was advised that the recommendations management would now be reported using the resolutions tracking capability of Infocouncil.

The Committee requested that Management reconsider the current reporting format to:

- improve ownership and resolutions management for outstanding recommendations.
- Assign a risk status on outstanding recommendations (assist in prioritisation of resourcing).
- Delineate between outstanding and completed recommendations.

RECOMMENDATION OF COMMITTEE

1. That the Audit Recommendations Management Register is received and noted.
2. Management meet to resolve the management and reporting of audit recommendations.

CORRESPONDENCE

NIL

GENERAL BUSINESS

The Committee outlined key issues for discussion at the next Q4 Committee meeting, scheduled for 10.00 am 6 May 2014: These included in brief:

- A request for a Management update on Risk Management activities and initiatives.
- Management's view on prioritising and resourcing a dedicated IT systems audit in next year's Annual Audit Plan, and /or procuring IT audit software to assist in internal audit activities.
- Annual performance review of the Audit Committee.
- Committee options for phased management of Charter responsibilities against the meeting schedule.
- Invite the Strategic Asset Manager to brief the Committee on Asset Management and Maintenance.

Professional Management and Leadership

Report No. PM27/2014

General Manager's Unit



As a last matter of business the Committee confirmed that the Chairman would provide a Council Report and address the Ordinary Council meeting on the 19 March 2014, as invited by the Mayor and General Manager.

The Meeting Was Declared Closed at 11.00am

Active Participation and Community Consultation

Report No. AP6/2014

Planning and Environment



SUBJECT: *COUNCILLOR APPOINTMENT TO ENVIRONMENTAL STRATEGY & MANAGEMENT COMMITTEE*

RESPONSIBLE OFFICER: *Principal Natural Environment Planner - Ian Turnbull*

SUMMARY

Councillor Doherty has tendered his resignation to the General Manager from his appointment to the Environmental Strategy and Management Committee. This report has been prepared to address the vacancy.

RECOMMENDATION

That Council appoint a Councillor to the Environmental Strategy & Management Committee.

BACKGROUND

At its Meeting of 21 November, Council adopted the structure, Councillor appointments, and delegates to a range of internal and external Committees. The Environmental Strategy and Management Committee membership included the Mayor and two Councillors, Councillor Doherty and Councillor Ryan.

On 13 February 2014, Councillor Doherty emailed the General Manager expressing his preference to no longer be a Councillor representative on the Committee. It was deemed that this email would suffice as notification of his resignation.

REPORT/PROPOSAL

Council determines the number and appoints Councillor representatives to its Advisory Committees. Council resolved to include two Councillor representatives and the Mayor for this Committee. The proposal is for Council to nominate a replacement for Councillor Doherty.

OPTIONS

An alternative to the proposal is for Council to resolve to reduce the number of Councillors to the Committee. This option is not supported as it reduces the potential number of Councillors available to achieve a quorum.

CONSULTATION

Director Planning and Environment

Active Participation and Community Consultation

Report No. AP6/2014

Planning and Environment



STRATEGIC LINKS

a. Delivery Program

Council's Advisory Committees link directly to Council's Delivery Program desirable outcome 1.2.1 which is to "Collaborate with the community to develop and deliver services".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION

A nomination for the replacement of Councillor Doherty from Council's Environmental Strategy and Management Committee following his resignation is required in order to maintain the number of Councillor representatives on the Committee as resolved by Council in 2012.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ24/2014

Works and Infrastructure



SUBJECT: *ORPHANED WASTE*

RESPONSIBLE OFFICER: *Environmental & Waste Services Manager - Michael Alexander*

Q8/2014 & A365/2014 - Orphaned Waste at Hydro

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 5 February 2014

“Councillor Doherty referred to his previous question and advised that his question was “What Council’s responsibility may be in relation to an orphan Cessnock City tip”.

Environmental legislation such as the Protection of Environmental Operations Act 1997 and the Contaminated Lands Act 1997 dictate what Council’s responsibilities are in relation to the management of contaminated land including landfill remediation, maintenance and monitoring of closed sites.

There are a number of known sites throughout the LGA that Council has operated under license as waste facilities in previous years. Council will recall report PM70/2013, which was considered at the meeting of 7 August 2013, referred to known sites that Council has operated. The report provided a recommendation that Council undertake investigation and assessment of those sites to determine contamination status, risk matrix, monitoring and rehabilitation recommendations. The outcomes of these studies are currently being reviewed and will be reported to Council with recommended actions in the near future.

It should be noted that a search of Council’s archived records has not located any history of past landfill/waste tip activity at Hart Road, Loxford.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ25/2014

Corporate and Community Services



SUBJECT: *LANDFILL WASTE VOUCHERS - AQ15/2014*

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

Q25/2014 – AQ15/2014 Landfill Waste Vouchers

Asked by Councillor Ryan at the Ordinary Meeting of Council held on 5 March 2014.

“Councillor Ryan referred to his previous question and answer in regard to landfill waste vouchers and asked what would be the discount to households who don’t want waste vouchers.”

As outlined in report AQ15/2014 to Council at the meeting of 5 March 2014, the cost of providing the landfill waste vouchers (4 per year) to residents is a component of the calculated domestic waste management (DWM) service charge. The DWM charge is the cost a household pays for receiving the entire DWM service, which includes weekly general waste collection, fortnightly recycling collection and the landfill vouchers. The DWM charge is derived from a global calculation of providing the entire DWM function.

The voucher component is based upon historically deposited tonnage at the landfill and voucher presentation numbers. The approximate cost included in the 2013/14 DWM charge for the vouchers is \$100.

At this point in time there is no provision available for a household to elect to not receive the vouchers and thus receive a discount. If Council chooses to apply a differential charge for a DWM service in which the vouchers were not included, the approximate discount to households would be in order of the amount stated above. It should be noted that under such a scenario if a resident opted to receive the vouchers the calculation for the voucher cost would need to be made on the face value of the voucher (weight allowed per voucher and current gate fee per tonne) that would result in an increase on the current DWM service charge.

Currently each voucher allows 500kg of waste to be deposited, which based on 2013/14 charges represents a maximum face value of \$157.50 (500kg x \$315/t) per voucher.

The above calculations are based upon historical data. The actual figure may alter from year to year depending on usage patterns and any changes to operational costs.

The DWM charge for the 2014-15 financial year has not yet been finalised. It will be considered as part of the Integrated Planning and Reporting (IP&R) process and final adoption of the Delivery Program and Operational Plan in June 2014.

Any differential charges would need to be incorporated within the Revenue Policy (statement of proposed rates and charges) section of the Delivery Program, and ultimately adopted as part of the IP&R process.

ENCLOSURES

There are no enclosures for this report.

Answers To Questions For Next Meeting

Report No. AQ26/2014

Planning and Environment



SUBJECT: *PLANNING FOCUS MEETING - HEZ*

RESPONSIBLE OFFICER: *Director Planning and Environment - Gareth Curtis*

Q26/2014 & Q27/2014 – Planning Focus Meeting - HEZ

Asked by Councillor Ryan at the Ordinary Meeting of Council held on 5 March 2014.

“Councillor Ryan referred to his previous question and answer provided and asked on what basis does the General Manager make the claim that it is normal for Mayor’s to attend planning focus meetings?”

The previous answer indicated that the NSW Department of Planning Representative advised that it is common for Mayors to attend meetings given such proposals are State significant.

“Councillor Ryan referred to his previous question and answer provided and asked whether the invitation was addressed to the Mayor and on what basis does the General Manager believe that a Mayor is not a Councillor?”

As indicated in the previous answer the invitation was forwarded to Council. It was not addressed to any person in particular.

Whilst the Mayor is also a Councillor, the role of Mayor is different to that of an individual Councillor as defined under the Local Government Act 1993.

ENCLOSURES

There are no enclosures for this report