



16 February 2018

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, 21 February 2018 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

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Principles for Local Government

Exercise of functions generally

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

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 3 February 2016. 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

**MINUTES OF ORDINARY COUNCIL MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ON WEDNESDAY, 7 FEBRUARY 2018, COMMENCING
AT 6.30 PM**

PRESENT: His Worship the Mayor, Councillor R Pynsent (in the Chair) and Councillors Olsen, Doherty, Dunn, Fagg, Stapleford, Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander and Lyons.

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Finance & Administration Manager
Financial Accountant
Infrastructure Manager
Economic Development Manager
Media & Communication Officer
Corporate Governance Officer

MINUTES:

MOTION **Moved:** Councillor Dagg
Seconded: Councillor Burke

382

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 13 December 2017, as circulated, be taken as read and confirmed as a correct record.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI1/2018

SUBJECT: DISCLOSURES OF INTEREST

RECOMMENDATION

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

GMU1/2018 Town Coordinator and Associated Economic Development Grants Reporting – Councillor Burke declared a Pecuniary Interest for the reason that he is the Town Coordinator for Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

W11/2018 Cessnock Stomp Festival - In-Kind Support - Councillor Burke declared a Pecuniary Interest for the reason that he is the Town Coordinator for Cessnock Chamber of Commerce. Councillor Burke advised that he would leave the Chamber and take no part in discussion and voting.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

NIL

NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

NOTICE OF INTENTION NO. NI1/2018

**SUBJECT: NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL
SESSION**

**CC7/2018 - RICHMOND MAIN COLLIERY - ELECTRICITY
CONNECTION AND LICENCE/LEASE AGREEMENTS**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
383
RESOLVED

1. That Council consider in Confidential Session the following matters in accordance with Section 10A(2)(c) of the Local Government Act 1993:

Report No. CC7/2018 – Richmond Main Colliery – Electricity Connection and Licence/Lease Agreements as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting or proposes to (conduct) business.

2. That Council request the Mayor in accordance with Section 253 of the Local Government (General) Regulation 2005 to report on these matters to the meeting in Open Session following completion of the Confidential Session.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU1/2018

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU1/2018

SUBJECT: TOWN COORDINATOR AND ASSOCIATED ECONOMIC DEVELOPMENT GRANTS REPORTING

Councillor Burke declared a Pecuniary Interest for the reason that he is the Town Coordinator for Cessnock Chamber of Commerce. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 6.32pm

MOTION Moved: Councillor Doherty **Seconded:** Councillor Dunn

That Council receive and note the report.

AMENDMENT Moved: Councillor Suvaal **Seconded:** Councillor Fitzgibbon

1. That Council receive and note the report.
2. That Council notes its disappointment that there are no outcomes listed as part of the KPIs.
3. That outcomes be listed in future KPI reports.
4. That Council set up a Committee of 4 Councillors to oversee the KPIs, outcomes and development of this process. That the General Manager calls for expressions of interest from Councillors with the committee to be decided at the next Council meeting on 21 February 2018.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

The Motion was then **PUT** and **CARRIED**.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Fitzgibbon
384
RESOLVED

1. That Council receive and note the report.
2. That Council notes its disappointment that there are no outcomes listed as part of the KPIs.
3. That outcomes be listed in future KPI reports.
4. That Council set up a Committee of 4 Councillors to oversee the KPIs, outcomes and development of this process. That the General Manager calls for expressions of interest from Councillors with the committee to be decided at the next Council meeting on 21 February 2018.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (0)

CARRIED UNANIMOUSLY

Councillor Burke returned to the meeting, the time being 6.38pm

GENERAL MANAGER'S UNIT NO. GMU2/2018

**SUBJECT: APPLICATION FOR COUNCIL TO BID FOR THE HOSTING OF THE
2020 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION
(NSW BRANCH) STATE CONFERENCE.**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
385
RESOLVED

1. That Council submits an application to host the 2020 ALGWA State Conference.
2. That should there be a shortfall in funding, that Council will contribute funds from the Tourism Projects Fund up to \$5,000 should the application be successful.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU3/2018

SUBJECT: LOCAL GOVERNMENT NSW (LGNSW) TOURISM CONFERENCE 2018 - ATTENDANCE REQUEST

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
386
RESOLVED

1. That Council endorse the attendance of Councillors Pynsent and Gray to the LGNSW Tourism Conference 2018 to be held in Parkes from 12-14 March 2018.
2. That Councillors interested in attending the conference complete the 'Request to attend Conference/Seminar' form and forward to the General Managers Executive Assistant by COB Friday 9 February 2018 for consideration by Council at the meeting of 21 February 2018.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE1/2018

SUBJECT: MINUTES OF STRATEGIC PROPERTY AND COMMUNITY FACILITIES COMMITTEE MEETING - 13 DECEMBER 2017

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
387
RESOLVED

1. That the Minutes of the Strategic Property and Community Facilities Committee Meeting held on the 13 December 2017 be adopted as a resolution of the Ordinary Council, with the following amendment:-

Councillor Lyons, not Councillor Dunn was late to the meeting.

2. That the General Manager returns a confidential report examining the value in purchase and consolidation of properties in the pool precinct.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC1/2018

SUBJECT: JOINT ORGANISATION

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

388

RESOLVED

1. That Council inform the Minister for Local Government of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with this resolution.
2. That Council approve the inclusion of the Council's area in the Joint Organisation's area.
3. That the Joint Organisation be established to cover the Council's area and any one or more of the following Council areas:

Dungog Shire Council, Lake Macquarie City Council, Maitland City Council, Mid-Coast Council, Muswellbrook Shire Council, Newcastle City Council, Port Stephens Council, Singleton Council and Upper Hunter Shire Council.
4. That the General Manager before 28 February 2018 provide the Minister for Local Government with a copy of this resolution including the date on which Council made this resolution.
5. That the General Manager on the expiry of a period of 28 days from the making of this resolution inform the Minister for Local Government that this resolution has not been rescinded.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC2/2018

SUBJECT: INVESTMENT REPORT - DECEMBER 2017

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
389

RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC3/2018

SUBJECT: PROJECT AUTHORISATION AND REVOTES POLICY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Doherty

390

RESOLVED

That Council place the Project Authorisation and Revotes Policy on Public Exhibition for a period of 28 days and if there are no significant public submissions received that the policy be automatically adopted at the end of the exhibition period.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC4/2018

SUBJECT: COUNCILLORS EXPENSES AND FACILITIES POLICY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg

391

RESOLVED

1. That Council place the draft Councillor Expenses and Facilities Policy on public exhibition for a period of 28 days, with changes to Sections 8.6 and 10.1 as follows:-

8.6 Reimbursement of expenses for reasonable legal expenses must have General Manager approval prior to costs being incurred, subject to the limitations contained within Section 8 above.

10.1 Council will provide to the Mayor a maintained vehicle to a similar standard of other Senior Staff, with a fuel card. The vehicle will be supplied for use for civic and private use.

2. That a further report to be presented to Council following the public exhibition period for consideration of any significant submissions received.
3. That if there are no significant submissions or changes to the draft Councillor Expenses and Facilities Policy following the exhibition period the policy automatically be adopted and the current Recognition of Service for Retiring or Defeated Councillors Policy be revoked.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fagg	Councillor Dunn
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (2)

CARRIED

CORPORATE AND COMMUNITY NO. CC5/2018

SUBJECT: PROPOSED COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES CONSULTATION DRAFT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
392
RESOLVED

That Council review the proposed Councillor Induction and Professional Guidelines and provide any points that require feedback to the General Manager by 23 February 2018 to enable a submission to be drafted for lodgement to the Office of Local Government by 16 March 2018.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC6/2018

SUBJECT: RICHMOND MAIN COLLIERY - REMEDIATION PLAN

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

393

RESOLVED

That the report be Deferred to allow time for a site inspection to be carried out and a briefing to be held.

FOR	AGAINST
------------	----------------

Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI1/2018

SUBJECT: CESSNOCK STOMP FESTIVAL - IN-KIND SUPPORT

Councillor Burke declared a Pecuniary Interest for the reason that he is the Town Coordinator for Cessnock Chamber of Commerce. Councillor Burke left the Chamber and took no part in discussion and voting.

Councillor Burke left the meeting, the time being 7.00pm

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

394

RESOLVED

1. That Council supports the Stomp Festival by providing in-kind support as detailed in the report for waste management services and the provision and installation of road closure equipment in accordance with the Festival Traffic Control Plan.
2. That Council waive the Road Events and Activities Temporary Road Closure Application fees.
3. That Council suspends the operation of the Alcohol Free Zone in Vincent and Cooper Streets, Cessnock between the hours of 6.00am and 6.00pm on Sunday, 8 April 2018.

FOR	AGAINST
Councillor Olsen	Councillor Dunn
Councillor Doherty	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED

Councillor Burke returned to the meeting, the time being 7.04pm

WORKS AND INFRASTRUCTURE NO. WI2/2018

SUBJECT: MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD 18 DECEMBER 2017

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Lyons
395
RESOLVED

1. That the Minutes of the Local Traffic Committee held 18 December 2017 be adopted as a resolution of the Ordinary Council being;
 1. **TC37/2017** - That regulatory edge and center line marking be marked on Charlton Street, Cessnock in accordance with the enclosed Line Marking Diagram approved by the Local Traffic Committee.
 2. **TC38/2017** - That regulatory angle parking signage and edge and centre line marking be installed on Quarrybylong Street, Cessnock in accordance with the Signage Diagram approved by the Local Traffic Committee.
 3. **TC39/2017** - That regulatory line marking be installed at Aberdare Street, Kurri Kurri in accordance with the Line Marking Diagram approved by the Local Traffic Committee.
 4. **TC40/2017** - That regulatory signs and line marking be installed on Frame Drive, Abermain in accordance with the Signs and Line Marking Diagram approved by the Local Traffic Committee.
2. That the intersection of West Avenue/Wollombi Road and Percy Street in regard to road safety be sent to the Traffic Committee.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI3/2018

**SUBJECT: MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE
MEETING HELD 15 DECEMBER 2017**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
396
RESOLVED

That the Minutes of the Floodplain Management Committee Meeting held 15 December 2017 be adopted as a resolution of the Ordinary Council, which includes the following:

1. Listed Matter FLOCLM6/2017:

- That Council submit a formal letter to the Mine Subsidence Board requesting financial assistance/compensation to property owners who have suffered flooding of their properties as a result of mine subsidence in South Cessnock;
- That Council prepare a submission to the Mine Subsidence Board requesting a mine subsidence compensation package to further reduce flood impacts as a result of mine subsidence in South Cessnock;
- That Council seek support from the Hon. Don Harwin, Minister for Resources, Minister for Energy and Utilities and Minister for the Arts; Scot MacDonald, Parliamentary Secretary for Planning, the Central Coast and the Hunter, and Clayton Barr, Member for Cessnock, for consideration by the Mine Subsidence Board.

2. Listed Matter FLOCLM7/2017;

- That Council review funding options prior to acceptance of the successful 2017 Floodplain Management Grants;
- That Council seek financial support from Singleton Council for the construction and maintenance of the Wollombi Flood Warning System;
- That Council work with local community groups, such as Landcare, on an environmental restoration grant application to improve the environmental health of Swamp Creek in the Abermain and Weston area;
- That Council examine the introduction of arrangements to allow community members to maintain areas of Swamp Creek.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (13)**Total (0)*****CARRIED UNANIMOUSLY***

WORKS AND INFRASTRUCTURE NO. WI4/2018

SUBJECT: GENERIC PLANS OF MANAGEMENT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg

397

RESOLVED

1. That Council adopt the Generic Plan of Management for community land categorised as General Community Use.
2. That Council adopt the Generic Plan of Management for community land categorised as General Community Use – Drainage.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI5/2018

SUBJECT: GOVERNMENT CIRCUIT, KEARSLEY

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

398

RESOLVED

1. That Council note the estimated cost of \$816,000 to prepare and seal 1,100m of Government Circuit.
2. That Council note the provisions and purpose of Council's adopted Existing Unsealed Council Roads Policy, which does not support the sealing of Government Circuit.
3. That Council note the commitment made by Roads and Maritime Services in relation to the installation of an Advanced Side Street Road Name sign to reduce unintentional vehicle movements into Government Circuit.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI6/2018

SUBJECT: TENDER EVALUATION REPORT FOR T1718/02 MILSONS ARM ROAD WOLLOMBI BRIDGE REPLACEMENT

MOTION **Moved:** Councillor Stapleford **Seconded:** Councillor Dunn
399
RESOLVED

1. That Council decline to accept any tenders;
2. That Council decline to invite fresh tenders due to the fact that the tendered amount exceeds Council's allocated funding for the project;
3. That the General Manager enter into negotiations with a suitable bridge contractor with a view to entering into a contract for replacement of Milsons Arm Bridge within the project budget.
4. If the budget is insufficient to provide the replacement of Milsons Arm Bridge a report come back to Council.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI7/2018

**SUBJECT: TENDER EVALUATION REPORT FOR CONTRACT 137/1408
COLLECTION AND TRANSPORT OF ORGANICS FROM CESSNOCK,
MAITLAND AND SINGLETON COUNCILS' WASTE MANAGEMENT
CENTRES**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
400

RESOLVED

That Council, subject to the adoption of complementary resolutions by Maitland City Council at its meeting on 30 January 2018 and by Singleton Council at its meeting on 19 February 2018, accepts the tender from Australian Native Landscapes Pty Ltd for Contract 137/1408 for the Collection and Transport of Organics from Cessnock Waste Management Centre commencing on 1 March 2018 for period of two years. The estimated cost to Council for the contract term is \$156,000 (ex GST).

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI8/2018

SUBJECT: TENDER EVALUATION REPORT FOR T1718-04 CONSTRUCTION OF INFORMATION BAYS (STRUCTURES) KEARSLEY, LOVEDALE & POKOLBIN

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
401
RESOLVED

That Council accept the tender from Days Building Construction Pty Ltd in the lump sum amount of \$273,850.14 (including GST) for construction of four information bays.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	

	Total (0)
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CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI9/2018

**SUBJECT: TENDER EVALUATION REPORT FOR T1718-03 WINE COUNTRY
PRECINCT SIGNS**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
402
RESOLVED

That Council accept the tender from Church Communities Australia LTD in the lump sum amount of \$208,529.20 (including GST) for provision of Wine Country Precinct Signs.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN54/2017

SUBJECT: RE-INSTATE MOUNT VIEW ROAD

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

1. That Council re-instate to the current budget the amount of \$258,000 to complete planned roadworks to Mount View Road, Cessnock as originally programmed.
2. That Council return the deferred section of footpath on Mount View Road to the 2017/2021 delivery program.

AMENDMENT **Moved:** Councillor Suvaal **Seconded:** Councillor Dunn

1. That Council reaffirms its position to not undertake significant road works on Mount View Road until the NSW State Government has constructed an alternate access to the Cessnock Correctional Centre.
2. That Council calls on the NSW State Government to quickly confirm and construct the access to the Cessnock Correctional Centre at Kerlew Street Nulkaba.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

The Amendment was **PUT** and **CARRIED** and as such became the **MOTION**.

The Motion was then **PUT** and **CARRIED**.

MOTION

403

Moved: Councillor Suvaal**Seconded:** Councillor Dunn**RESOLVED**

1. That Council reaffirms its position to not undertake significant road works on Mount View Road until the NSW State Government has constructed an alternate access to the Cessnock Correctional Centre.
2. That Council calls on the NSW State Government to quickly confirm and construct the access to the Cessnock Correctional Centre at Kerlew Street Nulkaba.

FOR

Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (12)

AGAINST

Councillor Olsen

Total (1)**CARRIED**

BUSINESS WITH NOTICE NO. BN1/2018

SUBJECT: COUNCILLORS CHRISTMAS FUNCTION - LITTLE STROKE WARRIORS

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Dunn

That Council donate to Little Stroke Warriors the equivalent of the cost for my wife and myself to attend the end of year function for Councillors as requested last year.

FOR

Councillor Olsen
Councillor Dunn
Councillor Fagg

Total (3)

AGAINST

Councillor Doherty
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (10)

The Motion was **PUT** and **LOST**.

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

QUESTIONS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN NO. QWNG1/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE - MOUNT VIEW ROAD

FOR COUNCIL'S INFORMATION

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ1/2018

SUBJECT: WINE COUNTRY DRIVE ROADWORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ2/2018

SUBJECT: DRAINAGE ISSUES AT NULKABA

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ3/2018

SUBJECT: ENTICING BUSINESSES TO LOCAL GOVERNMENT AREA

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Sander

UPDATE ON VARTY PARK

Councillor Sander asked for an update in regard to Varty Park changing from Community to Operational Land.

Councillor Sander

GOVERNMENT ROAD, WESTON

Councillor Sander asked for a status report in regard to Government Road, Weston and whether Council or the RMS are in charge.

Councillor Darrin Gray

KURRI KURRI AMBULANCE HALL

Councillor Gray asked for an update on the current status of the Kurri Kurri Ambulance Hall.

Councillor Darrin Gray

FIRE BOMBING OF CARAVAN – BROOKS STREET, KURRI

Councillor Gray asked what the circumstances were leading up to the fire-bombing of a caravan in Brooks Street, Kurri Kurri over the Christmas period and Council's subsequent response.

Councillor Di Fitzgibbon

ASH STREET DEVELOPMENT

Councillor Fitzgibbon asked for an update on the Ash Street development.

Councillor Di Fitzgibbon

RICHMOND VALE CONSERVATION MANAGEMENT PLAN

Councillor Fitzgibbon asked for an update on where Richmond Vale Conservation Management Plan is up to and when is it likely to be released for Councillors and Stakeholders to view.

Councillor Ian Olsen

FRAME DRIVE WORKS

Councillor Olsen asked how long it will be before Frame Drive is finished and of that, how much will be completed, will it get past the bridge.

Councillor Ian Olsen

PUMP TRACK AND POOL

Councillor Olsen asked when Council will be getting some information or reports back regarding a pump track and also the pool.

Councillor Rod Doherty

SECTION 94 CONTRIBUTIONS

Councillor Doherty asked for an explanation on whether there is a statutory period, if any, on spending Section 94 contributions before a developer can ask for their money back.

Councillor Jay Suvaal

FENCE – KEARSLEY TENNIS COURTS

Councillor Suvaal asked for an update on when the fence around the Kearsley tennis courts will be repaired and available for use.

Councillor Melanie Dagg

NEW ENGLAND HIGHWAY BRANXTON

Councillor Dagg asked for an update in relation to the handover of New England Highway at Branxton.

Councillor Paul Dunn

REPLACEMENT OF CREPE MYRTLES

Councillor Dunn asked if there were any plans to replace the Crepe Myrtles on Wollombi Road coming into Cessnock as they are dying.

CORRESPONDENCE

CORRESPONDENCE NO. CO1/2018

SUBJECT: SUPPORT FOR GREYHOUND RACING TO RETURN TO CESSNOCK

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Stapleford
404
RESOLVED

That Council note the correspondence received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO2/2018

SUBJECT: STRATEGIC EMERGENCY SERVICES PRECINCT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray

405

RESOLVED

That Council note the correspondence received.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	

Total (13)

Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO3/2018

**SUBJECT: POLICING REVIEW - IMPACTS ON CESSNOCK LGA -
CORRESPONDENCE FROM THE MINISTER FOR POLICE**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Doherty
406
RESOLVED

1. That Council note the correspondence received.
2. That Council notes its disappointment that the Minister has refused a meeting with the Mayor and Director.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO4/2018

**SUBJECT: NSW GOVERNMENT FIXING COUNTRY ROADS PROGRAM -
APPLICATION FOR FUNDING OF PAYNES CROSSING BRIDGE AND
THE MOUNT VINCENT TO MILLFIELD UPGRADE**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
407
RESOLVED

That Council note the correspondence received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO5/2018

SUBJECT: THE LOCAL GOVERNMENT COMMUNITY INFRASTRUCTURE REGISTER

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
408
RESOLVED:

That Council note the correspondence received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

CORRESPONDENCE NO. CO6/2018

SUBJECT: NSW GOVERNMENT FUNDING FOR TOURIST ROUTE 33 - WOLLOMBI ROAD - WOLLOMBI TO BELLBIRD

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
409
RESOLVED:

That Council note the correspondence received.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (13)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR'S REPORTS

Councillor Gray

Kurri Hospital Works

Councillor Gray advised that he and Councillor Sander had the opportunity to view the recent works that were carried out at Kurri Hospital on Tuesday. What a great job the hospital staff have done over the Christmas period. Very dedicated and highly competent people, led by Vanessa Fellows, Manager, the facility is being upgraded and painted to reflect the outside the pride and work that was carried out on the inside. Repairs and painting of the front perimeter fence, upgrading the Operating Theatres and the Emergency Department and installation of the new kitchen areas which were over 50 years old. The Operating Theatres will be operational by the end of April.

Stage 2 of the new Rehabilitation Ward has just completed its first 12 months of operation and Councillor Gray can assure the Community that these facilities are state of the art and match the staff that operate them. Renovation of more facilities is going to be conducted and Management is looking for funding opportunities to carry out renovations to the Outpatients Rehabilitation Centre.

Maitland can be congratulated for securing their public funding and operating their new hospital. The up side for us is that our localised district hospitals, with their specialisations, are now more relevant and secure than ever. These facilities and our local staff are something the Community can be truly proud of.

Councillor Lyons

Wollombi Chamber meeting

Councillor Lyons, Stapleford and Dunn attended the first Wollombi Chamber meeting for the year. They were invited to listen to feedback from the business leaders on the challenges that face such an isolated community. It was very good to actually see, in such a small community, about 30 business operators all thriving and growing their businesses. They received feedback on their frustrations regarding signage mainly.

Councillor Dagg

New Plaque in Chamber

Councillor Dagg thanked staff for the installation of the new Plaque on the Lectern in the Council Chamber.

Councillor Dunn

Internal Audit Meeting

Councillor Dunn reported on his attendance at the Internal Audit Committee meeting that was held on Tuesday 6 February 2018.

MOTION

410

Moved: Councillor Burke**Seconded:** Councillor Lyons**RESOLVED**

That the meeting move into closed session in order to consider confidential items.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Dunn
Councillor Fagg
Councillor Stapleford
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (13)**Total (0)****CARRIED UNANIMOUSLY****7.52PM****Open Session**

That the meeting move back into open session and the General Manager reported on the outcome of the Confidential Session.

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC7/2018

SUBJECT: RICHMOND MAIN COLLIERY - ELECTRICITY CONNECTION AND LICENCE/LEASE AGREEMENTS

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg

411

RESOLVED

1. That Council notes the approximate cost of \$8,000 for the re-establishment of electrical connection at Richmond Main Colliery, associated supply and authority fees and installation of a private meter, with funding to be from existing operational budgets (site electricity allocation) and the insurance claim.
2. That Council notes that once connected all future electricity usage costs will be the responsibility of site user groups.
3. That Council allocates \$18,000 from the Land and Miscellaneous Reserve for a structural building assessment to identify a scope of works for four buildings, being the Administration Building (museum), workshops and store buildings used by Forgemasters (Aust) Pty Ltd and the Richmond Vale Preservation Cooperative Society located within Precinct B.
4. That following the structural building assessment a further report be provided to Council outlining the identified costs for make safe and necessary repair works and be in accordance with the Draft Conservation Management Plan.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Dunn	
Councillor Fagg	
Councillor Stapleford	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (12)	Total (1)

CARRIED

The Meeting Was Declared Closed at 7.53pm

CONFIRMED AND SIGNED at the meeting held on 21 February 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI2/2018

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

RECOMMENDATION

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

SUMMARY

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

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

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

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

ENCLOSURES

There are no enclosures for this report.

Motions of Urgency

Report No. MOU2/2018

Corporate and Community Services



SUBJECT: MOTIONS OF URGENCY

RESPONSIBLE OFFICER: Finance and Administration Manager - Andrew Glauser

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.

General Manager's Unit
Report No. GMU4/2018
General Manager's Unit



SUBJECT: *MINUTES OF THE COMMITTEE TO CONSIDER COUNCIL INITIATED AWARDS MEETING OF CESSNOCK CITY COUNCIL HELD ON 18 DECEMBER 2017*

RESPONSIBLE OFFICER: *Mayor - Bob Pynsent*

RECOMMENDATION

That the minutes of the meeting of the Council Initiated Awards Committee held on 18 December 2017 be received and noted.

On 5 April 2017 Council Adopted the Terms of Reference for the Council Initiated Awards Committee. The Terms of Reference authorise the Committee to consider in confidence nominations for awards made by Council or to external awarding bodies and process and determine the successful recipients. This includes but is not limited to the Australia Day Awards, Freeman of City and Hall of Fame nominations.

A meeting of the Council Initiated Awards Committee was held on 18 December 2017 and reports as follows:

PRESENT: The Mayor, Councillor B Pynsent (in the Chair) and Councillors Stapleford and Burke

IN ATTENDANCE: Natalie Drage - Community and Cultural Engagement Manager;
Gina Radford - Executive Assistant to the Mayor (minute taker)

APOLOGIES: NIL

MINUTES: **RECOMMENDED** that the Minutes of the Council Initiated Awards Committee held on 21 December 2016, as circulated, be taken as read and confirmed as a correct record.

Moved: Councillor Stapleford

Seconded: Councillor Burke

DISCLOSURES OF INTEREST:

Mayor Pynsent - A Non-Pecuniary Interest – Insignificant Conflict in Young Citizen Award – Mayor Pynsent advised that he would remain in the meeting and participate in discussion and voting as the conflict would not influence his decision.

Mayor Pynsent - A Non-Pecuniary Interest – Insignificant Conflict in Citizen & Appreciation Award – Mayor Pynsent advised that he would remain in the meeting and participate in discussion and voting as the conflict would not influence his decision.

Councillor Burke - A Non-Pecuniary Interest – Insignificant Conflict in Senior Citizen & Young Citizen Award – Councillor Burke advised that he would remain in the meeting and participate in discussion and voting as the conflict would not influence his decision.

Councillor Burke - A Non-Pecuniary Interest – Significant Conflict in Community Event Award – Councillor Burke advised that he would remain in the meeting and take no part in discussion and voting.

Councillor Burke - A Non-Pecuniary Interest – Insignificant Conflict in Citizen Award – Councillor Burke advised that he would remain in the meeting and participate in discussion and voting as the conflict would not influence his decision.

GENERAL BUSINESS

The committee decided that Warren Parsons and Phil Baird were ineligible to receive an award as they have previously received Citizen, Senior Citizen and Achievement Awards

The committee decided to combine the Appreciation and Achievement Awards to be an Appreciation Award only, as the criteria for each category are similar.

The Community and Cultural Engagement Manager is to report back to the Committee with a single award amalgamating Achievement and Appreciation Awards.

Moved: Councillor Stapleford

Seconded: Councillor Burke

CONSIDERATION OF AUSTRALIA DAY AWARDS RECIPIENTS 2018

RECOMMENDED that the Committee of Council resolve that the following recipients be awarded for the 2018 Australia Day Awards.

Citizen of the Year	Paul Hughes	<i>Outstanding Contribution to the Community</i>
<i>Motion: Moved: Councillor Pynsent Seconded: Councillor Burke</i>		
Senior Citizen of the Year	Laurie Ellis	<i>Outstanding Contribution to the Community</i>
<i>Motion: Moved: Councillor Pynsent Seconded: Councillor Burke</i>		
Young Citizen of the Year	Olivia Palfreyman	<i>Outstanding Leadership of Young People in our Community</i>
<i>Motion: Moved: Councillor Stapleford Seconded: Councillor Burke</i>		
Community Event of the Year	Stomp Festival – Cessnock Chamber	<i>For an Outstanding Event Showcasing Cessnock to the World</i>
<i>Motion: Moved: Councillor Pynsent Seconded: Councillor Stapleford</i>		

General Manager's Unit
Report No. GMU4/2018
General Manager's Unit



Environment Award	Colin & Pamela Fitzsimons	For the Environmental Protection of Bow Wow Creek Gorge
<i>Motion: Moved: Councillor Pynsent Seconded: Councillor Stapleford</i>		
Appreciation Award	Karen Blandon	For Inspiring Leadership in Young People
Appreciation Award	Bryce Gibson	For Outstanding Effort in Community Fundraising
Appreciation Award	Sonia Sharpe	For Outstanding Support for the Aboriginal Community
Appreciation Award	Matthew Orr	For Motivating Young People to Lead an Active Lifestyle
Appreciation Award	Jordan Fallon	For his Commitment to the Kearsley Dawn Service
<i>Moved: Councillor Burke Seconded: Councillor Stapleford</i>		

The Committee consulted with Council's Sustainability Officer for a nomination for the Environment Award.

The Meeting was declared closed at 11.35am.

ENCLOSURES

There are no enclosures for this report

General Manager's Unit
Report No. GMU5/2018
General Manager's Unit



SUBJECT: *TOWN COORDINATORS REVIEW COMMITTEE OF COUNCIL*
RESPONSIBLE OFFICER: *Economic Development Manager - Jane Holdsworth*

SUMMARY

This report provides Council with the list of Councillors that have nominated to be members of the Town Coordinators Committee of Council.

RECOMMENDATION

That Council determine the four Councillors for the Town Coordinators Committee from the Expressions of Interest received.

BACKGROUND

At the Council meeting of 7 February 2018, Council in its consideration of GMU1/2018 Town Coordinator and associated Economic Development Grants Reporting, resolved inter alia:

- 4. That Council set up a Committee of 4 Councillors to oversee the KPIs, outcomes and development of this process. That the General Manager calls for expressions of interest from Councillors with the committee to be decided at the next Council meeting on 21 February 2018.**

REPORT/PROPOSAL

Councillors Dagg, Stapleford, Doherty, Fitzgibbon and Gray responded to the Expression of Interest sent to all Councillors by email on Thursday 8 February 2018. Councillor Dunn also submitted an interest for consideration should four Councillors not nominate.

OPTIONS

That Council nominate four Councillors to sit on the Committee from the Expressions of Interest received.

CONSULTATION

General Manager

STRATEGIC LINKS

a. Delivery Program

This report links directly to the community's desired outcome of strong civic leadership and effective governance.

General Manager's Unit
Report No. GMU5/2018
General Manager's Unit



b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Six Councillors have nominated to participate on the Committee of which four Councillors will be selected.

ENCLOSURES

There are no enclosures for this report



SUBJECT: ***SECTION 96(1A) APPLICATION PROPOSING TO MODIFY DEVELOPMENT CONSENT 2017/348 WHICH GRANTED APPROVAL FOR CONSTRUCTION OF A DUAL OCCUPANCY. THE APPLICATION SEEKS TO DELETE CONDITION 5 WHICH REQUIRES THE CONSTRUCTION OF KERB AND GUTTER***

27 MARGARET STREET, CESSNOCK

RESPONSIBLE OFFICER: ***Development Services Manager - Janine McCarthy***

APPLICATION NUMBER:	8/2017/348/2
PROPOSAL:	Section 96(1A) Application proposing to modify Development Consent 8/2017/348/1 which granted approval for the construction of a dual occupancy. The application seeks to delete Condition 5, which requires the construction of kerb and gutter
PROPERTY DESCRIPTION:	Lot 10 Section 9 DP 5465
PROPERTY ADDRESS:	27 Margaret Street, Cessnock
ZONE:	R3 – Medium Density Residential
OWNER:	Mr D W Hilder
APPLICANT:	Mr D W Hilder

RECOMMENDATION

That Council determine the Section 96(1A) Application (8/2017/348/2) proposing to modify Development Consent 8/2017/348/1 at Lot 10 Section 9 DP 5465, 27 Margaret Street Cessnock, pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, by refusing to grant consent for the reasons detailed in this report.

REASON FOR REPORT

The Section 96(1A) Application proposing to modify Development Consent 8/2017/348/1 is being referred to Council for determination as the Application is recommended for refusal and the refusal is considered to be merits-based.

EXECUTIVE SUMMARY

Council is in receipt of a Section 96(1A) Application (8/2017/348/2) proposing to modify Development Consent 8/2017/348/1 which granted approval for the erection of a dual occupancy. The Application seeks to delete Condition 5 which requires the construction of kerb and gutter.

The Section 96(1A) Application has been assessed against the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments and Council Policies. The outcome of this assessment is detailed further in this report.

The Section 96(1A) Application was not required to be publicly exhibited.

Council at its meeting of 1 October 2014, resolved to apply a condition of consent requiring the construction of kerb and gutter for *all dual occupancy development where kerb and gutter exists immediately adjacent the subject site*. Therefore, the condition of consent requiring the construction of kerb and gutter is in accordance with Council's most recent resolution.

Based on the assessment, it is recommended that the Section 96(1A) application be refused for the reasons detailed in this report.

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LOCATION MAP



AERIAL



SITE DESCRIPTION AND LOCALITY

The subject site is commonly known as 27 Margaret Street, Cessnock, and is legally described as Lot 10, Section 9, Deposited Plan 5465.

The subject site is located on the corner of Margaret and Michael Streets. The site has a frontage of 20m to Margaret Street, a depth of 40m to Michael Street, and an overall site area of approximately 806m².

The landform is described as having a slight fall occurring from the north-east towards Michael Street, accounting for a landform variation of less than one metre.

This allotment currently accommodates a single-storey residence and ancillary outbuilding. Vehicular access to the site is currently obtained from Michael Street and when developed, will be obtained from Michael Street.

The surrounding properties are characterised predominantly by single-storey dwellings of a mixed variety of brick or weatherboard construction.

HISTORY

The history of the initial development consent and subject Section 96(1A) Application, are summarised in the following table:

Date	Action
04 September 2017	Development Consent 8/2017/348/1 which granted approval for the erection of a dual occupancy, issued.
02 January 2018	Section 96(1A) Application lodged, seeking the deletion of Condition 5.
15 January 2018	Comments received from Council's Consultant Development Engineer, advising that the applicant's proposal to delete Condition 5 requiring the construction of kerb and gutter, is not supported.
15 – 16 January 2018	Telephone discussion held with applicant regarding status of application. Applicant afforded the opportunity to withdraw the Application due to non-compliance with Council's resolution of 1 October 2014 which requires the construction of kerb and gutter for all dual occupancy development where kerb and gutter exists immediately adjacent to the subject site.
31 January 2018	Applicant advised that they do not wish to withdraw the Application, and request that the matter be referred to Council for determination.
31 January 2018	Assessment finalised.

DETAILS OF THE PROPOSED DEVELOPMENT

Development Application 8/2017/348/1 proposing the erection of a dual occupancy development comprising the demolition of an existing shed and carport, removal of trees and the construction of a new detached dwelling to create a dual occupancy, was approved under delegated authority on 4 September 2017.

As outlined above, the Section 96(1A) Application proposes to delete Condition 5 of the development consent, which prescribes as follows:

5. Construction of Margaret Street

The registered proprietors of the land shall construct the following for the full frontage of Lot 10 Sec 9 D.P 5465 for a distance of approximately 30m (Margaret Street Frontage) in accordance with Council's 'Engineering Requirements for Development' and set out on a set of plans, four (4) copies of which are to be submitted to, and approved by, Council prior to the release of the S138 Roads Act Approval.

- (a) *Construct kerb and gutter*
- (b) *Construct and gravel road shoulders*
- (c) *Place two (2) coat hot bitumen seal on road shoulders*
- (d) *Topdress and turf footpath*
- (e) *Construct drainage works*

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 96(1A)

Section 96(1A) Modifications involving minimal environmental impact

Section 96(1A) of the EP & A Act states: -

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

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- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment

The following is noted in respect of the above:

- (a) It is considered that the modifications proposed would result in environmental impact, particularly in relation to the disposal of stormwater from the site.
- (b) The modifications sought affect the provision of infrastructure in accordance with Council's adopted Policy. The proposed buildings remain the same as originally approved.
- (c) The Cessnock Development Control Plan (DCP) 2010 contains requirements for the exhibition of certain types of applications. The proposed modification is limited to the provision of kerb and gutter, and was therefore not required to be publicly exhibited.
- (d) Public submissions were not invited as the Section 96(1A) Application was not required to be publicly exhibited.

Environmental Planning and Assessment Act 1979 – Section 79C(1)

Section 96(3) of the Environmental Planning and Assessment Act 1979 specifies that *'in determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application'*.

The following matters are relevant to the assessment of the Section 96(1A) Application:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instrument that relates to the proposed development is:

Cessnock Local Environmental Plan 2011

An assessment of the proposed development under the relevant Environmental Planning Instrument is provided below:

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1. Cessnock Local Environmental Plan 2011

1.1 Permissibility

The subject site is zoned R3 – Medium Density Residential under the provisions of the Cessnock Local Environmental Plan 2011. The matter of permissibility is not relevant to consideration of this Section 96(1A) Application, as the approved land use remains the same.

1.2 Objectives

The matter of zoning objectives is not relevant to consideration of this Section 96(1A) Application, as the approved land use remains the same and the overall development will therefore continue to be consistent with the objectives of the zone.

1.3 Relevant Clauses

There are no clauses within the Cessnock LEP 2011 considered relevant to the assessment of the Section 96(1A) Application.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

No draft Environmental Planning Instruments are relevant to the application.

(a)(iii) The Provisions of any Development Control Plan

Cessnock Development Control Plan 2010

Part D: Specific Development, Chapter 2: Urban Housing is relevant to the approved land use on the subject site. However Chapter 2 is not considered relevant to the assessment of the provision of kerb and gutter under Section 96(1A) Application as the approved land use remains the same and no changes are sought in relation to the approved dual occupancy development.

In consideration of the above, no further consideration is warranted under the DCP.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No such agreement has been proposed as part of this application.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

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(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality*

As previously determined by Council, the development application for the dual occupancy development would have negligible environmental impacts on the natural and built environments.

Notwithstanding the above, the intensification of the land for future residential purposes without adequate methods of disposing of stormwater to the existing street drainage, would result in environmental impacts.

(c) *The suitability of the site*

As previously determined, the site is considered suitable for the dual occupancy development subject to conditions of approval, including the requirement to construct appropriate drainage infrastructure works.

(d) *Any submissions made in accordance with this Act or the Regulations*

The Section 96(1A) Application was not required to be publicly exhibited.

(e) *The public interest*

The public interest is served through the detailed assessment of this Development Application under the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments and Council Policies.

Based on the above assessment, the proposed development is deemed to be contrary to the public interest as the relevant Council policy and resolution requires the construction of appropriate infrastructure, in this case, kerb and gutter as a direct result of intensification occurring on the site.

POLICY IMPLICATIONS

Council's resolution from its meeting of 1 October 2014

In response to an influx of Section 96 Applications seeking to remove kerb and gutter conditions of consent, Council at its meeting of 1 October 2014, resolved as follows:

1. *That Council adopts the following interim requirements for the conditioning of kerb and gutter on development applications:*
 - a. *For dual occupancy, granny flats and 2 lot residential subdivisions, a condition of consent requiring the construction of kerb and gutter, will only apply in circumstances where kerb and gutter exists immediately adjacent the subject site;*

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- b. For residential subdivision of 3 lots or more, and multi-dwelling development and any other form of residential development (with the exception of single dwellings), a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances; and*
- c. For all commercial and industrial development, a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances.*

At the time of the original assessment, Council's Consultant Development Engineer provided conditions of consent for the proposed dual occupancy development. Given the intensification of the land use, a condition (Condition 5), requiring kerb and gutter for the full frontage of Margaret Street was imposed based upon Council's policy and the existing kerb and gutter in the location.

In response to the applicant's request to delete Condition 5, the Section 96(1A) Application was referred to Council's Consultant Development Engineer for review, who concluded as follows:

'The applicant proposes to delete Condition 5 relating to the provision of kerb and guttering to the lot frontage on Margaret Street.

Council has adopted the interim requirements for kerb and gutter as described below:

- a) For dual occupancy, granny flats and 2 lot residential subdivisions, a condition of consent requiring the construction of kerb and gutter, will only apply in circumstances where kerb and gutter exists immediately adjacent the subject site;*
- b) For residential subdivision of 3 lots or more, and multi-dwelling development and any other form of residential development (with the exception of single dwellings), a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances; and*
- c) For all commercial and industrial development, a condition of consent requiring the construction of kerb and gutter, will apply in all circumstances.*

The requirement to impose kerb and gutter was imposed on the development consent as per the provisions set out in clause (a). Due to the fact that there is existing kerb and gutter on the Michael Street frontage (i.e. adjacent), the provisions of clause (a) apply to this development. The placement of this condition is consistent with similar developments within the LGA and the removal of the condition is not consistent with the policy adopted by Council.

Therefore, the requirements of Condition 5 are still valid and should remain on the consent'.

Applicant's Position in Respect of the Section 96(1A) Application to delete Condition 5

The applicant has lodged a submission in support of the Section 96(1A) Application. The following discussion addresses both the applicant's justification, and a response to each matter raised:

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The access to both the existing dwelling and the new dwelling will be off Michael Street not Margaret Street. The residence fronting Margaret Street will continue to use Michael Street, and in essence the status quo will remain

Officer comment

Council's policy does not identify the point of vehicular access as a determining factor in the application of this policy.

If kerb and gutter were provided in Margaret Street it would be provided in isolation

Officer comment

Kerb and gutter exists in the locality and on the northern side of Margaret Street. Therefore, the kerb and gutter required to be provided in accordance with Condition 5 would not be provided in isolation.

The cost of providing kerb and guttering is substantial and effects the viability of the project

Officer comment

The issue of the financial viability of the development is not a relevant planning consideration under the Environmental Planning and Assessment Act 1979, rather, this is a matter for the applicant to consider. The imposition of a condition of consent requiring the upgrading of drainage/road infrastructure is common in these types of circumstances. i.e., when intensifying development on a site, and the cost associated with providing the infrastructure would usually be considered by an applicant when determining whether to proceed with development of a site.

The removal of this condition will not have a negative impact on the adjoining properties

Officer comment

The condition of consent has been imposed in accordance with a Council resolution, the intention of which is to ensure Council's road/drainage infrastructure is upgraded in conjunction with intensification of development of a site, thereby improving the provision of infrastructure in the locality.

The removal of this condition will not create any adverse impact upon the local built environment

Officer comment

Refer to above comments. The intention of applying Council's policy is to improve the standard and amount of infrastructure to support the intensification of development.

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The applicant has argued that Council has previously removed a condition of consent relating to a Section 96 Application to modify Development Consent 2016/216, at 47 Hall Street Cessnock (8/2016/216/2), and this is a similar request

Officer comment

The Section 96 Application referred to above related to the subdivision of one (1) lot into two (2) lots, and the conditions removed by Council related to the construction of road shoulders as required by Council's DCP and Engineering Requirements for Development. The previous application cited is not similar to what is being proposed under this Application which is the removal of kerb and gutter.

Council officers have concluded that Condition 5 requiring the construction of kerb and gutter, should not be deleted, as this is contrary to Council's resolution of 1 October 2014, and may create unreasonable pressure to vary the provisions of the relevant policy in the future.

The applicant has not established any sound planning or engineering reasons for Council officers to recommend that the adopted Policy be varied. Council officers are therefore obliged to support the adopted policy of Council in the assessment of the Section 96(1A) Application by recommending that the application be refused.

SECTION 94 CONTRIBUTIONS

The issue of Section 94 Contributions is not relevant to the Section 96(1A) Application.

INTERNAL REFERRALS

The Section 96(1A) Application was referred to Council's Consultant Development Engineer for assessment and comment, and such comments are outlined in this report.

EXTERNAL REFERRALS

The Section 96(1A) Application was not required to be referred to any external agencies for comment.

CONCLUSION

The Section 96(1A) Application has been assessed in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, and all relevant instruments and policies.

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The removal of Condition 5 is considered contrary to Council's interim policy position determined at its meeting of 1 October 2014. On this basis, it is recommended that the Section 96(1A) Application be refused for the reasons contained within this report.

ENCLOSURES

- [1](#) ➡ Applicant's Justification
- [2](#) ➡ Additional Justification provided by Applicant
- [3](#) ➡ Approved Plans

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REASONS FOR REFUSAL

1. The modification sought by the application in respect of the Section 96(1A) Application relating to Development Consent 8/2017/348/1 is inconsistent with Council's interim policy and Council's resolution from their meeting of 1 October 2014.
2. The Section 96(1A) Application proposing to remove the requirement for kerb and gutter (Condition 5), is likely to result in adverse environmental impacts in Margaret Street (pursuant to Section 79C(1)(a)(b) of the Environmental Planning and Assessment Act 1979).

SUBJECT: *REVISED PARKING ENFORCEMENT POLICY*

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

SUMMARY

The purpose of this report is to advise Council that a review of the Parking Enforcement Policy has been completed including an investigation of parking in streets with roll top kerb and that the current Engineering Requirements for Development are under review.

The revised Parking Enforcement Policy is referred to council to consider placing on public exhibition to invite public submissions.

RECOMMENDATION

1. That Council place the revised Parking Enforcement Policy on public exhibition for 28 days.
2. That in the event any submissions are able to be resolved, that Council adopt the Parking Policy as amended.
3. That Council note the information regarding parking adjacent to roll top kerb and street widths.

BACKGROUND

At its meeting of 1 November 2017 Council resolved:

1. That Council adopt the revised "Compliance and Enforcement Policy" as amended.
2. That Council investigate the issue of parking in the streets with rolled kerbs as part of a revised parking policy to be brought back to Council in February 2018.
3. That the General Manager review the engineering standards with regards to the road width requirements for new estates to ensure that there is sufficient road pavement to allow for a free flow of traffic.

REPORT/PROPOSAL

Parking Enforcement Policy Review: A review of the Parking Enforcement Policy has been completed. The review provided an opportunity to re-order and streamline the document and to incorporate subsequent legislative changes.

Parking and Roll Top Kerb: Parking on NSW roads is controlled by the *Road Rules 2014* which make it an offence to stop or park on a footpath, irrespective of the type of kerb. The *Road Rules 2014* state in part under Reg 197 that "A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area".

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The Rules are very specific in this regard and do not distinguish between, or make exceptions for different types of kerb. State legislation therefore does not allow a different standard of parking in streets with rolled kerb as distinct to upright kerb and gutter. The requirement is to park parallel next to the kerb irrespective of its design. NSW State Government has reviewed footway parking in the past; however the law has not changed. A consistent approach to, and application of the law is fundamental to ensuring voluntary compliance and enhancing road safety.

Some Sydney Metropolitan Councils have designed streets with rolled kerb to allow vehicles to park with 2 wheels on the road and 2 wheels on a paved road related area. This alternate arrangement may have been installed prior to Roads and Maritime Services Technical Direction TTD 2014/004 which mandates "the entire parking area or space must be located behind the kerb". Further, TTD 2014/004 states that "*The NSW road rule number 197 prohibits parking on footpaths and nature strips. However parking is allowed on road related areas that are specifically intended or constructed for the purpose of parking of vehicles.*"

TTD 2014/004, which is not discretionary and must be followed, also stipulates that when considering the provision for off road parking in narrow roads, that the needs of all road users must be met. Since the primary purpose and use of the footpath and nature strip is by pedestrians, it is critical that the needs of pedestrians, including those who use canes, wheel chairs, prams and the like be safely accommodated.

The key consideration is that vehicles are only allowed to park on road related areas that are specifically designed and constructed for that purpose and do not impede on minimum requirements for footpath design and pedestrian safety. TTD 2014/004 requires that the entire length or parking space must be located behind the kerb and must be accessible without driving on the footpath or nature strip. Engineering treatments such as bollards must be used to help keep vehicles off the footpath or nature strip. For these reasons retro fitting half on and half off parking schemes is not acceptable and would be in direct contradiction with TTD 2014/004. TTD 2014/004 is attached for reference at **Enclosure 2**.

Engineering Requirements for Development: Council's current requirements allow for formed street widths of between 9 metres and 14 metres. These widths are in accordance with relevant Australian Standards, Roads and Maritime Services Technical Directions, and Austroads Guide to Road Design. The width of streets required in Cessnock Local Government Area (LGA) is generally consistent with those in neighboring LGAs.

In accordance with Australian Model Code For Residential Development, as well as the economic benefits of reduced cost to developers and home buyers, minimising the width of local streets in residential estates aims to create a pleasant living environment not dominated by hard surfaces that act as impervious heat sinks, and allow greater opportunities for landscape, provision of shade and natural dissipation of storm water.

In appropriate circumstances, traffic management may be improved as a more constrained road environment reduces speed and focuses driver attention. The provision of on street parking takes account of lot sizes which allow for off street parking on site, usually sufficient for two cars, as well as trailers, boats, and caravans. Ensuring side access to the rear of properties for orderly storage of vehicles is also an important consideration.

Reg 208 of the *Road Rules 2014* protects the free flow of traffic in narrower streets, as the road does not have a continuous dividing line or a dividing strip, the driver must position the

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vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign. Furthermore, the driver must position the vehicle so the vehicle does not unreasonably obstruct the path of other vehicles or pedestrians.

Some neighboring Councils have utilised the provisions of TTD 2014/004, approving estates where narrower streets provide specifically designed parking bays behind the kerb. A change in pavement finish, bollards and landscaping to suit ensures separation of pedestrians from vehicles and clarity about how to park lawfully.

Review of Council's currently adopted Engineering Requirements for Development has commenced with a view to updating requirements for design and construction as well as improved format for ease of use by stakeholders including developers, certifiers, Council officers and Councilors. The review will ensure consistency with TTD 2014/004. Major departures to current established Australian standards for street design are not anticipated and would not be in compliance with Council's exercise of its delegated functions as the Roads Authority.

OPTIONS

- That Council approve the attached revised policy for public exhibition, or request further information.
- That Council note the information regarding parking adjacent to roll top kerb and street widths.

This is the preferred option.

CONSULTATION

Internal consultation has occurred with:

- Director Planning and Environment
- Ranger Team Leader
- Infrastructure Manager
- Strategic Traffic & Transport Engineer
- Road Safety Officer

The report proposes external consultation through public exhibition of the attached draft policy.

STRATEGIC LINKS

a. Delivery Program

The report is linked to Clause 1.3.2: "Carry out regulatory and education programs to protect residential amenity and community health and safety".

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b. Other Plans

Cessnock 2027 Community Strategic Plan – “A connected, safe and creative community”.

IMPLICATIONS

a. Policy and Procedural Implications

The revised policy will guide Council staff and the Council on parking enforcement principles and procedures.

b. Financial Implications

Nil

c. Legislative Implications

Council has an obligation under Section 8 of the Local Government Act 1993 to ensure that the exercise of its regulatory power is carried out consistently and without bias.

Parking on NSW is controlled by the Road Rules 2014. NSW road rule number 197 prohibits parking on footpaths and nature strips. However parking is allowed on road related areas that are specifically intended or constructed for the purpose of parking of vehicles.

Roads and Maritime Services Technical Direction TTD 2014/004

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

The revised Policy provides guidance to the community and clarity on Council’s approach to parking within the Cessnock City Council area.

CONCLUSION

A review of the Parking Enforcement Policy has been completed and it is proposed that Council approve the attached Parking Enforcement Policy for public exhibition.

The investigation of parking in streets with rolled kerb found that the Road Rules 2014 detail the acceptable methods of parking and that a consistent approach to, and application of the law is fundamental to pedestrian safety.

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Council's current Engineering Requirements for Development are under review and anticipated to remain consistent with established standards of design.

ENCLOSURES

- [1](#) ➡ Draft Revised Parking Enforcement Policy
- [2](#) ➡ RMS Technical Direction TTD 2014/004

SUBJECT: *DEVELOPMENT APPLICATION PERFORMANCE
MONITORING REPORT - DECEMBER 2017 QUARTER*

RESPONSIBLE OFFICER: *Business Support & Customer Relations Manager - Roslyn Ashton*

SUMMARY

The purpose of this report is to provide Council with the December 2017 quarterly report in relation to development assessment performance monitoring data and provide an overview of development activity within the Cessnock Local Government Area.

RECOMMENDATION

That Council receives the report and notes the information.

BACKGROUND

Each year, the NSW Department of Planning and Environment analyses data from each Council in NSW to provide comprehensive information on the operation of the local development assessment system for DAs, Section 96 Applications and complying development.

Over recent years, Council has continued to work with key stakeholders to improve processes and the overall performance in relation to development assessment and processing times.

REPORT/PROPOSAL

Highlights worthy of Council's attention during the December 2017 quarter include:

Statistical Snapshot

- A total number of 231 applications were received and 240 applications were determined during the December 2017 quarter.
- In the 2017 December quarter the total value of Council development approvals was \$44,509,421 and Complying development value for the same period was \$6,460,007
- Council approved approximately 140 dwelling units during the 2017 December quarter.
- Based on current trends in 2017/18 Cessnock is again on track to exceed the annual projection for dwelling approvals outlined in the Hunter Regional Plan 2036.
- The median processing time for determined development applications (including S96) was 28 days during the December quarter, and the mean processing days for the same period was 50.80 days.

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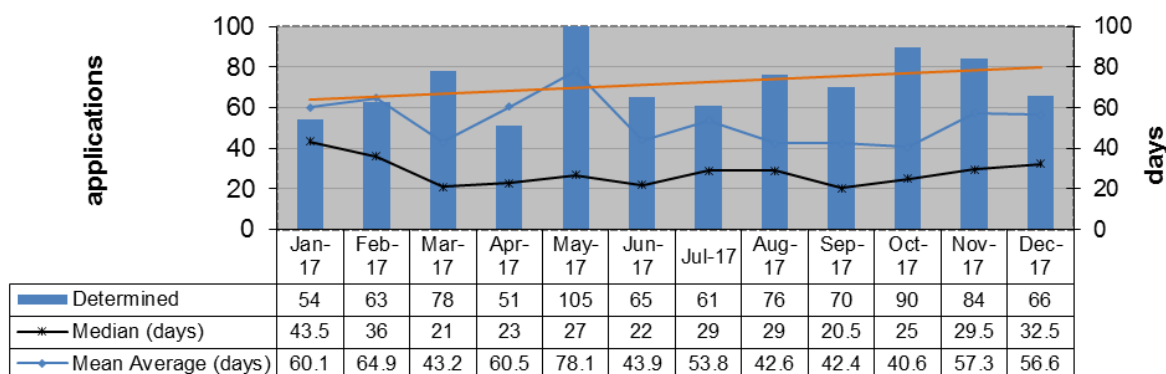


- During the quarter, Council issued 59% of Construction Certificates, 45% of Occupation Certificates and 12% of Complying Development Certificates in the LGA.

Major Development Approved for the September Quarter

- \$1,320,000 – Alterations & Additions to Existing Building for use as a Child Care Centre for 99 children – 10 Fleming Street, Nulkaba
- \$1,879,000 - Phased Development (Three (3) Phases) comprising Self Storage Facility (62 Self Storage Units), Ancillary Office and Managers Residence, Car Parking, Bio-retention Basin and Two (2) Signs – 149 Mitchell Avenue, Kurri Kurri
- \$2,950,000 - Construction & Operation of a Waste or Resource Management Facility to be carried out in Two (2) Phases as follows:
Phase 1 - Construction of Weighbridge, Site Office & Associated Infrastructure for the Processing & Transfer of Green Waste, Wood & Soil Waste
Phase 2 - Construction of a Building & Associated Mitigation Measures for the Processing & Transfer of Food & Organic Material -
2 Styles Street, Kurri Kurri (Approved by JRPP)

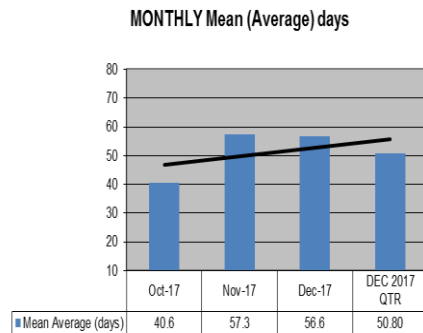
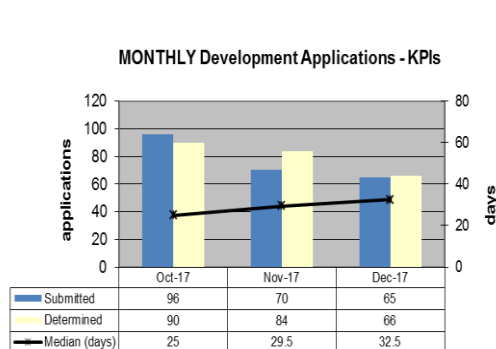
**12 month comparison of applications determined (DAs & S96)
01/01/2017 - 31/12/2017**



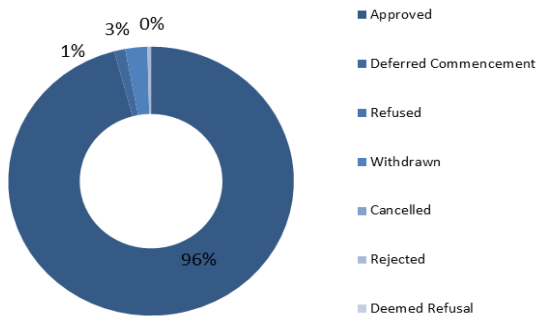
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Report No. PE4/2018

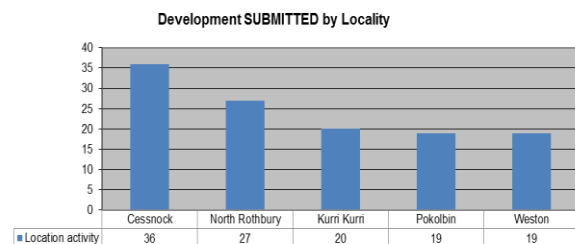
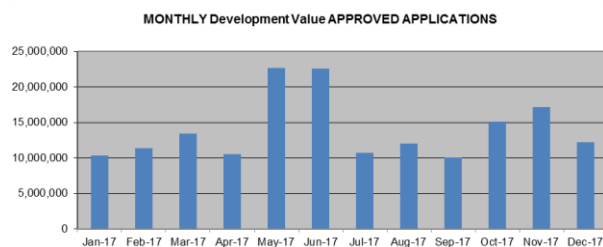
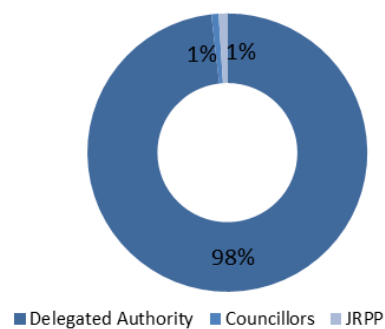
Planning and Environment



Determination Type



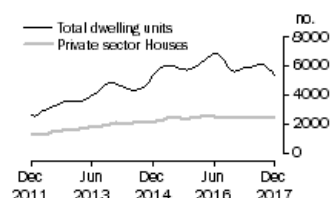
Determination Body



Australian Bureau of Statistics – Building Approvals, Australia, Dec 2017

BUILDING APPROVALS**NUMBER OF DWELLING UNITS**

The trend estimate for Australia fell 1.7% in December.

DWELLING UNITS APPROVED STATE TRENDS**NEW SOUTH WALES**

The trend estimate for total number of dwelling units approved in New South Wales fell 5.6% in December and has fallen for four months. The trend estimate for the number of private sector houses fell 0.2% in December and has fallen for six months.

Australian Bureau of Statistics – Building Approvals, November 2017**Residential Building Approvals**

The number of dwellings approved have continued to rise according to data released by the Australian Bureau of Statistics (ABS). In Cessnock City LGA there were 225 residential building approved to be built in the financial year 2017/18 November FYTD.

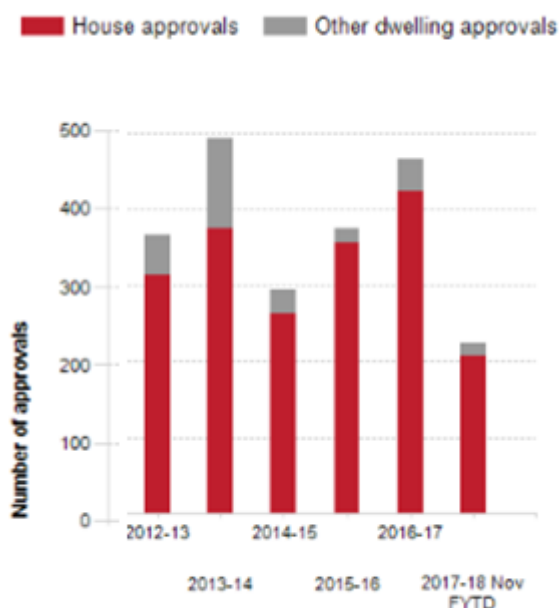
Residential building approvals							export	reset
Cessnock City								
Year (ending June 30)	Number			Annual change				
	Houses	Other	Total	Houses	Other	Total		
2017-18 Nov FYTD	207	18	225	—	—	—		
2016-17	423	44	467	+88	+24	+92		
2015-16	355	20	375	+93	-13	+80		
2014-15	262	33	295	-112	-87	-199		
2013-14	374	120	494	+80	+87	+127		
2012-13	314	53	367	+29	-28	+1		

Table 1: ABS Data Source <https://profile.id.com.au/cessnock/building-approvals>

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Above: Graphical representation related to Table 1.

Value of total building approvals

The total value of building approvals in Cessnock City LGA was \$220 million in the 2017/18 November financial year to date. Of particular note, is that Cessnock City Council LGA now makes up 1.23% of the value of all building approvals in NSW as at November 2017 (financial year to date).

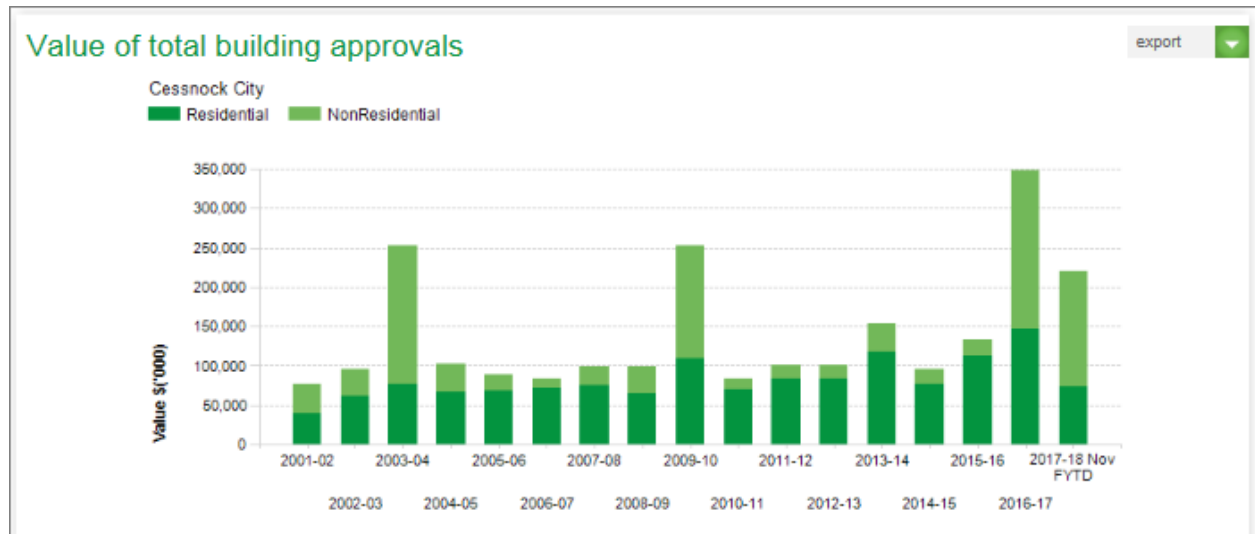
Value of total building approvals export							
	Cessnock City			New South Wales			
Financial year	Residential \$('000)	Non- residential \$('000)	Total \$('000)	Residential \$('000)	Non- residential \$('000)	Total \$('000)	Cessnock City as a % of New South Wales
2017-18 Nov FYTD	72,799	147,584	220,384	11,837,169	6,223,808	17,860,977	1.23%
2016-17	146,563	200,917	347,480	25,104,056	14,083,016	39,187,072	0.89%
2015-16	112,573	20,406	132,979	24,507,071	11,286,909	35,793,980	0.37%
2014-15	76,046	19,245	95,291	15,651,703	12,000,977	27,652,680	0.34%
2013-14	117,126	37,315	154,441	15,651,703	12,000,977	27,652,680	0.56%
2012-13	83,814	17,007	100,821	11,981,013	7,883,815	19,864,829	0.51%

Table 2: ABS Data Source: <https://economy.id.com.au/cessnock/value-of-building-approvals>

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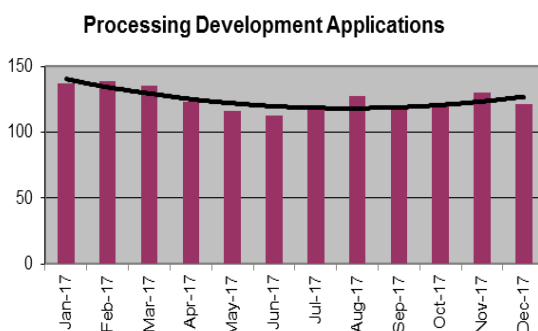
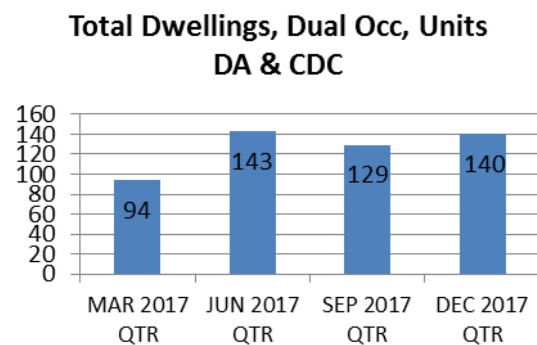
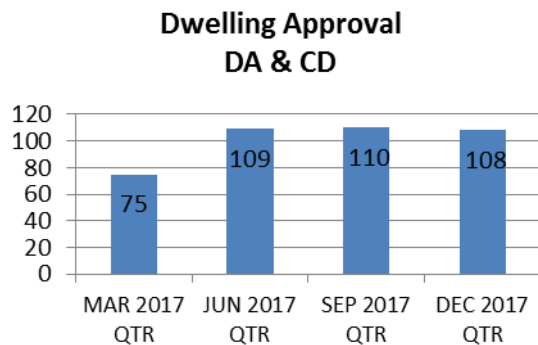
Planning and Environment



Above: Graphical representation related to Table 2.

Council development activity for dwelling approvals

The Hunter Regional Plan 2036 outlines that Cessnock City Council has a projected increase in dwelling approvals of 6,350 between 2016 and 2036 which averages to 318 applications per year. During the 2017 December quarter a total of 140 dwelling units were approved in the LGA, based on the current trend the number of dwelling units will exceed the annual projection set by the Regional Plan.



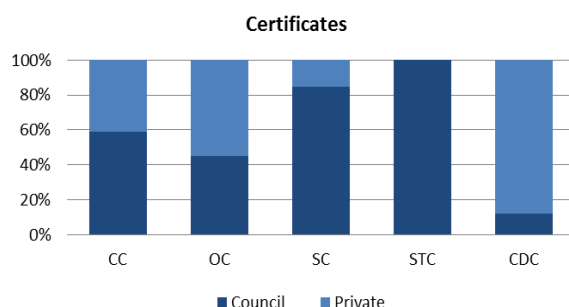
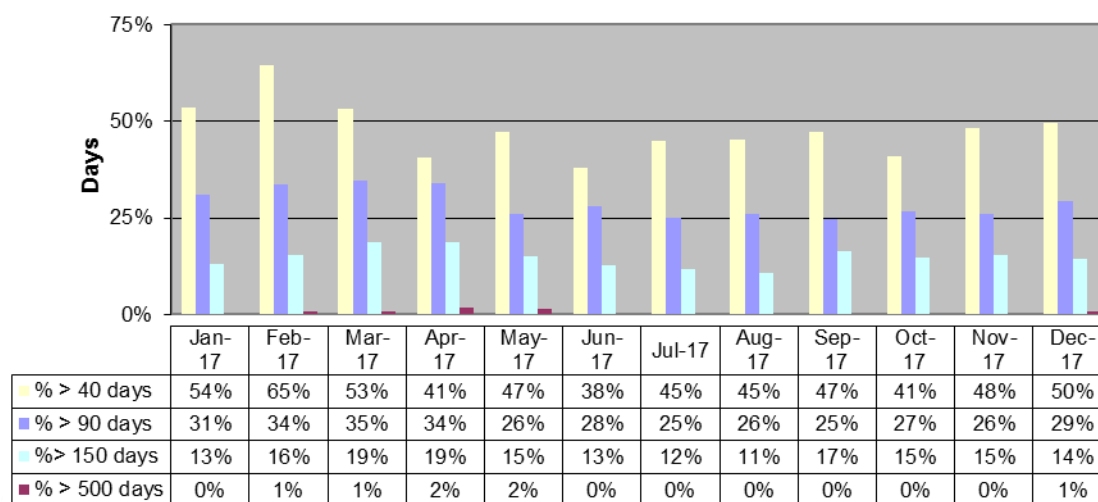
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Planning and Environment



Processing Days - Percentages



CERTIFICATES	Council	Private
Construction certificates	106	73
Occupation Certificates	66	81
Subdivision Certificates	11	2
Strata Certificates	3	0
Complying Development	9	67

CONSULTATION

NSW Planning – Local Development Performance Monitoring
 Civica – Authority and MasterView Consultants
 Director Planning and Environment
 Health & Building Manager
 Development Services Manager

STRATEGIC LINKS**a. Delivery Program**

The report is linked to Objective 3.1.6 Continue to efficiently and effectively process development applications, and respond to planning related enquiries.

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b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

The statistics will continue to be prepared and submitted annually as required by the NSW Department of Planning and Environment.

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

Nil

CONCLUSION

This report is provided for Council information and outlines an overview of the quarterly performance of Development Assessment as at the end of the December 2017 Quarter.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC8/2018

Corporate and Community Services



SUBJECT: *RESOLUTIONS TRACKING REPORT*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

The enclosure contains pending actions from previous meetings as well as completed actions for period December 2017 to February 2018.

RECOMMENDATION

That Council receive the report and note the information.

ENCLOSURES

- 1 ➡ Completed Actions from 10/10/2017
- 2 ➡ Outstanding Actions

Corporate and Community

Report No. CC9/2018

Corporate and Community Services



SUBJECT: ***QUARTERLY BUDGET REVIEW STATEMENTS -
DECEMBER 2017***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The purpose of this report is to present the December 2017 Quarterly Budget Review Statements (QBRs) for Council's consideration, as per requirements of Clause 203 of the Local Government (General) Regulation 2005.

RECOMMENDATION

1. That Council note the December 2017 Quarterly Budget Review Statements were presented to and endorsed by the Audit Committee on 6 February 2018.
2. That Council approve the variations to the income, expenditure and capital budgets as detailed in the December 2017 Quarterly Budget Review Statements.

BACKGROUND

Clause 203 of the *Local Government (General) Regulation 2005* requires Quarterly Budget Review Statements to be prepared and submitted to Council. A separate report to Council contains information in regard to Council's Delivery Program and reporting requirements under Integrated Planning & Reporting legislation.

The review is presented in accordance with the Office of Local Government's reporting guidelines and, in line with these requirements, an operating statement, capital expenditure statement, cash and investment summary, reserves listing, legal expenditure summary and consultants' expenses summary are shown for the quarter.

The QBRs for December 2017 are presented to the Council for consideration and adoption. The Audit Committee has reviewed and endorsed the QBRs prior to referral to Council.

REPORT/PROPOSAL

The budget review process involved responsible cost centre managers reviewing income and expenditure patterns and after consultation with finance staff, proposing any required changes. Changes may have been from unforeseen circumstances or elements beyond the control of Council, additional funding opportunities, or from Council resolutions.

Directors have been provided full group summaries for review and have endorsed the proposed changes as outlined in the QBRs.

The quarterly review has taken into account a range of cost increases/decreases. Additional revenues and reductions in expenditure items have been identified where appropriate to ensure the adopted budget strategy remains intact and that an appropriate source of funding is identified for unexpected expenditure variations.

Corporate and Community

Report No. CC9/2018

Corporate and Community Services



General Budget Commentary

The QBRS are provided to Council at **Enclosure 1** and are showing on a cash basis a surplus of \$30,020. The surplus is recommended for retention as a buffer against future deteriorations and to improve Council's unrestricted cash position.

Profit and Loss Statement Commentary

The Income & Expenses Budget Review Statement (Profit & Loss) shows a net increase of approximately \$205,000. The major items altered in this review are:

- User Charges and Fees Income – an increase in Town Planning and Building fees \$24,500 and an increase in rating certificates \$20,000.
- Other Revenues – receipt of Local Government Procurement Rebate \$21,137.
- Grants and Contributions Income – Operating – an increase in the Financial Assistance Grant \$393,867 (of which \$90,000 has been transferred to Richmond Main emergency remedial works, \$54,799 to roads and bridges and \$249,068 to restricted assets per Council Report CC93/2017 13 December 2017).
- Materials and Contracts – an increase of \$90,000 for Richmond Main emergency remedial works (funded from additional Financial Assistance Grant as mentioned above).

Road and Infrastructure Programs

For transfers to and from Road and Infrastructure programs, refer to pages 6-9 (Capital Budget Review Statement – Budget Variations) in the enclosed Quarterly Budget Review Statement.

Responsible Accounting Officer Statement

Section 203 (2) of the Local Government (General) Regulation 2005 requires that the budget review statement include or be accompanied by a report from the responsible accounting officer. This report is required to indicate whether the Responsible Accounting Officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure, and if that position is unsatisfactory, recommendations for remedial action.

Upon inspection of the quarterly budget review statements, I Robert Maginnity, as Responsible Accounting Officer hereby certify that having regard to the original estimates of income and expenditure, and the projected estimates of income and expenditure to 30 June 2018, the financial position of Council is considered **satisfactory** as the identified changes proposed have been offset by suitable funding allocations.

Corporate and Community

Report No. CC9/2018

Corporate and Community Services



In making this statement and the presentation of the QBRs it is highlighted that while the adopted balanced budget strategy has been preserved through a cash surplus, current operations and future commitments continue to exert pressure on the management of our financial position. Budget commitments and associated processes will continue to undergo careful reassessment with a view to identifying opportunities for improvement.

Continued Improvement Strategies

1. Continuation of the remedial actions as identified in previous QBRs reports.
2. Continue to review all expenditure commitments to identify projects or programs that can be reduced or delayed while at the same time identifying additional income opportunities.
3. That any additional revenues identified be quarantined for the purpose of improving Councils cash position.
4. That any loan repayment commitments not required from loans not drawn down be quarantined for the purpose of improving Councils cash position.

CONSULTATION

The following staff provided input into the preparation of this report and its enclosures:

- Directors
- Managers
- Senior finance staff
- Audit Committee

STRATEGIC LINKS

a. Delivery Program

This report is a crucial part of the organisation's governance framework – providing feedback on the progress against the budget adopted by Council. This is in line with the community's desired outcome of: *Civic Leadership and Effective Governance.*"

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The QBRs are presented in accordance with the adopted balanced budget strategy. The detailed review of all operational and capital budgets is a continuous process. The objective is to improve Council's financial position.

Corporate and Community

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Corporate and Community Services



c. Legislative Implications

Clause 203 of the *Local Government (General) Regulation 2005* requires the responsible accounting officer to prepare and submit to Council a QBRS that shows revised estimates of income and expenditure for the year.

d. Risk Implications

The current year budget was framed prior to the Federal Government's decision to prepay 50% of the 2017/18 Financial Assistance Grant in June 2017. There will only be clarity on whether there will be another prepayment of the FAG when the Federal Budget is determined in May 2018. Given this uncertainty Council has assumed a 6 month prepayment of the FAG again in this financial year to remain consistent with last year's prepayment. In assessing risk a key consideration is that any prepayment only impacts the timing and not the quantum of total payments received.

As a result of there being only a timing impact there is no funding risk created by this prepayment. Council places any prepaid FAG grants in reserve so they are utilised in the year for which they are intended. The current year will therefore have the full funding of the 2017/18 FAG available for this year (as the 6 months prepayment has been held in reserve). If there is a prepayment of the 2018/19 FAG the funds received will likewise be placed in reserve to ensure the funds are only available for use in that year. The only cash impact is that Council receives a modest benefit from investing any prepaid funds until utilised.

Although a decision by the Federal Government to not make a prepayment would impact to the operating surplus for 2017/18 there would be no impact on Council's financial sustainability. Due to the accounting treatment of the FAG (cash accounting rather than accrual basis) prepayments distort the reported operating position of Council. If a prepayment does not eventuate this year Council's full year result will reflect approximately \$3.5m less in Grant Income which would result in an operating deficit being reported. A more accurate view of trends in improvement is achieved by reflecting the FAG in the year it applies. On this basis Council's 2017/18 Operating Position (before Capital Grants and Contributions) will be breakeven. This forecast therefore maintains the trend of ongoing improvement is Council's Operating Position that has occurred over recent years.

e. Other Implications

N/A

CONCLUSION

The QBRS for December 2017 are submitted for consideration and adoption.

ENCLOSURES

[1](#) December 2017 Quarterly Budget Review Statement

SUBJECT: *DECEMBER 2017 QUARTERLY REVIEW OF 2017-21
DELIVERY PROGRAM*

RESPONSIBLE OFFICER: *Finance and Administration Manager - Andrew Glauser*

SUMMARY

Update of progress against Council's 2017-21 Delivery Program.

RECOMMENDATION

1. That Council note the progress in implementing the 2017-21 Delivery Program as at 31 December 2017.
2. That Council endorse the following changes to the 2017-18 Capital Works Program:
 - a. Add: CFP-2018-001 Branxton Pool Heating Upgrade.
 - b. Add: CRV-2018-001 Kearsley, Caledonia Street – Tourist Information Bay.
 - c. Add: CRV-2018-002 Lovedale, Talga Road – Tourist Information Bay.
 - d. Add: CRV-2018-003 Pokolbin, Hermitage Road – Tourist Information Bay.
 - e. Add: CRV-2018-004 Pokolbin, Oakey Creek Road – Tourist Information Bay.
 - f. Add: CRV-2018-005 Nulkaba, Wine Country Drive – Tourist Information Bay.
 - g. Add: CRV-2018-006 Wilderness and Wine Country Drive – Tourist Information Bay.
3. That Council note progress against the Fit for the Future Improvement Proposal is reported as part of the quarterly 2017-2021 Delivery Program review.

BACKGROUND

Section 404(5) of the Local Government Act 1993 requires the General Manager to provide regular progress reports to Council with respect to progress against the principal activities detailed in its Delivery Program with reports provided at least every six months.

The Quarterly Budget Review Statements, required under clause 203 of the Local Government (General) Regulation 2005, provide financial information in regards to estimates of income and expenditure and are separately reported to Council.

Council adopted the 2017-21 Delivery Program and 2017-18 Operational Plan in June 2017. The Delivery Program outlines the activities that Council will undertake to implement the strategies identified in the Community Strategic Plan and is the single point of reference for all principal activities undertaken by an elected Council during its term in office.

REPORT/PROPOSAL**Executive Summary December 2017 Quarter**


An Executive Summary has been prepared summarising the progress against Delivery Program actions and the Capital Works Program.

Some highlights of the December 2017 quarter included:

- Carols in the Park was held 1 December 2017 and was attended by approximately 3,000 people.
- Conducted young driver training and education at local high school and at Council for parents of learner drivers.
- Delivered driver fatigue prevention program in conjunction with mine operators in Singleton.
- Youth First Employment Toolkit distributed to all Councils nationally.
- Waste transfer Facility was officially opened 13 November 2017, including the Community Recycling Centre.



2017-21 Delivery Program

At 31 December 2017, 19 (or 17%) of the deliverables (from the Operational Plan) were completed and 95 (or 83%) were on-track.

	Status of Deliverables	Number	%
	On Track	95	83%
	Complete	19	17%
	Total Actions	114	100%

2017-21 Delivery Program – Measures

At 31 December 2017, 27 (or 100%) of the Delivery Program measures were on-track.

	Status of Measures	Number	%
	On Track	27	100%
	At Risk	0	0%
	Total Actions	27	100%

Details of progress against each action and measure in the 2017-21 Delivery Program are included in **Enclosure 1** to this report.

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**2011-13 Delivery Program and 2013-17 Delivery Program – carried forward deliverables**

Council has resolved to continue to monitor the incomplete deliverables from the 2011-13 Delivery Program and 2013-17 Delivery Program in future quarterly reviews.

Three deliverables remain outstanding from the carried forward 2011-13 Delivery Program. Of the remaining three deliverables, one of them is substantially (over 95%) complete.

Four deliverables remain outstanding from the carried forward 2013-17 Delivery Program. All four of the remaining deliverables are over 80% complete.

Details of the remaining carry-forward deliverables, along with progress comments, are included in **Enclosure 1** to this report.

2017-18 Capital Works Program

At 31 December 2017, 7 (or 9%) of the Capital Works Program projects were completed and 68 (or 87%) were on-track.

	<i>Connected, Safe & Creative Community</i>	<i>Sustainable & Prosperous Economy</i>	<i>Sustainable & Healthy Environment</i>	<i>Accessible Infrastructure, Services & Facilities</i>	<i>Total Projects</i>	<i>%</i>
Complete	4	-	3	-	7	9%
On Track	9	9	17	33	68	87%
In Progress	2	-	1	-	3	4%
Total Program*	15	9	21	33	78	100%
Unfunded/ not proceeding				9		

*Includes 7 new projects in the December quarter.

During the December 2017 quarter seven new projects were added to the program including six vineyard tourist information bays.

Some of the works undertaken during the December quarter included:

- Gordon Williams Memorial Lawn Cemetery – construction of new section of lawn (stage 2) - complete
- Branxton Pool heating upgrade - complete
- Mulbring Park grandstand upgrade (stage 1) - complete
- Frame Drive Bridge Project - construction commenced.

Of the remaining twenty one outstanding projects carried forward from the 2016-17 capital works program, three have been completed and one is grant funding dependent.

Detailed information on the Capital Works Program is included in Enclosure 2.

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Corporate and Community Services



Fit for the Future Improvement Proposal

Council's Improvement Proposal was based on the adopted Financial Sustainability Initiative. The rationale of the improvement proposal was to support Council achieve key FFTF metrics at the time of the proposal being developed. Projects focused on reducing costs, increasing revenues and improving value-for-money.

As an interim measure, Council has been receiving updates on progress against the improvement proposal within the body of the quarterly Delivery Program report. The Improvement Proposal has now been embedded into Council's 2017-2021 Delivery Program as indicated in the submission to the IPART.

A number of the metrics are also incorporated in other Statutory Reports such as the Annual Financial Statements and Annual Report. Progress against the Improvement Proposal can now be reported as part of our standard reporting requirements.

Council will continue to focus on outcomes (i.e. achievement of FFTF metrics) and undertake initiatives which best support achieving this objective to ensure that Council maintains a Fit for the Future status and ongoing financial sustainability.

OPTIONS

Option 1 – adopt the report.

Option 2 – adopt the report with amendments.

CONSULTATION

The General Manager, Directors, Managers and Coordinators provided the information for inclusion into this report and its enclosures.

STRATEGIC LINKS

a. Delivery Program

This report is part of the organisation's governance framework – providing feedback on the progress against the key plans adopted by Council. This is in line with the community's desired outcome of: *"Civic Leadership and Effective Governance."*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

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b. Financial Implications

The December quarter budget review forecasts have been reported separately to Council.

c. Legislative Implications

This report satisfies the requirements of Section 404 of the *Local Government Act 1993*.

d. Risk Implications

The IPART report noted that the implications of a Council not meeting its *Fit for the Future* projections will be matters for the NSW Government.

e. Other Implications

N/A

CONCLUSION

The review of the Delivery Program for the quarter ended 31 December 2017 is submitted for Council's consideration.

ENCLOSURES

- [1](#) ➡ December 2017 Quarter Review of the 2017-21 Delivery Program
- [2](#) ➡ December 2017 Quarter Review of the 2017-18 Capital Works Program

SUBJECT: ***DRAFT MODEL CODE OF MEETING PRACTICE
CONSULTATION***

RESPONSIBLE OFFICER: ***Finance and Administration Manager - Andrew Glauser***

SUMMARY

The Office of Local Government (OLG) has released a Consultation draft of the new Model Code of Meeting Practice for Local Councils in NSW. Amendments made to the Local Government Act 1993 (the Act) in August 2017 by the Local Government Amendment (Governance and Planning) Act 2016 provide for a model code of meeting practice to be prescribed by regulation.

This report outlines the major points of the proposed Model Code and seeks Council feedback. The OLG is seeking submissions on the Model Code by Friday 16 March 2018.

RECOMMENDATION

1. That Council note the Consultation Draft Model Code of Meeting Practice.
2. That Council note the proposed submission points relating to mandatory webcasting and public access for a submission on the Consultation Draft Model Code of Meeting Practice.
3. That Council identify any additional points that require inclusion by way of submission to the Office of Local Government prior to 9 March 2018 to enable inclusion in the submission to be drafted on behalf of Council.

BACKGROUND

Amendments made to the Act in August 2017 by the Local Government Amendment (Governance and Planning) Act 2016 provide for a Model Code of Meeting Practice to be prescribed by regulation.

The OLG is consulting with Councils and other stakeholders on the new Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code). Once this is finalised, it will replace the meeting rules currently prescribed in the Local Government (General) Regulation 2005 (the Regulation).

REPORT/PROPOSAL

The OLG has advised that the Model Meeting Code has two elements:

- Mandatory provisions (**indicated in black font**) that reflect the existing meetings provisions of the Act and adapt those currently contained in the Regulation. The existing meetings provisions of the Regulation have been updated and supplemented to reflect contemporary meetings practice by Councils and to address ambiguities and areas of confusion in the existing provisions based on feedback from Councils.

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- Non-mandatory provisions (**indicated in red font**) that cover areas of meetings practice that are common to most Councils but where there may be a need for some variation in practice between Councils based on local circumstances. The non-mandatory provisions will also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.

The Model Meeting Code has been designed to achieve a range of outcomes, namely:

- promoting, as the principal object of meetings, the making of decisions by the governing bodies of Councils that are in the best interests of the Council and the community as a whole
- promoting more accessible, orderly, effective and efficient meetings and to provide Councils with the tools to achieve these outcomes
- prescribing principles to inform the way in which meetings are conducted and to prescribe meeting rules that are consistent with these principles
- codifying areas of common practice across Councils in a way that is clear, efficient, leads to better informed and more effective decision making and that is consistent with the requirements of the Act
- promoting greater consistency between Councils across the state in key areas of meetings practice without losing the ability to allow some variation in practice to meet local needs or expectations
- allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that are not addressed by the current meeting rules
- simplifying the language currently used to make the prescribed meeting rules more accessible and easier to understand
- modernising the rules to accommodate current and emerging technologies (e.g. electronic notice, electronic voting systems and webcasting).

Submissions can be made by email to olg@olg.nsw.gov.au. Submissions should be labelled "Model Meeting Code Consultation" and marked to the attention of OLG's Council Governance Team. Submissions should be made by **COB Friday 16 March 2018**.

For the information of Councillors, the major changes are summarized below:

3.34 – Pre Meeting Briefing Sessions - The Model Code provides provision for non-mandatory pre-meeting briefing sessions chaired by the General Manager to brief Councillors on the items of business to be considered. These briefings are to be held in the absence of the public.

Comment: This is similar to the current practice of agenda review for Councillors held on the Friday before the scheduled Council meeting however. The model code states that Councillors are to make all reasonable efforts to attend pre-meeting briefing sessions.

3.39 - Disclosure of Conflicts of Interest – Councillors must disclose and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a Council meeting.

Comment: Council's submission would seek clarification on how OLG proposes this would work in practice, particularly if Council continues with the Friday agenda review where Councillors may not specifically know what items are on the Agenda.

4.1 – Public Forums - The Model Code provides provision for non-mandatory public forums prior to each ordinary meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public Forums are not part of the Council meeting and the General Manager or their delegate may refuse an application to speak at a public forum.

Comment: This is not currently included in Council's Code of Meeting Practice. Although this is a non-mandatory provision the practical implications of conducting public forums should be considered as part of this consultation process should this become a mandatory provision in the future. Council's submission would seek clarification on the practical implications of this clause. It is noted that this is different in operation to the "Address by Invited Speaker" that Council currently uses in its meeting protocols.

5.18 – Webcasting of Meetings - All meetings of the Council and committees of the Council are to be webcast. This does not apply to parts of a meeting that have been closed to the public under section 10A of the Act. At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

Comment: There are cost implications with webcasting that should be considered and Councillors and staff must be even more mindful of their conduct at meetings as they will be available to view online by anyone not just those who attend Council Meetings. It is recommended that a submission on this requirement be made with clarification of the definition 'Committees of the Council' and highlighting the cost and operational requirements of webcasting. Council currently uses audio recordings of Council meetings primarily for the purposes of recording minutes – this is considered as a sufficient record of proceedings.

5.21 – Audio Recording of meetings – The code provides for non-mandatory audio recordings to be made of all meetings of the council and committees of the council for the 'dominant purpose' of assisting with the preparation of the minutes for meetings.

Comment: This is included in Councils current Code of Meeting Practice primarily for the purpose of recording of minutes. However the 'purpose' of these recordings could extend to serve as a source of public information and education made available to Councillors, staff and members of the public, such being relevant to the proper performance of Council functions. A submission would request this clause to be made mandatory, as well as seeking a clearer definition of "committee".

8.1 and 8.3 – Order of Business – under 8.3 the draft Code requires the Order of Business to be specified from either 8.1 (general order set by resolution at the meeting) or 8.2 (general order adopted in the Code).

Comment: Council specifies an Order of Business in the current adopted Code of Meeting Practice, which may be altered by resolution at a meeting, as needed.

10.9 – Rules of Debate – The draft Code proposes a non-mandatory provision that requires the funding source to be identified when a motion or an amendment would require expenditure of funds on works and/ or services other than those already provided for in the council's current adopted operational plan.

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Comment: Council would support this provision being made mandatory, and would seek to also include other matters for consideration including risk implications. Council can include such provisions within our internal templates for Notice of Motions.

11.10 – Voting – The draft Code proposes a non-mandatory provision to record in the minutes all voting at Council meetings with names of Councillors who voted for or against a motion or amendment being recorded as if a division had been called.

Comment: Council already does this and supports this being made a mandatory provision.

13.1 – Dealing with Items by Exception - The Model Code provides non-mandatory provision for Council to resolve to adopt multiple items of business on the agenda together by way of a single resolution. Councillors can still nominate to speak or debate on an individual item. Council must not resolve to adopt any item of business under this clause that a Councillor has identified as being one they wish to speak on.

Comment: Councils current Code of Meeting Practice allows for this to occur by englobing voting however this is currently in abeyance as per mayoral minute MM6/2014. Council's submission would seek clarification on how OLG proposes this would work in practice, but would be generally supportive of this.

15.13 or 15.14 – Expulsion from Meetings - The draft Code proposes a non-mandatory provision to expel any person including or not including Councillors depending on if Council choose to adopt 15.13 or 15.14. Under 15.15 however allows Council or a committee of the Council to resolve to expel a person including a Councillor from a Council or committee meeting under section 10(2)(a) of the Act.

Comment: Council will need to decide if it will include either 15.13 or 15.14 in its revised Code of Meeting Practice.

15.20, 15.21 Use of Mobile Phones and the Unauthorised Recordings of Meetings – The draft code provides mandatory provision that Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and committees of the Council. 15.21 states that a person must not make a recording of the proceedings of Council meetings using an audio or video recording device without the authorisation of the Council or committee.

Comment: Council will need to consider how this affects the use of social media during Council meetings. Councils current Code also prohibits recording of the Meeting by Councillors or members of the public. It is supported that the recording prohibition continues and that mobile devices are required to be on silent.

17.6 – Rescinding or Altering Council Decisions – A Notice of Motion to alter or rescind a Notice of Motion which has the same effect as a Motion which has been rejected by the Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the Motion was rejected.

Comment: Council would seek clarification on this, as the provision may seem to be in conflict with 5th calendar day provision in Councils current code.

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17.10 – Rescission of Motions on planning matters – A non-mandatory provision provides that a Notice of Motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager not later than (Council to specify the period of time).

Comment: Council would seek clarification on this. This provision is currently in Councils current Code of Meeting Practice.

18 Time Limits on Council Meetings - The Model Code provides non-mandatory provision for time limits on Council Meetings and process for extending the time of the meeting or adjourning the meeting to a time and date fixed by the chairperson.

Comment: Councils current Code of Meeting Practice caters for this.

The following points are also proposed to be included in a submission to the OLG:

- The costs involved in implementing a system with webcasting capability would be approximately \$30,000 plus ongoing system maintenance and operation costs which would require another staff member to video and broadcast the Council meeting.
- Cost versus benefit of webcasting of Council Meetings, i.e. How many will actually utilise this service.
- Although initially a non-mandatory requirement consideration of cost and time associated with providing public forums in addition to the opportunity to speak in Public Access at Council Meetings.

Council's submission will also suggest the inclusion of the following table in the Model Code of Meeting Practice to provide consistency in how various Motions will be handled:

Motion	Moved without Notice	Requires Seconder	Speakers / Debate Permitted	Right of Reply
(i) Change the Order of Business	Yes	Yes	Mover of motion only	No
(ii) Business without Notice (matter of urgency)	Yes	Yes	Mover of motion only	No
(iii) Dissent from Chairperson's ruling on Point of Order	Yes	Yes	Mover & Chairperson only may speak.	No
(iv) Adjournment of Meeting	Yes	Yes	No debate permitted	No
(v) Limitation to number of speakers (questions be now put)	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
(vi) Deferment of a Matter	Yes	Yes	Yes	Yes

OPTIONS

If Council opts to send a submission on the Draft Model Code of Meeting Practice to the Office of Local Government it must do so by **COB Friday 16 March 2018**.

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CONSULTATION

- General Manager
- Directors
- Finance and Administration Manager

STRATEGIC LINKS

a. Delivery Program

This report links directly to the community's desired outcome of strong civic leadership and effective governance.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Meeting Practice will be reviewed in accordance with the finalised Model Code of Meeting Practice.

b. Financial Implications

If the proposed Model Code is to be adopted there may be financial implications as a result of implementing the requirements set in the Model Code.

c. Legislative Implications

Local Government Act 1993, Chapter 4 Part 1, Chapter 12 Part 2
Local Government (General) Regulation 2005, Part 10

d. Risk Implications

If Council does not incorporate the amendments of the Model Code of Meeting Practice into its adopted Code, this would result in a statutory non-compliance.

e. Environmental Implications

N/A

f. Other Implications

N/A

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CONCLUSION

Submissions on the Draft Model Code of Meeting Practice must be made to the Office of Local Government by COB Friday 16 March 2018. A submission will be drafted on behalf of Council following feedback from Councillors. Once the Model Code is finalised, Councils will be given 6 months in which to adopt a revised code based on the Model Code.

ENCLOSURES

[1](#) ➡ OLG - Draft Code of Meeting Practice

SUBJECT: *BYRON SHIRE COUNCIL SEEKING SUPPORT FOR A TRIAL OF A TOURISM ACCOMMODATION LEVY (BED TAX)*

RESPONSIBLE OFFICER: *Governance Coordinator - Teresa Chadwick*

SUMMARY

The purpose of this report is to provide information for Council to consider in regard to a request from Byron Shire Council seeking support from all NSW Councils for the trial of a Tourism Accommodation Levy (Bed Tax).

RECOMMENDATION

That Council not support the trial of a Tourism Accommodation Levy (Bed Tax) and that a response be sent to Byron Shire Council advising the reasons for not supporting the trial as it is not considered that it would benefit the Cessnock tourism industry as outlined in this report.

BACKGROUND

Byron Shire Council is seeking support from NSW Councils for a trial of a Tourism Accommodation Levy (Bed Tax) in order to fund the infrastructure impacts by visitation.

REPORT/PROPOSAL

Byron Shire Council Mayor Cr Simon Richardson has sent a letter (**Enclosure 1**) to all NSW Councils from seeking support for a trial of a Tourism Accommodation Levy (Bed Tax).

It is recommended that Council should decline to support the trial of a Tourism Accommodation Levy (Bed Tax) because it is not considered to benefit the tourism industry in this region.

To impose a bed tax, would mean the tourism accommodation operators, would need to collect a tax from their customers to pay Council, which would effectively be passed onto the visitor. The rise in accommodation prices charged would not assist with increasing the number of visitors to our region.

A Bed Tax is not considered to be a fair and equitable levy as there are numerous tourism businesses operating both directly and indirectly in addition to accommodation providers who would be the ones to bear the impact of the tax.

The collection of a levy would increase the administrative burden on on both businesses and Council. The logistics of levying such a tax is complex. The current rating structure does not enable easy identification of businesses that would be impacted. A process would need to be established to identify relevant businesses across the Local Government Area (LGA) and to ensure these records are accurately maintained there would need to be processes to capture any changes such as new accommodation, change in scale and the closure of accommodation businesses.

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A database of impacted businesses, amendments to software, establishment of ledger accounts, specific transaction categories in our rating system, changes to reports and statements. Criteria would need to be set to clarify when the levy is applied and the most equitable basis might be the most difficult to administer or validate. For example, will the tax be based on number of beds? Number of bed nights? Is it based on number of beds used or available? Once the criteria is established there will need to be a determination on what data will be used (relied upon) to capture the relevant metric.

Records will need to be able to be relied upon, validated and potentially audited to ensure equity across all accommodation businesses in the LGA. Even with such mechanisms in place the possibility of accommodation businesses gaming the system will be possible. There would need to be significant communication to establish such a tax and it is likely to be unpopular as another impost on a select group of ratepayers. The impost will not only be cost but also the effort required to comply with such a tax including reporting, both for the business and Council.

Such a tax is likely to be seen as unfair with many other businesses, such as cellar doors and concert venues, benefiting from tourism and contributing to tourist's utilising infrastructure. Many tourists are day trippers or might utilise accommodation outside the Cessnock LGA. As a consequence the tax might not work as intended, might not be equitable and also might not benefit the Council areas impacted, particularly if the neighboring LGA elected to not impose such a tax in their area.

The current legislative framework does not support the establishment of such a tax over and above annual rates, and any implementation outside of the special rate variation process would result in a reduction of general purpose revenues. Legislative changes would be required to enable such a charge to be established as additional revenue.

Should a levy be introduced the Cessnock LGA may be unfairly affected potentially resulting in reduced visitor demand, job losses, closing of businesses and a weakened local economy. The economic impact would be proportional to the size of the levy and the levy would not necessarily raise the funding that is required to meet infrastructure needs.

Council cannot afford for any tourism businesses, whether direct or indirect, in Cessnock LGA to reduce employment, and Council is trying to find ways to boost our visitor economy. A bed tax would discourage visitors and potentially harm the NSW and Cessnock tourism brand and adversely affect Council's reputation.

It is recommended that Council not support a bed tax trial as it would not benefit the tourism industry and that Byron Shire Council be advised of Council's position.

OPTIONS

Council may choose to support or not support Byron Bay Shire Council's trial of a Tourism Accommodation Levy (Bed Tax).

CONSULTATION

- General manager
- Directors
- Finance and Administration Manager

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- Economic Development Manager

STRATEGIC LINKS

a. Delivery Program

This report links directly to the community's desired outcome of strong civic leadership and effective governance.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

The cost of collecting and administering a tourism accommodation levy would have financial implications for Council.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

Possible community opposition should a tourism accommodation levy be implemented.

CONCLUSION

Byron Bay Shire Council is seeking support from NSW Councils for a trial of a Tourism Accommodation Levy (Bed Tax) in order to fund the infrastructure impacts by visitation. It is recommended that Council reply to Byron Bay Shire Council advising that Council does not support a bed tax trial.

ENCLOSURES

- [1](#) Letter to all Council in NSW Seeking Support for Tourism Accommodation - 29 Nov 2017

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SUBJECT: *INVESTMENT REPORT - JANUARY 2018*

RESPONSIBLE OFFICER: *Financial Accountant - Manav Sharma*
Finance and Administration Manager - Andrew Glauser

SUMMARY

Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy require a monthly report to Council detailing all money invested.

RECOMMENDATION

That Council receive the report and note the information.

BACKGROUND

The Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy requires a monthly report to Council detailing all money invested.

REPORT

Statement by the Responsible Accounting Officer

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

The Reserve Bank of Australia (RBA) official cash rate as at 31 January 2018 was 1.50%. Scheduled RBA Board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. The February meeting held on 6 February 2018 retained the official cash rate at 1.50%.

Investment revenues to the end of January 2018 exceeded the benchmark in the Investment Policy with an actual level of return 5.46% higher than budget.

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**Investment Portfolio Information**

Total cash and investments held by Council as at 31 January 2018 are:

Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
	Commonwealth Bank	CASH			1.15%	4,070
	Commonwealth Bank	At Call			0.50%	41
1243	AMP Bank	At Call			2.05%	500
1233p	Suncorp Bank	TD	203	11-Apr-18	2.50%	700
1258n	ANZ Bank	TD	203	07-Mar-18	2.30%	700
1260j	National Bank	TD	181	17-Jul-18	2.51%	1,000
1263j	Westpac Bank	TD	184	23-Feb-18	2.52%	600
1264k	IMB Bank	TD	188	24-Apr-18	2.50%	600
1270p	Bendigo & Adelaide Bank	FRN	92	14-Feb-18	2.98%	500
1277o	Greater Bank	FRN	94	26-Feb-18	3.18%	500
1281g	National Bank	TD	182	23-May-18	2.50%	700
1282f	Maitland Mutual Building Society	TD	203	18-Apr-18	2.50%	500
1286g	IMB Bank	TD	182	14-Mar-18	2.45%	900
1287j	IMB Bank	TD	217	11-Jul-18	2.50%	700
1288f	Members Equity Bank	TD	161	21-Feb-18	2.50%	800
1292e	Suncorp Bank	TD	231	04-Apr-18	2.45%	700
1293e	Maitland Mutual Building Society	TD	202	29-May-18	2.60%	800
1297e	Members Equity Bank	TD	182	21-Mar-18	2.50%	900
1298j	Newcastle Permanent Building Society	VRD	90	03-Apr-18	3.19%	800
1302d	Suncorp Bank	TD	209	24-Apr-18	2.50%	900
1303d	IMB Bank	TD	203	28-Mar-18	2.45%	700
1304d	AMP Bank	TD	182	11-Apr-18	2.60%	800
1305e	Commonwealth Bank	TD	273	29-Aug-18	2.50%	900
1306d	Suncorp Bank	TD	217	09-May-18	2.55%	900
1307f	Bankwest	TD	182	06-Jun-18	2.45%	800
1308f	Bankwest	TD	161	02-May-18	2.45%	900
1311d	Bankwest	TD	182	16-May-18	2.45%	600
1312c	Newcastle Permanent Building Society	TD	91	14-Mar-18	2.10%	700
1319	Maitland Mutual Building Society	TD	243	07-Feb-18	3.00%	800
1320b	Bankwest	TD	152	18-Jun-18	2.40%	600
1321a	Newcastle Permanent Building Society	TD	91	14-Mar-18	2.10%	800
1322	Bankwest	TD	272	26-Mar-18	2.50%	900
1323	Bankwest	TD	275	16-May-18	2.45%	800

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Invest No	Financial Institution Investment Held With	Invest Type	Interest Coupon Term	Maturity / Next Coupon Date	Current Coupon Rate	Par Value \$'000
1324	National Bank	TD	247	18-Apr-18	2.50%	900
1325	Members Equity Bank	TD	281	23-May-18	2.60%	900
1326b	Bankwest	TD	181	29-May-18	2.50%	2,000
1327	Members Equity Bank	TD	169	14-Feb-18	2.50%	700
1328	Bankwest	TD	174	28-Mar-18	2.45%	700
1329	Suncorp Bank	TD	154	24-Apr-18	2.45%	800
1330	National Bank	TD	306	26-Sep-18	2.50%	900
1331	IMB Bank	TD	273	24-Aug-18	2.45%	800
TOTAL						34,811

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

Financial Institution	Amount \$'000	% of Portfolio
Commonwealth Bank	5,011	14.40%
Bankwest	7,300	20.97%
IMB Bank	3,700	10.63%
National Bank	3,500	10.05%
Suncorp Bank	4,000	11.49%
Members Equity Bank	3,300	9.48%
Maitland Mutual Building Society	2,100	6.03%
Newcastle Permanent Building Society	2,300	6.61%
AMP Bank	1,300	3.73%
ANZ Bank	700	2.01%
Westpac Bank	600	1.72%
Greater Bank	500	1.44%
Bendigo & Adelaide Bank	500	1.44%
TOTAL	34,811	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		
Term Deposits	Low	Low	28,400	81.58%
Cash/At Call Deposits	Low	Low	4,611	13.25%
Variable Rate Deposit	Low	Low	800	2.30%
Floating Rate Notes	Low	Low	1,000	2.87%
TOTAL			34,811	100.00%

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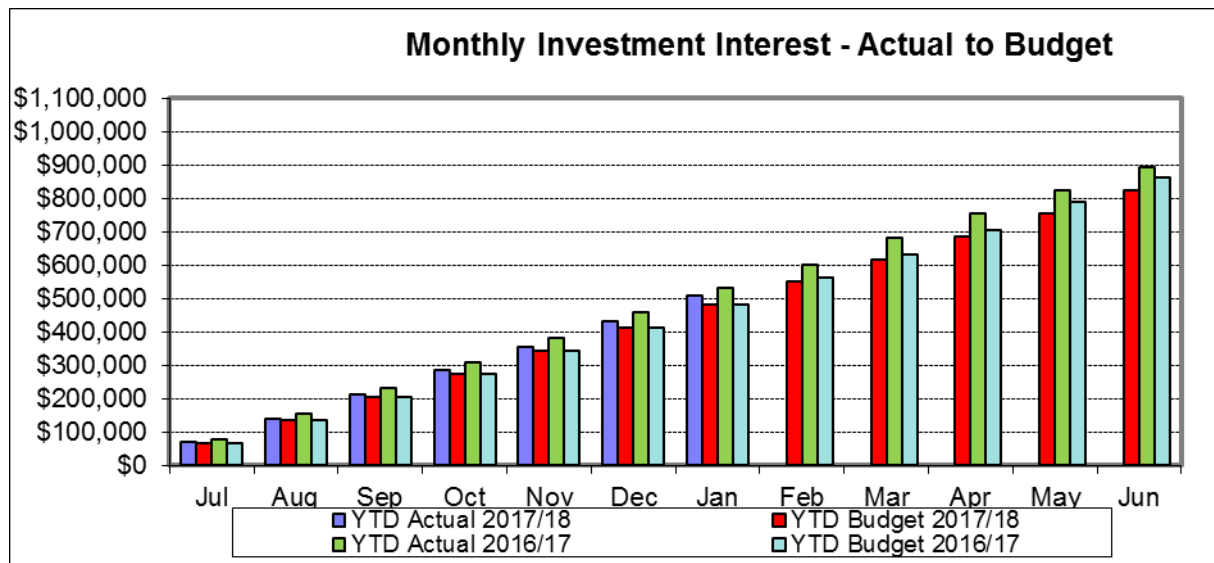
The following table provides information on interest rates and earnings this year compared to last year as well as a comparison of investment balances from this year to last year:

Performance Measures	This Year	Last Year
Portfolio Average Interest Rate (year to date)	2.36%	2.53%
BBSW Average Interest Rate (year to date) *	1.73%	1.78%
Actual Investment Interest Earned (year to date)	\$507,519	\$534,249
Budget Investment Interest (year to date)	\$481,250	\$481,250
Original Budget Investment Interest (Annual)	\$825,000	\$825,000
Revised Budget Investment Interest (Annual)	\$825,000	\$825,000

Investment Balances (Par Value)	This Year	Last Year
Opening Balance as at 1 July	\$36,277,000	\$37,684,000
Month End Current Balance	\$34,811,151	\$32,737,163

- * BBSW 90 day Bank Bill Reference Rate (performance measure as per Council's Investment Policy)

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



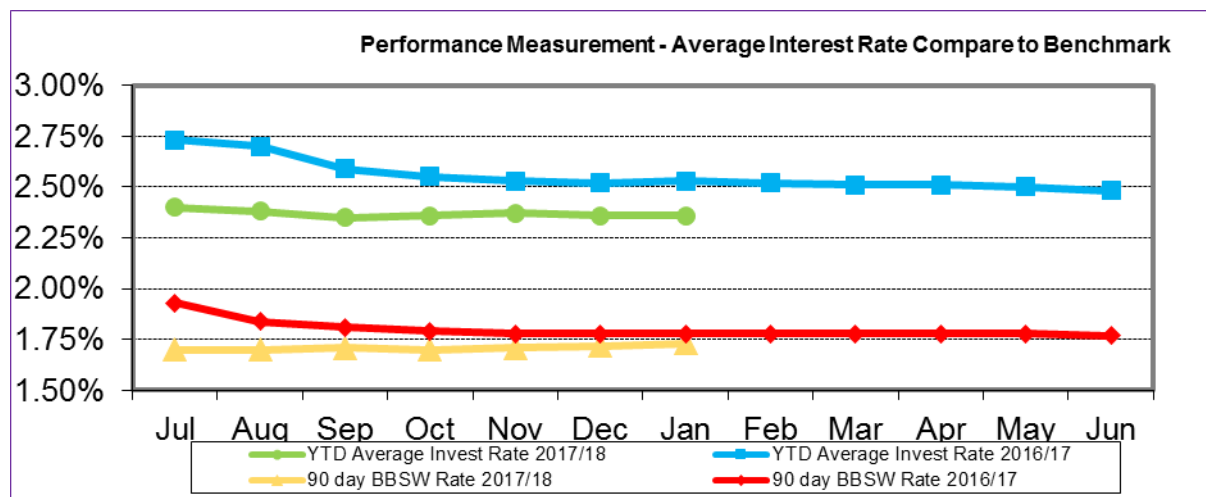
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The following graph compares current year portfolio performance to prior year performance.

**Restrictions over cash and investments:**

Developer Contributions	10,118
RMS Contributions (Reserve)	2,700
Specific Purpose Unexpended Grants	1,500
Loan Funds Unexpended	1,800
Plant & Vehicle Replacement Reserve	1,135
Employees Leave Entitlement Reserve	2,557
Bridge Replacement	561
Insurance Provisions	580
Miscellaneous and Property Reserve	1,702
Property Investment Fund	732
Single Invitation Contracts	846
Waste Depot and Rehabilitation Reserve	7,450
Other Reserves and Council funds still to be spent	3,130
TOTAL	34,811

OPTIONS

N/A

CONSULTATION

Finance and Administration Manager
Director Corporate & Community Services

STRATEGIC LINKS**a. Delivery Program**

Investment returns are an integral part of funding sources for future services and community expectations within the Delivery Program and Operational Plan.

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This report is a part of the organisation's governance framework – providing feedback on the progress against the investment policy and budget adopted by Council. This is in line with the community's desired outcome of: *"Civic Leadership and Effective Governance."*

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Investments are held 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, Domestic Waste Management and Property Investment Reserve 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 details investments held and meets statutory and policy reporting obligations.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *ACCEPTANCE OF FLOODPLAIN MANAGEMENT GRANTS*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

SUMMARY

The purpose of this report is to seek approval to accept three NSW Floodplain Management Program grants offered by the NSW Office of Environment and Heritage (OEH) for flood warning systems.

RECOMMENDATION

1. That Council accept NSW Floodplain Management Program grants offered as follows:
 - \$160,000 for Wollombi Flood Warning System Construction;
 - \$ 33,333 for Cessnock Flood Warning System Concept Design; and
 - \$ 33,333 for Abermain/Weston Flood Warning System Concept Design.
2. That Council concur with redistribution of the Floodplain Management Program budget in the current adopted Delivery Program 2017-21 to provide Council's financial contribution for each accepted grant;
3. That Council defer commencement of the Abermain and Weston Voluntary House Purchase scheme pending a Councillor Briefing and further report.

BACKGROUND

Pockets of the Cessnock Local Government Area have previously been identified in flood studies as flood prone. Areas in the Wollombi Valley are at risk of possible flooding from the Wollombi Brook, while parts of Cessnock, Abermain and Weston are at risk due to possible flooding of Black Creek and Swamp Creek respectively.

Council's Flood Risk Management Plans recognise that there are limited feasible options to engineer mitigation solutions for these flood affected locations. However, use of alternate measures such as flood warning systems, house raising and house purchase/removal provide significant benefits in reducing the likelihood of loss in a flood event.

At its Ordinary Meeting of 19 April 2017, Council considered Works & Infrastructure report WI24/2017 and resolved the following:

1. *That Council note the report.*
2. *That Council endorse the submission of a grant application under the NSW Floodplain Management Program 2017 for the design and installation of the implantation Option 2 – Total Flood Warning System for the Wollombi Valley.*
3. *If Council is successful in the grant application, that the letter of offer come back to Council for consideration.*

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Works and Infrastructure



As resolved, an application was submitted to OEH for a Floodplain Management Program grant in the 2017-18 funding round to fund construction of the Wollombi Flood Warning System.

In addition, applications for six other projects outlined in the Delivery Program 2017- 21 for warning systems and house purchase were submitted.

In November 2017, Council received an offer of four grants from the OEH Floodplain Management Program.

To formally accept the grant offers, Council's response to OEH is required by 23 February 2018.

REPORT/PROPOSAL

Grants Offered

Results of the grant applications were presented to Council's Floodplain Management Committee at its meeting of 15 December 2017. The Committee was advised that an offer dated 21 November 2017 had been received from OEH notifying success in obtaining three grants for:

- Wollombi Flood Warning System Construction \$160,000,
- Cessnock Flood Warning System Concept Design \$ 33,333,
- Abermain/Weston Flood Warning System Concept Design \$ 33,333.

In addition, the Committee was advised that an offer dated 29 November 2017 had been received from OEH for access to the Voluntary House Purchase funding pool for:

- Abermain and Weston Voluntary House Purchase \$1,296,000.

The Committee also heard that the following grant applications were unsuccessful:

- Black Creek voluntary house flood proofing
- Swamp Creek voluntary house flood proofing, and
- Swamp Creek vegetation clearing works.

Flood Warning Systems

The Wollombi Flood Warning System Design was finalised as part of an OEH grant funded project in May 2017. Extensive stakeholder engagement occurred during the design phase. As flooding events in Wollombi village and surrounds can be highly hazardous, construction and installation of the System is well supported by all stakeholders including the Wollombi Community, Bureau of Meteorology, NSW SES and Wollombi Rural Fire Service.

The scope of the Wollombi Flood Warning System Project includes:

- Installation of river and rain gauges and associated communication systems in the Wollombi Brook and Congewai Creek catchments;
- Use of software that can utilise the rainfall and river flow data to predict flood impacts;

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- Development of predefined rainfall and water triggers and associated emergency response, and
- Community consultation and education.

The Wollombi Flood Warning System is expected to reduce safety risks for residents/visitors in the Wollombi area and reduce property and livestock losses.

Development of concept designs for flood warning systems for Cessnock and Abermain/Weston will reduce risk to property and people in these catchments. These catchments have the advantage of more extensive communication networks and lower infrastructure needs to establish flood warning systems. On completion of the Concept Designs, support for submission of grant applications for construction will be sought.

The total value of the three flood warning grants, offered on a 2 (State Government) to 1 (Council) basis, is \$226,666. To accept all three offers requires a Council contribution of \$113,333, which will bring the total value of the projects to \$340,000.

The Floodplain Management Committee considered the merits of designing and installing warning systems at the above locations where engineering works cannot provide the desired level of protection. The Committee agreed that the grants should be accepted subject to a review of existing budgets to confirm that Council has available funding to support the acceptance of the grants and ongoing maintenance.

In considering the grants, the Committee resolved as follows:

1. *That Council review funding options prior to acceptance of the successful 2017 Floodplain Management Grants, and*
2. *That Council seek financial support from Singleton Council for the construction and maintenance of the Wollombi Flood Warning System.*

A review of the adopted Floodplain Management Program budget allocated across the current four year Delivery Program 2017-21 has been undertaken. The review found that there is sufficient budget over the four years to fund current projects as well as the new grant offers as outlined in the IMPLICATIONS section of this report under b. Financial Implications.

Operation and Maintenance of Wollombi Flood Warning System

WaterNSW manages a number of rain and river gauges in the Hunter Region and is resourced to carry out the scope of work to implement the Wollombi Flood Warning System. The estimated cost of the operation and maintenance of the System was prepared in consultation with WaterNSW. The estimate assumes the following:

- three river and five rainfall gauges installed as per the Wollombi Valley Total Flood Warning System Concept Report, and
- Two maintenance visitations per annum.

Three pricing options were considered as shown in **Table 1** below.

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Table 1 - Operating and Maintenance of Wollombi Flood Warning System

Option	Level of Service	Estimated Cost excl GST
1	Real time rainfall and river level.	\$32,000
2	Real time rainfall, river level and river flow.	\$38,000
3	Real time and data management and storage for rainfall, river level and river flow.	\$42,000

Option 1 provides the minimum level of data needed to operate the flood warning system. The second option is recommended by WaterNSW to give the best catchment forecasting outcome. The third option will increase system redundancy and robustness.

Operational Budgeting has been formulated based on Option 2 which provides an appropriate level of service to suit the location and allows for improvements to the System going forward.

It is noted that there is no cost from the Bureau of Meteorology for flood forecasting.

Ongoing education and community awareness costs will be managed through existing resources and budgets of Council and NSW SES.

The costs to operate and maintain flood warning systems for Cessnock and Abermain/Weston are expected to be considerably less because less equipment may be needed and there are better telecommunication systems at these locations compared to Wollombi. Cost estimates for construction, operation and maintenance will be a key outcome of the concept design projects.

Voluntary House Purchase

OEH has advised Council that it is able to access up to \$1,296,000 from the Voluntary House Purchase (VHP) funding pool. This funding is available on a 2 (State Government) to 1 (Council) basis. To access this amount requires a Council contribution of \$648,000 bringing the total value of the project to \$1,944,000.

Seven houses in high flood risk locations in Abermain and Weston have been identified for possible purchase. Six out of the seven houses could alternatively be raised under the current voluntary house raising scheme, at no cost to Council. These six homes are in high risk locations making it extremely hazardous for occupants to escape or rescuers to reach the property in major floods. House raising would mitigate this risk. One home is, however, in a floodway location (not eligible for a voluntary house raising rebate under OEH policy) and is at high risk of structural failure in a major flood event. The owner of this home also owns a vacant adjoining block of land. The option of moving and lifting the subject home to the flood planning level has been discussed with this owner. OEH have confirmed that this would be an acceptable solution under the current Voluntary House Raising scheme.

A review of the Floodplain Management Program budget allocated in the current four year Delivery Program 2017-21 has not found there is insufficient funding currently available to undertake a Voluntary House Purchase scheme in Abermain and Weston.

If Council wishes to pursue this option, Council will need to borrow funds to partake in a voluntary house raising scheme.

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Timeframe

To formally accept the grant offers for flood warning systems, Council's response to OEH is required by 23 February 2018. The work is required to be complete and funds expended by 30 August 2019.

For the voluntary house purchase scheme, as timeframes for acceptance and commencement are not immediate, acceptance and commencement may be deferred until outcomes of the current voluntary house raising scheme are well known or further funding options become available. Further information on the implications of deferring the commencement of a voluntary house raising scheme can be presented at a future Councillor Briefing.

If Council elects to proceed with the Wollombi system, construction would commence by mid-2018 and be completed in the 2018/19 financial year. The timeframe for investigation and concept designs for the Cessnock and Abermain/Weston systems is also programmed for completion by 30 August 2019.

OPTIONS

Option 1:

- That Council accept NSW Floodplain Management Program grants offered as follows:
 - \$160,000 for Wollombi Flood Warning System Construction,
 - \$ 33,333 for Cessnock Flood Warning System Concept Design, and
 - \$ 33,333 for Abermain/Weston Flood Warning System Concept Design.
- That Council concur with the redistribution of the Floodplain Management Program budget in the current adopted Delivery Program 2017-21 to provide Council's financial contribution for each accepted grant.
- That Council budget \$38,000 per annum from 2019-20 onward for the operation and maintenance of the Wollombi Flood Warning System
- That Council defer commencement of the Abermain and Weston Voluntary House Purchase scheme.

This is the preferred option as the Council contribution required to facilitate the above is within Council's current financial capacity and provides benefits to the community.

Option 2:

- That Council accept the following NSW Floodplain Management Program grant offers:
 - \$160,000 for Wollombi Flood Warning System Construction;
 - \$ 33,333 for Cessnock Flood Warning System Concept Design, and
 - \$ 33,333 for Abermain/Weston Flood Warning System Concept Design.

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- That Council borrow funds to allow the Voluntary House Purchase scheme to proceed.

This is not the preferred option as the Council contribution required for the Voluntary House Purchase scheme is not currently budgeted for in the 2017-21 Delivery Program.

Option 3:

- That Council not accept any of the grant offers.

This is not the preferred option as the risk to the community would remain unmanaged.

CONSULTATION

Internal consultation has occurred with the following Council officers:

- Strategic Flooding and Drainage Engineer
- Management Accountant
- Infrastructure Accountant

External consultation has occurred with the following:

- NSW Office of Environment and Heritage
- NSW State Emergency Services (SES)
- Bureau of Meteorology (BOM)
- Wollombi Rural Fire Service (RFS)
- Singleton Council
- Cessnock Council Floodplain Management Committee
- BMT WBM
- Community Workshop held in Wollombi, March 2017, attended by members of the community, representatives of Wollombi Valley Progress Association and Ward Councillors.

Extensive external consultation occurred in 2016/17 with Government and community stakeholders in the development of the Wollombi Flood Warning System Concept Design. This process has built an expectation that Council will proceed with the project if the grant for construction is offered.

Consultation with key stakeholders has also occurred through the Floodplain Management Committee process.

STRATEGIC LINKS

a. Delivery Program

Acceptance of the grants for flood warning systems and voluntary house purchase is in line with the following objectives of the Delivery Plan 2017-21:

- Objective 3.1 Protecting and enhancing the natural environment and rural character of the area.

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- 3.1.9 Commence implementation of priority recommendations from flood studies and risk management plans for major catchments in the government area.

The three flood warning projects and the voluntary house purchase scheme are included as grant funding dependent projects in the Floodplain Management Program of the Capital Works Program in the Delivery Plan 2017-21.

b. Other Plans

Wollombi Floodplain Risk Management Study and Plan (2013):

Installation of a flood warning system for Wollombi is in line with a key recommendation of the Study and Plan adopted 12 December 2012.

Black Creek Floodplain Risk Management Study and Plan (2016) and Swamp/Fishery Creek Flood Risk Management Study and Plan (2013):

Construction of flood warning systems for the Black Creek and Swamp Creek catchments are in line with the identified priority projects.

Swamp Creek Flood Risk Management Study and Plan - Property Flood Management Plan (2017):

The Voluntary House Purchase Scheme was identified in the Study and Plan presented to Council in March 2017.

IMPLICATIONS

a. Policy and Procedural Implications

NSW Floodplain Management Framework

The preparation of flood studies and flood risk management plans that lead to scoping of works required for the flood warning systems has been undertaken in accordance with the NSW Flood Prone Land Policy and Floodplain Development Manual (2005) facilitated by OEH.

Floodplain Management Committee

As required by the NSW framework, these management activities have been guided by Council's Floodplain Management Committee.

Wollombi Flood Warning System

As part of the Project, procedures will be established with the NSW Water, NSW SES and Bureau of Meteorology regarding the ownership, operation and maintenance of the flood warning system. It is expected that NSW Water will operate the system, the Bureau will disseminate the data collected and the SES will direct the flood response.

b. Financial Implications

The total value of the three flood warning grants, offered on a 2 (State Government) to 1 (Council) basis, is \$226,666. Acceptance requires a Council contribution of \$113,333. The net financial cost to Council over the Delivery Program 2017-21 is \$188,353 which includes an annual operation and maintenance provision for the Wollombi Flood Warning System from 2019-20 of \$37,510.

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The current Floodplain Management Program in the adopted Delivery Plan 2017-21 contains allocated funds, collected under the Stormwater Management Services Charge (Levy). An excerpt of the program is shown in **Table2** below:

Table 2 – Excerpt from the adopted Floodplain Management Budget

	2017-18	2018-19	2019-20	2020-21
Administration	\$115,000	\$115,000	\$43,000	\$13,000
Wollombi Flood Warning System Construction	0	0	0	0
Cessnock Flood Warning System Concept Design	0	0	0	0
Abermain/Weston Flood Warning System Concept Design	0	0	0	0
TOTAL	\$115,000	\$115,000	\$43,000	\$13,000
Funding Source:				
Stormwater Levy	\$115,000	\$115,000	\$43,000	\$13,000

Acceptance of the grants requires adjustment to the budget over the four years of the current Delivery Program, to redistribute funds from Administration to the Floodplain Management Grant Funded Projects listed in the Floodplain Management Program, as shown in **Table 3** below.

Table 3 – Proposed Floodplain Management Budget

	2017-18	2018-19	2019-20	2020-21
Unallocated Floodplain Management	\$29,000	\$30,000	\$25,000	\$13,000
Wollombi Flood Warning System Construction	\$80,000	\$160,000	\$38,000	\$38,000
Cessnock Flood Warning System Concept Design	0	\$50,000	0	0
Abermain/Weston Flood Warning System Concept Design	0	\$50,000	0	0
Total	\$109,000	\$290,000	\$63,000	\$51,000
Funding Source:				
Floodplain Management Grants	\$53,000	\$174,000	0	0
Stormwater Levy	\$56,000	\$116,000	\$63,000	\$51,000

The Administration costs required to manage the grant funded projects is being resourced from the Administration budget under the Drainage Construction Program.

After 2020-21, the cost of operation and maintenance of Wollombi Flood Warning System will be budgeted from Council's Operational Budget for Floodplain Management.

It is anticipated that the request to Singleton Council will provide additional financial support for the Wollombi Flood Warning System.

c. Legislative Implications

NIL

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d. Risk Implications

There is a risk of loss during major flood events. The impacts of flood along Wollombi Brook and Congewai Creek are severe. Flooding up to roof level is known to have occurred and up to approx. 400 properties are at risk of isolation in large floods.

The design and operation of the flood warning systems aims to reduce the risk of property damage and risk of harm to people, livestock and pets. The performance of any flood warning system is not guaranteed as equipment failure and telecommunication failures may prevent data being collected or warning messages being delivered.

Voluntary purchase would remove houses in highly hazardous locations. However, investigation and design with a view to installing a flood warning system for Abermain/Weston aims to reduce the risk posed by hazardous locations in flood events.

In addition, consultation to raise awareness with property owners and occupants is planned to mitigate the current risks where possible.

e. Environmental Implications

The environmental impacts from the installation of flood warning systems are considered negligible.

f. Other Implications

There are significant social benefits through having systems in place to inform the public and emergency services of flood events. Insurance losses are expected to be less as people may be able to move assets, including livestock, away from rising flood waters.

CONCLUSION

Acceptance of grants for systems to warn of flooding of Wollombi Brook, Black Creek and Swamp Creek is in line with recommendations of previous studies and plans to reduce the likelihood of loss in a flood event.

With redistribution, funding is available within the current four-year Delivery Program 2017-21. Going forward, \$38,000 for the operation and maintenance of the Wollombi Flood Warning System will need to be allocated for Operational Budgets.

It is recommended that the commencement of the Abermain/Weston Voluntary House Purchase Scheme be deferred until funding options are further considered to successfully operate the Scheme. Officers are planning to present Councillors with a Briefing on the topic prior to reporting back to Council.

ENCLOSURES

There are no enclosures for this report

SUBJECT: ***MOBILITY PARKING ADJACENT TO KURRI KURRI CENTRELINK***

RESPONSIBLE OFFICER: ***Infrastructure Manager - Katrina Kerr***

SUMMARY

This report outlines the status of investigations into the provision of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri, adjacent to Centrelink.

RECOMMENDATION

1. That Council note the outcome of investigations into provision of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri, adjacent to Centrelink;
2. That the General Manager prioritise inclusion of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri in a future Capital Works Program;
3. That Council write to the Australian Government Department of Human Services seeking a financial contribution to the cost of installing Mobility Parking Scheme spaces on Barton Street, Kurri Kurri for Centrelink customers.

BACKGROUND

At its meeting of 18 October 2017, Council considered a Notice of Motion – Disabled Parking Adjacent to Kurri Kurri Centrelink (BN52/2017) and resolved the following:

That the General Manager investigates within 4 months the establishment of disabled parking spaces in Barton Street, adjacent to the Centrelink Building in the CBD of Kurri Kurri.

This report is in response to the Council resolution.

REPORT/PROPOSAL

Centrelink operates from premises on Barton Street. Given that many clients of Centrelink have genuine clinically recognisable disabilities, there is a definite need for Mobility Parking Scheme spaces in the immediate vicinity of the premises and Members of the community have also requested the provision of same.

Following Council's resolution of 18 October 2017, Council Officers investigated the provision of suitable on-site or on street parking spaces adjacent to the Centrelink.

Road Environment: The section of Barton Street in Kurri Kurri CBD, across the frontage of the subject site, is a sealed, two lane, two way road with paved footpaths, as well as kerb and gutter. The current parking restrictions in place are; 2 hour timed, parallel parking on the northern side and 2 hour timed 45° angle parking on the southern side.

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The cross fall on the relevant section of Barton Street is not amenable to simply installing signage and pavement markings.

Concept Design: As part of the investigation Council officers prepared a Concept Design as shown in **Figure 1** below.

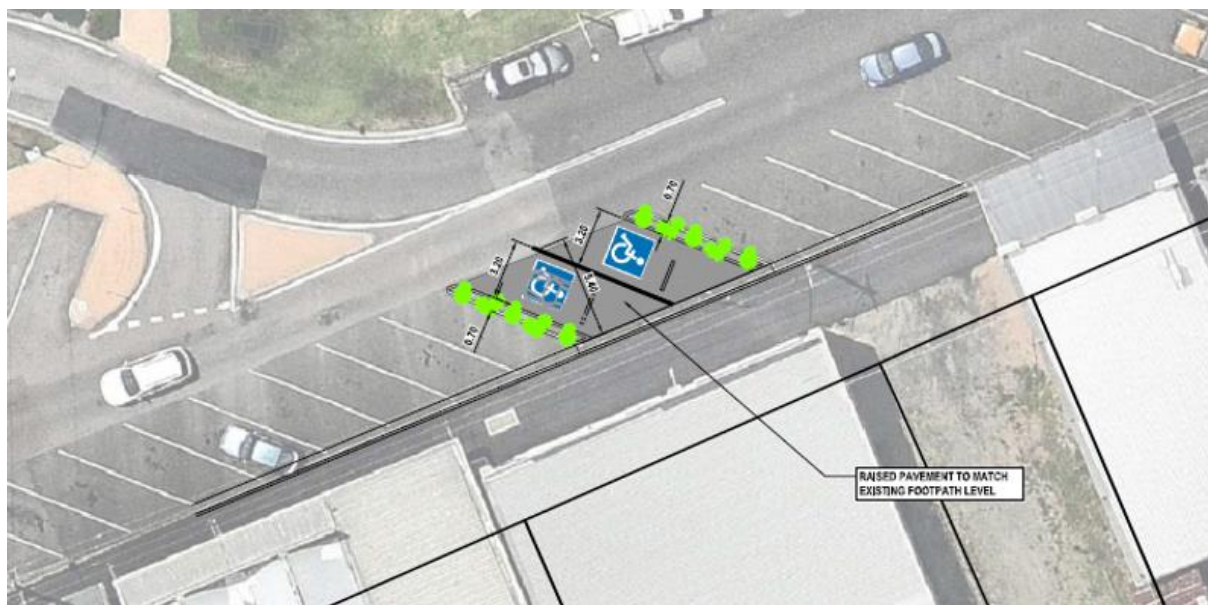


Figure 1 – Concept Design Barton Street Kurri Kurri

To comply with Australian Standards to designate Mobility Parking Scheme spaces that comply with AS/NZS 2890.5:1993 – Part 5: On-street parking, Section 4.5 – Parking for People with Disabilities, it will be necessary to raise the pavement comprising the parking spaces to footpath level and to install wheel stops, drainage steel footway grating, physical separation, signage and pavement marking.

To meet the spatial requirement, three existing 45° parking spaces will be required to form two Mobility Parking Scheme spaces.

The Concept Cost Estimate to install the two parking spaces is \$30,000.

OPTIONS

Option 1:

- That Council note the outcome of investigations into the provision of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri, adjacent to Centrelink;
- That Council considers inclusion of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri in the 2018/19 Capital Works Program and allocates \$30,000 to fund the project.

This is the preferred option to progress provision of appropriate parking provisions at the subject location.

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Option 2:

- That Council note the outcome of investigations into provision of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri, adjacent to Centrelink;
- That Council does not provide Mobility Parking Scheme spaces on Barton Street, Kurri Kurri in a future Capital Works Program;

This is not the preferred option as there is a recognised need for the subject parking spaces.

CONSULTATION

Internal consultation has occurred with the following Council officers:

- Design Engineer,
- Traffic Engineering Officer,
- Infrastructure Manager
- Maintenance Coordinator
- Works & Operations Manager
- Team Leader, Development Services

External consultation has occurred with:

- Centrelink Manager

STRATEGIC LINKS

a. Delivery Program & Operational Plan

The recommendation of this report links directly with the Delivery Program 2017-21:

- Objective 1.3.5 – Improve the safety of the road network; and
 - Objective 4.1.3 – Commence Implementation of the Pedestrian Access & Mobility plan.

The recommendation of this report links directly with the Operational Plan 2016-17 & 2017-18:

- Objective 1.3.5 – Improve the safety of the road network; and
 - Objective 4.1.3 – Commence Implementation of the Pedestrian Access & Mobility plan.

b. Other Plans

Cessnock 2027 Community Strategic Plan

The provision of two Mobility Parking Scheme spaces on Barton Street, Kurri Kurri outside Centrelink aligns with the Cessnock 2027 Community Strategic Plan as follows:

- Objective 4.1 Better transport links

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- We have access to a range of public and community transport within the local government area.
- We have a quality road network

Cessnock City Council - Road Safety Strategic Plan 2014-2018

2.1- Continue to manage Council's assets in an innovative and cost effective manner, delivering treatments for safe road use through improved design, construction, maintenance, operation and auditing of the road network.

2.4- Address the safety needs of vulnerable road users through infrastructure and traffic management treatments, as prescribed by the *Austroads Guide to Road Design* and associated standards.

In addition to the documents above, the reduction of transport disadvantage by means of providing targeted treatments is an objective outlined in the **Transport for NSW - Disability Action Plan 2012 - 2017**

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Cost estimates for the installation of two Australian Standards compliant Mobility Parking Scheme spaces as shown in Figure 1 above is approximately \$30,000. Funding for this project is not currently included in Councils budget.

c. Legislative Implications

The following regulations relate to the provision and administration of Mobility Parking Schemes in NSW:

- *Road Transport (General) Regulation 2013* - Part 6, Division 2 Mobility Parking Scheme Authorities
- *Road Rules 2014* – Part 12 – Restrictions on Stopping and Parking

The *Disability Discrimination Act 1992* (Commonwealth) aims to eliminate as far as possible, discrimination against persons on the grounds of disability in the area of the provision of goods, facilities, services and land.

d. Risk Implications

There is a potential for access equity complaints / actions where there is insufficient provision of Mobility Parking Scheme spaces.

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e. Environmental Implications

From a community and social perspective it is imperative that roads authorities improve access to facilities and services for all members of the community, especially those living with mobility impairment.

Given the very nature of the services it provides, many clients of Centrelink are people with disabilities, accordingly, it is a legitimate expectation that Mobility Parking Scheme spaces will be provided in reasonable proximity to their premises.

f. Other Implications

CONCLUSION

The provision of Mobility Parking Scheme spaces on Barton Street, Kurri Kurri will meet the needs of Centrelink customers.

Having regard to the relatively high cost of providing such spaces, it is appropriate that consideration be given to construction of two Mobility Parking Scheme spaces in a future Capital Works Program and funding be provided to undertake the project.

ENCLOSURES

There are no enclosures for this report

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SUBJECT: *COUNCIL OWNED PUBLIC TOILETS*

RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

SUMMARY

The purpose of this report is to provide Council with information on public toilets across the Cessnock Local Government Area (LGA).

RECOMMENDATION

That Council notes the report and continues to plan and provide for the future needs of the community through the adoption of related Masterplans and funding for associated works via Delivery Programs and/or Grant opportunities.

BACKGROUND

At its meeting of 18 October 2017, Council resolved that the General Manager bring a report back to Council within four months regarding the number of Council owned public toilets in the LGA with a view to plan for future needs for the people of Cessnock and tourists especially in our main shopping precinct.

This Council Report has been prepared in response to that resolution.

REPORT/PROPOSAL

Public Toilets in the Cessnock LGA

For the purpose of this report, a public toilet is identified as amenities that are readily accessible by the public most days of the year and without the need to pay a fee.

Council owns and maintains 29 public toilet facilities in the Cessnock LGA. The location and features of each public toilet facility are set out in Enclosure 1 and mapped in Enclosure 2.

A review of the Australian Government Department of Health's National Public Toilet Map (accessed 10 January 2018) identifies 11 privately owned public toilets in the LGA including two 24 hour facilities at Kurri Kurri and Cessnock. There are notable exclusions from the map such as fast food restaurants and recently built service stations and therefore it should not be considered as a comprehensive inventory of public toilets. The map was developed as part of the National Continence Program and provides information on over 16,000 publicly available toilets across Australia, including accessibility, opening hours and facilities, such as showers and baby change facilities.

Within the main shopping precinct of Cessnock there are three Council-owned public toilets, located at the Cessnock Council Administration Building, Cessnock Library and Cessnock Performing Arts Centre. The National Public Toilet Map identifies five additional public toilets in the Cessnock shopping precinct that are privately owned.

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Within the main shopping precinct of Kurri Kurri there are three Council-owned public toilets, located at the Kurri Kurri Library, Kurri Kurri Community Centre and Rotary Park. There are no privately owned public toilets identified on the National Public Toilet Map within the Kurri Kurri shopping precinct, however Council Officers note that there are toilet facilities within the Kingsway Plaza building on Lang Street, Kurri Kurri.

Operation and Maintenance

The majority of Council owned public toilets are operated and maintained by Council staff including locking and unlocking, cleaning, repairs and upgrades. In contrast, the public toilet facilities at Wollombi Cultural Centre and Kurri Kurri Community Centre are maintained by Council staff (eg. repairs and renewal works), however cleaning is funded and managed by their respective operators.

Upon application, Council issues an MLAK (Master Locksmith of Australia Key) to allow 24 hour access to specified public toilets for eligible applicants. The MLAK is a specifically designed key enabling people with a disability to access community facilities throughout New South Wales. Within the Cessnock area, the MLAK provides access to the Liberty Swing and amenities within Maybury Peace Park, Weston, as well as other public amenities containing the MLAK lock, such as the Council Administration Building.

Higher demand toilet facilities are cleaned daily (eg Maybury Peace Park, Weston) while lower use facilities may be cleaned as little as twice a week (eg Booth Park, Kurri Kurri). Scheduled maintenance is undertaken in accordance with Council's Capital Works Program and reactive maintenance, such as cleaning graffiti, is undertaken as required.

Community Engagement

In 2016 Micromex Research undertook a telephone survey on behalf of Council to examine community attitudes and perceptions towards current and future services and facilities provided by Council. The responses and findings to the survey with regards to public toilets are as follows:-

- Within the ratings of Very High, High, Moderately High, Moderate and Moderately Low the importance of public toilets was Very High and satisfaction was Moderately Low. It is noted however, that Council has in the past received complaints about the condition of toilets in shopping centres, which are privately owned. It is possible that the satisfaction rating is tainted by the perception that these toilets are Council managed public toilets;
- Public toilets were considered by respondents to be more important in 2016 than in 2014 when the previous survey was undertaken;
- The analysis suggested that there are opportunities to improve the satisfaction across a range of areas including public toilets;
- The analysis recommended that public toilets are a key area for Council to focus on and explore in more detail.

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Planning for Public Toilets in the Cessnock LGA

A review of Council's various plans, strategies and programs has identified the following opportunities relevant to public toilets:

Cessnock 2017-2021 Delivery Program

- Council's 2017-2021 Delivery Program identifies \$24,000 in 2019/20 to renew the public toilets at Norman Brown Park, Greta.

Draft Recreation & Open Space Strategic Plan (ROSSP) 2018

- The following action (A2.1.8) in the draft ROSSP is listed as a 'high priority': Review the provision, maintenance and management of public toilets in public open space and identify opportunities to rationalise facilities in line with community needs.
- Public toilets are identified in the Recreation and Open Space Design Guidelines as suitable embellishments for Town Parks, District Parks and Regional Parks.

Masterplans

- The Bridges Hill Park Masterplan provides for a toilet block at Bridges Hill Park.
- Ayrfield Miners Memorial Park Masterplan provides for the renewal of the existing toilet block.
- The draft Kurri Kurri Commercial Centre Masterplan proposes to retain the public toilets in Rotary Park, Kurri Kurri.
- The draft Weston Commercial Centre Masterplan proposes improvements to the existing public toilets at Weston Memorial Park.
- Central Parklands Concept Designs prepared in 2014, following the adoption of the Cessnock CBD Masterplan 2012, identify opportunities for public toilets at TAFE Park.
- Public toilets are proposed at Aberdare Cemetery in the Aberdare Cemetery Masterplan.

Implementation of the Masterplans will be dependent on available funding, including grants and development contributions.

Other

- The Tourist Information Bay currently under construction at Jeffery Park, Kearsley includes a public toilet facility that is to be completed in the current financial year. Similar facilities can be considered for other Information Bays
- Commercial development such as restaurants and service stations are required to provide toilet facilities in accordance with the Building Code of Australia.

OPTIONS

1. That Council notes the Report and continues to plan and provide for the futures need of the community through the adoption of related Masterplans and funding of the associated Works through future Delivery Programs and/or Grant opportunities. This is the preferred option

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2. That Council notes the report.

CONSULTATION

The following internal stakeholders were consulted during the preparation of this report:

- Acting Building Projects Coordinator
- Asset Engineering Officer
- Building Maintenance Coordinator
- Open Space and Community Facilities Manager
- Strategic Planner
- Strategic Recreation and Community Facilities Planner

STRATEGIC LINKS

a. Delivery Program

This Report is consistent with Objective 3.2 of Council's Delivery Program: Better utilisation of existing open space.

b. Other Plans

This Report has links to the following plans and strategies:

- Ayrfield Miners Memorial Park Masterplan 2009
- Cessnock CBD Masterplan 2012
- Convent Hill, Bridges Hill Park and East End Oval Masterplan 2016
- Cessnock Commercial Precinct Plan 2017
- Open Space and Other Structures Asset Management Plan 2017
- Buildings Asset Management Plan 2017
- Draft Kurri Kurri Commercial Centre Masterplan 2018
- Draft Recreation and Open Space Strategic Plan 2018
- Draft Weston Commercial Centre Masterplan 2018

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

Service Costs

In 2016-17 Council's public toilets cost approximately \$325,000 to operate and maintain including reactive maintenance (eg. broken pipes, vandalism), planned maintenance, cleaning and opening and locking. This equates to an average per annum cost of \$16,250 per facility.

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It is noted that actual public toilet servicing costs for the following facilities were unable to be calculated due to financial reporting constraints:

- Cessnock Airport Terminal
- Cessnock City Council Administration Building
- Cessnock Library
- Cessnock Performing Arts Centre
- Cessnock Visitor Information Centre (Internal and external)
- Kurri Kurri Community Centre
- Kurri Kurri Library
- Wollombi Cultural Centre

Council's long-term capital works program (projects currently unfunded in the adopted 2017-2021 Delivery Program) identifies \$277,000 worth of capital renewal works to public toilets required within the next five years and an additional \$174,000 required within the next 10 years.

Capital Costs

Construction costs of new toilet facilities are highly variable and dependent on design, materials and site conditions. Based on recent projects undertaken by Council construction costs for a small facility (eg North End Park, Cessnock) are in the vicinity of \$80,000 and a large facility (eg Slacks Park, Wollombi) are in the vicinity of \$260,000.

Exeloo pre-assembled units range from \$95,000 - \$292,000 installed (excl. service connection) for typical configurations suitable for a public space. Modus Australia kit toilets range from \$35,000 - \$200,000 plus installation and service connection.

Asset Management

Council's Buildings Asset Management Plan 2017 identifies a cumulative funding shortfall of \$7.8M by 2026 to maintain building assets in line with community need. The provision and operation of public toilet facilities must therefore consider long-term sustainability to assist in reducing this funding deficit.

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Environmental Implications

NIL

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f. Other Implications

Council's Draft Recreation & Open Space Strategic Plan identifies the preparation of a Public Toilet Analysis as a 'high priority' to be undertaken as soon as resources allow. The analysis would give Council a comprehensive understanding of the provision of public toilets and the required supply needed to sustainably meet the needs of the Cessnock community.

CONCLUSION

Council maintains 29 public toilets throughout the LGA of which six are located in the main shopping precincts of Cessnock and Kurri Kurri. Annual service costs of public toilet facilities are in excess of \$320,000. Council's asset management modelling indicates a significant funding shortfall by 2026 to maintain community assets to an expected level.

To ensure Council plans for the sustainable provision of public toilets throughout the LGA a Public Toilet Analysis is recommended to be undertaken as a matter of priority following the adoption of the draft Recreation and Open Space Strategic Plan 2018.

ENCLOSURES

- [1](#) ➡ Council Public Toilet Inventory
- [2](#) ➡ Council Public Toilet Map

Works and Infrastructure

Report No. WI14/2018

Works and Infrastructure



SUBJECT: *APPOINTMENT OF DELEGATES AND REPRESENTATIVES
- LOWER HUNTER ZONE DISTRICT LIAISON COMMITTEE*

RESPONSIBLE OFFICER: *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

SUMMARY

The Rural Fire Service (RFS) is seeking to reconvene the Lower Hunter Zone District Liaison Committee (DLC).

A Councillor representative from each of the four Lower Hunter Council's, being Port Stephens, Dungog, Maitland and Cessnock is required for the DLC.

The purpose of the DLC is to review the Service Level Agreement (SLA) between each of the Councils and RFS, in particular Schedules 1 and 2 of the SLA, and to review the financial agreement between the four Councils.

Council has a Committee structure requiring Council's review and determination of its representation to external Committees. This report seeks Council's nomination of its representatives and alternate to the DLC.

RECOMMENDATION

- 1. That Council nominates a Councillor representative and alternate to the Lower Hunter Zone District Liaison Committee.**
- 2. That Council write to the Acting Manager – Lower Hunter Zone – NSW Rural Fire Service to advise who will be Council's representative(s).**

BACKGROUND

There are three types of Committees that require Councillor representation (with the exception of s355 Committees), being Internal, Statutory and External Committees. These Committees generally comprise elected members, staff and community representatives.

This report seeks Council's nomination of a Councillor representative and alternate to the NSW RFS Lower Hunter Zone DLC.

REPORT/PROPOSAL

The Lower Hunter Zone DLC is a committee comprising Council staff and Councillors in conjunction with RFS staff and volunteers. The purpose of the DLC is to review the SLA, in particular Schedules 1 and 2 of the SLA and to review the financial agreement between the four lower hunter Councils.

The Committee discusses a range of topics including the performance of the agreements between Councils and the RFS within the local area, budgets, fire fighting vehicles, equipment and capital infrastructure.

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OPTIONS

1. Council nominate a Councillor representative and alternate to the Lower Hunter Zone DLC and write to the Acting Manager, Lower Hunter Zone to advise of the Councillor representative(s). This is the preferred option;
2. Council not appoint a Councillor representative (and an alternate) to the DLC.

CONSULTATION

Governance Coordinator

STRATEGIC LINKS

a. Delivery Program

Committee participation and consultation is linked to all the objectives in the Delivery Program, with an emphasis on Objective 5: Encouraging community participation and leadership, and making Council more responsive to the community.

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

Councillor delegates are encouraged to report back to Council on the deliberations of External Committee activities and meetings.

b. Financial Implications

Existing Committee operations are covered under the budget. New Committees may need to submit a proposal for funding if required. Councillor expenses for attendance at meetings is covered by the Councillor Facilities and Expenses Policy and included in the budget.

c. Legislative Implications

Council is required to comply with Section 355 and Section 377 of the Local Government Act,

d. Risk Implications

NIL

e. Other Implications

Councillor attendance or non-attendance at Committee meetings will impact the quorum, and may result in meetings being inquorate.

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CONCLUSION

It is recommended that Council nominate a Councillor representative and alternate to the Lower Hunter Zone DLC.

ENCLOSURES

There are no enclosures for this report.

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Report No. WI15/2018

Works and Infrastructure



SUBJECT: *KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2018*

RESPONSIBLE OFFICER: *Director Works and Infrastructure - Justin Fitzpatrick-Barr*

SUMMARY

Council has been approached by Towns With Heart (TWH) seeking in-kind support for the upcoming Kurri Kurri Nostalgia Festival, which is to be held on the weekend of 23, 24 and 25 March 2018.

The purpose of this report is to detail the extent and estimated cost of the assistance being requested by TWH and to seek Council's approval to provide in-kind support to the event.

RECOMMENDATION

That Council supports the Kurri Kurri Nostalgia Festival on 23, 24 and 25 March 2018 by providing in-kind support as detailed in the report for the following services; waste management, road closure equipment, park management and amenity management.

That Council not waive fees for Street Vending and/or Market Stalls.

BACKGROUND

The 2018, Kurri Kurri Nostalgia Festival is being held over the weekend of 23, 24 and 25 March. Council has in past years provided in-kind support for the Festival and TWH openly acknowledges that this support has been critical to the event's success.

TWH has approached Council seeking various forms of in-kind support for the 2018 Festival.

This report details the extent of the sponsorship being requested by TWH and seeks Council's endorsement to provide the in-kind support.

REPORT/PROPOSAL

The following in-kind support for the 2018 Kurri Kurri Nostalgia Festival is requested by TWH:

Waste Management

- Emptying of street bins in the Rotary Park / Lang Street / Barton Street area prior to the weekend;
- Provision of bins for the weekend (up to 50);
- Provision of bin liners;
- Delivery (Friday morning) and pick up (Monday morning) of bins;
- Emptying of bins on Saturday and Sunday night;
- 3 sets of keys for CBD bins to be supplied to TWH for the weekend;
- Contact numbers for garbage truck drivers to be supplied to TWH.

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Road Closure Equipment

Delivered to Kurri Kurri Visitor Centre carpark on Friday morning (23 March 2017):

- 40 waterfilled barriers;
- 20 bollards and bases;
- 20 star pickets;
- 20 traffic cones;
- Bunting / safety line;
- 20 Barrier boards and 40 stands.

Park Management

- Mowing of Rotary Park to be scheduled prior to the Festival weekend;
- Access to and use of Booth Park for car parking over the weekend;
- Waiver of all fees and charges for the use of Rotary Park and Booth Park.

Amenity Management

- Provision and delivery of supplies to public amenities in Rotary Park, Kurri Kurri Central and Booth Park (paper towels and toilet paper);
- Servicing and cleaning of the public toilet block in Rotary Park on a regular basis during the Saturday and Sunday of the Festival;
- Cyber key access to power and water in Rotary Park;
- Access to amenities block at Booth Park;
- Access to the amenities block adjacent to the Kurri Kurri Cricket Ground for the use by registered visitors requiring caravan parking;
- Access to power at the front of the Kurri Kurri Library on Sunday.

The estimated cost to waive applicable fees (excl. GST) and supply the above is as follows:

• Waste Management	\$2,500
• Road Closure Equipment	\$1,695
• Park Management	\$4,000
• Amenity Management	\$2,255

In reviewing the requests, Council officers have determined that in-kind support for the above can be provided within existing recurrent operating budgets. However, officers are aware that Council has previously declined to waive fees relating to Street Vending and Stalls Applications. On this basis it is recommended that Council only waive the park hire fees for Rotary and Booth Parks, and not waive fees for any associated street vending and/or market stalls.

OPTIONS

1. Council provides in-kind support for the requests as detailed, except for waiving of fees associated with street vending and/or market stalls, at a total estimate cost of \$10,450. This is the preferred option;

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2. Council provides partial support for the requests by way of a percentage discount based on adopted fees and charges for waste management, market stalls, cleaning and park usage.
3. Council provided no support and charge TWH as per Council's adopted 2017/2018 Fees and Charges for waste management, site usage fees, cleaning and park usage.

CONSULTATION

In writing this report the following have been consulted:

1. Works and Operations Manager
2. Environmental and Waste Services Manager
3. Open Space and Community Facilities
4. Procurement and Contracts Manager

STRATEGIC LINKS

a. Delivery Program

The proposed in-kind sponsorship for this event supports:

Objective 2.3 – Increasing Tourism Opportunities and Visitation in the Area, as the event has the potential of attracting in excess of 20,000 people to the LGA over the weekend of 23, 24 and 25 March 2018.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The cost of providing the assistance for each of the requests being made by TWH is estimated to be \$10,450. This estimate is primarily based on Council's adopted fees and charges for waste management, market stalls (site usage fee), cleaning and park usage. The in-kind support for the above can be provided within existing recurrent operating budgets.

c. Legislative Implications

Nil

d. Risk Implications

Nil

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e. Other Implications

Nil

CONCLUSION

On the basis of supporting events that promote visitation across the Cessnock LGA, it is recommended that Council provides in-kind sponsorship to the 2018 Kurri Kurri Nostalgia Festival as detailed in the report.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *CONTAINER DEPOSIT SCHEME*

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

SUMMARY

This report is in response to the recent roll out of the NSW Government's Container Deposit Scheme (CDS) and subsequent requests to Council seeking land owners consent to place Reverse Vending Machines (RVMs) on Council land. It provides an update on the CDS implementation across NSW and a recommendation with respect to providing land owners consent to accommodate the RVMs on Council land.

RECOMMENDATION

1. That Council adopts a watching brief to monitor performance and success of the Container Deposit Scheme and continue to monitor the overall position of recycling generally.
2. That in the interim Council does not support the siting of Reverse Vending Machines on Council owned land

BACKGROUND

In February 2015, the NSW Premier set a target to reduce the volume of litter in NSW by 40% by 2020. The Premier also made an election commitment to investigate the introduction of a CDS in New South Wales.

On 1 December 2017 the NSW Government introduced the CDS.

Since the introduction of the CDS Council has received a number of enquiries relating to the siting of RVMs on Council owned land to further support the scheme. Most recently, a formal application was received to site a CDS station adjacent to Weston Workers Club.

This report seeks provides an update on the CDS across NSW and seek to gain a Council position with respect to request to site CDS stations on Council owned land.

REPORT/PROPOSAL

Council is committed to the general principles of resource recovery, recycling, reprocessing and reuse. This is clearly demonstrated through the recent opening of Council's new waste transfer facility and the introduction of kerbside services capturing household recyclables and garden organics.

The NSW Government's CDS model enhances the general principles detailed above by further facilitating the capture of beverage containers.

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During the consultation period in the development of the CDS, Council Officers commented on the fact many of the containers to be captured by the CDS were being captured via the kerb side collection service. In light of this, Officers recommended that the CDS focus on the containers generally found in the litter stream. A regional submission was also forwarded by Hunter Councils representing similar collective views of member Councils.

On 29 July 2017 the NSW EPA announced that the CDS coordination would be a joint venture called Exchange for Change, comprising five Australian beverage companies: Asahi, Carlton & United Breweries, Coca-Cola Amatil, Coopers Brewery and Lion.

In order to roll out the CDS the NSW State Government revised the planning laws around the siting of RVMs, removing the need for local development approval.

To date the Cessnock LGA has had two RVM's introduced, being at the following locations;

- Woolworths shopping centre Cessnock
- Adjacent to the Kurri Golf Club (It is noted that this facility has since been removed due to complaints received citing noise impact on adjoining residential areas and rubbish/litter.)

Anecdotal evidence indicates that in the first weeks of the CDS implementation, many people were complaining about drink prices going up, boxes and bags being dumped next to the RVMs, the allowance of only cans and bottles that were empty, uncrushed, unbroken and had the original label attached. These issues appear to be common and further development work has been undertaken to address these issues.

Another issue that is being raised relates to the limited number of collection points around the state. As of 13 January 2018, there is a growing number of collection points available; with a total of 336 out of the planned 800+ across NSW, however, in the Hunter Region there are only 10 RVM's currently available.

Siting of Reverse Vending Machines (RVM's) on Public Land

Since the CDS introduction, Council has received a number of requests from various State Agencies and operators seeking suitable sites to locate VRM's in the Cessnock LGA. More recently, Council fielded a request from Tomra- Cleanaway (the Network Operator) seeking land owners consent to site a RVM on Council land adjacent to Weston Workers Club. A copy of the Tomra-Cleanaway proposal is provided as **Enclosure 1.**

Council has the option (as any landowner does) to apply to have a RVM on public land (such as parks or car parks) as a potential collection point venue, however the issues created by RVM's, including site management and maintenance may exceed any return to the community.

In light of mixed community reaction to the CDS, and in particular the perceived lack of community consultation relating to the approval process for siting of the RVM's, this report seeks Council's position with respect to providing land owners consent to site RVM's on Council owned land.

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OPTIONS

1. Council adopt a watching brief until the scheme has proven its value and the teething problems being experienced are resolved and in the interim Council does not support the siting of Reverse Vending Machines on Council owned land

This is the preferred option as community feelings are mixed, particularly with respect to the siting of RVM's and the lack of community consultation with the approval process.

2. Council play an active role in the scheme and nominate potential public owned sites that could be considered for the location of RVMs. This option is not preferred as issues with management and requirements for maintenance may exceed any return/income generated.

CONSULTATION

Consultation was carried out by the NSW Government during the CDS development phase, including consultation with Council's waste and environment staff and beverage industry operators.

Council co-signed a submission in December 2016 through Hunter Joint Organisation of Councils and also made a separate submission during the consultation phase.

It appears that a number of operational aspects identified by local government have been overlooked, particularly with regard to community consultation

STRATEGIC LINKS

a. Delivery Program

Council's 2017-18 Operational Plan – Objective 3.3 Better Waste Management and Recycling

b. Other Plans

Cessnock Waste Management Strategy 2014-19

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

At this time there are no financial implications, however if Council resolves to participate in the CDS either directly or indirectly this position may change.

There is no current provision in the 2017/18 budget for participation in the CDS.

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c. Legislative Implications

The *Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016* commenced on 17 November 2016 and inserted a new Part 5 into the *Waste Avoidance and Resource Recovery Act 2001 (WARR) Act*. Part 5 of the WARR Act sets out the legislative framework under which 'Return and Earn' will operate.

In addition, an amendment to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* has also been made allowing minor and low impact recycling equipment such as RVMs to be exempt development (no planning or building approval required). Issues currently being observed with the CDS appear to relate to the installation, servicing, and surrounding impact (noise and traffic) which may have been considered if a formal approval process was followed.

d. Risk Implications

The introduction of the CDS has resulted in a number of operational issues that require further development and resolution, in particular:

- impact on neighboring properties
- ongoing maintenance of the area around the collection points
- additional service requirement that support the scheme such as waste management
- site maintenance
- traffic management

At present there is concern around the continuing viability of recycling which has been impacted by recent decisions in China to stop accepting imported material. This may have significant impact on the recycling industry. This position further strengthens the recommendation to adopt a watching brief until the scheme addresses identified shortcomings and the longer term sustainability of recycling generally becomes clearer.

e. Environmental Implications

Resource recovery is supported by Council, however, the introduction of the CDS has introduced a number of management issues that require further development.

f. Other Implications

NII

CONCLUSION

The NSW Government's CDS was introduced on 1 December 2017.

There appears to be a number of teething problems associated with the CDS that will require further focus and attention to ensure the scheme is a success.

It is recommended that Council adopt a watching brief before becoming involved either directly or indirectly. In this regard it is recommended that Council not provide land owners consent to site the supporting RVMs on Council owned land at this stage.

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ENCLOSURES

[1](#) ➡ Reverse Vending Machine Proposal

Notices Of Motion

Report No. BN2/2018

General Manager's Unit



NOTICES OF MOTION No. BN2/2018

SUBJECT: *STORMWATER GUTTER SYSTEMS - PUBLIC NOTIFICATION*

COUNCILLOR: *Di Fitzgibbon*

MOTION

That the General Manager takes measures to alert residents of the existence of house guttering systems which could cause damage to the house due to stormwater overflow.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 21 February 2018.

RATIONALE

Some households in the LGA appear to have been fitted with non conforming or defective stormwater guttering systems. Worse, residents may be unaware and therefore unable to take rectification measures. The poor performing systems impose a threat both to building integrity and human health. The least Council can do is inform residents of the possibility the problem could affect them, enabling them to take remedial action.

Sgd: Di Fitzgibbon

Date: 14 February 2018

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ4/2018

Planning and Environment



SUBJECT: *SECTION 94 CONTRIBUTIONS*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

Q9/2018 – Section 94 Contributions

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 7 February 2018.

“an explanation on whether there is a statutory period, if any, on spending Section 94 contributions before a developer can ask for their money back?”

There is no statutory provision or timeframe on the spending of S94 contributions under the Environmental Planning and Assessment Act 1979 (EPA Act). Once S94 contributions have been paid, they are committed towards the local infrastructure and services as set out within the relevant Plan or Agreement. Furthermore, staff are not aware of any developer/applicant receiving a refund of S94 contributions paid under the EPA Act. There are no statutory provisions under the EPA Act for the refund of S94 to a developer.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ5/2018

Planning and Environment



SUBJECT: *ASH STREET DEVELOPMENT*

RESPONSIBLE OFFICER: *Development Services Manager - Janine McCarthy*

Q5/2018 – Ash Street Development

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 7 February 2018.

“for an update on the Ash Street development?”

Development Application No. 8/2017/461/1 proposes ‘*demolition of the existing dwelling, and erection of a manufactured home estate comprising 165 dwelling sites including associated club house, outbuildings, recreational facilities, roads, car parking and manager’s dwelling*’, at 17 Ash Street, Cessnock.

The application was publicly exhibited between 14 and 28 September 2017, and a total of four submissions (including 1 submission received outside the exhibition period) were received, objecting to the proposed development. On 27 November 2017, Council’s Director and Development Services Manager met with several residents to discuss their concerns.

The application is currently under assessment by Council, which includes reviewing the issues raised by objectors. As part of the assessment process, Council has previously requested the submission of additional information from the applicant to address issues relating to flooding, engineering and social impact.

The application has been ‘called-up’ to Council by three Councillors, and will therefore be referred to the first available Council meeting for consideration upon finalisation of the assessment.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ6/2018

Planning and Environment



SUBJECT: *FIRE BOMBING OF CARAVAN - BROOKS STREET, KURRI KURRI*

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

Q4/2018 – Fire Bombing of Caravan – Brooks Street, Kurri Kurri

Asked by Councillor Gray at the Ordinary Meeting of Council held on 7 February 2018.

“what the circumstances were surrounding the fire bombing of a caravan in Brooks Street, Kurri Kurri over the Christmas period and Council’s subsequent response?”

Following a complaint in December 2017 Council officer’s impounded abandoned articles left adjacent to the caravan on 2 separate occasions on 12th and 18th December 2017.

Council officers also served a notice for the removal of the unregistered caravan; however the caravan was burnt out prior to removal.

Council’s maintenance staff removed the remnants of the burnt out caravan on 24 January 2018.

A separate Councillor memo will be forwarded to all Councillors to address points raised by a resident after the question was raised at the council meeting at 7 February 2018. A number of points raised require further investigation by council staff.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ7/2018

Planning and Environment



SUBJECT: *UPDATE ON VARTY PARK*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

Q1/2018 – Update on Varty Park

Asked by Councillor Sander at the Ordinary Meeting of Council held on 7 February 2018.

“for an update in regard to Varty Park changing from Community to Operational Land?”

A detailed report is being prepared for the Strategic Property and Community Facilities Committee regarding the future development opportunities at Varty Park. This report will take account of the recommendations in relevant plans, strategies, including the (draft) Recreation, Open Space Strategic Plan 2017, and including looking at the broader long term financial and asset management commitments applying to Council. In reporting the development opportunities at Varty Park, the land classification of the Park will be addressed.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ8/2018

Works and Infrastructure



SUBJECT: *REPLACEMENT OF CREPE MYRTLES*

RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

Q12/2018- Replacement of Crepe Myrtles

Asked by Councillor Paul Dunn at the Ordinary Meeting of Council held on 7 February 2018.

"if there were any plans to replace the Crepe Myrtles on Wollombi Road coming into Cessnock as they are dying".

The replacement of any dying Crepe Myrtles on Wollombi Road, along with most street trees in the LGA, occurs as part of an on-going maintenance activity that is generally activated through a customer request and/or where an opportunity presents itself. These works are funded from within the existing Street Tree Maintenance budget.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ9/2018

Works and Infrastructure



SUBJECT: ***FENCE - KEARSLEY TENNIS COURTS***

RESPONSIBLE OFFICER: ***Manager Open Space & Community Facilities - Nicole Benson***

Q10/2018 – Fence – Kearsley Tennis Courts

Asked by Councillor Jay Suvaal at the Ordinary Meeting of Council held on 7 February 2018.

“for an update on when the fence around the Kearsley tennis courts will be repaired and available for use”.

Repairs to the fence are being coordinated and an assessment of the court surface has revealed some damage that also requires repairs. Officers are aiming to have the repairs completed in the coming four to six weeks.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ10/2018

Works and Infrastructure



SUBJECT: *NEW ENGLAND HIGHWAY BRANXTON*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q11/2018 – New England Highway Branxton

Asked by Councillor Dagg at the Ordinary Meeting of Council held on 7 February 2018.

“for an update in relation to the handover of New England Highway at Branxton”.

Advice from Roads and Maritime Services (RMS) is that the reclassification of the New England Highway, Branxton, from a classified road forming part of state route A43 is listed for consideration in the second half of 2017/18.

It is understood that the reclassification has been affected by the availability of key staff in the Hunter Regional Office of RMS.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ11/2018

Works and Infrastructure



SUBJECT: *PUMP TRACK / POOL*

RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

Q8/2018 – Pump Track / Pool

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 7 February 2018.

“when Council will be getting some information or reports back regarding a pump track and also the pool”.

The construction of a pump track has been included in the draft Miller Park Branxton Masterplan, which has been developed in conjunction with the community and users of the park. A report seeking Council endorsement to publicly exhibit the draft Masterplan is being prepared for the 7 March 2018 Council meeting.

The previously deferred report titled Options for Cessnock Pool will also be brought back to Council at the 7 March 2018 meeting.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ12/2018

Works and Infrastructure



SUBJECT: *FRAME DRIVE WORKS*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q7/2018 – Frame Drive Works

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 7 February 2018.

“how long it will be before Frame Drive is finished and of that, how much will be currently completed, will it get past the bridge”.

The reconstruction of Frame Drive, from Gingers Lane south towards Orange Street is being undertaken in 5 Stages:

- Stage 3 is currently in progress;
- Stage 4, from the new bridge to approx. 300m north of Lismore Street is anticipated to commence in April 2018, weather permitting;
- Stage 5 from Lismore Street to approx. 350m to the north, is scheduled to commence in July 2018, with completion expected for October 2018, subject to weather and site conditions. The components in Stage 5 will be prioritised to ensure completion of drainage, relocation of public utilities and pavement improvements as remaining balance of funds permit;
- Following Stage 5, Energy Australia overhead power will be relocated to provide a wider clear zone to the reconstructed road.

A Community Newsletter with updated information about the project is available on Council's web site.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ13/2018

Works and Infrastructure



SUBJECT: ***RICHMOND VALE CONSERVATION MANAGEMENT PLAN***

RESPONSIBLE OFFICER: ***Manager Open Space & Community Facilities - Nicole Benson***

Q6/2018 – Richmond Vale Conservation Management Plan

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 7 December 2018.

Councillor Fitzgibbon asked for an update on where Richmond Vale Conservation Management Plan is up to and when is it likely to be released for Councillors and Stakeholders to view.

The draft Conservation Management Plan for Richmond Main Colliery has been peer reviewed and returned to the consultant, City Plan Services, to be finalised. At this stage, it is estimated that the plan will be readily available to Councillors in April 2018.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ14/2018

Works and Infrastructure



SUBJECT: *KURRI KURRI AMBULANCE HALL*

RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

Q3/2018 – Kurri Kurri Ambulance Hall

Asked by Councillor Gray at the Ordinary Meeting of Council held on 7 February 2018.

“for an update on the current status of the Kurri Kurri Ambulance Hall”.

Council’s insurance loss adjustor is currently coordinating quotations from contractors and approvals for the repairs to the facility.

The estimated timeframe for works to commence is unknown at this stage. Information will be provided to Councillors, facility users and the community when the works have been programmed and approvals have been issued.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ15/2018

Works and Infrastructure



SUBJECT: *GOVERNMENT ROAD, WESTON*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q2/2018 – Government Road, Weston

Asked by Councillor Sander at the Ordinary Meeting of Council held on 7 February 2018.

“for a status report in regard to Government Road, Weston and whether Council or the RMS are in charge”.

At present, Government Road, Weston is an unclassified local road for which Council is the Road Authority.

A Roads and Maritime Services (RMS) announcement on the proposed reclassification of roads stemming from the Hart Road Interchange of the Hunter Expressway is expected in the near future. Recent advice from RMS indicates that the announcement will be made within the next 4-6 weeks. The proposed classification of Government Road, Weston will be included in this announcement.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ16/2018

General Manager's Unit



SUBJECT: ***CESSNOCK CORRECTIONAL CENTRE - MOUNT VIEW ROAD***

RESPONSIBLE OFFICER: ***Mayor - Bob Pynsent***

QWNG1/2018 – Cessnock Correctional Centre _ Mount View Road

Asked by Councillor Ian Olsen via written notice dated 7 February 2018.

Can the Mayor explain the following;

- 1. Why he would not supply a copy of the letter he had received from Corrective Services regarding issues with Mount View Road without a long and drawn out process?*
- 2. What he deems to be confidential in the letter?*
- 3. Has this letter been supplied to all Councillors?*
- 4. Why he believes all Councillors are not entitled to information that he is supplied with when making decisions at Council meetings?*

Answers by the Mayor

1. The Mayor in his community role as Chair of the Corrections Community Consultative Committee received the correspondence and it was appropriate the Committee was presented the response as a priority.
2. The response is an integral document in the negotiation process with Corrections NSW and as such the information was released to the committee in the first instance ahead of it being released publically.
3. Councillor Olsen is the only Councillor to have requested a copy and receive a copy.
4. Councillors are entitled to information and correspondence. Correspondence is provided to Council when appropriate to do so.

ENCLOSURES

There are no enclosures for this report