



2 March 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, 7 March 2018 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

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- (1) **OPENING PRAYER**
- (2) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (3) **RECEIPT OF APOLOGIES**
- (4) **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
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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, 21 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
Acting Director Planning and Environment (Strategic Planning Manager)
Director Corporate and Community Services
Director Works and Infrastructure
Development Services Manager
Health & Building Manager
Finance & Administration Manager
Management Accountant
Financial Accountant
Infrastructure Manager
Development Engineer
Media & Communication Officer
Corporate Governance Officer

MINUTES:

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

412

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 7 February 2018, 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. DI2/2018

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.

GMU4/2018 - Minutes of the Committee to Consider Council Initiated Awards Meeting of Cessnock City Council held on 18 December 2017 - Councillor Burke declared a Non Pecuniary Less than Significant Interest for the reason that two nominees are members of Kurri Rotary Club which he is a member. Councillor Burke advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because it will not affect his decision making.

GMU5/2018 – Town Coordinators Review Committee – Councillor Burke declared a Pecuniary Interest for the reason that he is employed by the Cessnock Chamber of Commerce as a Town Coordinator. Councillor Burke advised that he will leave the Chamber and take no part in discussion and voting.

CC12/2018 – Byron Shire Council Seeking Support for a Trial of a Tourism Accommodation Levy (Bed Tax) - Councillor Fagg declared a Pecuniary Interest for the reason that he owns a tourism business which would be directly affected by this impost. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.

WI15/2018 - Kurri Kurri Nostalgia Festival - March 2018 - Councillor Doherty declared a Non Pecuniary Less Than Significant Conflict as he is a member of the Kurri Kurri Business Chamber. Councillor Doherty advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carrying out his public duty because he has no say over the organisation involved with the Festival.

GMU4/2018 – Minutes of the Committee to Consider Council Initiated Awards Meeting of Cessnock City Council held on 18 December 2017 – The Mayor declared a Non Pecuniary Less than Significant for the reason that Jordon Fallon is a member of Kurri Kurri Rotary as he is. The Mayor advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carryout out his public duty because this does not influence his decision.

GMU4/2018 – Minutes of the Committee to Consider Council Initiated Awards Meeting of Cessnock City Council held on 18 December 2017 – The Mayor declared a Non Pecuniary Less than Significant for the reason that Paul Hughes is a member of Kurri Kurri Rotary as he is. The Mayor advised that he would remain in the Chamber and participate in discussion and voting as the conflict has not influenced him in carryout out his public duty because this does not influence his decision.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

nil

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU2/2018

SUBJECT: MOTIONS OF URGENCY

RECOMMENDATION

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

Councillor Olsen

That all information supplied to the Mayor which can have an impact on decisions by Councillors be supplied as early as practical and before attending any Council meeting.

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 (2)	Total (11)

The Mayor put the Urgency Motion and it was **LOST**.

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU4/2018

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

Councillor Burke declared a Non Pecuniary Less than Significant Interest for the reason that two nominees are members of Kurri Rotary Club which he is a member. Councillor Burke remained in the Chamber and participated in discussion and voting.

The Mayor declared a Non Pecuniary Less than Significant for the reason that Jordon Fallon is a member of Kurri Kurri Rotary. The Mayor remained in the Chamber and participated in discussion and voting.

The Mayor declared a Non Pecuniary Less than Significant for the reason that Paul Hughes is a member of Kurri Kurri Rotary. The Mayor remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
413
RESOLVED

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

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. GMU5/2018

SUBJECT: TOWN COORDINATORS REVIEW COMMITTEE OF COUNCIL

Councillor Burke declared a Pecuniary Interest for the reason that he is employed by the Cessnock Chamber of Commerce as a Town Coordinator. Councillor Burke advised that he will leave the Chamber and take no part in discussion and voting.

Councillor Burke left the meeting, the time being 6.39pm

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Fitzgibbon
414

RESOLVED

That the Committee members for the Town Coordinators Committee be Councillors Dagg, Stapleford, Doherty and Fitzgibbon with Councillor Gray as the Alternate Delegate.

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 6.40pm

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE2/2018

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

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Dagg
415
RESOLVED

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.

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).

FOR	AGAINST
Councillor Olsen	Councillor Doherty
Councillor Dunn	Councillor Fitzgibbon
Councillor Fagg	Councillor Sander
Councillor Stapleford	
Councillor Suvaal	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (3)

CARRIED

PLANNING AND ENVIRONMENT NO. PE3/2018

SUBJECT: REVISED PARKING ENFORCEMENT POLICY

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke

416

RESOLVED

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.
4. That the General Manager organise a Briefing within three months on the Draft Engineering Guidelines to provide Councillors with an opportunity to have input into these guidelines prior to being finalised and put on public exhibition.

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 NO. PE4/2018

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

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
417
RESOLVED

That Council receives the report and notes the information.

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

CORPORATE AND COMMUNITY NO. CC8/2018

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
418
RESOLVED

That Council receive the report and note the information.

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. CC9/2018

SUBJECT: QUARTERLY BUDGET REVIEW STATEMENTS - DECEMBER 2017

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray

419

RESOLVED

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.

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

CORPORATE AND COMMUNITY NO. CC10/2018

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

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke
420
RESOLVED

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.

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. CC11/2018

SUBJECT: DRAFT MODEL CODE OF MEETING PRACTICE CONSULTATION

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Dagg
421
RESOLVED

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.
4. That Council include this topic being, the Draft Model Code of Meeting Practice at the next Briefing on 28 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

CORPORATE AND COMMUNITY NO. CC12/2018

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

Councillor Fagg declared a Pecuniary Interest for the reason that he owns a tourism business which would be directly affected by this impost. Councillor Fagg advised that he would leave the Chamber and take no part in discussion and voting.

Councillor Fagg left the meeting, the time being 7.07pm

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
422

RESOLVED

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.

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

CARRIED

Councillor Fagg returned to the meeting, the time being 7.15pm

CORPORATE AND COMMUNITY NO. CC13/2018

SUBJECT: INVESTMENT REPORT - JANUARY 2018

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Fitzgibbon
423
RESOLVED

That Council receive the report and note the information.

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. WI11/2018

SUBJECT: ACCEPTANCE OF FLOODPLAIN MANAGEMENT GRANTS

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray

424

RESOLVED

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.
4. That the General Manager writes to Singleton Council seeking joint funding of the ongoing costs of operating and maintaining the system at Wollombi and explores all alternate funding sources.
5. That the progress of this be reported back to Council as soon as possible.
6. That a review of its effectiveness and maintenance costs come back to Council in 3 years after its implementation.

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. WI12/2018

SUBJECT: MOBILITY PARKING ADJACENT TO KURRI KURRI CENTRELINK

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Burke

425

RESOLVED

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.
4. That Council write to the Federal Member for Paterson, Meryl Swanson for her support and advocacy outlining the issues at the Kurri Kurri Centrelink and the cost implications when moving government premises.
5. That Council submit a motion to the next LGNSW State Conference that:-

There be greater Cooperation between Local Government, State Government and Federal Government to occur for the provision of mobility parking.

FOR

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)

AGAINST

Councillor Doherty

Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI13/2018

SUBJECT: COUNCIL OWNED PUBLIC TOILETS

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander

1. 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.
2. That the provision of public toilets in Cessnock CBD be referred to the Cultural Facilities Committee for consideration.

AMENDMENT **Moved:** Councillor Stapleford **Seconded:** Councillor Olsen

1. 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.
2. That Council design a toilet block for Sternbeck Park and when complete source grant funding to install.

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

The Amendment was **PUT** and **LOST**.

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

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander
426
RESOLVED

1. 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.
2. That the provision of public toilets in Cessnock CBD be referred to the Cultural Facilities Committee for consideration.

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. WI14/2018

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

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Dagg
427
RESOLVED

1. That Councillor Gray be nominated as the Councillor representative and Councillor Fagg as the alternate representative 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).

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. WI15/2018

SUBJECT: KURRI KURRI NOSTALGIA FESTIVAL - MARCH 2018

Councillor Doherty declared a Non Pecuniary Less Than Significant Conflict as he is a member of the Kurri Kurri Business Chamber. Councillor Doherty remained in the Chamber and participated in discussion and voting.

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Gray
428

RESOLVED

1. 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.
2. That Council not waive fees for Street Vending and/or Market Stalls.

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. WI16/2018

SUBJECT: CONTAINER DEPOSIT SCHEME

MOTION **Moved:** Councillor Lyons **Seconded:** Councillor Sander

429

RESOLVED

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

FOR	AGAINST
Councillor Olsen	Councillor Dunn
Councillor Doherty	
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

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN2/2018

SUBJECT: STORMWATER GUTTER SYSTEMS - PUBLIC NOTIFICATION

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Stapleford
430

RESOLVED

1. 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.
2. That the General Manager write to our State Member, Clayton Barr asking him to feed into the current Certification Review Council's concerns:-
 - Guttering Installation
 - Overflow provisions, particularly in high front gutters
 - Mandatory guttering inspections post installation as part of the Certification process.
3. That the General Manager undertake a publicity campaign on this issue.

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

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ4/2018

SUBJECT: SECTION 94 CONTRIBUTIONS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ5/2018

SUBJECT: ASH STREET DEVELOPMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ6/2018

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

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ7/2018

SUBJECT: UPDATE ON VARTY PARK

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ8/2018

SUBJECT: REPLACEMENT OF CREPE MYRTLES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ9/2018

SUBJECT: FENCE - KEARSLEY TENNIS COURTS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ10/2018

SUBJECT: NEW ENGLAND HIGHWAY BRANXTON

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ11/2018

SUBJECT: PUMP TRACK / POOL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ12/2018

SUBJECT: FRAME DRIVE WORKS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ13/2018

SUBJECT: RICHMOND VALE CONSERVATION MANAGEMENT PLAN

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ14/2018

SUBJECT: KURRI KURRI AMBULANCE HALL

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ15/2018

SUBJECT: GOVERNMENT ROAD, WESTON

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ16/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE - MOUNT VIEW ROAD

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

NEW WASTE TRANSFER CENTRE

Councillor Sander asked for an update on the actual costs associated with the recent opening of the new Waste Transfer Centre.

Councillor Anne Sander

MITCHELL AVENUE/SAWYERS GULLY ROAD

Councillor Sander asked for an update on the status of Mitchell Avenue and Sawyers Gully Road.

Councillor Di Fitzgibbon

RATE NOTICE INSERT – TROLLEY TRACKER

Councillor Fitzgibbon asked whether notices went out with Council rates notices regarding the trolley tracker and \$1,000 per month draw.

Councillor Rod Doherty

TEMPORARY ACCOMMODATION FOR POLICE STATION

Councillor Doherty asked if Council were aware that employees of the NSW Police force have been canvassing business people in the CBD about temporary accommodation for their police station.

Councillor Ian Olsen

JUNK MAIL

Councillor Olsen asked if there was any way Council can regulate or control junk mail that is thrown onto footpaths.

Councillor Ian Olsen

ANSWER TO QUESTION PROVIDED BY MAYOR

Councillor Olsen referred to the answer provided by the Mayor and asked if he received any advice in regard to the questions and if so, who from and did the Mayor write the answers to the questions himself.

COUNCILLOR'S REPORTS

Councillor Gray

Blackhill Quarry Community Consultation Meeting

- 1 Met Thursday 15th February
- 2 Section 96 approval for Coal Extraction finalised and Coal is being extracted from the shallow old Working in the Quarry floor down to Waratah sand stone layer. Floor thickness currently is a metre in some places thus this will make the Quarry safe for current workers and in perpetuity.
- 3 Clearing of vegetation from the western end of the Quarry is now complete and no further clearing will be taking place on the lease.
- 4 Concerns raised by concerned residents regarding the inappropriate use, storage and movement of trucks in the workshop area was again discussed. Woodbury's Earth Moving assured representatives they were operating within their DA provisions and Council offices agreed, there is no evidence to the contrary.

Hydro Meeting

- 1 Demolishing of the facility is picking up pace.
- 2 Pot Line 3 is half demolished.
- 3 Dust suppression and asbestos contamination are being watched and managed systematically.
- 4 Any asbestos is being isolated and will be put in the Containment Cell.
- 5 All fluoride containing product is being kept under cover.
- 6 Stage 2 Demolition and Environmental Impact Statement has been submitted to Council for evaluation, this incorporates the big stack being demolished.
- 7 After 18 months of delays waiting for the completion of a new flood study after the 2015 super storm, it has come back with no changes.
- 8 Potential purchaser of site is progressing, negotiations positive.

Mayor

February Joint Organisation Meeting

The Mayor reported on his attendance at the February Joint Organisation meeting where the main two items on the agenda at that meeting were the state of recycling in the Hunter and an Events Strategy which was funded by Tourism Hunter, presented to the JO with the premise of moving it forward with some financial support. The Event Strategy was the final funds the \$100,000 remaining funds of Hunter Tourism and the JO decided to go to the next stage of the Events Strategy for the Hunter.

In regard to recycling, the Organisation decided that because every Local Government Area has the same issue, in fact all the recycle material from the Hunter Valley goes to the Murph at Gateshead where it is sorted and the demand for recycled products has diminished greatly. The action from the meeting was to form a Working Group who met last week and again today with the EPA. The Statement across the Hunter Valley, the ten Councils, is that recycling will continue as normal and we will be meeting with the Environment Minister and hopefully the Planning Minister to relax the rules about stockpiling of recycled materials on sites, and the easing of the \$140 levy for that stockpiling.

The Meeting Was Declared Closed at 8.11pm

CONFIRMED AND SIGNED at the meeting held on 7 March 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI3/2018

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. MOU3/2018

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.

Corporate and Community

Report No. CC6/2018

Corporate and Community Services



SUBJECT: ***RICHMOND MAIN COLLIERY - REMEDIATION PLAN***

RESPONSIBLE OFFICER: ***Project Manager - Katrina Patch***

Council at its meeting on 7/02/2018 resolved that the matter be deferred to allow for a site inspection to be carried out and a briefing to be held.

SUMMARY

On 13 September 2017 a bushfire impacted the Council owned Richmond Main Colliery site. The fire damage was extensive and involved burnt artefacts, some of which contained asbestos which created an environmental hazard. Council has taken steps to make the site safe and allow users to return to the site to resume business. This report outlines the remediation options for the site.

RECOMMENDATION

1. That Council allocate funding of \$50,500 from the Miscellaneous and Property Reserve, for the preparation of a Remediation Action Plan, development application and continuation of temporary fencing at Richmond Main Colliery.
2. That a further report be prepared for Council detailing the estimated costs of implementing the Remediation Action Plan once they are known.

BACKGROUND

At its meeting of 13 December 2017, Council resolved to reserve \$90,000 of the surplus general purpose component of the financial assistance grant to fund the emergency make safe works that were undertaken at the Richmond Main Colliery site following the September 2017 bushfire. At that time, the options for remediation of the asbestos contaminated land were unclear and Council also resolved that a further report be prepared for Council detailing plans for the remediation of contaminated areas at Richmond Main Colliery site and the reconnection of the power supply to the industrial complex and museum site.

This report provides the proposed remediation plan and an estimate of costings for preparation of formal plans, development applications, project management and remediation oversight, excluding the cost of remediation works which are currently unknown. A separate report is provided under confidential cover addressing the reconnection of power supply.

Site Description

The Richmond Main Colliery (the site) is located at 262 Leggetts Drive, Richmond Vale. The site is dissected north to south by a rail line with two functioning tracks running out of the site, north to Pelaw Main; and east to Leggetts Drive. A map of the site is provided in the attachment. For the purposes of this report, the site has three zones:

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Report No. CC6/2018

Corporate and Community Services



- Zone A comprises the public areas of the site. Zone A includes a large storage shed to the north east of the site, a modern café building in the middle, many historic train artefacts on display behind fences, the former colliery building that is now used as a museum, the train tracks to the north and east of the site and the train platform in front of the museum.
- Zone B is the industrial zone and comprises many buildings, some of which are asbestos affected and others that are structurally unsound. There are many historical artefacts located in this zone and a large water pool associated with the former power generator. There are several structurally sound buildings within Zone B that are occupied by site users. There are many historical train engines stored in the open within this area as well as a coal pile. The train track defines this zone to the west.
- Zone C is to the western side of the railway line and extends from the north to the southern boundaries of the site. There is one large and structurally unsound building to the south of this zone. This area contains many historical train engines and historical artefacts. There are piles of rubble from collapsed buildings and large piles of metal. There are stored track maintenance equipment, such as replacement rail sleepers and a track maintenance storage shed opposite the platform. Zone C also contains large mounds of coal used in the steam train engines.

Site Users

The site has two key user groups:

- Forgemasters (Aust) Pty Ltd (Forgemasters), a long standing commercial business employing three staff, leases a building in Zone B, the industrial area of the site.
- Richmond Vale Preservation Cooperative Society (The Society) is a not-for-profit organisation managed by a Board of six members with a membership of 40+ additional members. The Society utilises the whole of site for storage of artifacts and regularly uses a storage shed within the industrial area for train engine maintenance and restoration. The Society opens Zone A regularly as a tourist attraction, providing tours of the historic colliery/museum building and running trains along the rail line that dissects the site.

Asbestos Contamination and Building Structural Issues

Asbestos is the generic term given for a mineral fibre occurring in a fibrous form from certain types of asbestos rock. Asbestos can be classified into two groups:

- Non-Friable, or bonded asbestos is any material that contains asbestos in a bonded matrix. Examples of bonded asbestos are cement sheets (fibro), asbestos containing insulation and asbestos containing train brake pads; and
- Friable asbestos is any material that contains asbestos and is in the form of powder or can be crumbled, pulverised or reduce to powder by hand pressure when dry.

Asbestos is a risk when in a friable form – when it crumbles and fine dust fibres are released into the air and breathed into the lungs. Asbestos related diseases include asbestosis, lung cancer and mesothelioma.

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The site is known to have asbestos contamination, both in friable and non-friable forms. Prior to the fires, the most recent Asbestos Management Plan was prepared for Council by Parsons-Brinkerhoff in June 2017 and details the results of testing within various buildings and locations. The plan includes an asbestos register and recommendations for immediate and long term actions to address the asbestos. Prior to the fire, actions were being taken to implement the plan.

A structural engineer's report of Council's buildings by Jacobs Group Pty Ltd (March 2017), also provides critical information regarding the status of structurally unsound buildings on site and provides recommendations for immediate actions to ensure the safety of people on site. Again, prior to the fire, actions were being taken to implement the report recommendations.

A bushfire impacted the site on 13 September 2017 that resulted in exposure of friable asbestos. Council undertook make safe actions in accordance with advice from asbestos management consultants in order to return users to the site.

REPORT/PROPOSAL

Asbestos Remediation Options

Asbestos remediation is governed by the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2017. SafeWork NSW provide Codes of Practice for the management and control of asbestos in the workplace and the safe removal of asbestos

Best-practice guidance for remediation of asbestos contaminated land is provided by the Western Australian Department of Health's *Guidelines for Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia (May 2009)*. The information below is in accordance with the governing legislation and is based on the best practice guidelines. The approach has been endorsed by two local independent asbestos management consultants.

The remediation of asbestos should be conducted in order to:

- Minimise public risk;
- Minimise soil disturbance; and
- Minimise the amounts of contaminated material that are removed to landfill.

The main remediation options include: management in-situ, treatment on-site and removal of the contaminated soil from the site to an approved landfill site.

In-situ Management

Management of asbestos in-situ includes covering the contamination with a protective/warning barrier and clean fill and registering a memorial on the site's Certificate of Title. This option meets all of the criteria above and is the safest option if available. This approach offers the advantage of minimal soil disturbance and therefore minimal dust generation, minimal sampling and testing and lower costs, minimises time delays and provides a greater confidence of outcomes. The disadvantage is that the asbestos remains on site and could impact further use of the affected area. The nature of the affected area,

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located in a bushland setting on a former colliery that is registered as a State significant historical site and therefore not subject to redevelopment, mitigates this issue.

In-situ management is therefore preferred and encouraged.

On-site burial

The relocation and burial of asbestos-contaminated soil and artifacts is also an option. As with in-situ management, protective/warning barriers and clean fill are used, as is the requirement for recording the asbestos contamination on the site's Certificate of Title. While this option does involve moving asbestos within the exclusion zone of the site, it minimises public risk and the amount of contaminated material that is removed to landfill.

Combining on-site burial with in-situ management will lessen the risks and cost associated with off-site disposal and is the preferred option when in-situ management is not suitable.

Removal from site

This option involves excavation and removal of contaminated soil and artefacts to an authorised landfill site. Since minimising public risk, soil disturbance and off-site disposal are priorities, this remediation method is considered only when all other options are unsuitable. This option is costly due to the excavation, transport and landfill costs. The quantity of contaminated soil on site makes this option cost prohibitive for Council.

All asbestos removal options must be performed by certified asbestos removalists with oversight by an independent certified asbestos management assessor. Air monitoring during works and post works soil sampling are also requirements.

The Hot Areas and Preferred Remediation Methods

The Zone C asbestos affected 'hot areas' are not generally publically traversed and are within a bushland setting. Due to the historical nature of the site and its former use as a colliery, the site is never likely to be utilised for residential land. The Zone B hot area is in a regularly traversed area and as such has been included in the remediation plans.

All remediation actions will be in accordance with standards and will render the land suitable for its current use.

There are four discrete areas of contamination within Zone C and one area within Zone B that requires remediation. The proposed remediation methods have been endorsed by two asbestos management consultants; Greencap Pty Ltd, engaged by Council, and Panacea Pty Ltd who were engaged independently by the Society to provide advice.

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Hot Area	Location	Type of Contamination	Remediation Approach
H1	Southern end of Zone C	ACM present as surface material	Relocation and on-site burial
H2	Central of Zone C, North of the Bathhouse remains	ACM present in building remains penetrating sub-soil	In-situ management
H3	North East of Zone C, burnt wagons	ACM present on wagons and on ground below wagons	Relocation and on-site burial
H4	West and East of the burnt wagons of H3	Fragments of ACM on surface	Excavation and on-site burial
H5	Zone B, Access Road adjacent to cooling pond	Fragments of ACM intermixed with surface gravels along road	Excavation and on-site burial

It is proposed that the items of surface material within H1 and H3 be moved to the H2 Zone and included in the in-situ management at that location.

The contamination located at H4 was caused by exploding asbestos and is scattered on the surface to a distance of 20 metres from the wagons. The fine nature of the asbestos and deterioration since the fire requires that the topsoil be considered contaminated and so must be removed. The standard requires that the top 10cm of soil should be removed.

The contamination located at H5, has become intermixed with the surface gravel along the road. As with H4, this area is required to be excavated to a depth of 100mm below ground level. A replacement gravel surface would need to be applied.

Adjacent to the H2 area there is a natural gully which may be suitable for use as the on-site burial site for H3, H4 and H5 asbestos. Using this location would consolidate the buried asbestos to one location within Zone C. Should this location be unsuitable, there are other locations onsite, particularly in the North-West of the site that may be suitable as a burial site.

In-situ Remediation Standards

The Western Australian asbestos management standards recommend that following the application of a geo-textile protective warning barrier, 0.5 metre of soil covering the asbestos is more than adequate for in-situ and burial of asbestos.

Planning Requirements

Council has an obligation to meet the same planning requirements that would apply to a public company or private individual proposing to undertake similar asbestos remediation works. This includes the preparation of a Remediation Action Plan (RAP) by a suitably qualified environmental consultancy and the submission and assessment of a development application for Council approval of the RAP. In accordance with policy, as Council would be

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the applicant, Council would engage an independent planning consultancy to assess the development application.

In accordance with Council's heritage policy, and the draft Richmond Vale Colliery Conservation Management Plan, the RAP will be prepared in consultation with an appropriately qualified heritage advisor.

Management during remediation works

Once the development application is approved, Council is obliged to engage a certified asbestos removal firm to undertake the works specified and a certified asbestos assessor to oversee the implementation of the RAP. These costs will be determined and reported to Council once the RAP is prepared and the development application is approved.

Estimate of costs

The cost of preparing the RAP and development application and the continuation of temporary fencing around Zone C is estimated at \$50,500.

This estimate does not include the costs associated with the actual works which can only be estimated upon finalisation of the RAP and approval of the development application.

OPTIONS

The proposed remediation approach is the lowest cost option available. Council may choose not to remediate the site however there will continue to be costs associated with maintaining the exclusion zone and this approach may draw the attention of the Environmental Protection Authority and a risk of sanctions upon Council.

Council may choose to delay the remediation process and allocate funding within the 2018/19 budget for the remediation of the site.

CONSULTATION

The following Council officers have been consulted during the preparation of this report:

- Executive Leadership Team
- Director Planning and Environment
- Community and Cultural Engagement Manager
- Finance and Administration Manager
- Enterprise Risk Management Coordinator
- WHS Advisor
- Environmental Health Officer

STRATEGIC LINKS

a. Delivery Program

The report responds to the vision and aims of the Community Strategic Plan: Cessnock 2027 – Our People Our Place Our Future.

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- Objective 2.3 Increasing tourism opportunities and visitation in the area by supporting the activities of the Richmond Vale Railway Museum.
- Objective 3.1 Protecting and enhancing the natural environment and the rural character of the area.
- Objective 3.2 Better utilisation of existing open space.

b. Other Plans

Other relevant Council Policies, Plans and Strategies include:

- Asset Management Policy
- Heritage Policy
- Asbestos Management Plan – Richmond Main Colliery (June 2017)
- Structural Assessment of Council Buildings (March 2017)
- Draft Richmond Vale Colliery Conservation Management Plan (November 2017)

IMPLICATIONS

a. Policy and Procedural Implications

The proposed asbestos remediation approach complies with Council's policies in relation to the assessment of works associated with contaminated lands.

b. Financial Implications

The State and Federal Government declared the bushfire of 13 September 2017 a natural disaster and made available disaster assistance funds for Local Government, companies, not-for-profit organisations and private individuals affected by the fire. Unfortunately, the make safe actions undertaken and the remediation of the asbestos contamination at the site do not qualify for funding under the scheme.

At its meeting on 13 December 2017, Council resolved that the remaining unallocated funds of \$249,068 for the general purpose component of the financial assistance grant be quarantined subject to a further report to Council. These funds could be allocated to fund this proposal.

Another potential source of funding for these works is money held within the Miscellaneous and Property Reserve from loan repayment savings in past financial periods. It is recommended that \$50,500 of these funds be allocated for the remediation planning phase for the Richmond Vale Colliery site.

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c. Legislative Implications

Management of asbestos is governed by:

- NSW Work Health and Safety Act 2011;
- NSW Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice: How to Safely Remove Asbestos (2016);
- SafeWork NSW Code of Practice: How to Manage and Control Asbestos in the Workplace (2016)

Best-practice guidance for remediation of asbestos contaminated land is provided by the Western Australian Department of Health's *Guidelines for Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia (May 2009)*.

d. Risk Implications

- Funds for remediation works are not currently available
- Health and safety risks for site users and visitors to the site
- Reduction in tourism and visitation to the site
- Reputational risk should remediation not be completed leading to the site being shut down permanently
- Sanctions from the Environmental Protection Authority

e. Environmental Implications

Community expectations are that asbestos contamination should be managed to minimise risks to people and the environment. The proposed actions are in accordance with this expectation and Government guidelines.

f. Other Implications

N/A

CONCLUSION

A plan is proposed to remediate the friable asbestos at Richmond Vale Colliery by in-situ and onsite burial. Council is required to engage specialists to prepare a Remediation Action Plan and a development application for the implementation of the Plan. The cost of the preparing these plans and applications and the continuation of temporary fencing to October 2019 is \$50,500. A further report will be provided to Council once the development application is approved and the estimate of cost of remediation works is known.

ENCLOSURES

[1](#) Richmond Vale Museum and Colliery Site Map

General Manager's Unit
Report No. GMU7/2018
General Manager's Unit



SUBJECT: *MINUTES OF THE AUDIT COMMITTEE MEETING HELD 6 FEBRUARY 2018*

RESPONSIBLE OFFICER: *Internal Auditor - Ian Lyall*

RECOMMENDATION

That the Minutes of the Audit Committee Meeting of 6 February 2018 be adopted as a resolution of the Ordinary Council.

MINUTES OF AUDIT COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN THE ANTE ROOM ON TUESDAY, 6 FEBRUARY 2018, COMMENCING AT 9.00 AM

PRESENT: Mrs Jennifer Hayes – Independent Chair
Mayor Bob Pynsent
Councillor Paul Dunn
Mr Neal O’Callaghan – Independent Representative
Dr Felicity Barr – Independent Representative
Councillor Mark Lyons (Alternate)

IN ATTENDANCE: Mr Stephen Glen – General Manager
Mr Robert Maginnity – Director Corporate & Community Services
Mr Gareth Curtis – Director Planning & Environment
Mr Justin Fitzpatrick-Barr – Director Works & Infrastructure
Ms Darrylen Allan – Human Resources Manager
Mr Ian Lyall – Internal Auditor
Mr Andrew Glauser – Finance and Administration Manager
Mrs Yvonne Blake – Minute Taker

INVITEES: Mr Paul Grosbernd – Management Accountant
Mr Manav Sharma – Financial Accountant
Ms Kelly McGowan – Operations Accountant
Ms Megan Savill – Internal Auditor (Secondment)
Ms Samantha Clift – Enterprise Risk Coordinator
Mrs Roslyn Ashton – Business Support & Customer Relations Manager

APOLOGIES

Ms Lawrissa Chan – NSW Audit Office
Mr Furqan Yousuf – NSW Audit Office
Ms Cath Watson – Forsyths
Mr James Sugumar – NSW Audit Office

ACKNOWLEDGEMENT OF COUNTRY

The Chair delivered an Acknowledgement of Country.

General Manager's Unit
Report No. GMU7/2018
General Manager's Unit



CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Dr Felicity Barr

Seconded: Mayor Pynsent

RESOLVED that the Minutes of the Audit Committee held on 7 November 2017, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST

Nil

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. ACCLM1/2018

SUBJECT: PROCESS IMPROVEMENT - CASH HANDLING

MOTION RESOLVED

Moved: Mayor Pynsent

Seconded: Jennifer Hayes

That the Audit Committee receives the report and notes the process improvement, particularly with regard to cash handling.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU7/2018
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM2/2018

SUBJECT: ***CREDITOR MASTERFILE AUDIT AND ASSURANCE PROJECT UPDATE***

**MOTION
RESOLVED**

Moved: Jennifer Hayes

Seconded: Dr Felicity Barr

That the Audit Committee receives the report and notes the completion of the Creditor Masterfile Audit and Assurance Project.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM3/2018

SUBJECT: ***ENTERPRISE RISK MANAGEMENT FRAMEWORK UPDATE***

**MOTION
RESOLVED**

Moved: Mayor Pynsent

Seconded: Councillor Dunn

That the Audit Committee endorse the updated Enterprise Risk Management Framework for presentation to Council, subject to management reviewing several suggestions made by the Committee.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM4/2018

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

**MOTION
RESOLVED**

Moved: Neal O'Callaghan

Seconded: Jennifer Hayes

That the Audit Committee receive and endorse the December 2017 Quarterly Budget Review Statements for presentation to Council in accordance with Clause 203 of the Local Government (General) Regulation 2005.

CARRIED UNANIMOUSLY

General Manager's Unit
Report No. GMU7/2018
General Manager's Unit



LISTED MATTERS - COMMITTEE NO. ACCLM5/2018

SUBJECT: INTERNAL AUDIT REPORT JANUARY 2018

MOTION Moved: Jennifer Hayes **Seconded:** Neal O'Callaghan
RESOLVED

That the Audit Committee notes the February 2018 Internal Audit Report.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM6/2018

SUBJECT: AUDIT COMMITTEE INDICATIVE CALENDAR

MOTION Moved: Jennifer Hayes **Seconded:** Mayor Pynsent
RESOLVED

That the Audit Committee notes the indicative Calendar.

CARRIED UNANIMOUSLY

LISTED MATTERS - COMMITTEE NO. ACCLM7/2018

SUBJECT: AUDIT COMMITTEE OUTSTANDING ITEMS REPORT

MOTION Moved: Jennifer Hayes **Seconded:** Dr Felicity Barr
RESOLVED

That the Audit Committee notes the Outstanding Items Report.

CARRIED UNANIMOUSLY

CORRESPONDENCE

NSW Audit Office – Audit Director Appointment

Email received from Lawrissa Chan advising of an internal resourcing decision within the NSW Audit Office which will result in Cessnock having a new Audit Director. James Sugumar will be the new Director from the commencement of the 2017-18 audit. James is currently the Audit Director for a number of other Councils within the region, and works heavily with Forsyths. To ensure there is continuity, Furqan Yousuf will continue to be the Audit Manager.

GENERAL BUSINESS

The Committee noted the Chair would be making a presentation to Council, with the Minutes, on 7 March 2018.

The Meeting Was Declared Closed at 10.18 am

PRESENTATION

Customer Service Charter / Cessnock Gateway	Business Support and Customer Relations Manager – Ros Ashton	Presentation only (10 minutes)
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The Meeting Was Declared Reopened at 10.40 am

As Neal O'Callaghan's term as an independent member of the Audit Committee has ended, Mayor Pynsent thanked him, on behalf of all the Committee Members and Council, for his contribution to the success of the Committee and wished him well for the future.

The Meeting Was Declared Closed at 10.44 am

CONFIRMED AND SIGNED at the meeting held on 1 May 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit
Report No. GMU8/2018
General Manager's Unit



SUBJECT: *ENTERPRISE RISK MANAGEMENT FRAMEWORK*

RESPONSIBLE OFFICER: *Human Resources Manager - Darrylen Allan*

SUMMARY

The purpose of this report is to provide Council the opportunity to review and adopt the Enterprise Risk Management (ERM) Framework.

RECOMMENDATION

That Council adopt the Enterprise Risk Management Framework.

BACKGROUND

Council's Risk Management Policy was presented to, and endorsed by the Audit Committee on 3 May 2016 and the minutes of Audit committee were subsequently adopted by Council 15 June 2016. The ERM Framework is a fundamental part of implementing the Risk Management Policy across Council.

The ERM Framework will become an integral part of Council operations, including linking directly to and influencing:

- Operational plans;
- Strategic Plans; and
- Policies and Procedures.

The ERM Framework has been written in compliance with *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines* and the *Risk Management Guidelines* handbook that links directly to the Standard.

The Audit Committee originally endorsed the ERM Framework on 7 November 2017 and following minor amendments made to the Framework in January 2018, the updated version was endorsed by the Audit Committee on 6 February 2018.

Once implemented, the ERM Framework will support a risk based audit program.

REPORT/PROPOSAL

The purpose of the ERM Framework is to establish a consistent and structured approach to risk management with the aim of assisting Council to achieve its objectives and embed risk management in all key operational processes.

Council recognises that risk is inherent in all Council activities and processes and that ERM is essential for the efficient and effective governance of the organisation in its delivery of services to the community. Council also recognises that risk management cannot eliminate all risks, but will enable the management of risks to an acceptable level.

General Manager's Unit

Report No. GMU8/2018

General Manager's Unit



Council is exposed to uncertainties impacting the delivery of services and achievement of objectives for the community. Council's risks include:

- Increasing operating costs and community expectations for service delivery in a rate-capped environment;
- Externally imposed Government changes;
- Global financial trends with local implications – affecting employment, tourism, events, property values, rate income levels and people's capacity to pay rates;
- Expectations of greater levels of community engagement, consultation and participation in decision making;
- The challenge of managing Council's assets in a cost effective manner;
- The impact of climate change on Council assets, the community and the environment;
- The need to provide varied and increased services for an ageing population; and
- Council's ability to attract and retain skilled employees.

The ERM Framework provides a foundation for responding to these uncertainties through a structured approach that facilitates risk-informed decision making aligned with Council's strategic, operational and project-specific objectives.

The ERM Framework was developed in accordance with *AS/NZS ISO 31000:2009 Risk management – Principles and guidelines* and involved consultation with Council's Executive Leadership team and management advisory team. In addition, Council consulted with the Hunter Council's Risk Management Team to provide guidance on the adopted Frameworks being used by other Hunter Council's that are effective, compliant and practical.

OPTIONS

1. That Council endorses the ERM Framework. This is the preferred option.
2. That the Council endorses the ERM Framework with alterations.

CONSULTATION

Consultation has taken place with the following parties (both internal and external):

- Executive Leadership Team
- Management Team
- Internal Auditor
- Regional Risk Manager – Statewide Mutual
- Hunter Council's Risk Management Team
- Audit Committee
- Councillors (briefed on 28 February 2018)

STRATEGIC LINKS

a. Delivery Program

This report is linked to Objective 5.3.5 “Implement the Risk Management Strategy”.

b. Other Plans

Cessnock 2027 Community Strategic Plan “Civic Leadership and Effective Governance”.

IMPLICATIONS

a. Policy and Procedural Implications

Council has developed a draft Enterprise Risk Management (ERM) Framework in accordance with AS/NZN ISO31000:2009 – Risk Management – Principles and guidelines.

Council is committed to implementing a Framework that ensures risk management is embedded in all of Councils practices and processes in a manner that is systematic, relevant, effective and efficient. In particular, Council recognises that risk management should be embedded into policy development and review, business and strategic planning and change management processes.

Councils risk management process will be:

- an integral part of management;
- embedded in the culture and practices; and
- tailored to the business processes of Council.

The ERM Framework establishes the principles, roles and responsibilities within Council's system of management that enable risk to be managed.

b. Financial Implications

N/A

c. Legislative Implications

d. Risk Implications

The ERM Framework establishes the principles, roles and responsibilities within Council's system of management that enable risk to be managed.

e. Environmental Implications

N/A

f. Other Implications

N/A

General Manager's Unit

Report No. GMU8/2018

General Manager's Unit



CONCLUSION

The ERM Framework has been developed to comply with Council's responsibilities under the Risk Management Policy and it is recommended that Council adopt the Framework.

ENCLOSURES

[1](#) ➡ Enterprise Risk Management Framework

Planning and Environment

Report No. PE5/2018

Planning and Environment



SUBJECT: ***ADOPTION OF DRAFT CHAPTER 17 OF THE CESSNOCK DEVELOPMENT CONTROL PLAN 2011 - HUNTLEE***

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

SUMMARY

The purpose of this Report is to seek Council's endorsement to adopt draft Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee, following public exhibition.

RECOMMENDATION

That Council adopt Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee.

BACKGROUND

Huntlee new town was gazetted as a State Significant Site on 9 January 2009. Development standards for Huntlee, including permitted and prohibited land uses for each of the Huntlee zones, were originally set out under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (SEPP Major Development). At the time, a Development Control Plan (DCP) was also adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure. The DCP for Huntlee came into force on 12 June 2013.

On 5 March 2015, the provisions of SEPP Major Development relating to Huntlee were transferred to the *Cessnock Local Environmental Plan 2011* (LEP 2011) by the Department of Planning and Environment. The Huntlee DCP 2013 was not integrated with the Cessnock DCP 2011 at that time. This was despite a lengthy submission by Council in December 2014, advising that the Huntlee DCP was activated by SEPP Major Development and would also need to be integrated.

Council became responsible for the Huntlee DCP when the transition from SEPP Major Development occurred in 2015. By that time, Council was beginning to receive applications for development at Huntlee and also began identifying anomalies with the existing DCP.

In April 2016, when additional resourcing became available, Council commenced consultation with the developer, LWP Property Group, to integrate and update the Huntlee DCP.

On 15 November 2017, Council resolved to place draft Chapter 17 of the Cessnock Development Control Plan (DCP) 2011 – Huntlee on public exhibition for a minimum of 28 days. Public exhibition of draft Chapter 17 occurred between 22 November and 20 December 2017; however, no submissions were received during the exhibition period.

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Chronology

Date	Brief Description
9 Jan 2009	Huntlee gazetted as a State Significant Site.
12 Jun 2013	DCP adopted for Huntlee by the then Director-General of the Department of Planning and Infrastructure.
5 Mar 2015	Provisions of <i>State Environmental Planning Policy (Major Development) 2005</i> relating to Huntlee transferred to the <i>Cessnock Local Environmental Plan 2011</i> (LEP 2011) by the Department of Planning and Environment.
Apr 2016	Council commenced consultation with the developer of Huntlee, LWP Property Group, to update the Huntlee DCP and integrate the Plan into the Cessnock DCP 2011.
15 Nov 2017	Council resolve to place draft Chapter 17 of the Cessnock DCP – Huntlee on exhibition.
22 Nov 2017 to 20 Dec 2017	Draft Chapter 17 of the Cessnock DCP - Huntlee on exhibition.

REPORT/PROPOSAL

The existing Huntlee DCP sits outside Council's adopted policy framework and this has created confusion regarding the status of the DCP. Integrating the Huntlee DCP as a specific chapter in the Cessnock DCP 2011 will clarify its status and has provided an opportunity to review and update the DCP to resolve several identified anomalies.

Council commenced discussions with the developer of Huntlee, LWP Property Group, to integrate and update the Huntlee DCP in April 2016. The review process has been extensive and has resulted in a number of amendments. LWP have advised that they are satisfied with the amended DCP and integration process and have provided a letter of support at **Enclosure 1** of this Report.

The amendments that have occurred as a result of the integration process are reasonably minor and do not significantly alter the intent of the original Huntlee DCP or character outcomes for Huntlee. The amendments are focused on simplifying and clarifying the wording of the Huntlee DCP to assist with interpretation. The amendments benefit Council and developers by clarifying certain controls, resolving minor anomalies and reflecting changes to the planning legislative framework that have occurred since the Huntlee DCP was first adopted by the then Director-General of the Department of Planning and Infrastructure in 2013.

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Key amendments include:

- updating the DCP controls to better align with the development standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- removing onerous and conflicting development controls;
- providing development standards for ancillary development, such as garages and pools; and
- referencing the existing Huntlee 'lot type map'.

No submissions were received during the exhibition period, 22 November to 20 December 2017. Comments provided by Council staff during exhibition were considered and have resulted in minor changes to the final DCP Chapter, including the removal of a small number of redundant controls and to clarify wording.

The Draft Cessnock Development Control Plan 2011 - Chapter 17 Huntlee is included as a separate enclosure.

OPTIONS

1. Adopt Draft Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee.
This is the recommended option.
2. Amend the Draft Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee. This may trigger the need for a new exhibition period.
3. Not proceed with the Draft Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee. This option will not clarify the Plan's status or address the minor anomalies that have been identified by Council.

CONSULTATION

Public exhibition of the draft Plan occurred between 22 November and 20 December 2017. No submissions were received during the exhibition period.

The Draft DCP Chapter has been updated in consultation with:

- Development Services
- Building Services
- Singleton Council officers
- LWP Property Group (Refer to **Enclosure 1**)

STRATEGIC LINKS

a. Delivery Program

The Draft DCP aligns with the following objectives of the Cessnock 2027 Community Strategic Plan:

- 3.1 Protecting and enhancing the natural environment and the rural character of the area; and
- 5.2 Encouraging more community participation in decision making.

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b. Other Plans

Cessnock Local Environmental Plan 2011

Permitted and prohibited land uses for each of the Huntlee zones were originally set out under Schedule 3 of *State Environmental Planning Policy (Major Development) 2005*, but were transferred to the LEP 2011 by the Department of Planning and Environment in March 2015. Schedule 1 of the Cessnock LEP 2011 specifies a range of additional permitted uses at Huntlee.

IMPLICATIONS

a. Policy and Procedural Implications

The Huntlee DCP 2013 presently sits outside Council's adopted policy framework. Integrating the Huntlee DCP as a specific chapter in the Cessnock DCP will clarify the status of the Plan and simplify access to the information.

The status of the Plan is identified in the following process.

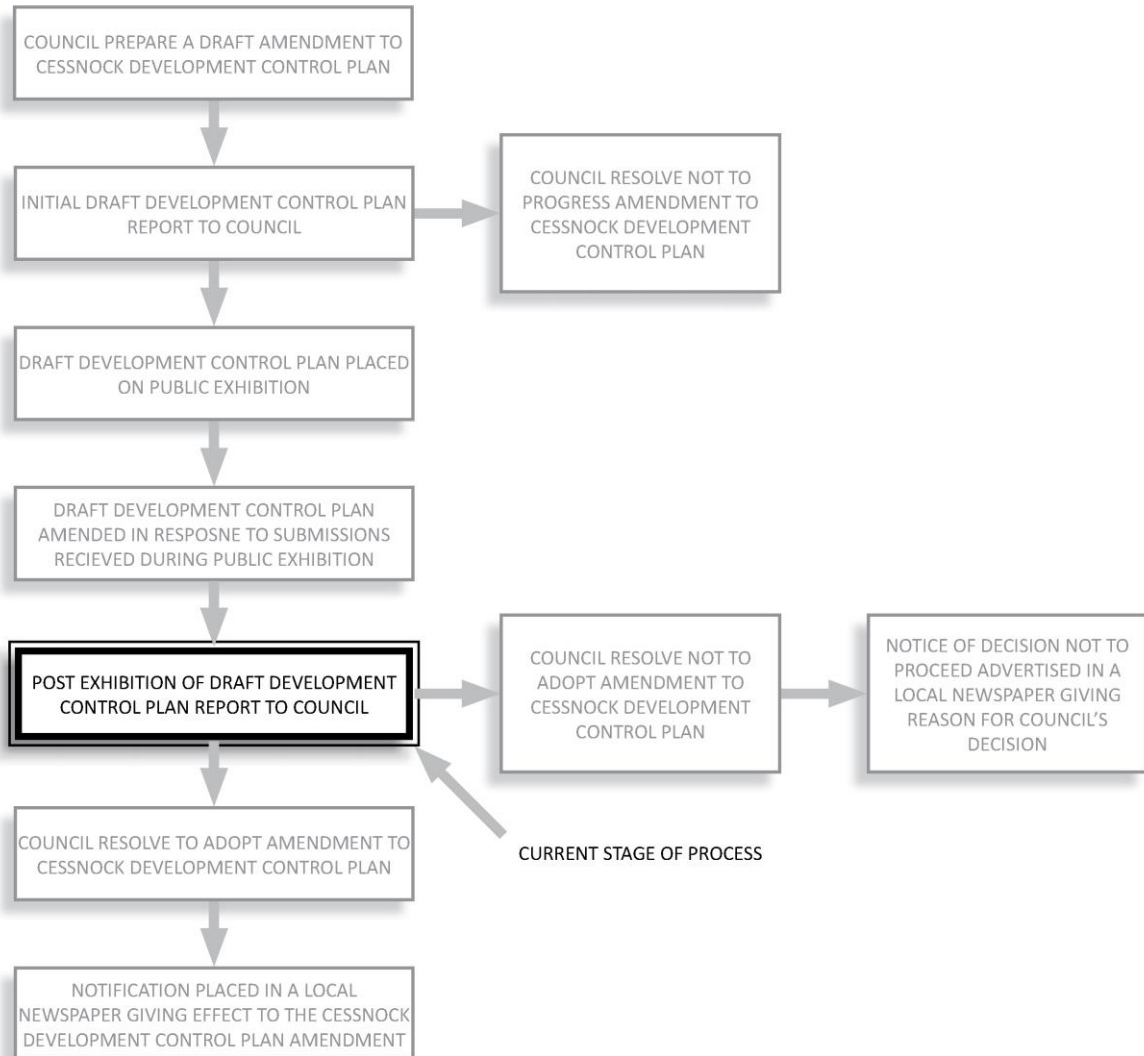
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PROCESS - CESSNOCK DEVELOPMENT CONTROL PLAN



b. Financial Implications

Nil

c. Legislative Implications

The *Environmental Planning and Assessment Regulations 2000* outline the requirements for preparing and exhibiting a Draft DCP. The Regulations require any Draft DCP to be placed on public exhibition for a minimum of 28 days. The recommendations of this Report are consistent with the requirements of the *Environmental Planning and Assessment Regulations 2000*.

Once adopted, Council will be required to consider the Draft DCP Chapter when determining Development Applications in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*.

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d. Risk Implications

N/A

e. Environmental Implications

By appropriately managing development that occurs at Huntlee, the Draft DCP Chapter will help reduce environmental impacts.

f. Other Implications

The amended DCP Chapter will not apply to the Singleton Local Government Area. Development at Huntlee is not expected to occur in the Singleton Local Government Area for some time, this is due to the overall staging of the development. As a result, there is no urgency for Singleton Council to integrate the Huntlee DCP into its citywide DCP. The review of the Huntlee DCP, undertaken by Cessnock City Council, may assist Singleton Council in the future, when there is a need for Singleton to integrate and update the DCP.

CONCLUSION

Public exhibition of draft Chapter 17 occurred between 22 November and 20 December 2017. No submissions were received during the exhibition period. Comments provided by Council staff during exhibition were considered and have resulted in minor changes to the final DCP Chapter, including the removal of a small number of redundant controls and to clarify wording. It is recommended that Council adopt Chapter 17 of the Cessnock Development Control Plan 2011 – Huntlee.

ENCLOSURES

[1](#) LWP Letter of Support

[2](#) Draft Chapter 17 of the Cessnock DCP - Huntlee (Provided under separate cover)

Planning and Environment

Report No. PE6/2018

Planning and Environment



SUBJECT: ***COUNCIL SUBMISSION TO DRAFT GREATER NEWCASTLE METROPOLITAN PLAN 2036 AND PROPOSED APPROACH TO THE HUNTER REGION SPECIAL INFRASTRUCTURE CONTRIBUTION***

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

SUMMARY

The purpose of this Report is to gain Council endorsement to submissions on the Draft Greater Newcastle Metropolitan Plan and the Proposed Approach to the Hunter Regional Special Infrastructure Contribution.

RECOMMENDATION

That Council endorses the submissions to the Draft Greater Newcastle Metropolitan Plan and the Proposed Approach to the Hunter Regional Special Infrastructure Contribution and forwards the submissions to the Department of Planning and Environment.

BACKGROUND

Draft Greater Newcastle Metropolitan Plan

The Hunter Regional Plan was released in October 2016 and contains a vision and goals to guide development and investment within the Hunter Region to the year 2036. The Plan focuses on four key areas, economic growth, protecting the natural environment, creating thriving communities and increasing housing choice. Each of these four areas is supported by a number of directions and actions. One action in the Hunter Regional Plan is to prepare a Greater Newcastle Metropolitan Plan to attract investment, improve employment accessibility, unlock industry growth and diversify employment.

On 30 November 2017 the NSW Government released the Draft Greater Newcastle Metropolitan Plan 2036 (Draft Plan) for public comment. The Draft Plan aims to create a leading regional economy in the Hunter area through identifying a number of catalyst areas and actions.

Proposed Approach to the Hunter Regional Special Infrastructure Contribution

In 2011, the Department of Planning and Environment (DoPE) released a draft Environmental Planning and Assessment (Special Infrastructure Contributions – Lower Hunter) determination 2011 (SIC). The SIC remained in draft form. In October 2016 in conjunction with the release of the Hunter Regional Plan a discussion paper for the SIC was released to which Council made a formal submission. In December 2017 the Department of Planning and Environment released a 'Proposed Approach to the Hunter Region Special Infrastructure Contribution' (Hunter SIC). Council staff worked with DoPE in the reviewed and development of the Hunter SIC

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Special Infrastructure Contributions in the Hunter are currently levied through individual planning agreements that are negotiated between the proponent and the DoPE. To date the application of the SIC by DoPE has been problematic for both Councils and developers. The key areas of concern have been the lack of governance, transparency and equity in application of the levy. Further, the mechanism by which the SIC is applied has seen considerable delays in the assessment of development applications.

REPORT/PROPOSAL**Draft Greater Newcastle Metropolitan Plan (Draft Plan)**

The Draft Plan aims to create a leading regional economy in the Hunter. The area covered by the draft plan is shown in Map 1 and is collectively called the Greater Newcastle Area. Generally, the Greater Newcastle Area encompasses the more urban areas of the Hunter. The draft plan covers part the Cessnock LGA and areas in the following LGAs:

- Newcastle City Council
- Port Stephens Council
- Maitland City Council
- Lake Macquarie City Council

Map 1: The Greater Newcastle Vision

Source: Page 10 of the Draft Greater Newcastle Metropolitan Plan, Department of Planning and Environment, December 2017.

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The Draft Plan contains a series of strategies and actions related to employment, environment, housing and connections. The Draft Plan acknowledge important aspects of the Cessnock LGA including the contribution of tourism and viticulture, the importance of protecting recreational areas and the need for improved connections both within Cessnock and to the broader Greater Newcastle Area.

Despite this, there are outcomes and strategies in the Draft Plan that could be expanded to highlight the potential of areas in the Cessnock LGA to contribute to growth in the Greater Newcastle Area. Huntlee and Bellbird North should be identified as priority housing areas in addition to the Kurri Kurri – Maitland corridor. These areas will accommodate significant housing growth and are well advanced in the delivery of the housing.

The need to protect rural land and recognise employment from primary production are also highlighted in Council's submission. It is important to ensure that tourism growth and urban expansion do not hinder primary production land used for food production and viticulture. These points have been included in Council submission in **Enclosure 1**.

The Draft Plan lists a number of key catalyst areas, such as John Hunter, Broadmeadow and Williamstown, which have specific actions listed. Cessnock and Kurri Kurri are not identified as Catalyst areas in the Draft Plan, despite the potential these centres have to contribute to housing and economic growth in the Greater Newcastle region and notwithstanding they are identified as "Strategic Centres" within the Hunter Regional Plan 2036. The importance of including centres such as Cessnock and Kurri Kurri as catalyst areas or recognizing these centres in some other form has been highlighted in Council's submission.

Proposed Approach to the Hunter Regional Special Infrastructure Contribution

In December 2017, in conjunction with the release of the Draft Greater Newcastle Metropolitan Plan the DoPE released a Proposed Approach to the Hunter Regional Special Infrastructure Contribution (Hunter SIC). The Hunter SIC is only a proposed approach; not an actual plan and is therefore limited in detail. However it does provide an overview on the contribution types, methods of calculation and a list of proposed works to be funded.

The intent of the Hunter SIC is to levy developers to help fund regional infrastructure such as roads, schools, healthcare and emergency services to support residential and industrial development. The Hunter SIC will apply to the Hunter as identified in the Hunter Regional Plan 2036.

The Hunter SIC is proposed to be payable only for development on greenfield land that has been, is proposed or will be rezoned to either residential or industrial. The proposed contribution rate for development in the Lower Hunter is:

Table 1: Proposed contribution rates

Greenfield residential contribution rate	Greenfield industrial contribution rate
\$10,664 per lot or dwelling	\$38,232 per hectare of net developable area

The Hunter SIC is one of several funding sources proposed to support the region's growth. The SIC does not recover the total cost of infrastructure, it is simply an additional funding source to partially fund the delivery of key infrastructure. The following infrastructure items in the Cessnock LGA are identified for funding:

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- Upgrade of Cessnock Road (between Cessnock and Kurri Kurri) \$16.7 million
- Upgrade of Main Road Cessnock \$33.5 million
- New Weston Road link

The paper did not include detailed information on the infrastructure works identified for funding. Council's submission on the Hunter SIC (**Enclosure 2**) seeks additional information or confirmation on the proposed works list to ensure that the works align with Council's strategic planning documents such as the Draft Traffic and Transport Strategy. Council's submission proposes a number of road network improvements for inclusion in the Hunter SIC, including Wollombi Road and Old Maitland Road. The submission also suggests that park and ride facilities along the Hunter Expressway are included for funding along with the upgrade of the Cessnock Airport.

OPTIONS

The Council has the following options:

1. Endorse the submissions to the Draft Greater Newcastle Metropolitan Plan and the Proposed Approach to the Hunter Regional Special Infrastructure Contribution and forward the submissions to the Department of Planning and Environment.

This is the recommended option.

2. Include or remove matters to the draft submissions in Enclosure 1 and 2.
3. Not send a submission on the Draft Greater Newcastle Metropolitan Plan and the Proposed Approach to the Hunter Regional Special Infrastructure Contribution.

CONSULTATION

As both the Draft Plan and the Hunter SIC have been developed by the DoPE they have been responsible for the consultation. When preparing the Draft Plan the DoPE facilitated a drop in information session on the corner of Cooper and Charlton Street, Cessnock on 29 July 2017. Members of the community informed DoPE staff of movements they make across the Greater Newcastle Area and services they would like to see improved. This information informed the draft plan. Council staff also worked closely with DoPE in the drafting of the Draft Plan and Hunter SIC.

The Draft Plan is on public exhibition from 30 November 2017 to 28 February 2018. An information session on the draft plan was facilitated by the Department of Planning and Environment during the public exhibition period.

The Hunter SIC is on public exhibition from December 2017 to 28 February 2018. An information session on the draft plan was facilitated by the Department of Planning and Environment during the public exhibition period.

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The following internal Council Sections have been consulted in preparing these submissions:

- Economic Development
- Infrastructure Management
- Open Space and Community Facilities
- Strategic Planning
- Development Services
- Community and Cultural Engagement

A Council briefing on the Draft Plan and Hunter SIC was held on 14 February 2018.

STRATEGIC LINKS

a. Delivery Program

This Report is linked to the Community Strategic Plan as follows:

- **A sustainable and prosperous economy**
 - Objective 2.1 Diversifying local business options
 - Objective 2.2 Achieving more sustainable employment opportunities
 - Objective 2.3 Increasing tourism opportunities and visitation to the area
- **A sustainable and Healthy environment**
 - Objective 3.1 Protecting and enhancing the natural environment and the rural character of the area
 - Objective 3.2 Better utilisation of existing open space
- **Accessible infrastructure, Services and Facilities**
 - Objective 4.1 Better transport links
 - Objective 4.2 Improving the road network

b. Other Plans

Hunter Regional Plan

The Hunter Regional Plan (HRP) was adopted in 2016. The plan will guide the NSW Government's land use planning priorities and decisions over the next 20 years.

An action of the HRP is to prepare a Greater Newcastle Metropolitan Plan. The HRP also includes an action to review and finalise the Hunter Special Infrastructure Contributions Plan.

City Wide Settlement Strategy 2011

The Hunter Regional Plan and Council's City Wide Settlement Strategy 2011 provide the direction at a regional and local level to guide land use planning and decision making for development. To ensure delivery of these strategies, it is critical that infrastructure is delivered at the right time and in the right location. As a result, the development of a new Special Infrastructure Contribution Plan is of critical importance to support the growth of the LGA.

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IMPLICATIONS

a. Policy and Procedural Implications

The Hunter SIC is a proposed approach and not the actual Special Infrastructure Contribution Plan and therefore has no immediate policy implications. However, the Draft Plan will have implications for the review of the City Wide Settlement Strategy. The vision and outcomes included in the Draft Plan will need to be reflected in the new City Wide Planning Strategy when it is prepared.

b. Financial Implications

The Draft Plan contains a number of actions for Council to complete. Some of these actions can be incorporated into existing projects including the City Wide Planning Strategy. Council's submission (Enclosure 1) raises the need for the DoPE to provide support to Council to implement the actions identified in the Draft Plan.

c. Legislative Implications

N/A

d. Risk Implications

NIL

e. Environmental Implications

Some of council's environmental and open space assets are not represented in Figure 6: Blue Green Grid of the Draft plan. This has been raised in the submission.

f. Other Implications

N/A

CONCLUSION

The Draft Greater Newcastle Metropolitan Plan and the Draft Hunter Region Special Infrastructure Contributions - proposed approach are actions identified in the Hunter Regional Plan 2036.

The attached submissions identify issues in these documents that have implications for the future development of the Cessnock Local Government Area.

ENCLOSURES

- [1](#) Submission on the Draft Greater Newcastle Metropolitan Plan
- [2](#) Submission on the 'Proposed approach to the Hunter Special Infrastructure Contribution'

Corporate and Community

Report No. CC14/2018

Corporate and Community Services



SUBJECT: ***CAMPAIGN TO END HOMELESSNESS IN THE HUNTER REGION***

RESPONSIBLE OFFICER: ***Community & Cultural Engagement Manager - Natalie Drage***

SUMMARY

Council at its meeting on the 13 December 2017 considered Mayoral Minute (MM17/2017) for a campaign being developed by The Big Ideas Homelessness Network to end homelessness in the Hunter Region. The campaign includes local Councils making a pledge to work towards ending homelessness by avoiding actions that contribute to homelessness and promoting actions that help end homelessness.

Council resolved “that Council gives in principle support for the campaign being developed by The Big Ideas Homelessness Network to end homelessness in the Hunter Region with the final wording of the pledge for local authorities to be determined with final wording to be returned to Council for endorsement when complete”.

This report provides the proposed wording for the pledge for consideration by Council.

RECOMMENDATION

That Council support the campaign being developed by The Big Ideas Homelessness Network to end homelessness in the Hunter Region by making a pledge and that pledge be included on The Big Ideas Homelessness Network website, with the pledge wording being:-

“Cessnock City Council pledges to do its part to end homelessness. Council will build on its current actions to address homelessness, and support and promote the efforts of our community to end homelessness. Council will advocate for change and enlist the support of colleagues, businesses, local agencies and the community to join this important effort, and let local leaders know that Council supports The Newcastle and Hunter Ending Homelessness Pledge”.

BACKGROUND

Compass Housing Services is a community housing provider that delivers services within the Hunter Region, including the Cessnock Local Government Area. Compass Housing Services established a community collaborative steering group called The Big Ideas Homelessness Network, with the network comprising their service, community members and service agencies that have an interest in ending homelessness. The network has been working on a community campaign that includes a community pledge to focus interest, advocate for change and co-ordinate the efforts required to end homelessness.

Corporate and Community

Report No. CC14/2018

Corporate and Community Services



REPORT/PROPOSAL

On the 14 February 2018 Compass Housing Services provided Council with a form of wording for the pledge being:-

“Cessnock City Council pledges to do its part to end homelessness. Council will build on its current actions to address homelessness, and support and promote the efforts of our community to end homelessness. Council will advocate for change and enlist the support of colleagues, businesses, local agencies and the community to join this important effort, and let local leaders know that Council supports The Newcastle and Hunter Ending Homelessness Pledge”.

Organisations who take the pledge will be listed on The Big Ideas Homelessness Network website. If Council elects to make the pledge will also be included in the founding signatories, the Council logo will be listed on website and will include a link to Council's pledge. A commitment to the pledge will be registered on the networks website and is for a period of one year. At the conclusion of the year, opportunity will be provided to report on any achievements and a renewal of the pledge can be considered annually.

OPTIONS

1. That Council makes the pledge using the wording indicated in this report. This is reflected in the recommendation to this report.
2. That Council amends the wording and makes that pledge. The Big Ideas Homelessness Network has advised this option is available to local councils.
3. That Council not make the pledge. With this option it needs to be considered that homelessness is an issue for many communities including within the Cessnock Local Government Area.

CONSULTATION

Communication has occurred with Compass Housing Services as member of The Big Ideas Homelessness Network to understand opportunities for Council to have involvement in this community initiative.

STRATEGIC LINKS

a. Delivery Program

This report has links to the Cessnock City Council Delivery Program 2017-2021, in particular the community's desired outcomes for 'Accessible infrastructure, services and facilities' and 'Civic leadership and effective governance'.

Corporate and Community

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b. Other Plans

The Cessnock Local Government Area Health and Well-being Plan 2017-2021, adopted by Council on the 5 April 2017 has actions for Housing and Affordable Housing, being:

Item 1.10a)

Council to be a strong advocate for an increase in the availability of appropriate, affordable housing solutions which are of benefit to the local community.

Item 1.10b)

Council to develop a housing strategy that considers future supply and demand for affordable housing and includes supported accommodation, boarding homes and group homes.

Item 1.10c)

Best practice protocols are to be implemented when engaging with people who are homeless.

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Making the pledge will not require any financial resources.

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

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CONCLUSION

This report asks Council to consider having involvement in the community campaign to end homelessness in the Hunter Region. The community campaign has links to Council's adopted Health and Well-being Plan 2017-2021 and demonstrates community leadership by being a member of the founding signatories for the pledge.

ENCLOSURES

There are no enclosures for this report

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SUBJECT: *JOINT ORGANISATION - DRAFT REGULATION*

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

SUMMARY

The NSW Office of Local Government (OLG) has released the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* for consultation. This report provides Council with an overview of the proposed amendments.

RECOMMENDATION

That the General Manager makes a submission on the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018*, outlining support for the existing governance arrangements for the Hunter Joint Organisation being a board of Mayors with no alternate delegates.

BACKGROUND

At the meeting of 7 February 2018 Council endorsed the recommendation to nominate to be part of the Hunter Joint Organisation. The new Joint Organisations will commence from 1 July 2018.

For more information on Fit for the Future and Regional Joint Organisations visit the NSW State Government website <http://www.fitforthefuture.nsw.gov.au/content/regional-joint-organisations>.

REPORT/PROPOSAL

The OLG has released the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* for consultation (A copy of the Circular is provided as Enclosure 1 and the draft Regulation as Enclosure 2).

The key aspects of the Draft Regulation are as follows:-

1. The JO Charter

The Charter will be unique to each JO and outlines how the JO will operate.

What is proposed

The Draft Regulation proposes to require JO Charters to include a methodology for determining annual financial contributions to the JO by member councils to ensure transparency. It will be up to each individual JO to develop its own methodology.

The Draft Regulation also proposes requiring that each JO makes its Charter available to the public by publishing it on its website.

2. Election of the Chair

The JO Chairperson will play an important leadership role in representing the region and ensuring the efficient conduct of JO business.

What is proposed

The Draft proposes a process for electing the JO Chairperson that is similar to the way that the chair of a county council is currently chosen. In essence, it requires that:

- A Chairperson must be elected at the first meeting of the Board, at the first meeting after each two year term expires, or any time the position becomes vacant;
- The Executive Officer will usually be the election returning officer;
- The election can be either by open vote, ordinary ballot or preferential ballot; and
- Where the vote is tied, the Chairperson can be chosen by lot.

3. Tied votes

Member councils of JOs have equal voting rights on the Board.

What is proposed

The Draft Regulation clarifies that, in the event of an equality of votes, a motion at a JO Board meeting is taken to be defeated.

4. Alternates

There will be circumstances where the Mayor is not able to attend a JO meeting so it is important to provide a process for appointing an alternate representative.

What is proposed

The Draft Regulation proposes that the Deputy Mayor of a member council is to be the standing alternate for the Mayor. If there is no Deputy Mayor, or if the Deputy Mayor is already a voting member of the JO, the member council is to appoint another councillor as alternate for a 2 year period (or any other period that they see fit). The alternate has all the functions of the JO representative when acting in their place on the Board and is legally taken to be a representative.

Comment

The current governing body for the Hunter JO is a Board of Mayors. The transfer of delegations to alternates is not allowed and it is considered that this arrangement should be continued. The practice of not allowing alternates imposes a discipline in regard to attendance and promotes active engagement. It is also the view of the member councils of the Hunter JO that the figurehead / community leader status of the Mayoral role lends a degree of authority to participation in regional dialogue that is highly valued by external stakeholders and that, cumulatively, it adds weight to the deliberations of the Board. For both these reasons the notion of alternates and membership beyond the Mayor of each council is not supported.

5. Expenses and facilities

Like a council, a JO will be required to have an expenses and facilities policy and JO's will only be able to reimburse expenses in accordance with that policy.

What is proposed

The Draft Regulation proposes to apply section 252 of the Act to JO's. This will require JOs to adopt an expenses and facilities policy within 12 months of being established and require reimbursement to be in accordance with that policy. JOs would be required to consult their member councils in developing this policy.

6. Remote participation and voting

JO's may cover very large geographic areas and it may not be practical for voting representatives to attend every meeting in person. Board members are to be enabled to attend and vote at Board meetings remotely - either by telephone or videoconferencing. This and other key differences in JO meeting practices are proposed to be reflected in a Model Code of Meeting Practice.

What is proposed

The Draft Regulation provides that the Board of a JO may transact any business at a meeting in which representatives participate by telephone or other electronic means, as long as the representative speaking can be heard by the other representatives.

7. Planning and reporting

Planning and reporting requirements for JOs are proposed to be minimal, fit for purpose and aligned to Integrated Planning and Reporting (IP&R) requirements for councils.

What is proposed

Three key planning and reporting requirements are proposed in the Draft Regulation:

- 1) a Statement of Strategic Regional Priorities;
- 2) an Annual Performance Statement - reporting on progress in implementing its priorities; and
- 3) financial reports.

8. Executive Officers

It will be up to each JO to determine whether to engage a full-time person in the Executive Officer role, the level of remuneration to be offered and the performance based requirements to be applied.

What is proposed

The Draft Regulation assists JO's through their first year of operations by providing that the standard provisions to advertise the Executive Officer position and make an appointment on merit are suspended for 12 months. This will allow JOs to make an interim appointment of the Executive Officer, should they choose to do so, to enable a

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smooth start-up process. After this period, the JO must advertise the position and make an appointment on merit.

9. Other Staff

While JO's are not required to have any staff other than the Executive Officer, some may wish to do so, particularly where they have agreed to take on other functions delegated by member councils. Once each JO is proclaimed, the NSW Government will seek the support of the Commonwealth Government to order that each specific JO is not a national system employer. This will ensure that future staff are covered by the State industrial relations system.

What is proposed

The Draft Regulation proposes to allow for the transfer of staff between JO's or between a JO and a council (including a county council) without loss of entitlements. This would maintain any long service and sick leave accrued under the Local Government (State) Award.

Importantly, this will rely on the Award containing the relevant provisions and does not affect any leave entitlement of a senior staff member of a council under his or her employment contract. The draft regulation (clause 397M(2)) also proposes to modify how clauses 406C and 406D of the Local Government (General) Regulation 2005 apply to JO staff. This essentially extends the effect of those provisions, which deal with the transfer of entitlements of senior staff, to senior staff of a JO whose employment is transferred by Proclamation.

Further, it is proposed to enable lateral transfers of staff that are not senior staff in connection with any transfer of functions to, or from, a JO and a council. This extends the effect of section 354G of the Act to staff in these circumstances, so that:

- lateral transfer of staff can occur through an internal process in which staff have the opportunity to apply, but external advertising of position/s is not required;
- preference is then given to employees performing substantially the same duties; and
- if there is more than one employee performing substantially the same duties, the employee with the greatest merit must be given preference in the filling of available positions.

10. Application of Act and Regulation

JO's are part of the system of local government in NSW so it is important that they share the same legislative framework as local councils. Many of the provisions of the Local Government Act 1993 will also apply to JO's – for example the requirement for JO Board representatives to comply with the Code of Conduct. Some provisions do not apply – for example the capacity to raise rates will remain with local councils and not be applied to JO's. Where a JO is delegated a function by its member councils, dis-applied provisions will apply to the JO in carrying out those functions as delegate of the councils.

The OLG is seeking submissions on the Draft Regulations by close of business 16 March 2018. As Council has resolved to nominate as a member of the proposed Hunter Councils

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JO, it is considered that with the exception of the delegate comments above, it will not be necessary to include any other comments in a submission.

OPTIONS

Option 1 – That Council make a submission on the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* by 5pm on 16 March 2018.

The wording in the recommendation to this report reflects this option.

Option 2 – That Council does not make a submission.

If Council elects to not make a submission the following resolution wording is recommended.

That Council does not make a submission on the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018*.

CONSULTATION

Finance and Administration Manager
Director Corporate & Community Services
General Manager

STRATEGIC LINKS

a. Delivery Program

This report aligns to the community's desired outcome of *Civic Leadership & Effective Governance*.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

Local Government Amendment (Regional Joint Organisation) Act 2017
Local Government Act 1993

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d. Risk Implications

N/A

e. Environmental Implications

N/A

f. Other Implications

N/A

CONCLUSION

That the General Manager prepare a submission on the draft of the *Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018* and submit the NSW Office of Local Government by 5pm on 16 March 2018.

ENCLOSURES

- [1](#) ➡ OLG Circular
- [2](#) ➡ Draft Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018

SUBJECT: *CESSNOCK SKATEPARK CONCEPT DESIGN*
RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

SUMMARY

This report seeks Council's endorsement to publicly exhibit the draft Cessnock Skate Park Concept Design (the Concept Design).

RECOMMENDATION

1. That Council place the draft Cessnock Skatepark Concept Design on public exhibition for a minimum period of 28 days and invite public submissions.
2. That a Briefing Session be scheduled for Councillors during the exhibition period.
3. That a report on the outcomes of the exhibition be provided to Council prior to adopting the final Concept Design.

BACKGROUND

The purpose of this report is to seek Council's endorsement to publicly exhibit the Concept Design.

REPORT/PROPOSAL

In 2011 Council adopted the Skate and BMX Facilities Needs Assessment (the Assessment) to provide a strategic assessment and direction for the provision of skate and BMX facilities in the Cessnock LGA. The strategic direction set out in the Assessment is to:

"Create a large scale, innovative skate and BMX facility in a central, accessible, and visible location integrated with other compatible uses and existing community activity, which will not only cater for the current and future user's needs but will also attract users throughout the Lower Hunter Region to the Cessnock Local Government Area."

To implement this direction, the Assessment recommended upgrading and relocating Cessnock Skatepark to a more suitable location*. Subsequently, Council undertook a site assessment in 2015 and Mt View Park on Mt View Road, Cessnock was chosen as the preferred site. A Masterplan has since been drafted for Mt View Park to indicate where the skate park is best positioned within the site.

**It is noted that at its meeting on 13 December 2017 Council resolved to retain the skatepark at Bridges Hill Park.*

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The site is located at 197 Mount View Road, Cessnock (Lot 2 DP 1175046), approximately 1.7km West of the Cessnock CBD. Whilst the site is primarily used as a stormwater detention basin, it is classified as a district sportsground and utilised for rugby league, touch football and archery as well as informal recreation such as school sport, dog walkers and runners. Existing improvements include sporting amenities, sports fields, car park, sheltered picnic tables and a Hunter Water pump house.

Council engaged consultancy firm Enlocus in 2017 to prepare the Concept Design. The objectives of this engagement was to accurately convey the intention of the design of the skatepark and scope of works to inform the final design and construction phase.

A minimum exhibition period of 28 days will allow the community time to review the Concept Design and provide comments. At the conclusion of the exhibition period a further report will be prepared summarising the comments received and any subsequent changes to the Concept Design before seeking adoption.

Hard copies of the Concept Design will be exhibited at various public locations and electronic copies will be available via Council's website.

OPTIONS

The following options are provided for Council's consideration:

1. That Council places the Concept Design on public exhibition for a minimum period of twenty eight days and a report on the outcomes of the exhibition be provided to Council prior to adopting the final Concept Design.

This is the preferred option.

2. That Council does not place the Concept Design on public exhibition.

This is not the preferred option as public exhibition gives the community an opportunity to review the Concept Design and provide feedback prior to finalisation and adoption.

CONSULTATION

The development of the Concept Design was informed by an extensive consultation process that engaged future users, industry professionals, school students and interested members of the community through the following:

- Key Stakeholder Workshop #1 held in July 2017.
- Mount View High Drop-in Session held in September 2017.
- Key Stakeholder Workshop #2 held in September 2017.

The details of each of the consultation sessions are documented in **Enclosure 1**.

STRATEGIC LINKS

a. Delivery Program

The Concept Design is consistent with Council's Delivery Program Objective 3.2 'Better utilisation of existing open space' and deliverable 3.2.3 'Continue to implement the adopted masterplans for Council's recreation and community facilities and spaces'.

b. Other Plans

Other Council Plans relevant to this report include:

- Skate and BMX Facilities Needs Assessment 2011
- Recreation Needs Analysis 2017
- Draft Mount View Park Masterplan 2018
- Draft Recreation and Open Space Strategic Plan 2018

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The requirement to publicly exhibit the Concept Design will have minimal financial implications for Council. The service cost for advertising in various media is not anticipated to be significant and would be accommodated within current budget allocations.

Construction of the skatepark is estimated to cost \$1.51M and this will have implications on Council's long term financial plan. The skatepark will compete against other projects within Council's Delivery Program and subsequent annual Operational Plans. Grant funds will be sought as opportunities arise.

The Concept Design will support Council when applying for future grant funds as it will be able to demonstrate links to an adopted strategy, extensive community engagement and design.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Environmental Implications

Nil

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f. Other Implications

Participation in physical activity creates a wide range of benefits for individuals and the communities they live in. When people are physically active they are healthier, happier and more socially inclusive. By providing opportunities for social interaction, sport and recreation can help enhance community identity and promote community integration. Individuals learn and share community values and attitudes and can gain a better understanding of other groups in society. Participation can also have a deterrent effect on anti-social behaviour including vandalism and petty crime.

There is an increasing demand for recreational pursuits in parks, open spaces and natural environments in both urban and non-urban areas. More effective planning and management practices will enable resources and facilities to be better utilised in a manner that is sustainable and equitable, improving the quality of life of individuals and the community in which they live.

CONCLUSION

The Concept Design aims to accurately convey the intention of the design of the skatepark and scope of works to inform the final design and construction phase. Extensive consultation was undertaken with future users, industry professionals, school students and interested members of the community as part of the Concept Design development.

A minimum exhibition period of 28 days will allow the community time to review the Concept Design and provide comments.

ENCLOSURES

[1](#) ➞ Cessnock Skatepark Concept Design Report

SUBJECT: *OPTIONS FOR CESSNOCK POOL*
RESPONSIBLE OFFICER: *Manager Open Space & Community Facilities - Nicole Benson*

SUMMARY

The purpose of this report is to seek Council's endorsement of a preferred option for the strategic direction of Cessnock Pool.

RECOMMENDATION

1. That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.
- 2.
3. That Council undertakes further work to determine the scope, design and cost of Option C (relocate to Turner Park), incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be partly funded through development contributions.
4. That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.
5. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B (upgrade at current location).
6. That Council receives a further report on how Options B (upgrade at current location) and C (relocate to Turner Park) will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.

BACKGROUND

At its meeting of 16 November 2016, Council was presented with the recommendations of the draft Cessnock Aquatic Centre Feasibility & Design Report (SGL Consulting, November 2016). After considering the recommendations of the Report, Council resolved:

1. *That Council acknowledges the draft Cessnock Aquatic Centre Feasibility and Design Report.*
2. *That Council be briefed on the process that has been followed to date including the 2014 Aquatics Needs Analysis; the 2016 Cessnock Aquatic Centre Feasibility and Design Report; Councillor Briefings and Council Reports.*
3. *That Council considers a further report outlining facility options that exclude the need for a Special Rate Variation.*

A report was presented to Council at its meeting 5 July 2017 in response to Resolution Item 3 above. After considering the recommendations of the Report, Council resolved:

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That consideration of the report be deferred for three months following:

- 1. A briefing with the Councillors on the options outlined in the report.*
- 2. A site inspection of Council's facilities and facilities in neighbouring Local Government areas.*
- 3. A briefing with the Councillors on possible options for shared facilities.*

A site visit to neighbouring aquatic facilities was conducted on 8 November 2017 and a subsequent Briefing was held that night. The outcomes from the site visits are documented in this report.

REPORT/PROPOSAL

The following three options that exclude the need for Special Rate Variation (SRV) have been identified for Council's consideration. A brief strengths and weaknesses analysis has been prepared for each option and discussed below.

Option A – Continue to operate Cessnock Pool (Status Quo)

Cessnock Pool was constructed during the 1930s and includes an outdoor 50 metre pool with six lanes, a small covered toddler pool and leisure pool with water play features. The Pool operates from September to March and is heated near the beginning and end of the season, or as required. Option A involves continuation of current operating arrangements.

The strengths of this option are mainly centered around continuity. With this option current programs would experience minimal disruption and Council would not be required to raise initial capital funding. It also means however that the issues currently being encountered at the pool would continue including; increasing maintenance and operating costs, lack of suitable parking and inefficient plant and equipment due to its age.

Should Council resolve to implement this option, an opportunity exists to continue to operate Cessnock Pool seasonally and invest money to enclose Branxton Pool to increase the amount of indoor water available all year round. The threats presented by this option are that Cessnock Pool would not meet the aquatic needs of the community and that Council cannot continue to fund the rising cost of operations.

Option B – Upgrade Cessnock Pool at its current location

Upgrades at the current location would aim to improve the capacity of Cessnock Pool and offer more diverse uses to increase patronage. Works may include upgrading the program pool, installing a splash pad and/or upgrading the change rooms and amenities. All upgrades considered would be entirely contained within the existing site.

This option would result in a more diverse offering of aquatic experiences which would likely encourage more people to visit. The weakness of the option is similar to that of Option A in that the constraints imposed by the site (i.e. access and parking) would continue to inhibit visitation and the ongoing sustainability of the pool.

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An opportunity exists with this option to acquire adjacent residential properties to the north to accommodate the expansion of facilities. Funding may also be sourced through development contributions and grants as the works involve increasing the capacity of the pool. The threat of this option is that due to site constraints, future expansion of the facility is limited and may not be able to meet the aquatic needs of future populations. Latent site conditions encountered during construction may also result in unforeseen costs.

Option C – Relocate Cessnock Pool to Turner Park

Relocating Cessnock Pool to Turner Park would aim to meet the aquatic needs of the current and future population and address the constraints presented within the current location. This option could be undertaken in two stages, the first being to establish an outdoor 51m pool and amenities with associated administration, retail and kiosk space. The second stage could be to provide indoor water including 25m pool, program pool, leisure pool and learn to swim pool. This is a modified version of the facility presented in the Cessnock Aquatic Centre Feasibility Design Report 2016. Key components which have been excluded are a gym, crèche and slide tower.

The strengths of this option include capacity to meet current and future needs of the community. Turner Park is of an adequate size to accommodate a large aquatic facility. This option would also take advantage of the synergies generated by co-locating recreational facilities. The inclusion of an aquatic centre would complement the existing sporting facilities at Turner Park as well as nearby schools and residents. A new aquatic facility would also improve the environmental sustainability of operating the pool through adopting contemporary design and technology. This option also has a number of weaknesses being that it may require the relocation of sporting groups and would also require a significant capital outlay.

This option presents an opportunity to dispose of the land currently occupied by Cessnock Pool. Funds generated by the sale may go towards offsetting the cost of the new facility. This option would also be an appropriate project to fund through development contributions and grants.

The threat of this option is that due to the significant capital outlay and planning required the ability for Council to deliver the facility in a timely manner is reduced.

Funding Sources

Potential funding sources for the upgrade and operation of Cessnock Pool include general revenue, development contributions, loans, grants and reserves. These are discussed in more detail below.

General Revenue

General revenue is predominantly generated through Council's rates and charges. General revenue is currently set aside for Cessnock Pool to fund the operation and maintenance of plant and equipment, administration expenses, employee expenses and utilities. Table 1 below sets out a budget summary for Cessnock Pool 2016/17.

Works and Infrastructure**Report No. WI18/2018****Works and Infrastructure****Table 1 – Cessnock Pool Budget Summary 2016/17**

Budget	Amount
Employee	\$296,000
Administrative	\$9,350
Utilities	\$71,721
Cessnock Pool Maintenance Program	\$48,103
Pool Facilities Renewal Program	\$20,700
Other	\$26,966
TOTAL	\$472,840
% of Council's total GR budget	0.82%

General Revenue expenditure budgeted for Cessnock Pool in 2016/17 totalled \$472,840, making up 0.82 percent of Council's total budgeted General Revenue expenditure.

Development Contributions

Development contributions are amounts of money or works of equivalent value payable to deliver support infrastructure to service incoming population growth. Contributions can be facilitated either through a Section 94 Plan, Section 94A Plan or Planning Agreement. Council is not currently collecting contributions for a pool under its Section 94A Plan; however, contributions are being collected under various Section 94 Plans and Planning Agreements.

Table 2 outlines development contributions identified for collection which are eligible to be spent at Cessnock Pool. It is understood that the upgrades proposed to Cessnock Pool, as identified in the Mount View Road - Millfield Precinct Section 94 Contribution Plan 2011, are set over two stages:

- Stage 1 – Indoor 25m swimming pool, purpose built leisure/program pool, change rooms, meeting room, toilets, storage, kiosk, office space and spectator areas incorporating seating. Estimated Cost \$5M.
- Stage 2 - 50 metre outdoor pool, dry facilities incorporating gymnasium, change room, program rooms. Estimated Cost \$5M.

The rate at which development contributions are collected is determined by the rate in which land is developed. Historically, Cessnock has experienced relatively slow rates of development which has delayed the collection of contributions and delivery of infrastructure.

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Table 2 – Development contributions for Cessnock Pool

Contribution Plan / Planning Agreement	Description	Cost	Apportionment	Contribution	Funds collected
Kitchener (Planning Agreement) 2015	Upgraded aquatic facilities	\$10M	<1%	\$60,000	\$62,300
Bellbird North Plan 2009	Upgrade of Cessnock pool	\$10M	25%	\$2,500,000	\$15,000
Government Road Precinct Plan 2011	Upgraded aquatic facilities	\$10M	2.6%	\$260,000	Nil
Mount View Road Millfield Precinct Plan 2011	Upgrade/replacement of Cessnock pool	\$10M	1.36%	\$136,000	Nil
Nulkaba Plan 2014	Upgrade District Aquatic Facilities - Cessnock	\$5M	4.33%	\$223,613	\$4,000
			TOTAL	\$3,179,613	\$81,300

Since the adoption of the Bellbird North Section 94 Plan in 2009, Council has collected \$81,300 of a projected \$3.18M in development contributions to upgrade Cessnock Pool.

Loans

Loans may be sought to access money to fund key infrastructure projects. Council has previously sought loans to fund the construction of the Cessnock Performing Arts Centre and Kurri Kurri Aquatic and Fitness Centre. Loans are required to be paid back within a defined period and incur interest rate charges. Loan repayments would need to be funded from Council's General Revenue. As an example, a loan of \$1M over 10 years at 5 percent interest would incur annual repayments of approximately \$127,000.

Grants

Grants are competitive bids to attract funding for a specified use or project. Grants may be funded and administered by Federal or State Government or private enterprise. They are opportunistic and often vary in eligibility requirements and funding amounts. At the time of writing this report, the following grants may be suitable to fund upgrades at Cessnock Pool:

- Building Better Regions Fund – administered by the Australian Government Department of Infrastructure and Regional Development this program provides funding for infrastructure and community investment projects that will create jobs, drive economic growth and build stronger regional communities into the future. Funding of up to \$10M is available for nominated projects. Applications are currently closed. No future funding has been announced at the time of writing this report.

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- Regional Sports Infrastructure Fund – administered by the NSW Government’s Office of Sport this program will invest in new and existing facilities to improve the participation and performance in sports at all levels. The program offers funding for projects valued over \$1M that improve regional sporting facilities. The fund remains open to applications year-round.
- Sport and Recreation Infrastructure Grant – administered by the NSW Government’s Department of Industry – Liquor and Gaming this program focuses on developing and enhancing sport and recreation facilities. Funding of between \$100,000 and \$300,000 is available for nominated projects. Applications are currently closed. The next funding round will open 1 May 2018.
- Community Building Partnership – administered by the NSW Government’s Department of Family and Community Services this program offers funding for the enhancement of community facilities. Funding of up to \$300,000 is available for the entire Cessnock State Electorate. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Stronger Communities Program - administered by the Australian Government Department of Infrastructure and Regional Development this program provides funding for small capital projects of between \$2,500 and \$20,000. A total of \$150,000 is available within the Hunter Federal Electorate. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Stronger Country Communities Fund – administered by the NSW Government this program offers funding of between \$100,000 and \$1M to improve recreation and community infrastructure. Applications for round one are currently closed. Round two applications will open in early 2018.

The following grants are available to not-for-profit organisations:

- Local Sports Program – administered by the NSW Government’s Office of Sport this program aims to increase regular and ongoing participation in sport and active recreation. Funding of up to \$20,000 is available to improve sport and recreation facilities however Council is not eligible to apply. Applications are currently closed. No future funding has been announced at the time of writing this report.
- Newcastle Permanent Building Society Charitable Foundation – administered by Newcastle Permanent Building Society; this program aims to support projects that deliver benefits to disadvantaged, isolated and marginalised communities. Up to \$2M is available annually on an ongoing basis with funding not to exceed \$500,000 for any one project. Council is not eligible to apply. Applications for the current funding round close on 1 May 2018 and the following round on 15 October 2018.
- Aurizon Community Giving Fund – administered by Aurizon Pty Ltd; this program aims to support projects that improve health and wellbeing in areas directly affected by Aurizon’s operations. Funding of up to \$20,000 is offered to not for profit organisations. Council is not eligible to apply. The next round of applications will open on 19 March 2018.

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Reserves

Council has a number of Reserves in which it holds money to be accessed for specific purposes. Reserves which are considered 'unrestricted' (i.e. they may be utilised for any purpose) may be accessed to fund upgrades at Cessnock Pool. Currently there is approximately \$200,000 in unrestricted Reserves.

OPTIONS

The following Options are identified for Council's consideration:

Option 1:-

1. That Council notes the Report and endorses Option C (relocate to Turner Park) as the long term strategic direction for Cessnock Pool.
2. That Council undertakes further work to determine the scope, design and cost of Option C, incorporating indoor and outdoor water and play features, with an estimated capital cost of up to \$20M to be partly funded through development contributions.
3. That Council endorses Option B (upgrade at current location) as an interim strategic direction for Cessnock Pool.
4. That Council undertakes further work to develop the scope, design and cost of upgrades identified in Option B.
5. That Council receives a further report on how Options B and C will be staged and funded with consideration to the outcomes and recommendations of the Review of Plant at the existing Cessnock Pool.

This is the preferred option as it would adequately address both the short and long term demand for aquatic facilities in the Cessnock LGA.

Option 2

That Council note the Report and endorse Option A (status quo) as the preferred strategic direction for Cessnock Pool. This is not the preferred option due to the increasing operational costs of ageing infrastructure and limited capacity to meet community demand for aquatic facilities.

Option 3

That Council note the Report and endorse Option B (upgrade at current location) as the preferred strategic direction for Cessnock Pool. This is not the preferred option as it would require a significant capital investment and not meet the aquatic needs of the community in the medium to long term.

Option 4

That Council note the Report and endorse Option C (relocate to Turner Park) as the preferred strategic direction for Cessnock Pool. This is not the preferred option as it would require a significant capital investment and resources for planning which would prevent Council from meeting the short to medium term aquatic needs of the community.

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CONSULTATION

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

- Manager Open Space and Community Facilities
- Principal Strategic Land Use Planner
- Management Accountant
- Asset Engineering Officer
- Director Works & Infrastructure

A Councillor Briefing was held on 10 May 2017 outlining the planning process that has been followed to date for Cessnock Pool

Council Officers met with St Phillips Christian College, Nulkaba to discuss the school's intention to build an aquatic facility.

A second Councillor Briefing was held on 8 November 2017 to provide additional detail around the facility options presented to Council that may not require a SRV. Mike King of Otium Planning Group presented an overview of contemporary aquatic facilities and the feasibility of shared public/private facilities.

Councillors and Council officers attended inspections of Singleton Gym and Swim, Branxton Pool, Maitland Aquatic Centre, Kurri Kurri Aquatic and Fitness Centre and Cessnock Pool to gain a better understanding of the operations of current aquatic facilities. The following was noted from the inspections of facilities at Singleton and Maitland:

- At Singleton Gym and Swim, All year operation would not be sustainable without the gym, crèche and program water.
- Maitland Pool's splash pad increased visitation by an estimated 10-15%.
- Sporting groups make up a significant proportion of visitors to Maitland Pool.
- Ideally the indoor pool at Maitland would be 10 lanes as the 8 lane configuration is limiting programs and use.

STRATEGIC LINKS

a. Delivery Program

The Report is consistent with the following Objectives of Council's Revised 2013-17 Delivery Program:

- Objective 1.2: Strengthening community culture.
- Objective 3.2: Better utilisation of existing open space.

b. Other Plans

The Report is linked to the following Council Plans:

- Recreation & Open Space Strategic Plan 2009
- Turner Park Plan of Management 2010
- Aquatic Needs Analysis 2014

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- Cessnock Aquatic Centre Feasibility & Design Report 2016
- Recreation Needs Analysis 2017
- Draft Recreation & Open Space Strategic Plan 2018
- Draft Turner Park Masterplan 2018
- Council's Section 94 Contribution Plans and Voluntary Planning Agreements.

IMPLICATIONS

a. Policy and Procedural Implications

The disposal of the current Cessnock Pool site would be subject to Council's adopted Property Investment Policy 2014 and Property Management Policy 2014.

b. Financial Implications

The financial implications of each of the options have been considered below.

Option A - Status Quo

As noted in the Cessnock Aquatic Centre Feasibility & Design Report (2016), over the 5 years from 2010/11 to 2014/15, Cessnock Pool's operating losses increased 26 percent (an average increase of 5.2 percent per annum) from \$300,025 to \$378,528. Cessnock Pool's projected 10 year operating losses total \$4,566,871 or an average annual loss of \$456,687.

Operating losses at Cessnock Pool are expected to continue to increase as replacement costs on plant and equipment rise and visitation continues to remain steady. Operating losses are not eligible to be funded through development contributions or grants and therefore must be funded through Council's general revenue.

Council's Asset Engineering Officer has also advised that there are a number of anticipated expenses in excess of \$150,000 that will be incurred in the short to medium term at Cessnock Pool including:

- Replacement of heat pump.
- Change room roof replacement.
- Replace fitting, floor coverings, kitchen cabinetry.
- Rust treatment and roof replacement of grandstand.
- Office and kiosk floor covering replacement.

To comprehensively understand and plan for plant and equipment replacement Council has engaged a suitably qualified professional to undertake a Review of Plant. The Review will provide Council with a detailed understanding of projected expenses to be incurred for plant and equipment replacement. Anticipated expenses associated with plant and equipment replacement along with stagnant visitation numbers will result in increases in operational losses and an eventual major facility upgrade. Option A is therefore not a financially sustainable option over the medium to long term.

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**Option B - Upgrade at current location**

Upgrades at the current location have been selected with a focus on increasing facility capacity and visitation. Costs have been based on rates provided in the Indicative Cost Plan prepared by Turner & Townsend (May, 2016) and do not include contingencies, design costs, professional fees and charges and service connections.

Table 3 – Proposed upgrades for Option B

Upgrade	Cost
Program/Warm Up pool with Spa	\$1,600,000
Splash Pad with Features	\$450,000
Upgrade Amenities	\$661,500
TOTAL	\$2,711,500

Upgrades at the current location would be expected to improve visitation however this would be limited by the parking and access constraints imposed by the site's location. The higher costs to operate additional infrastructure may negate the financial benefits of increased visitation. Option B would be eligible for funding via development contributions and grants. Alternatively, a loan of \$2.71M (at 5 percent interest over 10 years) would incur annual repayments of approximately \$345,115 or total repayments of \$3.45M over the 10 years.

The costs provided in Table 3 are only indicative and exclusions have been applied. Should Council wish to proceed with Option B, costings will need to be revised following further design work and site specific investigations.

Option C – Upgrade and relocate to Turner Park

This option is the most consistent with the recommendations of the Aquatic Needs Analysis (2014) and the Cessnock Aquatic Centre Feasibility and Design Report (2016). It would require a staged approach to ensure the facility is able to meet the community's needs and be delivered within Council's financial capacity. Costs have been based on rates provided in the Indicative Cost Plan prepared by Turner & Townsend (May, 2016) and do not include contingencies, design costs, professional fees and charges and service connections.

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Table 4 – Proposed upgrades for Option C

Upgrade	Cost
STAGE 1	
51m 8 lane outdoor pool	\$3,600,000
Outdoor concourse to 51m pool	\$311,400
Shaded tier seating on concourse	\$405,000
Outdoor Aquatic Area with splash pad	\$144,000
Splash pad with features	\$450,000
Toddler Pool	\$300,000
BBQ Shade structure and play areas	\$139,500
Store rooms	\$144,000
Plant room	\$567,000
Swim club offices and stores	\$88,000
Foyer	\$160,000
Reception	\$66,000
Admin office and staff room	\$418,000
Dry lounge	\$220,000
Café servery, kitchen, stores	\$182,000
Merchandising/promo store	\$110,000
Store rooms	\$100,000
Café access amenities	\$16,500
Staff amenities	\$60,000
First aid	\$37,500
Main amenities	\$661,500
Family Change and Accessible Change	\$110,000
Plant room/Plant Platform	\$150,000
Loading services and hard stand	\$152,000
Site entry	\$100,000
Landscaping	\$150,000
STAGE 1 TOTAL	\$8,842,400
STAGE 2	
Pool Hall	\$6,168,000
School / event change amenities	\$283,500
25m pool incl ramp entry (indoor)	\$1,400,000
Program pool amenities	\$229,500
Learn-To-Swim Pool	\$300,000
Free form leisure pool	\$1,125,000
Warm Water Program Pool and Spa	\$1,600,000
Car Park Upgrade	\$1,216,000
STAGE 2 TOTAL	\$12,322,000
TOTAL	\$21,164,400

The costs provided in Table 4 are only indicative and exclusions have been applied. Should Council wish to proceed with Option C, costings will need to be revised following further design work and investigations. Option C would be eligible for funding via development contributions and grants.

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c. Legislative Implications

N/A

d. Risk Implications

In considering the preferred option for Cessnock Pool, there are a number of notable risks that should be taken into account.

The first risk is committing to a facility that does not address the community's needs. Understanding demographic profiles, industry trends, community feedback and attendance data is critical to determining what type of facilities the community need or want. Cessnock's Aquatic Needs Analysis identified that current aquatic facilities will not meet the community's needs and significant investment is required to address this gap. Facilities that do not meet community needs mean that Council misses out on the widespread health benefits provided by recreational infrastructure like aquatic centres. Aquatic centres also rely on money collected through visitation and investing in capital that is not in demand will reduce visitation and increase the likelihood of an aquatic facility being unsustainable.

The second risk is committing to a facility that is unaffordable. To properly understand the cost of an asset it is important to understand the life-cycle cost, including capital, operations, renewal and depreciation. There is little benefit constructing a facility that is affordable to build but places tremendous stress on budgets to operate. Conversely, there is little benefit borrowing money to construct an expensive facility if budgets are not able to service the loan or other infrastructure of high importance is unable to be delivered. Affordability also refers to the ability to raise funding. Due to the strict requirements of funding through grants or development contribution plans, it is important to commit to a facility that is able to address the requirements of these funding sources to diversify potential funding and improve affordability.

The third risk is committing to a facility that is unachievable. The Aquatics Needs Analysis has demonstrated that current aquatic facilities will not meet the community's needs. It is therefore important to commit to a facility that is able to be delivered within reasonable time to ensure the community is adequately serviced by aquatic facilities. Development contribution plans, a fundamental source of funding for large infrastructure projects, also require Councils to demonstrate deliverability within the life of the plan. It is therefore critical to commit to a facility that can either be holistically delivered, or staged, in accordance with the deliverability requirements of development contributions plans.

e. Environmental Implications

Energy consumption is a significant factor in the ongoing environmental sustainability of Cessnock Pool. Considerable improvements to energy efficiency may be achieved through the upgrading of plant and equipment which in turn may result in a net reduction of operating costs and reduce the output of CO² emissions. Upgrades proposed in Option B and Option C could achieve considerable improvements to operating efficiencies through contemporary design and technology and contribute to Council's environmental sustainability targets.

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f. Other Implications

Relocating Cessnock Pool to Turner Park would impact existing user groups currently utilising the facility. Through the development of the Cessnock Aquatic Centre Feasibility & Design Report 2016 and draft Turner Park Masterplan 2018, Council Officers have consulted the groups that will be directly impacted by the proposal and will continue to work closely with them throughout the planning, design and construction process to ensure any disruption to their activities and operations is minimal.

Council Officers met with St Phillips Christian College, Nulkaba on 21 June 2017 to discuss the school's intent to build an aquatic facility. The school communicated that it is in the Masterplanning phase for the facility and is eager to work with Council to deliver a favourable outcome for the community. The school is considering the feasibility of constructing an indoor 50m pool and making it available to the general public. Therefore any upgrades proposed for Cessnock Pool need to consider and complement the proposed facility at Nulkaba.

CONCLUSION

Three options that exclude the need for a SRV for Cessnock Pool have been identified for Council's consideration.

Each option presents its own opportunities and challenges however Option C is considered to be the preferred long term strategic option as it best meets the community's needs. Option B is a suitable interim strategic option as it would address gaps in aquatic facility provision and increase visitation at Cessnock Pool.

Regardless of which option Council resolves to endorse, a significant amount of funding (estimated to be in excess of \$150,000) is required to keep the existing plant and equipment operational. Planning and investigations would be required for all Options such as a Review of Plant (Option A) and site specific planning and design (Option B and C).

ENCLOSURES

There are no enclosures for this report.

Works and Infrastructure
Report No. WI19/2018
Works and Infrastructure



SUBJECT: *MINUTES OF LOCAL TRAFFIC COMMITTEE HELD
12 FEBRUARY 2018*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

RECOMMENDATION

That the recommendations of the Local Traffic Committee Meeting of 12 February 2018 be adopted as a resolution of the Ordinary Council being:

1. TC1/2018 – That Elsholz kerb and regulatory line marking be installed on Cessnock and Government Roads, Weston in accordance with the approved design diagram;
2. TC2/2018 – That temporary regulation of traffic be approved for the Kurri Kurri NOSTALGIA Festival in accordance with the Traffic Control Plan for the event;
3. TC3/2018 – That Give Way signs and line marking be installed at the intersection of EIGHTH Street and Kline Street Weston; and
4. TC4/2018 – That angle parking, regulatory signage and line marking be installed on Caledonia Street, Kearsley, in accordance with the approved Signage Diagram.

***MINUTES OF TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL
HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 12 FEBRUARY 2018,
COMMENCING AT 9:30AM***

OPENING: The meeting was opened at 9.33am

PRESENT: Councillor Gray (in the Chair)
Ms Perri Hodge – NSW State Member Representative
Senior Constable Amy Sweeney – NSW Police
Mr Nicholas Trajcevski – Roads & Maritime Services

IN ATTENDANCE: Councillor Lyons
Mr Nathan Goodbun – Traffic Engineering Officer
Mr Richard Ingall – Rover Coaches
Mr Warren Jeffery – Road Safety Officer
Mrs Katrina Kerr – Infrastructure Manager
Ms Maria Nikolaidis – Strategic Traffic & Transport Engineer

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APOLOGIES

RESOLVED that the apology tendered on behalf of:

Mr Clayton Barr MP – NSW State Member
for unavoidable absence be accepted.

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Local Traffic Committee held on 18 December 2018, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

NIL

BUSINESS ARISING FROM PREVIOUS MINUTES

NIL

MOTIONS OF URGENCY

NIL

LISTED MATTERS

SUBJECT: **CESSNOCK & GOVERNMENT ROADS WESTON
ELSHOLZ KERB AND LINE MARKING**

REPORT NO.: **TC1/2018**

REFERENCE.:

MATTER: Council has been successful in gaining National Black Spot Programme funding, administered by RMS to address safety concerns at the corner of Government and Cessnock Roads, Weston.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that there would be only minimal disruption to bus services using First Street, with a possible work zone speed limit being the only likely impact,
- The super elevation, and suitability of shoulder pavement on Cessnock Road was discussed. It was advised that the design engineers had considered this during the design phase,
- It was noted that a shared path was proposed for the location, and a pedestrian railway crossing location to the west of the proposed Elsholz kerb would be required at a later date.

RECOMMENDATION

That Elsholz kerb and regulatory line marking be installed on Cessnock and Government Roads, Weston in accordance with design diagram DOC2018/006759.

MOTION: **Moved:** Nicholas Trajcevski **Seconded:** Perri Hodge

SUPPORT: **Unanimous**

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SUBJECT: *KURRI KURRI
ROAD CLOSURES FOR NOSTALGIA FESTIVAL*

REPORT NO.: *TC2/2018*

REFERENCE.: *45 2017 16*

MATTER: Council has received an application for the temporary regulation of traffic in connection with an existing development approval (DA) for the Kurri Kurri Nostalgia Festival, and has assessed the application along with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought from RMS under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Kurri Kurri in connection with this application.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was requested to include additional temporary bus stops on Rawson Street, at Hampden and Victoria Streets,
- The need for a speed reduction was discussed. It was noted that existing pedestrian facilities provided for suitable separation from traffic.

RECOMMENDATION

That temporary regulation of traffic be approved for the Kurri Kurri Nostalgia Festival in accordance with the enclosed Traffic Control Plan DOC2018/006153.

MOTION: *Moved:* Perri Hodge *Seconded:* Nicholas Trajcevski

SUPPORT: *Unanimous*

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SUBJECT: *KLINE & EIGHTH STREETS WESTON
GIVE WAY SIGNS AND LINE MARKING*

REPORT NO.: *TC3/2018*

REFERENCE.:

MATTER: Residents have requested installation of intersection controls at the intersection of Eighth and Kline Street, Weston, as the construction of a new residential development off Kline Street has altered the 'T' intersection to a four way intersection, which currently has no controls.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the TB and TB1 lines on the unsealed leg of Kline Street may not be installed immediately, due insufficiency of pavement width and may occur only after the future sealing of the roadway,
- It was confirmed that the GIVE WAY signs would be 'B' size,
- It was noted that further investigation was being undertaken regarding the development consent, as it related to the sealing of the northern leg of Kline Street, and the funding of said works.

RECOMMENDATION

That Give Way signs and line marking be installed at the intersection of Eighth Street and Kline Street Weston, in accordance with the enclosed diagram DOC2018/006836.

MOTION: *Moved:* Nicholas Trajcevski *Seconded:* Perri Hodge

SUPPORT: *Unanimous*

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Report No. WI19/2018
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SUBJECT: CALEDONIA STREET, KEARSLEY - REGULATORY PARKING

REPORT NO.: TC4/2018

REFERENCE.:

MATTER: The imminent installation of an Information Bay as part of the Hunter Valley Wine Country Signage Strategy has resulted in the construction of a new parking facility at Jeffery Park, Caledonia Street, Kearsley, necessitating the installation of regulatory parking controls.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- The location of the Information Bay structure within the park was discussed. A copy of the design drawings to be supplied to RMS.

RECOMMENDATION

That angle parking, regulatory signage and line marking be installed on Caledonia Street, Kearsley, in accordance with enclosed Signage Diagram: DOC2018/006837.

MOTION: *Moved:* Amy Sweeney *Seconded:* Perri Hodge

SUPPORT: Unanimous

CORRESPONDENCE

SUBJECT: MAITLAND ROAD CESSNOCK - BUS ZONE

REPORT NO.: TC5/2018

REFERENCE.:

MATTER: Councillors have requested improved signage at the existing Bus Stop eastbound on Maitland Road, Cessnock in the vicinity of Doyle Street, as the existing Bus Stop signage may be obscured by a utility pole, when viewed from some angles.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted due to a communication error; Council's sign crew have preemptively installed the relevant Bus Zone signs; and
- It was also noted that the installed Bus Zone is 30m in length, and that in addition to the regulatory Bus Zone signage a 'J' pole - Bus Stop sign is installed 20m from the start of the zone.

Retrospective RMS approval was sought for the Bus Zone on Maitland Road, Cessnock.

Nicholas Trajcevski requested that Council notify RMS in writing as to the location of the Bus Zone to enable signage records to be updated, as per the Signage Diagram DOC2018/006854.

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GENERAL BUSINESS

NIL

CLOSURE: The Meeting was declared closed at 10.32am

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN3/2018

General Manager's Unit



NOTICES OF MOTION No. BN3/2018

SUBJECT: *SUPPLY OF INFORMATION*

COUNCILLOR: *Ian Olsen*

MOTION

That all information supplied to the Mayor which can have an impact on decisions by Councillors be supplied as early as practical and before attending any Council meeting.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 7 March 2018.

RATIONALE

My reason for moving this relates back to information introduced into debate by the Mayor on 15 November 2017 that was not supplied to Councillors even though the mayor had received the letter on 10 November 2017. This information was used to influence the decision of funding for Mount View Road but at no time anyone else had seen this letter.

It took four emails from myself to the General Manager before the Mayor and General Manager to finally provide me a copy of the correspondence which was addressed to the Mayor of Cessnock not the chairman of a Consultative committee.

Under the Code of Conduct 7.2, The General Manager must provide Councillors and Administrators with information sufficient to enable them to carry out their Civic Office functions.

7.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.

7.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who request it and in accordance with Council procedures.

It is important all Councillors are supplied the same information and our Code of Conduct supports that. The letter that was produced by the Mayor on the night was not confidential and was information used to convince Councillors which way to vote but no other Councillor had seen the letter.

Sgd: Ian Olsen
Date: 22 February 2018

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ17/2018

Works and Infrastructure

**SUBJECT:** *NEW WASTE TRANSFER STATION***RESPONSIBLE OFFICER:** *Environmental & Waste Services Manager - Michael Alexander***Q13/2018 – New Waste Transfer Station**

Asked by Councillor Sander at the Ordinary Meeting of Council held on 21 February 2018.

“for an update on the actual costs associated with the recent opening of the new Waste Transfer Centre”.

The approximate operating costs per month for the new waste transfer station at the Cessnock Waste Management Centre are detailed in the table below. These figures are based on January 2018 operations, noting that January has traditionally been the month of highest usage of the site due to the holiday season.

Functions / Roles	Operational Staff cost	Overtime cost	Contractor cost
Current			
Recycling / Resource Recovery Area Operator	\$6,500	\$4,200*	
Community Recycling Centre (CRC) Operator	\$6,500	\$4,200*	
Push Pit Loader Operator	\$6,500	\$4,200*	
Additional			
Additional Weighbridge Staff		\$14,400*	
Push Pit Area Operator			\$7,000
Transfer Truck Operator			\$36,000
TOTAL	\$19,500	\$27,000	\$43,000

*Overtime costs show inflated costs that can be reduced with additional permanent staffing.

As shown in the above table, the first two months of operations has identified a need for additional staff to effectively operate the new facility. This need is currently being addressed through a number of options including overtime for existing Waste Services staff, other Works Depot staff and/or external labor hire. The present staffing arrangement has resulted in an increase of approx. 150 hours in December 2017 and 350 hours during January 2018.

Other additional costs have been incurred due to a delay in the arrival of the new transfer truck resulting in the need to engage a contractor.

It is noted that in the first two months of operation the facility has provided an 8% increase in recovered resources. The resulting value in saved landfill space and diverted NSW Government Levy payment is currently averaging approx. \$60,000 per month (\$24,000 – levy and \$34,000 – estimated landfill space).

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ18/2018

Works and Infrastructure



SUBJECT: *MITCHELL AVENUE/SAWYERS GULLY ROAD*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

Q14/2018 – Mitchell Avenue/Sawyers Gully Road

Asked by Councillor Sander at the Ordinary Meeting of Council held on 21 February 2018.

“for an update on the status of Mitchell Avenue and Sawyers Gully Road”.

Mitchell Avenue, Weston and Sawyers Gully Road, Sawyers Gully are local roads for which Council is the Road Authority.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ19/2018

Planning and Environment



SUBJECT: *RATE NOTICE INSERT - TROLLEY TRACKER*

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

Q15/2018 – Rate Notice Insert – Trolley Tracker

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 21 February 2018

“whether notices went out with Council rates notices regarding the trolley tracker and \$1,000 per month draw?”

Council at its Ordinary Council meeting of 1 November 2017 resolved:

- 1. That Council work with shopping trolley tracker companies for collection of abandoned and unattended shopping trolleys on their behalf which is consistent with Hunter Regional Councils.*
- 2. That Council place the “Abandoned or Unattended Shopping Trolley Policy” on public exhibition for 28 days.*
- 3. That in the event any submissions are able to be resolved, that Council adopt the Abandoned or Unattended Shopping Trolley Policy as amended.*

As the resolution did not require a notice to be sent out with Council rates notices regarding the trolley tracker and \$1000 per month draw this has not occurred.

However, an education campaign for trolley tracker and Cole’s trolley collect has included:

- Posters displayed at all major shopping centres, Council administration building and libraries
- Council's social media
- Local newspapers

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ20/2018

Corporate and Community Services



SUBJECT: *TEMPORARY ACCOMMODATION FOR POLICE STATION*

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

Q16/2018 – Temporary Accommodation for Police Station

Asked by Councillor Doherty at the Ordinary Meeting of Council held on 21 February 2018.

“if Council were aware that employees of the NSW Police force have been canvassing business people in the CBD about temporary accommodation for their police station?”

Council Officers are unaware of any approaches to local businesses.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ21/2018

Planning and Environment



SUBJECT: *JUNK MAIL*

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

Q17/2018 – Junk Mail

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 February 2018

“if there was any way Council can regulate or control junk mail that is thrown onto footpaths?”

Council cannot regulate or control advertising material (including junk mail) deposited on footpaths. The Protection of the Environment Operations Act 1997 was amended on 1 September 2012 to include exemptions to allow the depositing of various types of advertising material in a public place.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ22/2018

General Manager's Unit



SUBJECT: *ANSWER TO QUESTION PROVIDED BY MAYOR*

RESPONSIBLE OFFICER: *Mayor - Bob Pynsent*

Q18/2018 – Answer to Question Provided by Mayor

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 21 February 2018.

“If he received any advice in regard to the questions and if so, who from and did the Mayor write the answers to the questions himself?”

The Mayor drafted the responses to the original questions. As part of the normal process these responses were reviewed by the General Manager and Executive as part of the agenda review process.

ENCLOSURES

There are no enclosures for this report