



28 September 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, 3 October 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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- (5) **DISCLOSURES OF INTEREST**
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- (6) **PETITIONS**
- (7) **ADDRESS BY INVITED SPEAKERS**
- (8) **CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**
- (9) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**
NI5/2018 Notice of Intention to Deal With Matters in Confidential Session

MM10/2018 Mayoral Minute - Performance Review of the General Manager 2017/2018

CC73/2018 - Proposed Compulsory Acquisition of Crown Land For The Purpose of Public Road - Lot 1 DP 1097175, Lot 30 DP 1097180 and Lot 5 DP 1097184 - HEZ41
- (10) **MAYORAL MINUTES**
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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, 19 SEPTEMBER 2018,
COMMENCING AT 6.30 PM**

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

IN ATTENDANCE: General Manager
Director Planning and Environment
Director Corporate and Community Services
Director Works and Infrastructure
Strategic Planning Manager
Senior Strategic Land Use Planner
Finance & Administration Manager
Internal Auditor
Infrastructure Manager
Media & Communication Officer
Corporate Governance Officer

The Mayor recognised the passing of Councillor Dunn's father.

APOLOGIES:

MOTION

Moved: Councillor Burke

Seconded: Councillor Dagg

646

RESOLVED that the apologies tendered on behalf of Councillors Dunn and Stapleford, for unavoidable absence, be accepted and leave of absence granted.

FOR

AGAINST

Councillor Olsen
Councillor Doherty
Councillor Fagg
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

Total (0)

CARRIED UNANIMOUSLY

MINUTES:**MOTION****Moved:** Councillor Sander**Seconded:** Councillor Gray

647

RESOLVED that the Minutes of the Ordinary Meeting of Council held on 5 September 2018, as circulated, be taken as read and confirmed as a correct record.

FOR**AGAINST**

Councillor Olsen
Councillor Doherty
Councillor Fagg
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent
Total (11)

Total (0)**CARRIED UNANIMOUSLY**

DISCLOSURES OF INTEREST

DISCLOSURES OF INTEREST NO. DI16/2018

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.

BN27/2018 - Cessnock Correction Centre Access Road & BN28/2018 - Cessnock Correctional Centre Entrance - Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that she has relatives who are long term residents of Kerlew Street, Nulkaba. Councillor Dagg advised that she would remain in the Chamber and take part in discussion and voting as the conflict has not influenced her in carryout out her public duty.

BN27/2018 - Cessnock Correction Centre Access Road & BN28/2018 - Cessnock Correctional Centre Entrance – Councillor Suvaal declared a Non Pecuniary Less Than Significant Conflict for the reason that his sister is an employee of Justice Health at Cessnock Correctional Centre. Councillor Suvaal advised that he would remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out his public duty because it has no impact on his decision making in this report.

BN27/2018 - Cessnock Correction Centre Access Road & BN28/2018 - Cessnock Correctional Centre Entrance - Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that he is employed at the Correctional Centre. Councillor Olsen advised that he would remain in the Chamber and take part in discussion and voting as the conflict has not influenced him in carrying out his public duty because this has no bearing on his employment or future employment.

PETITIONS

NIL

ADDRESS BY INVITED SPEAKERS

Councillor Dagg declared a Non Pecuniary Less Than Significant Conflict for the reason that she has relatives who are long term residents of Kerlew Street, Nulkaba. Councillor Dagg remained in the Chamber and took part in discussion and voting.

Councillor Suvaal declared a Non Pecuniary Less Than Significant Conflict for the reason that his sister is an employee of Justice Health at Cessnock Correctional Centre. Councillor Suvaal remained in the Chamber and took part in discussion and voting.

Councillor Olsen declared a Non Pecuniary Less Than Significant Conflict for the reason that he is employed at the Correctional Centre. Councillor Olsen remained in the Chamber and took part in discussion and voting.

The following person has been invited to address the meeting of Council:

Speakers	For / Against	Report	Page No.	Duration
Mr Craig Findley – representing Green Option Access – The Community for No Entry/Exit to Cessnock Correctional Centre on Local Streets	For	BN27/2018 - Cessnock Correction Centre Access Road	323	3 mins
		BN28/2018 - Cessnock Correction Centre Entrance	324	

EXTENSION OF TIME**Moved:**
Seconded:Councillor Doherty
Councillor Suvaal

648

RESOLVED

That Mr Craig Findley be granted a 1 minute extension to enable him to complete his presentation.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

649

Councillor Suvaal

Councillor Fitzgibbon

RESOLVED

That Mr Greg Lake, Executive Director Infrastructure, Corrective Services NSW, Department of Justice be allowed to speak regarding BN27/2018 - Cessnock Correction Centre Access Road and BN28/2018 - Cessnock Correction Centre Entrance.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

EXTENSION OF TIME

Moved:

Councillor Suvaal

Seconded:

Councillor Gray

650

RESOLVED

That Mr Greg Lake be given an extension of 1 minutes to complete his presentation.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (1)

CARRIED

BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN

BUSINESS WITH NOTICE NO. BN27/2018

SUBJECT: CESSNOCK CORRECTION CENTRE ACCESS ROAD

MOTION **Moved:** Councillor Olsen **Seconded:** Councillor Doherty

1. That Council rescind any prior motions relating to the Cessnock Correctional Centre access road and replace with Point 2 of this motion.
2. That Council give full support to gain access to the Correctional Centre via Calvary Allandale Nursing Home from Wine Country Drive.

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

1. That Council notes the access to the Cessnock Correctional Centre is a matter that will be determined by NSW Justice Infrastructure.
2. That Council supports the State Member of Cessnock, Clayton Barr, MP on the preferred entry to the Cessnock Correctional Centre, that being a direct route from Wine Country Drive onto land owned by Hunter New England Health through the land owned by Corrective Services NSW and the Cessnock Correctional Centre.
3. That Council rejects the 3 options presented on the NSW Justice Infrastructure fact sheet on the entry to the Cessnock Correctional Centre based on the feedback from the community.
4. That Council confirms our position that the access to the Cessnock Correctional Centre at Lindsay Street/Mavis Street be closed and that a new access is created via direct route to the State Road network to reduce the impact on local roads.
5. That Council requests the State Member for Cessnock, Clayton Barr, MP immediately convene regular consultation meetings with Justice Infrastructure and the communities that would be impacted (positive and negative) by any access proposal and that the minutes/outcomes from these meetings be referred to the Cessnock Correctional Centre Consultative Committee and Cessnock City Council for their information.
6. That Council requests that after comprehensive community consultation that Council be briefed by Justice Infrastructure with the outcome of access options to the Cessnock Correctional Centre that are acceptable to the community,
7. That Council write to Mr Clayton Barr MP Member for Cessnock, The Hon Scot McDonald MLC, Parliamentary Secretary for the Hunter and the Hon Joel Fitzgibbon MP, Member for Hunter of our position and request their support.
8. That Council rescind Point 2 of BN54/2018 from 7 February 2018 meeting referencing the Kerlew Street access.

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

Total (11)

Total (0)

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

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

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

651

RESOLVED

1. That Council notes the access to the Cessnock Correctional Centre is a matter that will be determined by NSW Justice Infrastructure.
2. That Council supports the State Member of Cessnock, Clayton Barr, MP on the preferred entry to the Cessnock Correctional Centre, that being a direct route from Wine Country Drive onto land owned by Hunter New England Health through the land owned by Corrective Services NSW and the Cessnock Correctional Centre.
3. That Council rejects the 3 options presented on the NSW Justice Infrastructure fact sheet on the entry to the Cessnock Correctional Centre based on the feedback from the community.
4. That Council confirms our position that the access to the Cessnock Correctional Centre at Lindsay Street/Mavis Street be closed and that a new access is created via direct route to the State Road network to reduce the impact on local roads.
5. That Council requests the State Member for Cessnock, Clayton Barr, MP immediately convene regular consultation meetings with Justice Infrastructure and the communities that would be impacted (positive and negative) by any access proposal and that the minutes/outcomes from these meetings be referred to the Cessnock Correctional Centre Consultative Committee and Cessnock City Council for their information.
6. That Council requests that after comprehensive community consultation that Council be briefed by Justice Infrastructure with the outcome of access options to the Cessnock Correctional Centre that are acceptable to the community,

7. That Council write to Mr Clayton Barr MP Member for Cessnock, The Hon Scot McDonald MLC, Parliamentary Secretary for the Hunter and the Hon Joel Fitzgibbon MP, Member for Hunter of our position and request their support.
8. That Council rescind Point 2 of BN54/2018 from 7 February 2018 meeting referencing the Kerlew Street access.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

BUSINESS WITH NOTICE NO. BN28/2018

SUBJECT: CESSNOCK CORRECTIONAL CENTRE ENTRANCE

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Burke
652
MOTION

That the Notice of Motion be withdrawn.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

**CONSIDERATION AND ADOPTION OF ALL REPORTS BY ENGLOBO
OR INDIVIDUALLY WITH NOMINATED EXCEPTIONS**

NIL

MOTIONS OF URGENCY

MOTIONS OF URGENCY NO. MOU16/2018

SUBJECT: MOTIONS OF URGENCY

NIL

GENERAL MANAGER'S UNIT

GENERAL MANAGER'S UNIT NO. GMU19/2018

SUBJECT: MINUTES OF THE AUDIT COMMITTEE MEETING HELD 21 AUGUST 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
653
RESOLVED

That the Minutes of the Audit Committee Meeting of 21 August 2018 be adopted as a resolution of the Ordinary Council.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

GENERAL MANAGER'S UNIT NO. GMU20/2018

SUBJECT: PROPOSAL TO CLOSE COUNCIL OFFICES BETWEEN CHRISTMAS AND NEW YEAR

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
654
RESOLVED

1. That Council close its offices, including Libraries, from 12 noon Friday, 21 December 2018 and reopen on Wednesday, 2 January 2019.
2. That Council close the Cessnock Performing Arts Centre from 2.00 pm Friday, 21 December 2018 and re-open on Monday, 7 January 2019.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT

PLANNING AND ENVIRONMENT NO. PE51/2018

SUBJECT: EXHIBITION OF DRAFT CHAPTER E.18 - BLACK HILL EMPLOYMENT AREA OF THE CESSNOCK DEVELOPMENT CONTROL PLAN 2010

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Sander
655
RESOLVED

1. That Council place draft Chapter E.18 – Black Hill Employment Area of the Cessnock Development Control Plan 2010 on public exhibition for a minimum period of 28 days.
2. That Council receive a further report following public exhibition of Draft Chapter E.18 – Black Hill Employment Area of the Cessnock Development Control Plan 2010.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE53/2018

SUBJECT: EAST CESSNOCK FLYING-FOX GRANT - FINALISATION REPORT

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

656

RESOLVED

1. That Council note the completion of the Stream 3 - Implementing approved actions in flying-fox camp management plans grant program.
2. That Council follow-up with residents regarding the assistance received through the subsidy funding to gain feedback on its effectiveness and whether or not it has made a difference.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE54/2018

**SUBJECT: APPOINTMENT OF COUNCIL REPRESENTATIVE TO ABEL MINE
COMMUNITY CONSULTATIVE COMMITTEE**

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
657
RESOLVED

1. That Council appoint Councillor Dagg as Council's representative to attend the Abel Mine Community Consultative Committee meetings.
2. That Council advise Yancoal (Abel Underground Mine) of its appointment.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

PLANNING AND ENVIRONMENT NO. PE56/2018

SUBJECT: MINUTES OF THE STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE 5 SEPTEMBER 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
658
RESOLVED

1. That the Minutes of the Strategic Property & Community Facilities Committee of 5 September 2018 be adopted as a resolution of the Ordinary Council.
2. That Council resolve to publically exhibit the draft “Licences – Operation of Hebburn Estate” policy for a period of 28 days, including the following amendments:
 8. Council will not permit the Licensee or the Licensee’s estate to transfer the licence rights unless it can be demonstrated that:
 - a) The dwelling is of a standard suitable for accommodation as determined by Council;
 - b) The OSSM and effluent disposal area is being operated and maintained, to Council’s requirements and standards - including quarterly servicing certificate and satisfactory Council inspections;
 - c) A certificate of currency is provided to Council annually;
 - d) All structures are lawfully approved and constructed within the licensee’s lease hold.
- That a report on the outcomes of the community consultation be provided.
3. That Council rescind the resolutions relating to General Manager’s Report No. GMU14/2007 of 21 March 2007.
4. That Lot 20 DP6264 (47 Kalingo Street, Bellbird) remain in Council ownership and that the adjoining land owners be advised of Councils decision.
5. That Council endorse that the costs associated with the engagement of the Strategic Property Officer positions be funded from the Strategic Property Reserve effective from the commencement of the 2018-19 financial period.
6. That the funding for the Strategic Property Officer positions be sourced from the Strategic Property Reserve within the 2018-19 Operational Plan and the appropriate variations be made in the next Quarterly Budget Review process.
7. That Council place the revised draft Property Development & Investment Policy, draft Property Management Policy and revised draft Property Management Guidelines on public exhibition for a period of 28 Days, and that a report on the outcomes of the community consultation be provided.
8. That in respect to the Vineyard Grove Stage 8 development, Council endorse the amended subdivision plan including changes to the drainage, increased lot yield, and realignment of Saxonvale Grove Road.

9. That Council endorse the investigation of the potential of reclassifying the land adjacent to Vineyard Grove Stage 8, known as Lot 1208 in DP 1102977, Lot 1110 in DP 1093402, Lot 1015 in DP 1093073, Lot 1014 in DP 1093073, and Lot 915 in DP 1085219.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (1)

CARRIED

CORPORATE AND COMMUNITY

CORPORATE AND COMMUNITY NO. CC63/2018

SUBJECT: MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMITTEE OF CESSNOCK CITY COUNCIL HELD ON 24 AUGUST 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Gray
659
RESOLVED

1. That the Minutes of the Aboriginal and Torres Strait Islander Committee held on 24 August 2018 be adopted as a resolution of the Ordinary Council for Report Number AACLM12/2018 Committee Terms of Reference - 'That a draft Terms of Reference with changes discussed be tabled at the next Committee meeting'.
2. That Council notes the items discussed at the Inquorate Aboriginal and Torres Strait Islander Committee held on 24 August 2018 being Reports;
 - AACLM13/2018 Draft Expression of Interest Wedge-Tailed Eagle Logo as requiring further consultation with the Committee.
 - AACLM14/2018 Innovate Reconciliation Action Plan (RAP) as progress report only on the RAP's implementation
 - AACLM15/2018 Welcome to Country at Civic Events and the advice provided from attendees "The Committee considered the report and due to the sensitivities surrounding Australia Day recommended no Welcome to Country or smoking ceremony be included".
 - AACLM16/2018 Bridges Hill Park and Design of Shade Shelter.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC64/2018

SUBJECT: ELECTION OF DEPUTY MAYOR

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Burke
660
RESOLVED

That the election of Deputy Mayor be held and determined by open ballot with the term of office to be from 1 October 2018 to 1 October 2019.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

The General Manager advised the meeting that two nominations had been received those being Councillors Dagg and Doherty.

Voting was conducted between Councillors Dagg and Doherty by way of a show of hands.

The result of the vote is as follows:

For Councillor Dagg – Councillors Suvaal, Fitzgibbon, Gray, Dagg, Burke, Sander, Lyons and Mayor Pynsent

For Councillor Doherty – Councillors Olsen, Doherty, Fagg

The General Manager advised that Councillor Dagg was the successful candidate and elected to the position of Deputy Mayor from October 2018 until October 2019.

CORPORATE AND COMMUNITY NO. CC65/2018

SUBJECT: FINANCIAL ASSISTANCE GRANT 2018-19

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

661

RESOLVED

That Council note the lower than anticipated financial assistance grant funds to be received in 2018-19 of \$19,854 and that the appropriate variations be made in the next Quarterly Budget Review.

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC66/2018

SUBJECT: INVESTMENT REPORT - AUGUST 2018

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
662
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY NO. CC67/2018

SUBJECT: RESOLUTIONS TRACKING REPORT

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
663
RESOLVED

That Council receive the report and note the information.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE

WORKS AND INFRASTRUCTURE NO. WI71/2018

SUBJECT: CHINA SWORD POLICY - RECYCLING SERVICE

MOTION **Moved:** Councillor Fitzgibbon **Seconded:** Councillor Gray

664

RESOLVED

1. That Council meets the increased service cost for the 2018/19 Financial Year from the internal Waste Reserve;
2. That Council recovers the cost impact in 2019/20 and 2020/21 through the domestic waste management charge.
3. That Council pre-warn ratepayers with the inclusion of a note in their rate notices which should include the conclusion plus points 1 & 2 of the recommendation from Report WI71/2018.
4. That a report come back to Council detailing the communication strategy that Council will develop and put out to the community.

FOR

Councillor Fagg
Councillor Suvaal
Councillor Fitzgibbon
Councillor Gray
Councillor Dagg
Councillor Burke
Councillor Sander
Councillor Lyons
Councillor Pynsent

Total (9)

AGAINST

Councillor Olsen
Councillor Doherty

Total (2)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI72/2018

SUBJECT: INTERIM KERB AND GUTTER REQUIREMENTS

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

665

RESOLVED

1. That Council adopt the Amended Interim Requirements for Kerb and Gutter for residential development applications.
2. That Council note the progress on preparation of the draft city wide Trunk Drainage Strategy and associated Kerb and Gutter Strategy.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI73/2018

SUBJECT: CESSNOCK LGA TRAFFIC AND TRANSPORT STRATEGY

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

666

RESOLVED

1. That Council note the outcome of the public exhibition and submissions.
2. That Council adopt the Cessnock LGA Traffic and Transport Strategy Technical Report, as amended.
3. That the General Manager write to all those persons who made a submission thanking them for their input and to advise Council's decision.
4. That a further report come back to Council by the 1st meeting in November providing a breakdown of the Capital Works priorities listed in the Strategy under Part D Implementation along with estimated timeframe and costs for the various priorities and sources of potential funding.

FOR	AGAINST
Councillor Doherty	Councillor Olsen
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (10)	Total (1)

CARRIED

WORKS AND INFRASTRUCTURE NO. WI74/2018

SUBJECT: STRONGER COUNTRY COMMUNITIES FUND ROUND 2 - SUCCESSFUL PROJECTS

MOTION **Moved:** Councillor Suvaal **Seconded:** Councillor Dagg
667
RESOLVED

1. That Council notes the acceptance of the Stronger Country Communities Fund Round 2 grants offered as follows:
 - a) Community Hall Toilet Upgrade Program - \$126,700
 - b) Maitland Street, Branxton (Northside) – Pavement and Street Tree Planting - \$120,643
 - c) Bridges Hill Park Regional Themed Playground - \$936,315
 - d) Branxton Public Square - \$279,973
 - e) Part funding for Cessnock Pool Splash Pad - \$242,355
2. That a further report be brought back to Council detailing the final design of the Cessnock Pool Splash Pads, along with information on additional funding needs and funding sources to undertake the project.

FOR	AGAINST
Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI75/2018

SUBJECT: ROADSIDE TRIBUTE POLICY

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

668

RESOLVED

That Council place the draft Roadside Tribute Policy on public exhibition for a period of 28 days and if there are no significant public submissions received that the policy be automatically adopted at the end of the exhibition period.

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

Total (11)

Total (0)

CARRIED UNANIMOUSLY

WORKS AND INFRASTRUCTURE NO. WI76/2018

SUBJECT: SAFER COMMUNITIES FUND ROUND 3 - INFRASTRUCTURE GRANTS

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

669

RESOLVED

1. That Council endorse the submission of applications under the Safer Communities Fund Round 3 - Infrastructure Grants for 100% funding for the following projects:
 - Cessnock CBD Crime Prevention Through Environmental Design public domain treatments;
 - Kurri Kurri Town Centre Crime Prevention Through Environmental Design public domain treatments; and
 - Hunter Valley Wine Country Visitor Information Bays security lighting and electronic surveillance.
2. That a list of potential projects to be compiled in preparation for future grants.

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

Total (0)

CARRIED UNANIMOUSLY

ANSWERS TO QUESTIONS FOR NEXT MEETING

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ85/2018

SUBJECT: SENIOR ENVIRONMENT PLANNER - RECRUITMENT

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ86/2018

SUBJECT: MARTHAVILLE - CONGREGATING OF GROUPS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ87/2018

SUBJECT: AMBULANCE HALL - KURRI KURRI

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ88/2018

SUBJECT: WOLLOMBI PARK BINS

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ89/2018

SUBJECT: SAFETY PEDESTRIAN REFUGE - ALDI AND JACARANDA GROVE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ90/2018

SUBJECT: TRAFFIC CONDITIONS - ST PHILIPS CHRISTIAN COLLEGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ91/2018

SUBJECT: HOWE PARK - FIRE DAMAGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ92/2018

SUBJECT: BIMBADEEN LOOKOUT UPGRADE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ93/2018

SUBJECT: COMMUNITY CENTRE - KURRI KURRI

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ94/2018

SUBJECT: ABBOTSFORD STREET BRIDGE

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ95/2018

SUBJECT: ALLIANCE MEETINGS - SCHEDULED MEETING DATES

The answer was noted.

ANSWERS TO QUESTIONS FOR NEXT MEETING NO. AQ96/2018

SUBJECT: ALLIANCE MEETING MINUTES

The answer was noted.

QUESTIONS FOR NEXT MEETING

Councillor Anne Sander

HOWE PARK ABERMAIN

Councillor Sander asked for a progress report for Howe Park Abermain and whether it will be refurbished or rebuilt.

Councillor Anne Sander

NEW POLICE STATION

Councillor Sander asked if Council has been notified by the current State Government regarding when our new Police Station will be built.

Councillor Di Fitzgibbon

BRIDGES HILL PARK

Councillor Fitzgibbon asked for an update on Bridges Hill park.

Councillor Ian Olsen

HOWE PARK ABERMAIN

Councillor Olsen asked if the building at Howe Park was insured and have Council got a response on whether it needs rebuilding or repaired and can Council make this a priority because it should be done in six months.

Councillor Mark Lyons

Q84/2018 - SAFETY PEDESTRIAN REFUGE - ALDI AND JACARANDA GROVE

Councillor Lyons referred to the answer in relation to the Aldi Jacaranda Grove crossing and asked if it will be reported to Council.

CORRESPONDENCE

CORRESPONDENCE NO. CO35/2018

SUBJECT: **HART ROAD, GOVERNMENT ROAD AND GINGERS LANE, WESTON INTERSECTION**

MOTION **Moved:** Councillor Dagg **Seconded:** Councillor Suvaal
670
RESOLVED

That the correspondence be noted.

FOR	AGAINST
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Councillor Olsen	
Councillor Doherty	
Councillor Fagg	
Councillor Suvaal	
Councillor Fitzgibbon	
Councillor Gray	
Councillor Dagg	
Councillor Burke	
Councillor Sander	
Councillor Lyons	
Councillor Pynsent	
Total (11)	Total (0)

CARRIED UNANIMOUSLY

COUNCILLOR REPORTS

Councillor Doherty left the meeting, the time being 8.19pm

Councillor Dagg

NSW Governor Visit

Councillor Dagg advised of the visit by the NSW Governor and she thanked the support of Councillors and staff who attended the luncheon as all money raised will be going towards the Branxton/Greta memorial cycleway.

Councillor Dagg advised that the Governor was very generous with his time and made the community members present feel as though he really appreciated their attendance.

Mine Subsidence Board Meeting– Newcastle

Councillor Dagg advised of her attendance at the Mine Subsidence Board meeting in Newcastle where the flooding issue at South Cessnock was dealt with. Councillor Dagg advised that she did not receive the agenda document or participate in the decision on the flooding issue due to a conflict as a Councillor for the Cessnock LGA. Councillor Dagg also advised of a new Television Ad that has been rolled out.

The Meeting Was Declared Closed at 8.20pm

CONFIRMED AND SIGNED at the meeting held on 3 October 2018

.....**CHAIRPERSON**

.....**GENERAL MANAGER**

Disclosures Of Interest

Report No. DI17/2018

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.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI5/2018

Corporate and Community Services



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

MM10/2018 MAYORAL MINUTE - PERFORMANCE REVIEW OF THE GENERAL MANAGER 2017/2018

CC73/2018 - PROPOSED COMPULSORY ACQUISITION OF CROWN LAND FOR THE PURPOSE OF PUBLIC ROAD - LOT 1 DP 1097175, LOT 30 DP 1097180 AND LOT 5 DP 1097184 - HEZ

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

RECOMMENDATION

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

Report No. MM10/2018 – Performance Review of the General Manager 2017/2018 as it deals with personal matters concerning particular individuals.

Report No. CC73/2018 - Proposed Compulsory Acquisition of Crown Land For The Purpose of Public Road – Lot 1 DP 1097175, Lot 30 DP 1097180 and Lot 5 DP 1097184 - HEZ as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

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

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

There are no enclosures for this report.

Mayoral Minute
Report No. MM9/2018
General Manager's Unit



MAYORAL MINUTE No. MM9/2018

***SUBJECT: MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGERS
REVIEW COMMITTEE MEETING OF 29 AUGUST 2018***

RECOMMENDATION

That the Minutes of the Organisational and General Manager's Review Committee of 29 August 2018 be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE ORGANISATIONAL AND GENERAL MANAGER'S REVIEW
COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD ON 29 AUGUST 2018, COMMENCING AT 10.00 AM***

PRESENT: The Mayor, Councillor Bob Pynsent
Councillors Stapleford, Suvaal and Burke

IN ATTENDANCE: Councillor Sander
Darrylen Allan, Human Resource Manager
Matthew McArthur, McArthur Management Services

APOLOGIES: Councillors Lyons, Dunn and Fitzgibbon

Moved: Councillor Stapleford
Seconded: Councillor Burke

LISTED MATTERS

- a. The Performance Review of the General Manager

RESOLUTIONS

1. That Council note that all Councillors were offered the opportunity to provide feedback to the Mayor on the General Managers Performance as detailed in a Memorandum dated 20 August 2018.
2. That the findings and recommendations from the General Manager's Performance Review be reported in a closed Council meeting on 3 October 2018.

Mayoral Minute

Report No. MM9/2018

General Manager's Unit



3. That the Mayor and members of the Organisational and General Manager's Review Committee work with the Facilitator and the General Manager to develop the Performance Agreement for 2018/2019 for presentation to Council in October 2018.

Moved: Councillor Burke

Seconded: Councillor Suvaal

GENERAL BUSINESS

Nil

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU17/2018

Corporate and Community Services



SUBJECT: MOTIONS OF URGENCY

RESPONSIBLE OFFICER: Finance and Administration Manager - Andrew Glauser

RECOMMENDATION

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

SUMMARY

Under Clause 10.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Councillors. This can only happen if a motion is passed to have the business transacted at the meeting, the Mayor rules that the business is of great urgency and the business notified in the agenda for the meeting has been disposed of.

Only the mover of such a motion can speak to the motion before it is put.

ENCLOSURES

There are no enclosures for this report.

General Manager's Unit
Report No. GMU21/2018
General Manager's Unit



SUBJECT: *MINUTES OF THE TOWN COORDINATORS REVIEW
COMMITTEE MEETING HELD ON 12 SEPTEMBER 2018*

RESPONSIBLE OFFICER: *Acting Economic Development Manager - Rhiannon
Stevens*

RECOMMENDATION

That the Minutes of the Town Coordinators Review Committee held on 12 September 2018 be adopted as a resolution of the Ordinary Council.

***MINUTES OF THE TOWN COORDINATORS REVIEW COMMITTEE MEETING OF THE
CESSNOCK CITY COUNCIL HELD IN ON WEDNESDAY, 12 SEPTEMBER 2018,
COMMENCING AT 3.45PM***

PRESENT: The Mayor, Bob Pynsent
Councillor Doherty
Councillor Fitzgibbon
Councillor Dagg
Councillor Stapleford

IN ATTENDANCE: Councillor Gray (Alternate Delegate)
Councillor Fagg
Stephen Glen – General Manager
Robert Maginnity – Director Corporate & Community Services
Rhiannon Stevens – Acting Economic Development Manager
Melanie Parker – General Managers Executive Assistant

INVITEES: **NIL**

APOLOGIES

NIL

General Manager's Unit
Report No. GMU21/2018
General Manager's Unit



CONFIRMATION OF MINUTES

MINUTES:

MOTION

Moved: Councillor Dagg

Seconded: Councillor Fitzgibbon

RECOMMENDED that the Minutes of the Town Coordinators Review Committee held on 23 May 2018, as circulated, be taken as read and confirmed as a correct record.

CARRIED UNANIMOUSLY

LISTED MATTERS

LISTED MATTERS - COMMITTEE NO. CLM3/2018

SUBJECT: DETERMINATION OF TOWN COORDINATORS KPIS

MOTION

Moved: Cllr Dagg

Seconded: Cllr Fitzgibbon

RECOMMENDATION

1. That the Committee recommend to Council endorsement of future KPIS associated with Town Coordinators funding be determined by the Committee.
2. That the Committee recommend to Council that future funding be allocated as determined by the Committee.
3. That for the 2018/19 funding for Town Coordinators be allocated under existing arrangements.

CARRIED UNANIMOUSLY

CORRESPONDENCE

NIL

General Manager's Unit
Report No. GMU21/2018
General Manager's Unit



GENERAL BUSINESS

NIL

The Meeting Was Declared Closed at 4.30 pm

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *DEVELOPMENT APPLICATIONS PROPOSING 24 HOUR TRADING*

AUTHOR: *Development Services Manager - Janine Maher*

SUMMARY

At Council's meeting of 4 July 2018, it was resolved as follows:

'That the General Manager provide a report back to Council within three months outlining how development applications which propose 24 hour operations, would be reported to Council for determination'.

RECOMMENDATION

1. That Council receives and notes this report.
2. That Council review all delegations associated with the determination of development applications and S4.55 applications, during the next scheduled delegations review which will occur within 12 months following the next election in accordance with S380 of the *Local Government Act 1993*.

REPORT

At Council's meeting of 4 July 2018, it was resolved as follows:

'That the General Manager provide a report back to Council within three months outlining how development applications which propose 24 hour operations, would be reported to Council for determination'.

This report addresses the following:

1. An overview of Council's existing delegations in respect of development applications and S4.55 applications;
2. A summary of the recommendations contained in the Department of Planning and Environment's publication 'Development Assessment Best Practice Guide' (March 2017);
3. An explanation of how development applications which propose 24 hour operations, could be reported to Council for determination; and
4. A review of all applications proposing 24 hour operations that have been approved in the past 12 months.

1. Council's Current Delegations

Planning and Environment

Report No. PE57/2018

Planning and Environment



Sub-delegated functions

Council has previously delegated the determination function in respect of planning-related applications, predominantly development applications and S4.55 applications, to Council's General Manager. In turn, the functions are sub-delegated to Council staff.

The following table provides a summary of the relevant roles in Council, and their sub-delegated function/s:

Table: Roles and sub-delegated function/s:

Role	Application type	Sub-delegated function/s
Director Planning and Environment Development Services Manager	Development Applications S4.55 Applications	In respect of development applications which in the position holder's opinion: <ul style="list-style-type: none"> • Does not represent a significant variation of the Council's policy/environmental planning instruments or has not been the subject of significant objection; or • Has not been the subject of a written request made by at least three Councillors for the matter to be reported to the Council for decision.
Team Leader Development Services Senior Planning Assessment Officer Planning Assessment Officer	Development Applications S4.55 Applications	In respect of developments up to a value of \$5 million which: <ul style="list-style-type: none"> • Do not represent a variation of the Council's policies/environmental planning instruments • Have not been the subject of objection • Have not been the subject of a written request made by at least three Councillors for the matter to be reported to the Council for decision

It is clear from the above table that only Council's Director Planning and Environment and Development Services Manager have the ability to determine applications in respect of developments with an unlimited value (excluding matters identified in other environmental planning instruments whereby the value exceeds the thresholds, such as applications required to be determined by the Hunter and Central Coast Joint Regional Planning Panel); and in circumstances where objection has been received but such objection is not considered 'significant'; and in circumstances where a variation is proposed but such variation is not considered 'significant'.

Planning and Environment

Report No. PE57/2018

Planning and Environment



The sub-delegations do not permit assessment officers (including Team Leader Development Assessment, Senior Planning Assessment Officer and Planning Assessment Officer), to determine any applications that attract any objection (including 1 objection) or propose any variation (even a relatively minor one to a development control such as a side setback).

In addition, no Council officers are able to determine an application if it has been called-up to Council by at least three Councillors.

Development Practice Note – G3, ‘Delegations for Determination of Development Applications’

Council’s Development Practice Note – G3, ‘Delegations for Determination of Development Applications’, supports the sub-delegated functions identified above. Specifically, the Practice Note states as follows:

‘Council has delegated to the General Manager the authority to determine all development applications that are not the subject of significant objection or significant variation to Council Policy. This Practice Note sets out how the General Manager has conferred those delegations and the procedures for their implementation’.

In accordance with the Practice Note, Council’s Development Assessment Unit (DAU) considers whether applications are the subject of significant objection or significant variation to Council policy, and Council’s Development Services Manager has the relevant delegation to determine the application following consideration by the DAU.

The Practice Note identifies a number of considerations relevant to assessing whether an application is the subject of significant objection or significant variation. Importantly, in addition to merits-based considerations, the following numerical provisions are contained within the Practice Note:

- a rule of thumb that ‘significant’ objection is where more than 50% of people notified object by raising issues relative to the application.
- a rule of thumb that ‘significant’ variation is where a variation of more than 25% to an adopted policy, is proposed.

In the event an application is not compliant with the relevant rule of thumb, the application is referred to a Council meeting for consideration/determination.

In addition to the above, the Practice Note details the processes associated with applications recommended for refusal, and specifies that all merits-based refusals must be referred to Council for consideration. Only applications where insufficient information has been submitted can be considered for refusal by DAU and the Development Services Manager, however in this case, the Practice Note outlines that all Councillors must be advised (in writing), of an intended refusal and be provided with three (3) days in which to call-up the matter to a Council meeting for consideration/determination.

Planning and Environment

Report No. PE57/2018

Planning and Environment



As outlined previously in this report, neither the sub-delegations nor the Practice Note allow officers (including Team Leader Development Assessment, Senior Planning Assessment Officer and Planning Assessment Officer), to determine any applications that receive any objection or propose any variation. This effectively means that, in the event as little as one (1) objection is received to an application, the officer must refer the matter to the DAU for consideration. This is considered very restrictive and can result in delays associated with preparing a report for referral to the DAU, and consideration of the matter by both the DAU and Council's Development Services Manager.

On the basis of the above, it is considered there is scope to review the current sub-delegated functions and the Practice Note, with the intention of ensuring that applications are determined with minimal delay, thereby improving Council's processing times. Such review could be carried out as part of the next scheduled delegations review which will occur within 12 months following the next election in accordance with S380 of the *Local Government Act 1993*.

2. Department of Planning and Environment – 'Development Assessment Best Practice Guide', March 2017

In March 2017, the Department of Planning and Environment published the 'Development Assessment Best Practice Guide', which aims to assist Councils with delivering NSW housing targets. The Guide outlines a number of best practice processes and procedures, with the aim being to improve determination times through the implementation of such processes and procedures.

The best practice principles and approaches outlined in the Guide relate to the assessment process, specifically, the following aspects:

- Pre-lodgement;
- Lodgement, notification, referral and allocation;
- Assessment;
- Determination; and
- Post-determination.

At the time the Guide was released in March 2017, the relevant Managers within the Planning and Environment Directorate met to discuss the processes and principles outlined in the Guide. It was confirmed that Council had already implemented the majority of the principles and approaches outlined in the Guide.

The Department of Planning and Environment are currently meeting with Councils within NSW to obtain their feedback in relation to the Guide, and to ascertain whether Councils have introduced new processes/procedures as a result of publication of the Guide. Representatives from the Department of Planning and Environment met with relevant staff at Council on 15 August 2018 to obtain feedback in relation to the Guide, where it was acknowledged that Council's processes and procedures were generally consistent with those identified in the Guide.

The Guide provides a number of best practice principles in respect of delegations, the details of which are contained within the 'determination' section of the Guide. Specifically, the Guide notes that *'development assessment delegations should be maximised and standardised to ensure a consistent and efficient decision making process'*.

Planning and Environment

Report No. PE57/2018

Planning and Environment



The Guide outlines that Council's General Manager and planning staff should determine DA's, other than in certain situations. The following table compares the situations identified in the Guide, and provides a summary of Council's existing delegations in respect of those situations:

Table: Situations where applications should be referred to Council for consideration/determination:

Development Assessment Best Practice Guide	Council's Delegations
Where there are more than 10 objections by way of individual submissions from different households (note that a petition or pro-forma document is counted as 1 objection).	Where there is 'significant' objection received. Council's Development Practice Note – G3, 'Delegations for Determination of Development Applications', provides a rule of thumb that 'significant' objection is where more than 50% of people notified object by raising issues relative to the application.
The development does not comply with an adopted Council policy (including a development control plan), development standard in a local environmental plan unless, in the opinion of the assessment officer: <ul style="list-style-type: none"> Compliance with the policy is unreasonable and unnecessary; Any variation of a development standard has been addressed in accordance with Clause 4.6 or any other requirements of the Council's local environmental plan 	Where there is 'significant' variation proposed. Council's Development Practice Note – G3, 'Delegations for Determination of Development Applications', provides a rule of thumb that 'significant' variation is where a variation of more than 25% to an adopted policy, is proposed. In addition to the above, in accordance with the provisions of Planning Circular PS 08-014 (published by the then NSW Department of Planning), dated 14 November 2008, any application which proposes a variation of greater than 10 percent to a development standard, must be referred to Council for determination.
The development is of regional or state significance	Not required to be specifically outlined in Council's delegations, as all applications of regional or state significance must be determined by the relevant consent authority, as prescribed in the state environmental planning policy.
Notification in writing has been received by at least three councillors that the DA is required to be referred to the elected Council for determination.	Notification in writing has been received by at least three councillors that the DA is required to be referred to the elected Council for determination.

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From the comparison table, it is clear that Council's delegations closely mirror those outlined within the Guide, with the exception of applications recommended for refusal, and 'minor' objection/variation.

The issue relating to refusal of applications, along with those proposing 'minor' variation/receiving 'minor' objection, has been addressed previously in this report. It is considered that there is scope to review Council's delegations with respect to these circumstances, hence this report recommends that Council review all delegations associated with the determination of development applications and S4.55 applications, during the next scheduled delegations review which will occur within 12 months following the next election in accordance with S380 of the *Local Government Act 1993*.

3. *Reporting Development Applications which Propose 24 Hour Operations to Council*

A review of Council's current delegations has concluded that the existing delegations are considered adequate to address the determination of applications proposing 24 hour trading, and that satisfactory methods are available to report these matters to Council if required. For example, applications proposing 24 hour operations may either be called-up to Council by at least three Councillors, or alternatively, in the event the application is publicly exhibited and significant objection is received, the application is required to be referred to Council for consideration/determination.

Notwithstanding the above, Council could resolve to direct that all applications proposing 24 hour trading be referred to Council for determination. In the event this new delegation was introduced, Council staff would be unable to determine development applications that incorporated a 24 hour trading component under delegation, and would instead be required to refer all such applications to Council for determination.

4. *Applications Proposing 24 Hour Trading Approved in the Past 12 Months*

In the past 12 months, Council has considered and determined a total of two (2) development applications incorporating a 24 hour trading component.

The details relating to the relevant applications, are outlined below:

Development Application No. 8/2017/148/1 proposing the extension of trading hours of the McDonalds drive-thru facility to allow for 24 hours, 7 days a week trading for a 12 month trial

The abovementioned development application sought to allow the drive-thru to operate 24 hours/7 days a week for a 12 month trial, at Cessnock McDonalds (12-14 Allandale Road, Cessnock).

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The below table identifies the number of submissions received during the various exhibition periods:

Exhibition periods	Total number of submissions received	Households represented
'Original DA exhibition period'	22	20
'Amended DA exhibition period'	20 and 1 petition (containing 48 signatures)	13

The number of submissions received was considered 'significant' in accordance with the provisions of Council's Development Practice Note – G3, 'Delegations for Determination of Development Applications'. For this reason, the development application was referred to Council for determination. In addition, the application was called-up to a Council meeting by three (3) Councillors.

The development application was determined at Council's meeting of 6 June 2018 by way of refusal.

Development Application No. 8/2017/750/1 proposing construction of a service station, advertising signage and ancillary landscaping works

The abovementioned development application proposed to construct a service station that would operate 24 hours/7 days a week, at 47-49 Northcote Street, Kurri Kurri.

14 properties were notified of the development application. In response, 5 submissions were received, one (1) of which provided 'conditional support'. Therefore, a total of four (4) objections were received in respect of the application.

Expressed as a percentage, 28.5% of properties notified objected to the proposal. The number of submissions received was not considered 'significant' in accordance with the provisions of Council's Development Practice Note – G3, 'Delegations for Determination of Development Applications'. For this reason, the development application was considered by Council's Development Assessment Unit (DAU). Following consideration by DAU, the application was approved by Council's Development Services Manager on 22 June 2018.

In summary, in one of the above cases, the development application was referred to Council for consideration as it attracted 'significant' objection, and notwithstanding, was called-up to a Council meeting by three (3) Councillors. In the other case, the development application was not required to be referred to Council for consideration as it did not attract 'significant' objection and could therefore be considered by Council's DAU.

OPTIONS

1. Council may resolve in accordance with the report recommendation; or
2. Council may resolve differently in respect of any of the issues identified, for example:
 - to direct that all applications proposing 24 hour operations be referred to Council for determination, or

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- that a comprehensive review of the General Manager's delegations be carried out within a prescribed timeframe, i.e., earlier than the next scheduled delegations review which will occur within 12 months following the next election in accordance with S380 of the *Local Government Act 1993*.

CONSULTATION

Director Planning and Environment

STRATEGIC LINKS

a. Delivery Program

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

This matter also relates to the Community's Desired Outcome for "*Civic Leadership and Effective Governance*".

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

In the event Council resolves differently to the recommendation, it may be necessary to review the current adopted policy known as Development Practice Note – G3, 'Delegations for Determination of Development Applications'.

b. Financial Implications

N/A

c. Legislative Implications

All delegations, including the manner in which they are delegated, must be in accordance with the provisions of the *Local Government Act 1993*.

d. Risk Implications

In the event Council resolves differently to the recommendation, there may be resultant risks to Council's determination times. For example, in the event all applications proposing 24 hour trading are referred to Council for determination, including those that have not been called-up to Council, or have not attracted significant objection, delays may occur in preparing an assessment report and/or waiting for the next available Council meeting to refer the application to.

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e. Other Implications

N/A

CONCLUSION

A review of this matter has concluded that the existing delegations are considered adequate to address the determination of applications proposing 24 hour operations, and that satisfactory methods are available to report these matters to Council if required.

ENCLOSURES

There are no enclosures for this report.

Planning and Environment

Report No. PE58/2018

Planning and Environment



SUBJECT: *MINUTES OF THE EXTRAORDINARY STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING HELD ON 19 SEPTEMBER 2018*

RESPONSIBLE OFFICER: *Assistant Strategic Planner - Hannah McCauley*

RECOMMENDATION

That the Minutes of the extraordinary Strategic Property & Community Facilities Committee meeting held on 19 September 2018 be adopted as a resolution of the Ordinary Council.

MINUTES OF EXTRAORDINARY STRATEGIC PROPERTY & COMMUNITY FACILITIES COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN ANTE ROOM ON WEDNESDAY, 19 SEPTEMBER 2018, COMMENCING AT 2:30PM

PRESENT: His Worship the Mayor, Councillor B Pynsent (in the Chair) and Councillors Lyons and Sander.

IN ATTENDANCE: General Manager
Director Planning & Environment
Director Works & Infrastructure
Director Corporate & Community
Strategic Planning Manager
Project Manager – Strategic Property Review (JO)
Project Manager – Strategic Property Review (DL)
Councillors Fitzgibbon (Alternate), Burke, Doherty

APOLOGIES: *Councillor Dunn*

APOLOGY **Moved:** Councillor Lyons **Seconded:** Councillor Sander
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That the apology tendered on behalf of Councillor Dunn, for unavoidable absence, be accepted.

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OFFICER'S REPORTS

OFFICER'S REPORTS NO. PE55/2018

SUBJECT: VINEYARD GROVE STAGE 8 DEVELOPMENT - ROAD RESERVE WIDTHS

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

That Council progress Stages 1 and 2 in a S4.55 application, and that Council progress the planning proposal and investigate the provision of increased road widths in Saxonvale Grove and report back to the committee.

CARRIED UNANIMOUSLY

The Meeting Was Declared Closed at 2:55pm

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC68/2018

Corporate and Community Services



SUBJECT: *FINANCIAL ASSISTANCE GRANT 2017-18 -
CONSIDERATION OF RESERVE ALLOCATION*

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

SUMMARY

The purpose of this report is to provide information for Council to consider regarding the funds held in reserve for leveraging of potential grant funding opportunities.

RECOMMENDATION

That Council consider options for allocation of reserved funds of \$795,450 held for leverage of potential grant funding opportunities, noting the existing provisional allocation of \$376,100 for Council contribution under the Regional Sports Infrastructure Fund 2018 grant funding application.

BACKGROUND

Council at the meeting of 21 March 2018 resolved to retain \$795,450 in reserve for potential leverage against grant funding opportunities and that six monthly reports be provided in regards to these reserve funds.

REPORT/PROPOSAL

Council at the meeting of 21 March 2018 considered two reports and resolved:

CC22/2018 Financial Assistance Grant 2017-18 – Consideration of Reserve Allocation

- 1. That the reserve funds of \$249,068 from the general purpose component of the financial assistance grant be retained in reserve for use as leverage as matching funds for future grant opportunities.**
- 2. That the reserve of these funds be reviewed on a 6 monthly basis.**

CC23/2018 Natural Disaster Funding - 2015 Storm Event

- 1. That Council note the funds received of \$546,382 from the Natural Disaster Relief Assistance Program and that the funds are transferred to reserve for use as leverage as matching funds for future grant opportunities.**
- 2. That the appropriate adjustment be made in the next Quarterly Budget Review to reflect the funding received and transfer to reserve.**
- 3. That the reserve of these funds be reviewed on a 6 monthly basis.**

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Corporate and Community Services



Since that time there have been 2 funding opportunities considered by Council on 4 April 2018 in Report No. WI24/2018 - Stronger Country Communities Fund Round Two and Regional Sports Infrastructure Fund 2018, where these funds have been provisionally allocated as offset funding for grant applications, these being;

- Stronger Country Communities Fund Round Two - Floodlights Upgrade Baddeley Park – Project Estimate \$1,104,000, Council contribution \$276,000.
- Regional Sports Infrastructure Fund 2018 - Regional Skatepark Mount View Park – Project Estimate \$1,512,370, Council contribution \$376,100.

Council has been advised that it was unsuccessful in the floodlight upgrade application under the Stronger Country Communities Fund Round Two grant program, so the provisionally allocated funds of \$276,000 are not needed. At this stage Council has not been made aware of the outcome of the Regional Sports Infrastructure Fund 2018 funding application, so the \$376,100 should still be considered provisionally allocated.

At this time the funds held in reserve of \$795,450 have a provisional allocation of \$376,100 confirmed by Council, leaving a balance of \$419,350 unallocated, pending confirmation of the outstanding grant application.

In accordance with that resolution this report provides details of where these funds have been used and provides an opportunity for Council to consider its position in regards to the potential allocation of the remaining funds to a specific project or projects.

Specific recommendations as to where to allocate the funds are not provided as part of this report, however the options can be summarised as follows:

- Allocate to a specific project or function
- Hold the funds within a reserve for a future project or function
- Retain the funds to improve Councils operating result for the year

Dependent on the decision of Council, the appropriate adjustments will be made to the operational budget via the Quarterly Budget Review process.

OPTIONS

1. Release the funds without allocation to a project to improve the cash position.
2. Allocate to a specific project or function area.
3. Retain in reserve for a future as yet unspecified use.
4. Retain in reserve and use as a leverage for matching funds for a future grants.

CONSULTATION

Management Accountant

Corporate and Community

Report No. CC68/2018

Corporate and Community Services



STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

This report provides information in regards to the potential use of the reserved funds. If Council elects to allocate the funds the appropriate adjustment will need to be made in the next Quarterly Budget Review process to reflect such allocation.

c. Legislative Implications

Local Government Act 1993

Local Government (General) Regulation 2005.

d. Risk Implications

N/A

e. Other Implications

N/A

CONCLUSION

The report provides information for Councils consideration in regards to the funds held in reserve for potential leverage against future grant opportunities.

ENCLOSURES

There are no enclosures for this report.

Corporate and Community

Report No. CC69/2018

Corporate and Community Services



SUBJECT: *AMENDMENT OF COUNCIL RESOLUTION AND MINUTES*

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

SUMMARY

An administrative error has been identified in the Minutes dated 7 February 2018 and subsequently 19 September 2018 in reference to report numbers included. This report seeks to make an administrative amendment to the minutes to ensure they represent a true and accurate records as required by section 375 of the Local Government Act 1993 (the Act).

RECOMMENDATION

1. That Council alter resolution 403 for report BN54/2018 - Re-Instate Mount View Road adopted on 7 February 2018 by amending the report reference number to BN54/2017 - Re-Instate Mount View Road, and
2. That Council alter resolution 651 for report BN27/2018 - Cessnock Correction Centre Access Road adopted on 19 September 2018 by amending the references of BN54/2018 - Re-Instate Mount View Road within the resolution to BN54/2017 - Re-Instate Mount View Road.

BACKGROUND

- On 15 November 2017 Notice of Motion BN54/2017 - Re-Instate Mount View Road was presented to Council and was deferred to the 7 February 2018 meeting.
- On 7 February 2018, the Notice of Motion was presented to the meeting as BN54/2018 - Re-Instate Mount View Road instead of BN54/2017 - Re-Instate Mount View Road and was resolved after an amendment was made.
- On 19 September 2018, a Notice of Motion BN27/2018 - Cessnock Correction Centre Access Road was presented to the meeting and the minutes and one part of the resolution makes reference to BN54/2018 - Re-Instate Mount View Road from the 7 February 2018 meeting.

REPORT/PROPOSAL

Council staff have identified that there has been an error in the report references related to the resolution for report BN27/2018 - Cessnock Correction Centre Access Road and subsequently the minutes relating to it, with the correct report title being BN54/2017- Re-Instate Mount View Road not BN54/2018 - Re-Instate Mount View Road. The error is administrative in nature and has no effect on the actual resolution made on 7 February 2018. Subsequently, on the 19 September 2018, when Council considered report BN27/2018 - Cessnock Correction Centre Access Road, the resolution referenced the incorrect report number from the earlier meeting.

This report seeks the correction of the administrative errors so as to ensure that the minutes represent a true and accurate record as required by section 375 of the Act. This approach has been recommended following advice from the Office of Local Government (OLG).

OPTIONS

This amendment is required to ensure that the minutes represent a true and accurate record.

CONSULTATION

Governance Team and the General Manager

STRATEGIC LINKS

a. Delivery Program

Objective 5.3.8 – Carry out governance functions, provide advice and conduct education programs to comply with legislation and best practice.

b. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Section 19.9 of Councils Code of Meeting Practice requires that Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

b. Financial Implications

N/A

c. Legislative Implications

Section 375 of the Act requires that Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.

d. Risk Implications

The error is administrative in nature and has no real effect on the intent of the resolutions, but if uncorrected Council could risk failing to comply with the Act and scrutiny of the OLG.

e. Environmental Implications

N/A

f. Other Implications

N/A

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Corporate and Community Services



CONCLUSION

This report aims to correct an administrative error that has been identified in Council meeting minutes and resolutions adopted on 7 February 2018 and subsequently 19 September 2018 to ensure the minutes represent a true and accurate record as required by the Act.

ENCLOSURES

There are no enclosures for this report

Corporate and Community

Report No. CC70/2018

Corporate and Community Services



SUBJECT: ***LOCAL GOVERNMENT NSW - REQUEST FOR FINANCIAL ASSISTANCE FOR LEGAL COSTS
CITY OF SYDNEY, NORTH SYDNEY COUNCIL AND
BAYSIDE CITY COUNCIL***

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

SUMMARY

Correspondence has been received from Local Government NSW (LGNSW) advising that the Council of the City Of Sydney, Bayside City Council and North Sydney Council ("the Councils") have successfully made an application for legal assistance under the LGNSW Legal Assistance Policy and Guidelines (November 2015). Council now needs to consider this request for a voluntary contribution towards legal expenses incurred by the Councils.

RECOMMENDATION

That Council does not make a voluntary contribution of \$3,396.67 (as requested by Local Government NSW) for legal assistance for City of Sydney Council, Bayside City Council and North Sydney Council.

BACKGROUND

Councils may apply to LGNSW for legal assistance under the Legal Assistance Policy and Guidelines (November 2015). Under the Guidelines, voluntary contributions from Councils are requested if the LGNSW Board "*considers the matter to be of importance to Local Government throughout NSW.*"

REPORT/PROPOSAL

Correspondence has been received from LGNSW advising that the Councils have successfully made an application for legal assistance under the LGNSW Legal Assistance Policy and Guidelines (November 2015). The LGNSW Board "*considered that this case is of importance to local government throughout NSW*" as the appeal relates to the interpretation of Councils' obligations with respect to rates categorisation under the *Local Government Act 1993* (the Act).

The decision of the Land & Environment Court in *Karimbla Properties v Council of the City of Sydney & Ors* (<https://www.caselaw.nsw.gov.au/decision/594cae8de4b058596cba7f68>) has significant revenue implications for metropolitan Councils since it involves the rates re-categorisation of high-value inner-city parcels of land from business to residential due to high-density multi-unit residential development. The Court held that a site's rates categorisation must be changed from business to residential as soon as activities implementing a development consent commence. If the site's categorisation is not changed, the owner may at any point in the future request a change of categorisation and Council will be obliged to refund retrospectively the difference between the business rates actually paid by the owner and the residential rates that should have been levied. In addition, the Court extended the definition of "vacant land" potentially to include an unoccupied commercial building.

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The respondent Councils have appealed against the *Karimbla Properties* decision. The Court of Appeal heard the matter in late July and has reserved its decision, with Judgement expected later in the year. It is to assist with the financing of this appeal that LGNSW is seeking a voluntary contribution from Council.

A voluntary contribution is now being sought under the LGNSW Legal Assistance Policy and Guidelines and the request is provided as **Enclosure 1**. Council is not obliged to provide such assistance; however the amount of \$3,396.67 has been requested.

It is recommended that Council does not make a contribution as the subject Court decision has greater revenue implications for metropolitan councils than it has for Cessnock City Council due to its focus on the development of high-value inner-city sites for multi-unit residential development. Accordingly, Council would not derive a commensurate benefit from making such a contribution.

OPTIONS

Option 1

That Council does not make a voluntary contribution of \$3,396.67 (as requested by Local Government NSW) for legal assistance for City of Sydney Council, Bayside City Council and North Sydney Council.

This is the recommended option and the recommendation to this report reflects this position.

Option 2

That Council makes a voluntary contribution of \$3,396.67 for legal assistance for City of Sydney Council, Bayside City Council and North Sydney Council in accordance with the Local Government NSW request for a contribution and that Council funds such a contribution from within existing operational budgets, noting that there is no specific funding allocation provided for this in the Operational Plan.

CONSULTATION

Executive Leadership Team
Finance and Administration Manager
Operations Accountant
Team Leader Revenue

STRATEGIC LINKS

a. Delivery Program

This report is a part of the organisation's governance framework – in line with the community's desired outcome of: *Civic Leadership and Effective Governance*.

b. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

If Council elects not to make a voluntary contribution there will be no financial implications, however if Council elects to provide a contribution as requested there will be a negative impact on Councils operational budget as such a contribution has not been budgeted for.

c. Legislative Implications

N/A

d. Risk Implications

Provision of financial support to other NSW Councils may be considered appropriate when the matters covered are relevant to all NSW Councils and relate to the interpretation of legislation.

e. Other Implications

CONCLUSION

A voluntary contribution for legal assistance is sought under the LGNSW Legal Assistance Policy and Guidelines (November 2015). It is recommended that Council does not make a contribution as the subject Court decision has greater revenue implications for metropolitan councils than it has for Cessnock City Council due to its focus on the development of high-value inner-city sites for multi-unit residential development. Accordingly, Council would not derive a commensurate benefit from making such a contribution.

ENCLOSURES

- 1** Local Government NSW - Request for Financial Assistance

Corporate and Community

Report No. CC71/2018

Corporate and Community Services



SUBJECT: ***TENDER T1819-04 FOR ELECTRICAL SERVICES AND MAINTENANCE***

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

SUMMARY

Evaluation and Selection of tender for Tender No. T1819-04 - Electrical Services and Maintenance.

RECOMMENDATION

That Council accept the Tender from Hartcher Hall Pty Ltd for a schedule of rates for services under T1819-04 - Electrical Services and Maintenance with the contract term from 1 October 2018 to 30 June 2020 with an option for 3 x 12 month contract extensions based on satisfactory supplier performance.

BACKGROUND

Electrical maintenance and installations on buildings and facilities located throughout the local government area are currently contracted under Tender T1213/03.

The scope of services under the contract includes specific programmed maintenance, reactive maintenance/repair works and electrical installations at seventy three nominated sites throughout the Local Government Area.

Specific programmed maintenance includes biannual inspections of Council buildings, facilities and community halls and involves the following checks:

- Electrical switches;
- Polarity of Power points;
- Lighting (including any sensors);
- Emergency Lighting and Exits Lights meet the relevant Australian Standards (including annual replacement of tubes);
- Circuits;
- Alarm Systems;
- Sub-boards;
- Residual Current Device's (RCD's);
- Meter box hot spots and
- Testing and tagging portable appliances.

The specific programmed maintenance "charge per visit" cost is primarily for labour services but includes travelling costs to the various sites.

Reactive maintenance is works identified through reporting mechanisms such as Council Officers and Community Groups. Most reactive maintenance work is completed between 6am to 6pm, and the labour charge per hour rate generally includes travelling time to the work.

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**REPORT****Request for Tender**

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The RFT called for a schedule of rates tender for the Electrical Services and Maintenance.

Invitation

Council invited Tenders on Tuesday 16 August 2018 on the e-tender portal, Tenderlink and advertised as shown in **Table 1**.

Table 1 - Advertisements		
Publication	Day	Date
Sydney Morning Herald	Saturday	18 August 2018
Newcastle Herald	Saturday	18 August 2018

Addenda

There were no addenda issued during the tendering period.

Closure

Tenders closed on 2 September 2018 with a total of six tenders received.

Evaluation of Tenders

Tender Evaluation Team: In accordance with *CCC Procurement Procedure*, a Tender Evaluation Team (TET) was formed with the following members:

- Building Projects Coordinator
- Building Maintenance Coordinator
- Corporate Governance Officer

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting of tenders
4. Weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

1. Assessment of Receipt

The tenders received were assessed against the first threshold criteria as shown in **Table 2**.

Table 2 - Threshold Criteria	
Criterion 1	Submission on time

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Six tenders were received as listed in **Table 3**.

Table 3 - Tenders Received			
Tender	Tenderer	Business Address	Criterion 1
1	Hartcher Hall Pty Ltd	Cessnock	On time
2	Mullane Maintenance Pty Ltd	Sandgate	On time
3	Newcastle Electrical Services Pty Ltd	Metford	On time
4	Platinum Electricians Maitland	Telarah	On time
5	Rees Electrical Pty Ltd	Hornsby	Late
6	Sine Industries Pty Ltd	Beresfield	On time

Five tenders were received on time, met threshold Criterion 1, and was progressed to the next stage of evaluation.

Rees Electrical submission was received after the close of tender and confirmed that tenderer had logged on 30 minutes before the close of tender and had not actioned an upload of the tender. Therefore they were deemed late and non-conforming.

2. Assessment of Conformance

The tender was assessed for conformance with the remaining threshold criteria shown in **Table 4**.

Table 4 - Threshold Criteria	
Criterion 2	Conformance with the Request for Tender documents
Criterion 3	Safety, quality and environmental management capacity
Criterion 4	Satisfactory financial capacity

No Tenders contained qualifications that required clarification.

3. Shortlisting

With only five tenderers received, shortlisting was not considered necessary and all tenderers were progressed to the next stage of evaluation.

4. Weighted Evaluation

Each tender was assessed and a weighted evaluation was carried out to determine the suitability of the tenderers to carry out the works. The Tenderers were evaluated using the weighted evaluation criteria shown in **Table 5**:

Table 5 - Weighted Evaluation Criteria	
Criterion 5	Annual Programmed Cost;
Criterion 6	Additional Labour Cost;
Criterion 7	Physical Resources;
Criterion 8	Company experience and past performance;
Criterion 9	Safety, environmental, and quality management performance.

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To assess the tender against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the tender amounts and weighted evaluation is provided as confidential **Enclosure 1**.

5. Due Diligence

Reference checks were performed on the two highest evaluated tenderers, with the preferred tenderer scored extremely well and the other scored average.

Hartcher Hall Pty Ltd is currently contracted to Council to perform Electrical Services and has performed above expectations and without issues.

The evaluation panel recommendation is that Tender 1 from Hartcher Hall Pty Ltd is the preferred tenderer based on the evaluation score and that they are the incumbent supplier.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender 1 from Hartcher Hall Pty Ltd met the requirements of the RFT and recommended acceptance of Tender 1.

7. Independent Review

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Procedure,*
- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

OPTIONS

Option 1:

That Council accept the Tender from Hartcher Hall Pty Ltd for a schedule of rates for services under T1819-04 - Electrical Services and Maintenance with the contract term from 1 October 2018 to 30 June 2020 with an option for 3 x 12 month contract extensions based on satisfactory supplier performance.

Option 2:

- That Council decline to accept the tender.
- That Council recalls the tender and completes the process again.

This option is not the preferred option as a suitable result was achieved by the tender process. The period of Council conducting another tender process would likely negatively impact on the completion of the Delivery Program and maintenance works. There is a likelihood that the results will remain the same as the current tender process.

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CONSULTATION

The following officers were consulted during the tender process:

- Building Maintenance Coordinator
- Building Projects Coordinator
- Corporate Governance Officer
- Recreation and Community Liaison Officer
- Operations Accountant
- Senior Contracts & Tendering Officer

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of the Delivery Program 2017 – 21

- Objective 1.2: Strengthening Community Culture

b. Other Plans

- Buildings Asset Management Plan (2017).

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

The tender process has been carried out in accordance with Council's Procurement Policy 2018 to ensure compliance with the Local Government Act 1993.

d. Financial Implications

Based on the rates submitted by the preferred tenderer for both the Specific Programmed Maintenance and the Reactive Maintenance, Hartcher Hall Pty Ltd the estimated contract sum over the two years is \$363,200. This expenditure will be funded under Council's Operational Plans.

e. Legislative Implications

The procurement process complies with the NSW Local Government Act 1993, Part 7 of the NSW Local Government (General) Regulation 2005, Cessnock City Council's Procurement Policy and the requirements of the NSW Government Code of Practice for Procurement and Implementation Guidelines.

The specific programmed maintenance works will be carried out to meet requirements of the following Australian Standards AS2293-2005, AS3760-2010 and AS1851-2012.

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f. Risk Implications

By requiring the provision of the following information in the tender submission the evaluation panel has been able to assess and minimise Council's exposure to business risks:

- a. Financial capacity
- b. Insurances
- c. Physical Resources
- d. Previous Experience
- e. References
- f. Quality Assurance
- g. Work Health & Safety
- h. Ecologically Sustainable Development

Additionally Council has engaged the services of BNG Conserve to assist in ensuring that all contractors engaged by Council have relevant and current insurance policies, have effective OH&S procedures & SWMS. BNG Conserve will carry out, the following activities on Council's behalf:

- a) Keep records of and verify authenticity of Certificates of Currency for the following insurance policies:
 - Workers Compensation
 - Public Liability (\$20 mill or greater)
 - Comprehensive Motor Vehicle
- b) Verify that the Applicant and any nominated employees who may work on Council sites have current Green Cards and licenses/tickets as required under the Contract.
- c) Keep on record all relevant Safe Work Method Statements.

Contractors are required to register with BNG Conserve and supply all relevant documentation requested by BNG Conserve to become an accredited supplier to Council.

Successful Tenderers will be advised on the BNG Conserve registration process in their letter of acceptance and will be given three months from the date of the Letter of Acceptance to become fully accredited with BNG Conserve. Contractors that fail to achieve accreditation may not be eligible for any further work with Council.

g. Other Implications

N/A

OPTIONS

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
 - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*

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- (2) A council must ensure that every contract it enters into as a result of a tender accepted by the council is in accordance with the tender (modified by any variation under [clause 17](#)). However, if the successful tender was made by the council (as provided for in [section 55](#) (2A) of [the Act](#)), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
- (3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
- (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with [clause 8](#), 9 or 10, fresh tenders based on the same or different details,
 - (c) invite, in accordance with [clause 9](#), fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with [clause 10](#), fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract,
 - (f) carry out the requirements of the proposed contract itself.
- (4) If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d).

CONCLUSION

The assessment by the evaluation team has determined that Hartcher Hall Pty Ltd has provided the most advantageous offer to Council for the scheduled and reactive maintenance electrical works on Council buildings and is therefore the preferred supplier for both components of this contract. Hartcher Hall Pty Ltd is also recommended for new electrical installation work.

ENCLOSURES

- 1** Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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SUBJECT: ***TENDER T1718-16 FOR DETAILED DESIGNS AND CONSTRUCTION DRAWINGS FOR BRIDGES HILL PLAYGROUND AND ACCESS IMPROVEMENTS***

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

SUMMARY

Evaluation and selection of tender for Tender No. T1718-16 Detailed Designs and Construction Drawings for Bridges Hill Playground and Access Improvements.

RECOMMENDATION

That Council accept the tender (T1718-16) from Moir Landscape Architecture Pty Ltd in the lump sum of \$186,450 (including GST) for the detailed designs and construction drawings for Bridges Hill Playground and Access Improvements.

BACKGROUND

A Masterplan was developed for Bridges Hill Park in 2016 identifying the need to upgrade the existing playground into a regional themed playground comprising natural landscape features and adventure elements.

In 2017 Council adopted the Bridges Hill Playground and Access Improvements Concept Design and the preparation of this tender is to develop the detailed designs and construction drawings for stages 2a to 8 plus the access improvement construction drawings (Excluding Stages 1, 2b, 5 and 6 currently under construction).

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was AS 2124- 1992 *General Conditions of Contract*. The RFT called for a lump sum tender for detailed designs and construction drawings for Bridges Hill Playground and Access Improvements.

Invitation

Tenders were invited on Thursday 2 August 2018 on Council's e-tender portal, Tenderlink and advertised in the following publications:

Publication	Day	Date
Newcastle Herald	Saturday	24 August 2018
Sydney Morning Herald	Tuesday	21 August 2018

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Addenda

The following addenda were issued via the Tenderlink website to all prospective tenderers during the invitation period:

No.	Date	Description
1	Friday 3 August 2018	Document Uploads

Closure

Tenders closed 2pm Friday 7 September 2018.

Evaluation of Tenders

Tender Evaluation Team: In accordance with *Cessnock City Council Procurement Procedure*, a Tender Evaluation Team (TET) was formed with the following members:

- Project Manager, Works & Infrastructure
- Vegetation & Civic Spaces Coordinator, Works & Infrastructure
- Senior Contracts & Tendering Officer, Corporate & Community

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting of tenders
4. Weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by the Manager Open Space & Community Facilities prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria:

Threshold Criteria	
Criterion 1	Submission on time

The following tender was received:

Tender	Tenderer	Business Address	Criterion 1
1	Moir Landscape Architecture Pty Ltd	88 Fern Street, Islington NSW 2296	On time

The tender was received on time and met threshold Criterion 1.

2. Assessment of Conformance

The tender was then assessed for conformance with the remaining threshold criteria:

Threshold Criteria	
Criterion 2	Conformance with the RFT documents.
Criterion 3	Demonstrated capacity to manage the works including satisfactory safety, environmental and quality management systems.
Criterion 4	Satisfactory financial capacity.

The tender included a number of qualifications that were subsequently clarified.

The tender was considered conforming in threshold Criteria 2, 3 and 4, and was progressed to the next stage of evaluation, subject to the financial capacity of the tenderer to be confirmed at the Due Diligence stage of evaluation.

3. Shortlisting

With only one tender received, shortlisting was not necessary and the tender was progressed to the next stage of evaluation.

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria:

Criterion 5	Total Tender Price
Criterion 6	Contract Program
Criterion 7	Management and staff resources
Criterion 8	Experience in required field
Criterion 9	Capabilities and Methodology

To assess the tender against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the tender amounts and weighted evaluation is provided as confidential **Enclosure 1**.

5. Due Diligence

Referee checks were carried out on contractors considered favorable.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender 1 from Moir Landscape Architecture Pty Ltd met the requirements of the RFT and recommended acceptance of Tender 1.

7. Independent Review

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Procedure,
- Local Government Act 1993, and
- Local Government (General) Regulation 2005.

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TIME FRAME

Submissions of a program, to undertake all preconstruction services within a 32 week contract period formed part of the tender process. The anticipated program is listed below:

Document	Time when documents are required
Stage 2a, B2 and multi purpose court Detailed Design Drawings.	Within 3 weeks of the letter of Acceptance
Stage 2a, B2 and mutli purpose court Construction Drawings.	Within 5 weeks of the letter of Acceptance
Stage 3, 4, 7, B1 and B3 Detailed Design Drawings.	Within 11 weeks of the letter of Acceptance
Stage 3, 4, 7, B1 and B3 Construction Drawings.	Within 13 weeks of the letter of Acceptance
Car Park Improvements. Yango and Millfield Street Lower to Millfield Street Upper Pedestrian link Detailed Design Drawings.	Within 19 weeks of the letter of Acceptance
Car Park Improvements. Yango and Millfield Street Lower to Millfield Street Upper Pedestrian link Construction Drawings.	Within 22 weeks of the letter of Acceptance
Cumberland Street to Convent Hill Pedestrian Link. Victoria Street Access Stairs Detailed Design Drawings.	Within 28 weeks of the letter of Acceptance
Cumberland Street to Convent Hill Pedestrian Link. Victoria Street Access Stairs Construction Drawings.	Within 32 weeks of the letter of Acceptance

LOCAL CONTENT

Local content scoring was not applicable to this tender, due to the result and the tenderer being located in the Hunter region.

OPTIONS

Option 1:

That Council accept the tender (T1718-16) from Moir Landscape Architecture Pty Ltd in the lump sum of \$186,450 (including GST) for the detailed designs and construction drawings for Bridges Hill Playground and Access Improvements.

Option 2:

Decline to accept any offers and negotiate with other service providers.

This option is not recommended as it will negatively impact on the project program.

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CONSULTATION

The following officers were consulted during the tender process:

- Manager Open Space & Community Facilities
- Project Manager
- Recreation & Community Facilities Planner
- Vegetation & Civic Spaces Coordinator
- Operations Accountant
- Senior Contract & Tendering Officer

Communication about progress of the works will be ongoing. For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

STRATEGIC LINKS

a. Delivery Program

Acceptance of the tender will contribute to achieving the following objectives of:

2017-21 Delivery Program:

- Objective 3.2 Better utilisation of existing open space
 - Objective 3.2.3 Continue to implement the adopted masterplans for Council's recreation & community facilities and spaces
 - Objective 3.2.4 Provide and maintain recreation facilities, streetscapes and public open space

b. Other Plans

- Recreation and Open Space Strategic Plan
- Bridges Hill/Convent Hill and East End Oval Masterplan

IMPLICATIONS

a. Policy and Procedural Implications

The tender process has been carried out in accordance with:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Procedure,*
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

b. Financial Implications

The tender from Moir Landscape Architecture Pty Ltd with a cost of \$186,450 is within the anticipated budget and the project will be fully funded by a number of successful grant application, including the National Stronger Regions. Stronger Country Communities, Restart NSW, Social Housing Community Improvement Fund.

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c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

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d. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Satisfactory financial capacity,
- Demonstrated capacity to manage the works;
- Adequate levels of insurances.

The authenticity of the Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation,
- Public Liability (\$20M or greater),
- Comprehensive Motor Vehicle,
- Professional Indemnity, and
- Insurance of the Works.

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

- AS/NZS 4801:2001 - Occupational Health and Safety Management Systems
- AS/NZS ISO 14001:2004 - Environment Management Systems
- AS/NZS ISO 9001:2000 - Quality Management Systems

e. Other Implications

By providing opportunities for social interaction, recreational settings such as parks and sportsgrounds can help enhance community identity and promote community integration. Individuals can learn and share community values and gain a better understanding of the associated history of the sportsground and its surrounding area.

CONCLUSION

The tender from Moir Landscape Architecture Pty Ltd, in the lump sum amount of \$186,450 (including GST) offers the best value for money for the detailed designs and construction drawings for Bridges Hill Playground and Access Improvements. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- 1** T1718-16 Detailed Designs & Construction Drawings Bridges Hill ~ Evaluation Form - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

SUBJECT: ***TENDER EVALUATION REPORT T1819-02
WHITINGS BRIDGE REPLACEMENT***

RESPONSIBLE OFFICER: ***Design and Project Engineer - Renae Leayr
Infrastructure Manager - Katrina Kerr***

SUMMARY

Evaluation and selection of tender for Tender No. T1819-02 – Whittings Bridge Replacement, Quorrobolong Road, Quorrobolong.

RECOMMENDATION

That Council accept the tender from Kenpass Pty Limited in the lump sum amount of \$841,830 (including GST) for Whittings Bridge Replacement.

BACKGROUND

Whittings Bridge is a timber structure on Quorrobolong Road over Cony Creek at Quorrobolong.

The bridge is significantly deteriorated and restrictive remediation measures have been required to maintain service. Additional central girders were added and the kerb rails re-positioned to a single narrow lane to ensure vehicles traversed the central, least damaged section of the bridge. There has been a reduced speed limit over the bridge of 40 km/hr for some time. A condition and load capacity assessment of the bridge conducted by Local Government Engineering Services indicated critical structural elements of the bridge would require replacement in order to remove the speed limit restrictions and restore the travel lanes.

A performance specification was prepared to procure a bridge to provide two travel lanes, and remove the reduced speed limit. The general scope of works included provision for a side track to cater for local traffic and light vehicles.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was *AS4902-2000 General conditions of contract for design and construct*. The RFT called for a lump sum tender for the replacement of Whittings Bridge, Quorrobolong Road, Quorrobolong.

Invitation

Tenders were invited on 7 August 2018 on Council's e-tender portal, Tenderlink and advertised in the publications shown in **Table 1**.

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Works and Infrastructure**Table 1 – Advertisements**

Publication	Day	Date
Newcastle Herald	Saturday	4 August 2018
Sydney Morning Herald	Tuesday	7 August 2018

Addenda

The following addenda were issued via the Tenderlink website to all prospective tenderers during the invitation period as shown in **Table 2**.

Table 2 – Addenda

No.	Date	Description
1	14 August 2018	Attachments and Returnable Tender Schedules in Word format
2	17 August 2018	Extension of Closing Date
3	17 August 2018	Provision of survey in CAD format
4	17 August 2018	Request for Tender Documents re-issued
5	20 August 2018	Renamed Tender Documents
6	20 August 2018	Pre-Tender Meeting Minutes

Closure

Tenders closed 2pm Tuesday 4 September 2018.

Evaluation of Tenders

Tender Evaluation Team: In accordance with *CCC Procurement Procedure*, a Tender Evaluation Team (TET) was formed with the following members:

- Design and Project Engineer, Infrastructure
- Traffic Engineering Officer, Infrastructure
- Operations Accountant, Financial Services

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting of tenders
4. Weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Tender Evaluation Plan, reviewed by the Infrastructure Manager prior to tenders being invited.

1. Assessment of Receipt

Tenders were received and assessed against the first threshold criteria as shown in **Table 3**.

Table 3 – Threshold Criteria

Threshold Criteria	
Criterion 1	Submission on time

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The following tenders were received and are listed in alphabetical order in **Table 4**.

Table 4 – Tenders Received

Tender	Tenderer	Business Address	Criterion 1
1	Bridgeworks (Aust) Pty Ltd	703 Bourke Street Surry Hills NSW 2010	On time
2	Gongues Constructions Pty Ltd – Offer 1 (Conforming)	110 Stenhouse Drive Cameron Park NSW 2285	On time
3	Gongues Constructions Pty Ltd – Offer 2 (Conforming)	110 Stenhouse Drive Cameron Park NSW 2285	On time
4	Kenpass Pty Limited	77 Williams Road Saddleback Mountain NSW 2533	On time
5	Saunders Civilbuild Pty Ltd	74 Kalaroo Road Redhead NSW 2290	On time
6	Timber Restoration Systems Pty Ltd	35-37 Beachmere Road Caboolture QLD 4510	On time
7	Waeger Constructions Pty Ltd	17 Shipley Drive Rutherford NSW 2320	On time

All seven tenders were received on time and were progressed to the next stage of evaluation.

2. Assessment of Conformance

The tenders were then assessed for conformance with the remaining threshold criteria as shown in **Table 5**.

Table 5 – Threshold Criteria Continued

Threshold Criteria	
Criterion 2	Conformance with the Request for Tender documents
Criterion 3	Safety, quality and environmental management capacity
Criterion 4	Satisfactory financial capacity

No tenders included qualifications that required subsequent clarification.

All seven tenders were considered conforming in threshold Criteria 2, 3 and 4. All seven tenders were progressed to the next stage of evaluation, subject to the financial capacity of those tenderers, found to be in contention, to be confirmed at the Due Diligence stage of evaluation.

3. Shortlisting

With seven competitive tenders received, shortlisting was not considered necessary. All tenders were progressed to the next stage of evaluation.

4. Weighted Evaluation

Tenders were evaluated using the following weighted evaluation criteria in **Table 6**.

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Works and Infrastructure**Table 6 – Weighted Evaluation Criteria**

Weighted Evaluation Criteria	
Criterion 5	Lump sum tender amount.
Criterion 6	Design, construction methodology, design life and annual maintenance cost.
Criterion 7	Contract program.
Criterion 8	Experience, past performance, management and staff resources offered.
Criterion 9	Safety, environment and quality management performance.

To assess tenders against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the tender amounts and weighted evaluation is provided as confidential Enclosure 1.

Tender 4 scored second highest for the tendered amount, as well as scoring competitively on all other weighted criteria. With the highest score, Tender 4 from Kenpass Pty Limited, offering at precast, two span reinforced concrete structure, was identified as the preferred tender.

5. Due Diligence

Referees, provided by the preferred tenderer, were contacted and positive comment on past performance was received. Performance on other known work was also considered.

Corporate Scorecard was engaged to independently assess the preferred tenderers' capacity to complete the proposed work. The assessment confirmed conformance with threshold Criterion 4, having current financial capacity to satisfactorily complete the work.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender 4 from Kenpass Pty Limited met the requirements of the RFT and recommended acceptance of Tender 4.

7. Independent Review

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Procedure,*
- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

TIME FRAME

Submission of a program, to describe preconstruction and construction activities within a 16-week contract period, formed part of the tender process. The anticipated program for replacement of the bridge is as follows:

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- Preconstruction
 - Design, lead time for material, fabrication: 7 weeks
 - Construction
 - Site preparation: 2 weeks
 - Installation: 6 weeks
 - Site make good: 1 weeks
- TOTAL 16 weeks

LOCAL CONTENT

Local content scoring was not applied to this tender, as all tenders received were from outside the local government area.

OPTIONS

Option 1:

- That Council accept the tender from Kenpass Pty Limited in the lump sum amount of \$841,830 (including GST) for Whittings Bridge Replacement.

This is the preferred option as the tender from Kenpass Pty Limited offers the best value for money and the contract sum and contingency are fully funded from the available project budget identified in this report.

Option 2:

- That Council decline to accept any tenders and negotiate with suitable contractors.

This option is not the preferred option as it will negatively impact on the project program and is not likely to result in value for money.

CONSULTATION

Internal Consultation: The following Council officers were consulted during the tender process:

- Infrastructure Manager
- Projects Engineer, Infrastructure
- Traffic Engineering Officer, Infrastructure
- Operations Accountant, Financial Services

External Consultation: Communication about progress of the works will be ongoing.

For residents and businesses generally, Council's website will provide information and access to a *Community Newsletter*, and Council's Facebook Page offers opportunity for feedback.

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Consultation is occurring with the following external stakeholders:

- affected schools
- Rover Coaches
- Emergency services

STRATEGIC LINKS**a. Delivery Program**

Delivery Program 2017-2021: Acceptance of the tender will contribute to achieving objectives of the program as follows:

- *Objective 4.2: Improving the Road Network*
 - Objective 4.2.2: Deliver prioritised on-ground capital works and maintenance programs.

b. Other Plans

Bridge and Major Culvert Asset Management Plan: Replacement of the bridge is in line with the relevant asset management plan adopted 6 September 2017.

IMPLICATIONS**a. Policy and Procedural Implications**

The tender process has been carried out in accordance with:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Procedure,*
- *Tendering Guidelines for NSW Local Government 2009, and*
- *NSW Government – Code of Practice for Procurement 2005.*

b. Financial Implications

Acceptance of the tender and a suitable contingency amount to administer the contract is fully funded under the adopted budget for the 2018-19 Operational Plan as shown in **Table 7**.

Table 7 – Funding

Source	Amount (GST exclusive)
Council's Bridge Construction Program 2018-19	
• General funds	\$161,600
• Financial Assistance Grants	\$276,400
• Bridges Renewal Program Grant – Australian Government	\$437,000
TOTAL Funding	\$875,000

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c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:
 - (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

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d. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Demonstrated capacity to manage the works;
- Satisfactory financial capacity; and
- Adequate levels of insurances.

The authenticity of the Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation;
- Public Liability (\$20M or greater);
- Comprehensive Motor Vehicle;
- Professional Indemnity; and
- Insurance of the Works.

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

- *AS/NZS 4801:2001 - Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2004 - Environment Management Systems*
- *AS/NZS ISO 9001:2015 - Quality Management Systems*

Regarding safety, the RFT requires the Contractor to prepare and implement a Site Specific Safety Management Plan including:

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays;
- Traffic Control Plans to manage interactions between public and construction traffic;
- Requirements for on-site workers to have current general construction induction cards (white card) and licences/tickets and induction to the site, and
- Safe Work Method Statements, kept on site, and discussed at daily pre start meeting and regular tool box talks.

e. Other Implications

NIL

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CONCLUSION

Acceptance of the tender from Kenpass Pty Limited, in the lump sum amount of \$841,830 (including GST) offers the best value for money for the replacement of Whittings Bridge. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- 1** Weighted Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

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SUBJECT: ***TENDER EVALUATION REPORT
T1718-07 GATEWAY ENTRY SIGNS AND INFORMATION
BAYS***

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

SUMMARY

Evaluation and selection of tender for Tender No. T1718-07 – Gateway Entry Signs and Information Bays.

RECOMMENDATION

That Council accept the tender from Days Building Construction Pty Ltd in the lump sum amount of \$493,302.00 (including GST) for the construction of Gateway Entry Signs and Information Bays.

BACKGROUND

Council prepared and adopted the *Cessnock Signage Strategy* and *Hunter Valley Wine Country Signage Strategy*. The Strategies provided a hierarchy of wayfinding infrastructure for tourists including Gateway Entry Signs and Information Bays.

Detailed designs for the construction of Gateway Entry Signs at Branxton, Black Hill and Brunkerville, and Information Bays at Hunter Valley Visitor Information Centre (VIC) and intersection of Broke Road and Wine Country Drive were prepared.

The locations for the above were chosen to meet the following criteria:

- vicinity of major entry point to the City,
- ample available road reserve
- adequate clear zone for traffic,
- suitable lines of sight for drivers, and
- no conflicting underground services.

Council has received grant funding under the Building Better Regions Fund to install three Gateway Entry Signs to signify to visitors their arrival to the City of Cessnock, and two Information Bays being VIC and intersection of Broke Road and Wine Country Drive to provide tourist information and a directory of tourism operators in the Wine Country region.

REPORT

Request for Tender

The Request for Tender (RFT) documents were prepared by Council officers, and reviewed by the Tender Audit Panel (TAP) before tenders were called. The form of contract selected was AS 2124 – 1992 *General conditions of contract*. The RFT called for a lump sum tender for the construction of three Gateway Entry Signs and two Information Bays.

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Tenders were invited on Monday 6 August 2018 on Council's e-tender portal, Tenderlink and advertised in the publications as shown in **Table 1**.

Table 1 - Advertisements		
Publication	Day	Date
Sydney Morning Herald	Tuesday	7 August 2018
Cessnock Advertiser	Wednesday	8 August 2018
Newcastle Herald	Saturday	11 August 2018

Addenda

There were no addenda issued during the tendering period.

Closure

Tenders closed 2pm Tuesday 28 August 2018.

Evaluation of Tenders

Tender Evaluation Team: In accordance with *CCC Procurement Procedure*, a Tender Evaluation Team (TET) was formed with the following members:

- Projects Engineer, Infrastructure,
- Traffic Engineering Officer, Infrastructure, and
- Infrastructure Accountant, Financial Services.

Evaluation Process: The evaluation was conducted according to the following process:

1. Assessment of receipt
2. Assessment of conformance
3. Shortlisting of tenders
4. Weighted evaluation
5. Due diligence checks on preferred tenderers
6. Determine evaluation result
7. Independent review of the tender selection process

The evaluation criteria and their weightings were documented in the Contract Initiation and Development Plan, reviewed by the Infrastructure Manager prior to tenders being invited.

1. Assessment of Receipt

The tender received was assessed against the first threshold criteria as shown in **Table 2**.

Table 2 - Threshold Criteria	
Criterion 1	Submission on time

One tender was received as listed below in **Table 3**.

Table 3 - Tenders Received			
Tender	Tenderer	Business Address	Criterion 1
1	Days Building Construction Pty Ltd	Mayfield West	On time

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One tender was received on time, met threshold Criterion 1, and was progressed to the next stage of evaluation.

2. Assessment of Conformance

The tender was assessed for conformance with the remaining threshold criteria shown in **Table 4**.

Table 4 - Threshold Criteria	
Criterion 2	Conformance with the Request for Tender documents
Criterion 3	Safety, quality and environmental management capacity
Criterion 4	Satisfactory financial capacity

The Tender did not contain qualifications that required clarification.

Tender 1 was considered conforming in threshold Criteria 2, 3 and 4. Tender 1 was progressed to the next stage of evaluation, subject to financial capacity to be confirmed at the Due Diligence stage of evaluation.

3. Shortlisting

With only one tender received, shortlisting was not applicable. Tender 1 was progressed to the next stage of evaluation.

4. Weighted Evaluation

Although only one tender was to be assessed, weighted evaluation was carried out to determine the suitability of the tender to carry out the works. The Tender was evaluated using the weighted evaluation criteria shown in **Table 5**:

Table 5 - Weighted Evaluation Criteria	
Criterion 5	Lump sum tender amount;
Criterion 6	Construction methodology;
Criterion 7	Contract Program;
Criterion 8	Company experience and past performance;
Criterion 9	Management and resources offered; and
Criterion 10	Safety, environmental, and quality management performance.

To assess the tender against the evaluation criteria, the TET used information obtained from the tender documents. A Weighted Evaluation Matrix, containing full details of the tender amounts and weighted evaluation is provided as confidential **Enclosure 1**.

Tender 1 from Days Building Construction Pty Ltd was identified as the preferred tender.

5. Due Diligence

Days Building Construction Pty Ltd is currently contracted to Council in projects of similar scope and has been performing well.

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Corporate Scorecard was engaged to independently assess the preferred tenderers' financial capacity. The assessment confirmed conformance with threshold Criterion 4, having current financial capacity to satisfactorily complete the work.

6. Evaluation Result

Following steps 1 to 5 of the evaluation process, the TET found that Tender 1 from Days Building Construction Pty Ltd met the requirements of the RFT and recommended acceptance of Tender 1.

7. Independent Review

The evaluation process and recommendations were reviewed by the TAP and determined to be in accordance with relevant documents and legislation:

- *Cessnock City Council Procurement Policy,*
- *Cessnock City Council Procurement Procedure,*
- *Local Government Act 1993, and*
- *Local Government (General) Regulation 2005.*

TIME FRAME

Submission of a program, to describe preconstruction and construction activities within a 10-week contract period, formed part of the tender process. The anticipated program for construction at five locations is as follows:

- Preconstruction
 - Workshop drawings: 1 week
 - Fabrication: 4 weeks
 - Construction
 - Site preparation: 1 week (concurrent)
 - Installation: 4 weeks
 - Site make good: 1 week
- TOTAL 10 weeks

LOCAL CONTENT

Local content scoring was not applied as there was only one tender.

OPTIONS

Option 1:

- That Council accept the tender from Days Building Construction Pty Ltd in the lump sum amount of \$493,302 (including GST) for the construction of Gateway Entry Signs and Information Bays.

This is the preferred option.

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Option 2:

- That Council decline to accept the tender and negotiate with suitable contractors.

This option is not recommended as it will negatively impact on the grant funded project delivery.

CONSULTATION

Internal Consultation: The following officers were consulted during the tender process:

- Economic Development Manager, Economic Development
- Works Engineer, Works & Operations
- Infrastructure Manager, Infrastructure
- Projects Engineer, Infrastructure
- Design Engineer, Infrastructure
- Traffic Engineering Officer, Infrastructure
- Roads Officer, Infrastructure
- Infrastructure Accountant, Finance & Administration

External Consultation: Communication with the community about progress of the works will be ongoing.

For residents and businesses generally, Council's website will provide information and access to a Community Newsletter, and Council's Facebook Page offers opportunity for feedback.

Direct consultation is occurring with property owners adjacent to the five locations.

STRATEGIC LINKS

a. Delivery Program

Delivery Program 2017-2021: Acceptance of the tender will contribute to achieving objectives of the program as follows:

- Objective 2.3: Increasing tourism opportunities and visitation in the area
 - Objective 2.3.1: Collaboratively identify markets and promote the local government area's tourism industry.
 - Objective 2.3.2: Promote and grow the Hunter Valley Visitor Centre.

b. Other Plans

Hunter Valley Wine Country Signage Strategy: Acceptance of the tender will contribute to implementing the adopted strategy.

Cessnock Signage Strategy: Acceptance of the tender will contribute to implementing the adopted strategy.

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**IMPLICATIONS****a. Policy and Procedural Implications**

The tender process has been carried out in accordance with:

- Cessnock City Council Procurement Policy,
- Cessnock City Council Procurement Procedure,
- Tendering Guidelines for NSW Local Government 2009, and
- NSW Government – Code of Practice for Procurement 2005.

b. Financial Implications

Operational Plan 2018-19: Acceptance of the tender and allocation of a suitable contingency amount to administer the contract is fully funded from Council's 2018-2019 Capital Works Signage Program as shown in **Table 6**.

Table 6 – Funding	
Source	Amount Exc. GST
Building Better Region Fund	\$222,000
Signage Program	\$222,000
TOTAL Funding (excluding GST)	\$444,000

c. Legislative Implications

The tender process has followed the legislative provisions, referenced in *Cessnock City Council Procurement Policy* and *Cessnock City Council Procurement Procedure*, as follows:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

In particular, reference is made to Part 7, Division 4, Clause 178 of the *Local Government (General) Regulation 2005 (Acceptance of tenders)*:

1. After considering the tenders submitted for a proposed contract, the Council must either:
 - (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or
 - (b) decline to accept any of the tenders.
2. A Council must ensure that every contract it enters into as a result of a tender accepted by the Council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the Council (as provided for in section 55 (2A) of the Act), the Council is not required to enter into any contract in order to carry out the requirements of the proposed contract.
3. A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

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- (a) postpone or cancel the proposal for the contract,
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,
 - (f) carry out the requirements of the proposed contract itself.
4. If a Council resolves to enter into negotiations as referred to in sub clause (3) (e), the resolution must state the following:
 - (a) the Council's reasons for declining to invite fresh tenders or applications as referred to in sub clause (3) (b)–(d),
 - (b) the Council's reasons for determining to enter into negotiations with the person or persons referred to in sub clause (3) (e).

d. Risk Implications

To minimise Council's exposure to business risks, the RFT required:

- Demonstrated capacity to manage the works;
- Satisfactory financial capacity; and
- Adequate levels of insurances.

The authenticity of the Contractor's certificates of currency for the following insurance policies will be verified:

- Workers Compensation,
- Public Liability (\$20M or greater),
- Comprehensive Motor Vehicle,
- Professional Indemnity, and
- Insurance of the Works.

Risks identified in relation to safety, environment and quality are mitigated by the RFT requirement for adherence to the following system standards:

- *AS/NZS 4801:2001 - Occupational Health and Safety Management Systems*
- *AS/NZS ISO 14001:2004 - Environment Management Systems*
- *AS/NZS ISO 9001:2000 - Quality Management Systems*

Regarding safety, the RFT requires the Contractor to prepare and implement a Site Specific Safety Management Plan including:

- Traffic Management Plan to manage broader traffic implications such as heavy vehicles and delays,
- Traffic Control Plans to manage interactions between public and construction traffic,

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- Requirements for on-site workers to have current general construction induction cards (white card) and licences/tickets and inducted to the site, and
- Safe Work Method Statements, kept on site, and discussed at daily tool box talks.

e. Other Implications

Economic Benefits: Economic development benefits are anticipated as the Gateway Entry Signs and Information Bays will welcome the tourists and signify their arrival, and Information Bays will contribute to tourists and visitors conveniently navigating to destinations, provide a place for refreshment and setting an attractive and contemporary ambiance to the Wine Country region.

CONCLUSION

The tender from Days Building Construction Pty Ltd, in the lump sum amount of \$493,302 (including GST) offers value for money for the construction of three Gateway Entry Signs and two Information Bays. The contract sum and contingency are fully funded from the available project budget identified in this report.

ENCLOSURES

- 1** Tender Evaluation Matrix - *This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

SUBJECT: *THE PRECINCT MOUNTAIN BIKE PARK PROJECT*
RESPONSIBLE OFFICER: *Acting Director Works and Infrastructure - Geoffrey Bent*

SUMMARY

The purpose of this report is to present Council with a proposal to create a state significant "The Precinct" – Mountain Bike Park adjacent to the township of Cessnock that will serve as a youth crime diversion strategy, improve wellbeing for the population of Cessnock and form part of a network of trails connecting Newcastle to the Pokolbin Wine District. The proposed project has been assessed as eligible under the NSW Government's Regional Communities Development Fund Program and Council has been invited to submit a detailed funding application. The offer closes 12 October 2018.

RECOMMENDATION

1. That Council supports "The Precinct"- Mountain Bike Park project and endorses the lodgment of an application under the NSW Government's Regional Communities Development Fund;
2. That Council immediately promotes the benefits of the proposed project through various media platforms to increase community awareness and support for the project;
3. That if the funding application is successful a further report come back to Council detailing the final scope of development and preferred delivery and on-going management model for the project prior to the signing of any Funding Agreement.

BACKGROUND

In March 2018 a low level criminal network was found to be utilising a shanty village erected in bushland on the fringe of the township of Cessnock. The group were mounting regular night-time raids within Cessnock stealing property and vehicles then retreating to the structures which had been illegally erected upon Crown Land.

Police in collaboration with the Department of Crown Lands embarked upon Operation ECOclense to dismantle the criminal base. Once the base had been successfully removed and the land regenerated, the Department of Crown Lands set about installing bollard and cable exclusion barriers around the entire area, which consists of approximately three hundred and eighty-five hectares. This provided some protection against further degradation of the land by the illegal use of four-wheel drives, illegal dumping and arson offences.

The dialogue between Police and Crown Lands continued and it was envisaged protection of, and public benefit from the asset could be enhanced by generating a greater sense of community engagement and ownership of the property.

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Major social issues for the community of the Cessnock LGA include the widespread use of amphetamines and the resultant risk to vulnerable youth and the prolific unlawful use of unregistered off-road motorcycles upon public streets. Cessnock Police were seeking to develop a diversionary strategy to assist in overcoming these issues that impact so significantly upon the wider community.

The Officer in Charge of Cessnock Police suggested that both problems may be mitigated to some degree by the establishment of a mountain bike park and multi-use public space on the Crown Lands in question and preliminary feasibility investigations into the establishment of “**The Precinct**” – Mountain Bike Park commenced.

On 11 September 2018 Council received correspondence from NSW Department of Premier & Cabinet notifying of a funding opportunity under the Regional Communities Development Fund to support “**The Precinct**” – Mountain Bike Park project. Council is being asked to lodge an application under the NSW Government's Regional Communities Development Fund as this program is not available to NSW State agencies (i.e. NSW Police).

Given the project is being driven by external parties, Council does not have it listed as a priority in its four year Delivery Program. As such, this report provides a brief overview of the proposed project and seeks to determine whether Council wishes to commit to the project and lodge a funding application before the closing date of 12 October 2018.

REPORT/PROPOSAL

The Funding Opportunity

Introduction

The NSW Government has allocated \$80 million to establish the Regional Communities Development Fund. The fund is part of the government's \$1.3 billion Regional Growth Fund to support growing regional centres, activate local economies and improve services.

The Regional Communities Development Fund provides an opportunity for projects that are highly valuable to their communities, but may not have a benefit-to-cost ratio above one, to be considered for funding.

Objectives

The Fund is designed to identify and support projects that:

- demonstrate high levels of community support
- deliver social, economic, environmental or cultural benefits to communities in regional NSW
- have not been successful through other Regional Growth Fund or Restart NSW Fund programs.

Funding

Up to \$80 million will be available in the first round.

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Eligible organisations

Organisations eligible to apply for the Regional Communities Development Fund include:

- local councils
- Joint Organisations of Councils
- incorporated not-for-profit organisations
- peak industry or sporting bodies
- Aboriginal organisations including Aboriginal Land Councils.

Eligible locations

Projects must be located in one of the 93 regional local government areas in NSW, the Unincorporated Far West area or Lord Howe Island.

Eligible projects

Only projects nominated by Members of Parliament (MPs) representing regional NSW are eligible. Projects must meet all the following criteria:

- be a capital project involving the construction of new infrastructure, or the upgrade, refurbishment or extension of existing infrastructure
- seek funding of between \$500,000 and \$20 million
- have a minimum financial co-contribution of 25 per cent of the total grant amount if seeking over \$1 million in grant funds (unless an exemption for hardship or disadvantage has been granted) **Note: Cessnock has been granted an exemption for hardship and disadvantaged.**
- be ready to commence within 16 weeks of executing the funding deed
- have construction completed by 31 December 2020
- have been previously submitted and been unsuccessful or ineligible under a NSW Government Regional Growth Fund program or other Restart NSW Fund program; or the applicant can provide written evidence that the project or applicant has faced significant barriers to submitting the project under a Regional Growth Fund or Restart NSW fund program.

Ineligible projects

Projects must not:

- be on private land, unless there is a clear public benefit and documented consent from the landowner
- have exclusive private benefits
- relate to buying or upgrading non-fixed equipment
- relate to marketing, advertising, or product or event promotion
- require ongoing funding from the NSW Government or Commonwealth Government
- request grant funding for operational expenditure, including regular repairs and maintenance
- be for any scope of works that has already received funding from the NSW or Commonwealth government.

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Application and assessment process

1. Regional NSW MPs are invited to nominate one project in their electorate to be considered for funding via a nomination form submitted to regionalnsw.business@dpc.nsw.gov.au
2. A preliminary eligibility check of MP nominations is conducted by program staff.
3. Applicants for eligible projects are invited to complete a detailed application and/or business case and submit it to regionalnsw.business@dpc.nsw.gov.au
4. Applications/business cases are checked for completeness and eligibility.
5. Projects are subject to an appraisal process and due diligence review. Stated preference techniques will be used to confirm community support for projects, and to compare support levels across projects.
6. An assessment panel assesses projects against the fund's assessment criteria.
7. Projects are submitted to the Deputy Premier for consideration with final funding approval made by ERC.

The Deputy Premier, in his capacity as Minister for Regional NSW, may nominate multiple projects.

Assessment criteria

The objective of the Regional Communities Development Fund is to fund infrastructure projects with high levels of community support. The outcomes of the program are to increase economic, social, environmental or cultural benefits to communities in regional NSW.

The assessment criteria are:

- clearly stated and demonstrated community issue or need
- project affordability
- project deliverability
- demonstrated high level of community support.

Applicants will also be required to clearly articulate the project's economic, social, environmental or cultural outcomes for the local community. Applicants should define, quantify and provide evidence to support the claims.

Key dates

MP nominations open | 9am, Monday, 20 August 2018

MP nominations close | 5pm, Friday, 31 August 2018

Applications open | 9am, Monday, 10 September 2018

Applications close | 5pm, Friday, 12 October 2018

Project assessments | October–November 2018

Approval and announcement | December 2018

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“The Precinct” - Mountain Bike Park Project

Brief Description

“The Precinct” – Mountain Bike Park project aims to create a state significant mountain bike park adjacent to the township of Cessnock that will serve as a youth crime diversion strategy, improve wellbeing for the population of Cessnock and form part of a network of trails connecting Newcastle to the Pokolbin Wine District.

The Parcel of Land in Question

The proposed site covers approximately 385 hectares adjacent to the eastern side of Cessnock and is primarily Crown Land made up of a number of lots. The bulk of the site is covered in native vegetation forest of medium density. The site is bordered by Maitland Road to the north, Neath Road to the east and Duffie Drive to the west.

Land Tenure –The site for the proposed “The Precinct” – Mountain Bike Park project is currently owned and managed by Crown Lands and there is an Aboriginal Land Claim over most of the site.

Council’s mapping system shows that the site contains a number of endangered ecological communities including;

- Lower Hunter Spotted Gum - Red Ironbark Forest (main variant)
- Lower Hunter Spotted Gum - Ironbark Forest
- Kurri Sands Drooping Redgum - Stringybark Forest

The mapping also shows that the site also contains some threatened species including;

- Little Lorikeet
- Little Eagle

Initial Meeting to Consider “The Precinct” project

On Thursday 14 June 2018 Chief Inspector Robinson chaired an initial meeting of relevant agencies and interested community members at Cessnock City Council Chambers. The meeting had been convened to seek input and consideration of the proposal. Groups represented included:

- New South Wales Police Force
- Cessnock City Council
- Crown Lands
- New South Wales Mountain Bike Alliance
- Kurri Mongrels MTB Club
- Cessnock Chamber of Commerce
- Hunter Valley Wine Tourism Operators

The Mindarribba Land Council were invited and were enthusiastic regarding the proposal however were an apology for the first meeting.

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A summary of the meeting discussion is provided below:

- It was explained that whilst the immediate actions taken to interrupt the various crime types were necessary, ongoing and beneficial, police intended to compliment those efforts with a medium/long term strategy to divert at-risk youth in the Cessnock LGA.
- An outline the proposal to establish the Hunter Mountain Bike Precinct, **“The Precinct”** on a large section of public land on the edge of the township of Cessnock was presented.
- A further presentation was given, detailing how the establishment of **“The Precinct”** could be pivotal in linking existing and future cycling and MTB infrastructure to establish a much larger network. It was noted that international experience indicates that large networks of this scale generate substantial benefits to communities in terms of cycle or activity tourism.

Detail was provided on how **“The Precinct”** could assist in linking together:

- ✓ The Richmond Vale Rail Trail
- ✓ The Fernleigh Track
- ✓ Yet to be established Pokolbin Vineyard Network
- ✓ Villages within Cessnock LGA

The establishment of a network of this nature could result in a tourism destination of state significance.

- An officer from Crown Lands provided an overview of the particular parcel of land being discussed, outlining some of the challenges which would need to be met in order to establish **“The Precinct”** upon public land, including the following:
 - ✓ Establishment of facility was possible within existing frameworks.
 - ✓ Involvement of The Mindarribba Land Council was paramount from the outset.
 - ✓ Further investigation would be required within Crown Lands regarding lots within the site and the proposal.
 - ✓ Crown Lands would be prepared to participate in a multi-agency working party going forward.
- A representative from Hunter MTB Association detailed significant attendance levels at Awaba MTB facility near Cooronbong, also outlining the following;
 - ✓ Trail cameras have captured trail user rates of 800 riders in a week.
 - ✓ Hunter MTB Association keen to participate and assist where possible.
 - ✓ Linking of wider network is critical to encourage tourism.

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- Council officers spoke on the involvement of Council regarding the establishment of “The Precinct” and advised:
 - ✓ Council have a strategic plan relevant to the establishment of cycleways.
 - ✓ Establishment of “**The Precinct**” as proposed is not necessarily at odds with the existing strategy.
 - ✓ Council would be prepared to provide representation within any working party established.

What Happened Next?

- Personnel from the Department of Crown Lands completed all relevant title searches
- On 7 August NSW Police met with the Area Manager for Crown Lands to discuss how the results of title searches may impact the proposal. There did not appear to be any issues that could not be overcome going forward.
- Crown lands officers undertook to cause further enquiries following the meeting of 7 August. Crown Lands will be in a position at the next multi agency/interested parties meeting to provide specific information in regard to the relevant lots.
- On 10 August NSW Police met with the General Manager and various section leaders from Cessnock City Council regarding the project and it was noted that Cessnock City Council will need to be strongly represented within working party meetings going forward.
- A meeting was scheduled at the offices of the Department of Premier and Cabinet, Hunter Office to provide a briefing regarding “The Precinct” project.

Reviewing Relevant Facilities within Australia and Abroad



Awaba, Coorombong: 800 riders per week. State and National level events.



You Yangs, Victoria: 50 klm of trails 125 000 visitors per annum.



Stromlo, Canberra: 50 klm of trails – 100 000 visitors per annum.



Derby, Tasmania: Local and State Government investment of \$3.15 million. Directly linked benefit to local economy thus far = \$30 million.

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Wagga Wagga, NSW: Local and State governments currently investing \$9.2 million dollars to build the biggest cycling based multisport complex in NSW at Pomingalarna Reserve to be completed by 2020. The population of Wagga Wagga recorded in the 2016 census as 54 411.



Rotorua, NZ: Trails in 50 Hectares – 185 000 visitors per annum \$4.35 Million dollars per annum economic benefit.



Nanaimo, BC – Canada: 1.25 hectares – Jump tracks, balance track, pump track.

Potential Benefits from the Establishment of “The Precinct”

- Cessnock Police are currently having significant success attacking the amphetamine issues plaguing the area. These successes have immediate benefit. The potential for ongoing achievement regarding this crime type is greatly enhanced in a regional centre when healthy lifestyle alternatives are evident. These alternatives are required to be created in the first instance, then marketed and driven in order to achieve cultural change. This is a responsibility of governments and public administrators if cultural change is to occur.
- In January 2018 the unlawful use of off-road motorcycles on public streets was identified by Cessnock Police as the single most prevalent area of public complaint. The issue was also resulting in the creation of more ministerial files than any other crime type in that area. Research undertaken by Cessnock Police found there had been eleven fatalities in the Hunter Valley in the last decade involving unregistered motorcycles being used on public streets.

Cessnock Police developed Operation R.I.D.A. in response to the issue. Between 14 January and 19 August 2018 Cessnock Police have seized more than sixty unregistered motorcycles being used unlawfully on public streets. This enforcement has immediate effect, is preserving life and bettering communities. Enforcement however often has only a short-term benefit without the development of alternatives.

The activities possible at **“The Precinct”** will provide a real alternative for the offending group. NSW Police believe enforcement plus alternatives equals enhanced ongoing success.

- Establishment of the proposed facility will potentially realise great community benefit as part of a raft of measures to improve public health and obesity issues.
- Mountain biking and all activities planned to be housed in **“The Precinct”** are suitable to be enjoyed by broad areas of the community irrespective of gender or age. Creation of the facility compliments contemporary programs to encourage increased participation in activity and female participation in sport.

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- The site would require minimal construction to house a variety of activities in the initial stages. By simply making safe existing trails **“The Precinct”** could be home to:
 - ✓ Extensive network of mountain bike trails.
 - ✓ A Cross-Country Running Club.
 - ✓ Orienteering for local schools.
 - ✓ Native Vegetation Regeneration Group.
 - ✓ Information and Talking points at trail heads that detail the history of Aboriginal activities in the area.
- If the area were surrounded with a suitable grade of fencing at some point in development it could be utilised to protect native species populations from feral animals becoming an area also frequented by conservation groups and school tours.
- Securing and continually improving native habitat capable of housing critically endangered species.
- Increased public ownership and usage of the land in question reduces the ongoing risk of bushfires in close proximity to areas of medium density housing. The site is prone to regular arson offences and depending upon prevailing winds fires can threaten housing in Cessnock, Aberdare, Neath or Kurri.
- Area would become more resilient to illegal dumping. A rider's code of conduct would be established detailing efficient reporting of any illegal activities.
- Area could be utilised for Mountain Bike Training courses by NSW Police as well as return to work initiatives for officers suffering from PTSD.
- School Holiday mountain bike training clinics would be attracted to the facility. These clinics are already run by a number of groups in the Glenrock facility and at times are at capacity.
- Enables the establishment of a “Bike Library” to engage children in challenging socio-economic circumstances. The Library could be manned by volunteers from the Men's Shed group who would maintain bicycles provided by the NSW Police from miscellaneous property holdings. Many of these bicycles currently go to auction or become scrap metal.

Bicycles would be graded 1 to 4 in terms of value and quality. New users would be eligible to borrow level 4 bikes. Once bikes were returned and not dumped or stolen those users would work through to qualify to borrow the very best bikes when they chose to.
- Creates and preserves a significant parcel of publicly owned greenspace for community needs into the future. As the housing needs of Cessnock and Newcastle intensify over coming decades the benefit to community resulting from actions taken now, elevates those communities in both social and economic terms.

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In 1857 Sydney was expanding to the West. The first Parliament of NSW had set aside a similar size parcel of land as **“The Precinct”** at Parramatta to be preserved as public parkland and recreational space. Western Sydney derives immense benefit to this day from the vision that became Paramatta Park.

At this point in time Newcastle City is expanding to the West as housing demand outstrips supply and affordability. As learnt from the vision displayed by those in the first New South Wales Parliament, Council can seize this opportunity for present and future generations.

Why Branded “The Precinct”

- Branding the area as **“The Precinct”** underlines that the facility was initiated by NSW Police for community benefit and therefore enhances positive police/community relationships.
- The public space will be less prone to redundancy at any time. Becoming known and referred to within the community as **“The Precinct”** provides scope for future creation of alternate activity-based activities dependent upon trend. Cycling may not be a popular past-time in fifty years’ time however the large green-space in the centre of intensified housing can host any activities encouraging generations toward better health and lifestyle. Community will have come to know and accept that sports/outdoor facilities are housed within **“The Precinct”**.

OPTIONS

Option 1

1. That Council supports **“The Precinct”** project and endorses the lodgment of an application under the NSW Government’s Regional Communities Development Fund, and;
2. That Council immediately promotes the benefits of the proposed project through various media platforms to increase community awareness and support for the project, and;
3. That if the funding application is successful a further report come back to Council detailing the final scope of development, delivery and appropriate on-going management model for the project prior to the signing of any Funding Agreement.

This is the preferred option.

Option 2

1. That Council does not support **“The Precinct”** project as it is not currently identified as a priority in Council’s adopted four year Delivery Program 2017-21.

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CONSULTATION

Preliminary consultation has occurred with the following;

- New South Wales Police Force
- Cessnock City Council
- Crown Lands
- New South Wales Mountain Bike Alliance
- Kurri Mongrels MTB Club
- Cessnock Chamber of Commerce
- Hunter Valley Wine Tourism Operators

STRATEGIC LINKS

a. Delivery Program

The proposed project aligns with the following key Objectives in the adopted Delivery Program 2017-21;

Objective 1.3 – Promoting Safe Communities

1.3.1 Participate in collaborative partnerships to prevent crime

Objective 2.3.1 - Collaboratively identify markets and promote the local government area's tourism industry.

2.3.1.a - Identify product development opportunities and promote and grow industry capacity building within the visitor economy.

Objective 4.1 – Better Transport Links

b. Other Plans

Cessnock City Council Cycling Strategy

IMPLICATIONS

a. Policy and Procedural Implications

The proposed project is currently not listed as a priority in Council's adopted Delivery Program 2017-21. If Council was successful with a funding application it is recommended that an amendment be made to the Operational Plan and Delivery Program 2017-21 to reflect the change in priority.

b. Financial Implications

All upfront costs associated with the project will be fully funded from the Regional Communities Development Fund, however, Council will be required to take on responsibility for the on-going management of the site. The most appropriate model, and annual recurrent cost, of this on-going management is yet to be determined.

Works and Infrastructure

Report No. WI79/2018

Works and Infrastructure



c. Legislative Implications

Nil at this stage

d. Risk Implications

There are a number of risk associated with the project, including:

- Insufficient preliminary design detail to accurately estimate the funding requirements for the project prior to lodging a grant application;
- Unknown requirements for the on-going management of the site and any associated infrastructure;
- Unknown impact of the proposal on ecologically sensitive areas within the site and the approval process and actions required to mitigate any impact;
- Potential inability to resolve land tenure issues relating to the site, which may result in the project not being able to proceed.

e. Environmental Implications

Council's mapping system shows that the site contains a number of endangered ecological communities including;

- Lower Hunter Spotted Gum - Red Ironbark Forest (main variant)
- Lower Hunter Spotted Gum - Ironbark Forest
- Kurri Sands Drooping Redgum - Stringybark Forest

The mapping also shows that the site also contains some threatened species including:

- Little Lorikeet
- Little Eagle

f. Other Implications

Land Tenure – A majority of the site for the proposed “The Precinct” – Mountain Bike Park project is currently owned and managed by Crown Lands and there is an Aboriginal Land Claim over most of the site.

CONCLUSION

The proposed “**The Precinct**” – Mountain Bike Park project aims to create a state significant mountain bike park adjacent to the township of Cessnock that will serve as a youth crime diversion strategy, improve wellbeing for the population of Cessnock and form part of a network of trails connecting Newcastle to the Pokolbin Wine District.

Council does not have “The Precinct” project listed as a priority in its four year Delivery Program. “The Precinct” concept is currently being driven by external parties, namely the Chief Inspector of Cessnock Police through the State Member for Cessnock.

Works and Infrastructure

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Council has received correspondence from NSW Department of Premier & Cabinet notifying of a funding opportunity under the Regional Communities Development Fund to support **“The Precinct”** – Mountain Bike Park project. Council is being asked to lodge an application for the funding opportunity as it is not available to other NSW State agencies (i.e. NSW Police).

If Council wishes to commit to the project a funding application needs to be lodged before the closing date of 12 October 2018.

ENCLOSURES

There are no enclosures for this report

SUBJECT: *RE-ESTABLISHMENT OF SPECIAL EVENT ALCOHOL FREE ZONE FOR THE AUSTRALIAN POSTIE BIKE GRAND PRIX*

RESPONSIBLE OFFICER: *Infrastructure Manager – Katrina Kerr*

SUMMARY

The NSW Police, Central Hunter Local Area Command, Crime Prevention Officer has requested that Council establish a Special Event Alcohol Free Zone, as an imposed condition of development consent for the Australian Postie Bike Grand Prix.

RECOMMENDATION

That Council establish a Special Event Alcohol Free Zone, for the Australian Postie Bike Grand Prix, under the provisions of the *Local Government Act 1993*, applying on the day of the annual event only; being effective on 18 November 2018 and on the Sunday of the race in October or November in each of the three ensuing years, and applying to the following Cessnock streets:

- **Hall Street, from Charlton Street to Darwin Street;**
- **South Avenue, from North Avenue to Snape Street;**
- **Darwin Street from South Avenue to North Avenue;**
- **North Avenue from South Avenue to Keene Street.**

BACKGROUND

In the course of processing the development application for the Australian Postie Bike Grand Prix (APBGP), Council Officers requested a Crime Risk Assessment from the NSW Police Force, Central Hunter Local Area Command. The assessment was conducted in July 2015 by Crime Prevention Officer, Senior Constable Kelvin Boak.

Emanating from this Crime Risk Assessment was the suggested establishment of a Special Event Alcohol Free Zone, covering the entirety of the streets and public places encompassed by the APBGP on the day of the event, as an imposed condition of development consent.

It was also suggested that the existing Alcohol Free zones within the Cessnock CBD be maintained.

The original Special Event Alcohol Free Zone expires on 1 November 2018. The 2018 event will take place on Sunday 18 November.

The purpose of this report is to seek a Council resolution to re-establish the special event alcohol-free zones for the iconic community event for a further 4 years.

REPORT/PROPOSAL

The link between the consumption of intoxicating liquor and public order offences is well established and irrefutable.

Works and Infrastructure

Report No. WI80/2018

Works and Infrastructure



In the case of a major outdoor event of the size and nature of the APBGP, which is conservatively anticipated to attract over 6000 spectators, it is imperative that reasonable and proactive steps be taken to mitigate the inherent risks associated with irresponsible alcohol consumption.

The proposal to establish a Special Event Alcohol Free Zone, is in response to an application from the Cessnock Motorcycle Club, under section 644 of the *Local Government Act 1993*, pursuant to the imposed conditions of Development Consent for the APBGP.

The aim of the Special Event Alcohol Free Zone, is to reduce the potential for irresponsible consumption of alcohol by patrons at the APBGP and to promote responsible behaviour on the roads, footpaths and public car park areas encompassed by the event.

Cessnock CBD has an existing Alcohol Free Zone which is in force from 1 November 2017 to 31 October 2021. The proposed Special Event Alcohol Free Zone would adjoin and extend the existing Alcohol Free Zone.

As with the previous Special Event Alcohol Free Zone, the proposed re-established Special Event Alcohol Free Zone, would apply to the following Cessnock Streets:

- Hall Street, from Charlton Street to Darwin Street;
- South Avenue, from North Avenue to Snape Street;
- Darwin Street from South Avenue to North Avenue;
- North Avenue from South Avenue to Keene Street.

The period of the proposed Special Event, Alcohol Free Zone is four years. It is to apply on the day of the annual event only; for the forthcoming event, it would apply on 18 November 2018 and on a designated Sunday in October, or, November, in each of the ensuing years.

A separate licensed area within the TAFE grounds, subject to appropriate conditions, imposed by NSW Police and the Office of Liquor Gaming and Racing may be available for patrons who wish to responsibly consume alcohol at the event.

The Special Event Alcohol Free Zone, would be subject to the maintenance of appropriate records, namely:

- (i) Documentation that all the steps for valid establishment have been undertaken;
- (ii) Provision for removal of signs at the conclusion of the zone's operation;
- (iii) Identification of suspensions or cancellations of alcohol free zones; and
- (iv) Avoidance of overlap in the establishment of alcohol free zones.

Enforcement of the Special Event Alcohol Free Zone is the responsibility of the NSW Police Force.

Works and Infrastructure

Report No. WI80/2018

Works and Infrastructure



OPTIONS

Option 1 – Adopt the Special Event Alcohol Free Zone and allow the event to proceed (this is the preferred option).

Option 2 – Do not adopt the Special Event Alcohol Free Zone, in which case the proponent will be unable to meet the conditions of development consent for the event.

CONSULTATION

In preparing the proposal for the establishment of the Special Event Alcohol Free Zone there was internal consultation between officers in Council's Infrastructure and Development Services sections.

In addition, Council undertook a public consultation process which involved the following:

- (i) Posting of the full proposal on Council's external website and publishing of a notice of the proposal in the 15 August 2018 edition of the Advertiser, allowing inspection of the proposal and inviting representations, or objections within 30 days from the date of publication.
- (ii) A copy of the proposal was available at Council's Customer Service area;
- (iii) A copy of the proposal was sent to:
 - The District Commander, Hunter Valley Police District;
 - The Officer in Charge, Cessnock Police Station; and
 - The holder of a licence in force under the *Liquor Act 2007*, for premises that border on, or adjoin, or are adjacent to, the proposed zone; being the Cessnock Leagues Club, Pedens Hotel, Australia Hotel and the Royal Oak Hotel.

STRATEGIC LINKS

a. Delivery Program 2017-21

- 1.2.1 Continue to promote the range of community services across the local government area.
- 1.3.1 Participate in collaborative partnerships to prevent crime.
- 1.3.2 Carry out regulatory and education programs to protect residential amenity and community health and safety.
- 2.3.3 Support major community events and festivals
- 5.3.8 Carry out governance functions, provide advice and conduct educator programs to comply with legislator and best practice.

b. Road Safety Strategic Plan 2014 -2018

- 1.5.4 Identify pedestrian risk areas around licensed premises and implement appropriate counter measures (eg. Pedestrian fencing and Alcohol Free Zones).

IMPLICATIONS

a. Policy and Procedural Implications

Establishment of the proposed Special Event Alcohol Free Zone is in keeping with the broad objectives of Council's Compliance and Enforcement Policy, in that it provides the framework for members of the NSW Police Force to adequately address issues associated with alcohol consumption and potential misconduct in public places during the running of a major event.

b. Financial Implications

It is anticipated that the implementation of the proposed Special Event Alcohol Free Zone will cost approximately \$500, being for the acquisition of update decals and posting of the associated signage. The organiser of the event has made a separate request to Council for assistance, which includes establishment of the Special Event Alcohol Free Zone.

c. Legislative Implications

The proposed establishment of the Special Event Alcohol Free Zone is in accordance with the provisions of Part 4 of the *Local Government Act 1993* and the Ministerial Guidelines on Alcohol Free Zones, produced under section 646 of the *Local Government Act 1993*.

d. Risk Implications

Approval for the running of the APBGP is contingent on the establishment of the proposed Special Event Alcohol Free Zone, as it is a condition of the development consent for the event.

e. Other Implications

It would be a significant departure from normal practice for Council to ignore or act contrary to suggestions contained in a NSW Police Force, Crime Risk Assessment.

CONCLUSION

In 2015, following the success of the inaugural event 2014, the Cessnock Motorcycle Club secured DA approval to run the event for five (5) years. It is anticipated that public interest in the race and its associated festivities will continue to grow exponentially, which may lead to a further DA application to ensure that the event continues well into the future.

The annual running of the APBGP has been magnificent in attracting visitors and showcasing the Cessnock LGA. Council has received much positive media commentary and due accolades for its integral support and continued efforts in ensuring that the venture enjoys ongoing success. 2018 will see the first all-female race, preceding the grand prix, adding an exciting new element to the day's activities.

Unfortunately, as the popularity of the event increases, so does the potential for anti-social behaviour.

In order to protect the reputation of the event, it is essential to ensure that it remains a well organised, safe and family-friendly experience.

Works and Infrastructure

Report No. WI80/2018

Works and Infrastructure



Special Event Alcohol Free Zones are an early intervention measure to prevent the escalation of irresponsible street drinking and will serve to promote the use of treated areas in safety and without interference from street drinkers.

ENCLOSURES

There are no enclosures for this report.

SUBJECT: *MINUTES OF LOCAL TRAFFIC COMMITTEE HELD ON 17 SEPTEMBER 2018*

RESPONSIBLE OFFICER: *Infrastructure Manager - Katrina Kerr*

RECOMMENDATION

That the Minutes of the Local Traffic Committee held on 17 September 2018 be adopted as a resolution of the Ordinary Council being:

1. TC40/2018 – That parking restrictions and line marking be installed on Queen Street and Bowen Street, Branxton in accordance with the Queen Street Branxton - Signage & Line Marking Diagram;
2. TC41/2018 – That No Stopping restrictions be installed on Cumberland Street, Cessnock in accordance with the Cumberland Street Cessnock - Signage Diagram;
3. TC42/2018 – That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road and Watagan Creek Road Laguna for the proposed Gravel Grit Laguna from 8.30am to 4.30pm, Saturday 27th October 2018 with the following conditions:
 - Front and rear escort vehicles displaying event warning signage and flashing amber lights when travelling on public roads;
 - A NSW Police escort vehicle at the rear of the ride for the Great North Road section of the event route;
 - Event warning signage posted along the route as per the relevant TCP;
 - A 60km/h temporary speed limit and Stop/Slow controls on Great North Road, Laguna;
 - A 40km/h temporary speed limit on Great North Road, at Watagan Creek Road, Laguna;
 - Additional event warning signage, on Murrays Run Road, Laguna;
 - Additional event warning signage on Watagan Creek Road, Laguna; and
 - Advanced Warning Variable Message Signs at Wollombi and Bucketty, advising non-event motorists of the occurrence of the event and to 'expect delays'.
4. TC43/2018 – That Council authorise installation of back-to-back channelised right turn, short {CHR(S)} and auxiliary left turn, short {AUL(S)} intersection line marking at the entrance to 2342 Broke Road, Pokolbin, in accordance with the Broke Road Pokolbin - Peterson House Intersection - Line Marking Diagram.

***MINUTES OF TRAFFIC COMMITTEE MEETING OF CESSNOCK CITY COUNCIL
HELD IN ANTE ROOM ON MONDAY, 17 SEPTEMBER 2018, COMMENCING AT 9.30 AM***

OPENING: The meeting was opened at 9.34am

PRESENT: Councillor Gray (in the Chair)
Ms Perri Hodge – NSW State Member Representative
Senior Constable Amy Sweeney – NSW Police
Mr Jamie Smoother – RMS

IN ATTENDANCE: Councillor Lyons – Ward A Councillor
Ms Jules Bosco – Principal Development Engineer
Mr Nathan Goodbun – Traffic Engineering Officer
Mr Richard Ingall – Rover Coaches
Mr Warren Jeffery – Road Safety Officer
Ms Maria Nikolaidis – Strategic Traffic & Transport Engineer

APOLOGIES

RESOLVED that the apology tendered on behalf of:

Mr Clayton Barr MP – NSW State Member
Mrs Katrina Kerr – Infrastructure Manager

for unavoidable absence be accepted.

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Local Traffic Committee held on 20 August 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: **QUEEN STREET, BRANXTON
REGULATORY PARKING SIGNAGE & LINEMARKING**

REPORT NO.: **TC40/2018**

REFERENCE.: **CRM 10207/2018**

MATTER: Residents and the school community have expressed concerns regarding pedestrian safety and poor parking discipline in Queen Street, Branxton, in the immediate vicinity of Branxton Public School.

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

- It was noted that R5-403, NO STOPPING 8am to 9:30am & 2:30pm to 4pm (SCHOOL DAYS) will be installed as per TDT 2002/12c on each side of the Childrens Crossing, to reduce impact on resident parking.

RECOMMENDATION

That parking restrictions and line marking be installed on Queen Street and Bowen Street, Branxton in accordance with Queen Street Branxton _ Signage & Line Marking Diagram.

MOTION: **Moved:** Perri Hodge **Seconded:** Jamie Smoother

Support: **Unanimous**

Works and Infrastructure
Report No. WI81/2018
Works and Infrastructure



SUBJECT: CUMBERLAND STREET, CESSNOCK
NO STOPPING SIGNAGE

REPORT NO.: TC41/2018

REFERENCE.: CRM 9163/2018

MATTER: Staff of Cessnock Kia have raised concerns over parked vehicles blocking driveway access to the business in Cumberland Street. This is particularly prevalent on sitting days for Cessnock Local Court. Council Rangers have conducted numerous patrols of the area, and performed enforcement duties, however the problem persists.

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

- It was noted that there will be a partial loss of on-street parking (approximately half a car length) resulting from the relocation of the NO STOPPING sign. The associated loss of parking is minimised due to the presence of the existing driveway to the business, which already restricted lawful parking at the location.

RECOMMENDATION

That No Stopping restrictions be installed on Cumberland Street, Cessnock in accordance with Cumberland Street Cessnock _ Signage Diagram.

MOTION: **Moved:** S/C Amy Sweeney **Seconded:** Jamie Smoother

Support: Unanimous

Works and Infrastructure

Report No. WI81/2018

Works and Infrastructure



SUBJECT: **GREAT NORTH ROAD, MURRAYS RUN ROAD & WATAGAN CREEK ROAD, LAGUNA**
TEMPORARY REGULATION OF TRAFFIC
GRAVEL GRIT LAGUNA CYCLE EVENT

REPORT NO.: **TC42/2018**

REFERENCE.: **46/2018/8/1**

MATTER: Council received an application for the temporary regulation of traffic for the Gravel Grit Laguna cycle event, and has assessed the application together 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 Laguna in connection with this event.

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

- It was noted that Council officers recommend a NSW Police escort vehicle to ensure event participant and public road user safety for the Great North Road section of the event;
- It was recommended that VMS be in place seven days prior to the event to provide advanced warning of the event impact;
- It was confirmed that the requirement for a NSW Police escort vehicle would be included in the Section 116 approval conditions for the event.

RECOMMENDATION

That Council authorise the temporary regulation of traffic on Great North Road, Murrays Run Road and Watagan Creek Road Laguna for the proposed Gravel Grit Laguna from 8.30am to 4.30pm, Saturday 27th October 2018 with the following conditions:

- Front and rear escort vehicles displaying event warning signage and flashing amber lights when travelling on public roads;
- A NSW Police escort vehicle at the rear of the ride for the Great North Road section of the event route;
- Event warning signage posted along the route as per the relevant TCP;
- A 60km/h temporary speed limit and Stop/Slow controls on Great North Road, Laguna;
- A 40km/h temporary speed limit on Great North Road, at Watagan Creek Road, Laguna;
- Additional event warning signage, on Murrays Run Road, Laguna;
- Additional event warning signage on Watagan Creek Road, Laguna; and
- Advanced Warning Variable Message Signs at Wollombi and Bucketty, advising non-event motorists of the occurrence of the event and to 'expect delays'.

MOTION: **Moved:** S/C Amy Sweeney

Seconded: Perri Hodge

Support: **Unanimous**

Works and Infrastructure
Report No. WI81/2018
Works and Infrastructure



SUBJECT: *BROKE ROAD, POKOLBIN
PROPOSED CHR(S) INTERSECTION TREATMENT*

REPORT NO.: *TC43/2018*

REFERENCE.: *8/2017/742*

MATTER: An approved development for Lambloch Estate, 2342 Broke Road, Pokolbin has received approval for an upgrade of its access onto Broke Road. Approval is sought for the regulatory line marking associated with the upgrade.

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

- It was confirmed that the back-to-back CHR treatment was for private property access only, and not for new public roads;
- It was noted that the proposal is for regulatory line marking only, and does not include posted regulatory signage.

RECOMMENDATION

That Council authorise installation of back-to-back channelised right turn, short {CHR(S)} and auxiliary left turn, short {AUL(S)} intersection line marking at the entrance to 2342 Broke Road, Pokolbin, in accordance with the enclosed Broke Road Pokolbin _ Peterson House Intersection Line Marking Diagram.

MOTION: *Moved:* Jamie Smother *Seconded:* Perri Hodge

Support: *Unanimous*

CORRESPONDENCE

NIL

GENERAL BUSINESS

1. LTC INSPECTIONS

It was agreed to schedule LTC inspections on the Wednesday prior to the LTC meeting.

2. LTC VOTING PROCEDURES

In light of some recent questions from Councillors over the moving and seconding of LTC matters, the requirements of the RMS *A guide to the delegation to councils for the regulation of traffic* was discussed.

Works and Infrastructure

Report No. WI81/2018

Works and Infrastructure



It was explained by Council officers that the custom of moving and seconding matters is not a prescribed process and should be discontinued, to avoid further confusion.

The Chair requested the matter be deferred to the next meeting to allow members to investigate the matter further.

CLOSURE: The Meeting was declared Closed at 10.24am.

ENCLOSURES

There are no enclosures for this report.

Notices Of Motion

Report No. BN29/2018

General Manager's Unit



NOTICES OF MOTION No. BN29/2018

SUBJECT: ***CESSNOCK CITY COUNCIL - EXISTING UNSEALED COUNCIL
ROADS POLICY REVIEW AND STRATEGIC ROLL-BACK***

COUNCILLOR: ***Paul Dunn***

MOTION

1. That Council, in principle, support the rationale behind the current unsealed roads policy and its intent.
2. That Council recognise that in order for the current unsealed roads policy to be wound back, a medium to long term strategy needs to be adopted in order to design a funding model that can deliver the sealing of residential roads that is financial sustainable.
3. That a committee of council be formed to oversee a long-term transition away from the current unsealed roads policy due for review in February 2019.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 3 October 2018.

RATIONALE

The unsealed roads policy states that there will be no sealing of current unsealed gravel roads.

There is an opinion that Council should have a long term policy of sealing residential gravel roads within a Local Government area.

The existing policy has no end date and is inadequate, in that it does not address the long term issue of residential unsealed roads, in particular, there is no associated plan, strategy or policy, that begins to address the issue of delivering and funding unsealed roads.

Cessnock City Council cannot afford to simply repeal the existing unsealed roads policy.

In order to address the inadequacy of the policy we have to consider the fiscal implications to the already negative budget, and form a medium to long term strategy to both seal unsealed residential roads, and safeguard council from negative economic implications.

We cannot rescind the policy, it needs to be wound back over 15-30 years with a funding source for sealing unsealed residential roads identified and built in to the budget.

A short medium and long term outlook is needed to guide the long term deliverables of this policy.

Notices Of Motion

Report No. BN29/2018

General Manager's Unit



Sgd: Paul Dunn

Date: 24 September 2018

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ97/2018

Corporate and Community Services



SUBJECT: *NEW POLICE STATION*

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

Q96/2018 – New Police Station

Asked by Councillor Sander at the Ordinary Meeting of Council held on 19 September 2018.

“if Council has been notified by the current State Government regarding when our new Police Station will be built”.

Following the announcement of the funding provided for a new Cessnock Police station, Council has not received any official correspondence regarding the building of the new Police Station, but advice received from local police is that construction will commence in 2019/20, with occupation of the building expected in 2021.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ98/2018

Works and Infrastructure



SUBJECT: *BRIDGES HILL PARK*

RESPONSIBLE OFFICER: *Recreation & Community Facilities Coordinator - Nathan Eveleigh*

Q97/2018 – Bridges Hill Park

Asked by Councillor Fitzgibbon at the Ordinary Meeting of Council held on 19 September 2018.

“for an update on Bridges Hill park”

Stage 1 of the Bridges Hill Playground is currently under construction.

Funding for the remaining four stages has been awarded and a Tender Evaluation Report for T1718-16 Detailed Designs and Construction Drawings for Bridges Hill Playground and Access Improvements will be considered by Council at its meeting on 3 October 2018.

Stages 2-5 will commence in 2019 with an estimated completion timeframe for all stages in late 2020.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ100/2018

Works and Infrastructure



SUBJECT: *HOWE PARK ABERMAIN*

RESPONSIBLE OFFICER: *Recreation & Community Facilities Coordinator - Nathan Eveleigh*

Q95/2018 – Howe Park Abermain

Asked by Councillor Sander at the Ordinary Meeting of Council held on 19 September 2018.

for a progress report for Howe Park Abermain and whether it will be refurbished or rebuilt.

Q98/2018 – Howe Park Abermain

Asked by Councillor Olsen at the Ordinary Meeting of Council held on 19 September 2018.

if the building at Howe Park was insured and have Council got a response on whether it needs rebuilding or repaired and can Council make this a priority because it should be done in six months.

The insurance assessor inspected the Howe Park premises during the week of 19 September 2018 and as at 26 September 2018 no decision had been made on whether the damaged facility needs to be rebuilt or repaired.

ENCLOSURES

There are no enclosures for this report

Answers To Questions For Next Meeting

Report No. AQ101/2018

Works and Infrastructure



SUBJECT: ***SAFETY PEDESTRIAN REFUGE - ALDI AND JACARANDA GROVE***

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

Q99/2018 - Safety Pedestrian Refuge – ALDI and Jacaranda Grove

Asked by Councillor Lyons at the Ordinary Meeting of Council held on 19 September 2018.

referred to the answer in relation to the Aldi Jacaranda Grove crossing and asked if it will be reported to Council.

The subject matter will be reported to the Local Traffic Committee if the preferred solution to address the concern includes any regulatory signs and / or linemarking.

ENCLOSURES

There are no enclosures for this report

Correspondence

Report No. CO36/2018

Corporate and Community Services



SUBJECT: *2018 ALGA NATIONAL GENERAL ASSEMBLY MOTION*

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

RECOMMENDATION

That the correspondence be noted.

Council at its meeting of 4 April 2018 considered report No. CC25/2018 – 2018 National General Assembly of Local Government – Call for Motions and Councillor Nominations to attend and resolved inter alia that:

Council submit the following motion to the 2018 National General Assembly of Local Government: “We call on the Federal Government to implement a national regulation and licensing scheme for short term holiday letting of properties through businesses like Air BnB and Stayz”.

Correspondence has now been received from The Hon Karen Andrews MP, Minister for Industry, Science and Technology in relation to the National General Assembly of Local Government’s resolutions in respect of building regulations which included the above Motion as Resolution 20.

A copy of the correspondence is provided for the information of Councillors.

ENCLOSURES

1 Reply from The Hon Karen Andrews MP

Correspondence

Report No. CO37/2018

Corporate and Community Services



SUBJECT: *PUBLIC LIBRARY FUNDING*

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

RECOMMENDATION

That the correspondence be noted.

At its Ordinary Meeting of 4 July 2018 Council considered a Mayoral Minute No. 6/2018 – Library Funding and resolved (inter alia):-

1. *That Council write to the Premier, The Hon. Gladys Berejiklian MP and the Treasurer, The Hon. Dominic Perrottet MP condemning the NSW Government cutting funding to libraries in the recent State budget with copies to be sent to Parliamentary Secretary for Planning, the Central Coast and the Hunter, Scot McDonald MLC, Temporary Chair of Committees, The Hon. Taylor Martin MLC and State Member for Cessnock, Clayton Barr MP.*

At its Ordinary Meeting of 1 August 2018 Council considered a Mayoral Minute No. 7/2018 – Public Library Funding and resolved (inter alia):

3. *That Council write to the Hon. Don Harwin, MLC, Minister for the Arts and the Hon. Walt Secord, MLC, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.*
6. *That Council formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.*

In relation to the resolution from 4 July 2018, responses were received from the Parliamentary Secretary for Treasury, Jonathan O'Dea and from the Hon Don Harwin MLC, Minister for the Arts which were reported to Council on 15 August 2018.

On 17 September 2018 Council received further correspondence from the Hon Don Harwin MLC, Minister for the Arts announcing that the State Government has committed to an extra \$60 million in funding over four years to transform NSW public libraries.

On 26 September 2018 Council received correspondence from Local Government NSW acknowledging Council's support for the Renew our Libraries campaign.

Copies of the correspondence are attached for Council's information.

ENCLOSURES

- 1 Correspondence from Minister for the Arts
- 2 Correspondence from Local Government NSW