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, 16 March 2011 at 6.30 pm, for the purposes of transacting the undermentioned business.

AGENDA:

(1) OPENING PRAYER
(2) ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS
(3) RECEIPT OF APOLOGIES
(4) CONFIRMATION OF MINUTES OF PREVIOUS MEETING
   Minutes of the Ordinary Meeting of Council held on 2 March 2011
(5) DISCLOSURES OF INTEREST
   DI3/2011 Disclosures of Interest.................................................................5
(6) ADDRESS BY INVITED SPEAKERS
(7) CONSIDERATION AND ADOPTION OF INFORMATION REPORTS EITHER
    INDIVIDUALLY OR WITH NOMINATED EXCEPTIONS OR ENGOLOBO
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    Individually by Nominated Exception or Englobo.................................6
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   RM2/2011 QS8/2011 - Audit of Cessnock City Council's Road Design and
    Construction Activities.................................................................8
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(10) ENHANCING OUR NATURAL, DEVELOPED AND CULTURAL ENVIRONMENT
   EE9/2011 Section 96 Modification No 8/2004/1507/4 - Amendment to
    the Staging of Approved Development for Storage Sheds, Restaurant, Cafe, Offices, Landscaping and Car Parking.............11
   EE10/2011 Development Application No 8/2010/630/1 - Re-subdivision

This is Page 1 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 16 March 2011
of Three (3) Lots into Two (2) Lots - 72 Wine Country Drive, Nulkaba

(11) PROVIDING QUALITY SERVICES
    - QS9/2011 Report of the Cessnock City Council Environment Committee Meeting held 10 February 2011
    - QS12/2011 Report of the Cessnock City Council Airport Consultative Committee Meeting held 21 February 2011
    - QS13/2011 Resolutions Tracking Report
    - QS14/2011 Review of Council's Planning Processes

(12) PROFESSIONAL MANAGEMENT AND LEADERSHIP
    - PM10/2011 Rates & Charges Collected Summary - February 2011
    - PM11/2011 Special Rate Variation

(13) ACTIVE PARTICIPATION AND COMMUNITY CONSULTATION
    - AP1/2011 Report of the Access Advisory Committee Meeting Held on 7 February 2011

(14) BUSINESS OF WHICH WRITTEN NOTICE HAS BEEN GIVEN
    - BN4/2011 National General Assembly

(15) ANSWERS TO QUESTIONS FOR NEXT MEETING
    - AQ1/2011 Engagement of Consultants - October 2010 to February 2011

(16) QUESTIONS FOR NEXT MEETING

(17) COUNCILLORS' REPORTS
Our Vision

Is for a safe, healthy environment where residents can enjoy a high quality of life. Our Cessnock City of the future will offer quality lifestyle and security, local services and shopping, local jobs, an unspoiled environment, safety, convenience, comfort and confidence in the future.

Council’s Charter

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- To exercise community leadership.
- To exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism.
- To promote and to provide and plan for the needs of children.
- To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.
- To have regard to the long term and cumulative effects of its decisions.
- To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- To engage in long-term strategic planning on behalf of the local community.
- To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government.
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.
- To keep the local community and State Government (and through it, the wider community) informed about its activities.
- To ensure that, in the exercise of its regulatory functions, its acts consistently and without bias, particularly where an activity of the Council is affected.
- To be a responsible employer.

Council’s Values & Management Principles

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Council’s Corporate Goals

1. To promote and provide quality services and facilities which focus on the needs of the community.
2. To protect, enhance and promote our natural, developed and cultural environment.
3. To actively foster the creation of employment and sustainable development opportunities acceptable to community and environmental standards.
4. To be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.
5. To identify needs, share information and provide opportunities for active participation and community consultation.
Council adopted Model Code of Conduct

Council adopted its current Code of Conduct on 2 September 2009. 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.
SUBJECT: DISCLOSURES OF INTEREST

AUTHOR: Corporate Administration Assistant - Robyn Larsen

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.
SUBJECT: CONSIDERATION AND ADOPTION OF INFORMATION REPORTS EITHER INDIVIDUALLY BY NOMINATED EXCEPTION OR ENGLOBO

AUTHOR: Corporate Administration Assistant - Robyn Larsen

RECOMMENDATION

That Council deal with the following information report englobo.

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SUMMARY

In accordance with the Council’s Code of Meeting Practice reports for the information of Council are provided for adoption either individually, by nominated exception or englobo.

ENCLOSURES

There are no enclosures for this report.
Motions of Urgency
Report No. MOU5/2011
Corporate & Community

SUBJECT: MOTIONS OF URGENCY
AUTHOR: Corporate Administration Assistant - Robyn Larsen

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.
Rescission Motions
Report No. RM2/2011
General Manager's Unit

RESCISSION MOTIONS No. RM2/2011

SUBJECT: QS8/2011 - AUDIT OF CESSNOCK CITY COUNCIL'S ROAD DESIGN AND CONSTRUCTION ACTIVITIES

The undersigned lodge the following motion of rescission:

That the resolution to Report No QS8/2011 – Audit of Cessnock City Council’s Road Design and Construction Activities be rescinded.

Once rescinded, the Morrison Low Report on Roads be withdrawn and further consultation with staff be engaged in before a final report is presented to Council.

Sgd: James Ryan
Sgd: Chris Parker
Sgd: Cordelia Burcham

Date: 2 March 2011
Received: 2/03/2011

ENCLOSURES
There are no enclosures for this report
Recession Motions
Report No. RM3/2011
General Manager's Unit

RESCISSION MOTIONS No. RM3/2011

SUBJECT: CENSURE MOTION AGAINST COUNCILLOR PARKER

The undersigned lodge the following motion of rescission:

That the recommendation to censure Councillor Parker for a breach of the Code of Meeting Practice in that he reflected upon other members of Council implying that their behaviour was biased or improper be rescinded and that:-

(a) That Councillor Smith issues a public apology for claiming Cllr Parker had made comments alleging bias by a member or members of the Interview Panel which short listed applicants for the position of General Manager Cessnock Council, when Cllr Parker made no such allegation.

(b) That Councillor Davey issue a public apology for claiming Councillor Parker had made comments alleging bias on behalf of a member or members of the Interview Panel which short listed applicants for the position of General Manager Cessnock Council, when Cllr Parker made no such allegation.

Rationale:

The Council passed a censure motion against Cllr Parker after two Councillors stated that Cllr Parker had made allegations that their conduct on the interview panel may have been biased. Cllr Parker made no such allegation. There is no evidence to support the proposal that he did make the allegation that a member or members of the Panel were biased. The Councillors were told during debate that Cllr Parker had not made comments about the Panel.

Cllr Smith and Cllr Davey made comments which were not correct and were made in haste. Cllr Smith and Davey should publicly apologize to Cllr Parker.

Cllr Smith spoke in Council on 16 February 2010 saying 'Is Cllr Parker alleging there was bias in the Panel?'

Mayor Davey said 'I think he did make that comment, yes.'

Cllr Parker indicated he would not debate and that if Cllr Smith wanted to keep going he could find out what Cllr Parker said because it is on the record.

Cllr Smith said the failure to withdraw '....leaves a stain on my integrity, the implication is still there that I was biased in my actions on the panel, I treasure my integrity, I treasure my ability to be on the Panel........'

In calling for a vote Mayor Davey said 'Those who believe Cllr Parker should be censured, I do because he has put me in that bundle as well. He has put everyone on that Panel, including the person from the Local Government Association, under a cloud.'
What Clr Parker had actually said earlier was 'I would like to echo Clr Troy's comment, I had comments made to me as well prior to that election process which indicated that there was some sort of bias against one of the candidates...'

There was no mention at all about a Councillor, Council Officer or any member of the Interview Panel in Clr Parker's comments.

Sgd: Chris Parker
Sgd: James Ryan
Sgd: Dale Troy
Date: 7 March 2011
Received: 2/03/2011

ENCLOSURES

There are no enclosures for this report
SUBJECT: SECTION 96 MODIFICATION NO 8/2004/1507/4 - AMENDMENT TO THE STAGING OF APPROVED DEVELOPMENT FOR STORAGE SHEDS, RESTAURANT, CAFE, OFFICES, LANDSCAPING AND CAR PARKING

AUTHOR: Senior Planning Assessment Officer - Kerry Porter

RECOMMENDATION

That the Section 96 Application to modify Development Application No. 8/2004/1507/4 for Storage Sheds, Restaurant, Café, Offices, Landscaping and Car Parking on Lot 1, DP 531161, 247 Wine Country Drive, Nulkaba be determined pursuant to S80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions at the end of the report.

REASON FOR REPORT

This report is presented to Council on the basis that the original approval for the development was granted by Council.

The proposal is to modify the staging of the development and delay construction of the restaurant/cafe until Stage 2 of the development (instead of stage 1).

The modification of development consent 8/2010/580/1 is recommended for approval.

APPLICANT

Just Schinus Pty Ltd

OWNER

Just Schinus Pty Ltd

APPLICATION LODGED

1 October 2010

PROPERTY ADDRESS

Lot 1 DP 531161
No. 247 Wine Country Drive, Nulkaba

AREA

3.7 Hectares

ZONING

Rural 1(a)
PROPOSAL

The Section 96 application proposes to defer construction of the restaurant/café, which is located at the front of the site, from stage 1 to stage 2 of the development. The staging plan will now be as follows:

Stage 1 – Demolition of existing buildings and site remediation (already undertaken), Office, Store 1, intersection works on Wine Country Drive, main car park at the front of the site, landscaping of eastern portion and buffer landscaping of the full development site.

Stage 2 – Restaurant/Café, Store 2, associated car parking, road works and landscaping.
Store 3 – Store 3, associated car parking, road works and landscaping.

Stage 4 – Store 4, associated car parking, road works and landscaping.

Attachment 1 identifies the proposed staging plan.

It is also proposed to correct an error in Schedule 2 of the consent relating to the location of the proposed intersection construction. The first amendment to the consent (approved by Council on 16.8.2006) modified the location of the access driveway to be retained along the southern boundary of the site. While the RTA concurred with this decision by letter dated 28.4.2006, Schedule 2 of the consent (RTA’s General Terms of Approval) was not amended to reflect this change.

BACKGROUND

Council considered a report on the demolition of the existing car wrecking yard and construction of storage sheds, restaurant, café and offices at the Council Meeting held on 15 June, 2005. The development was recommended for refusal for the following reasons:

1. The proposal in terms of the commercial and storage unit components is inconsistent with the aims and objectives of the 1(a) Rural zone.

2. Given the physical constraints of the site, the proposal has the potential to give rise to a land use conflict with the adjoining agricultural and vineyard development, contrary to Clause 10 (1) a) of the Local Environmental Plan.

3. The siting and design of the development is of an inappropriate scale having regard to the rural and scenic character of the locality, contrary to the principles under Clause 10(1)(c) of the Local Environmental Plan.

4. The proposal is inconsistent with the strategic direction for future commercial/industrial development in the LGA being Stage 2 of the City Wide Settlement strategy and the Civic Precinct Strategy.

5. The proposal may adversely impact on the quiet enjoyment of the neighbouring properties and will detract from the visual amenity of the rural environment.

Council deferred consideration of the application and requested that it be returned with suitable conditions for approval.

At the Meeting held on 20 July, 2005, Council approved the
development application subject to conditions. In particular, condition 2 of the consent restricted the use of the storage sheds and offices for wine and wine related products and services. Condition 25 required the relocation of the access driveway from the southern boundary of the site to the northern boundary.

On 17 October, 2005, the applicant lodged a Section 96 Application to modify and delete a number of conditions imposed on the consent relating to the restriction on use for wine related purposes, relocation of the access driveway, landscaping and operating hours for the restaurant.

A report on the modification was considered by Council at its Meeting on 2 August, 2006. The report recommended refusal of the modification request and Council deferred consideration of the application given there was a public address on the matter.

The Section 96 application was again considered by Council at its Meeting on 16 August, 2006 where consent was granted to the modification. Condition 2, which restricted the use of the storage sheds and offices to wine related products and services, was re-worded to ensure the development operated as “a multi-tenancy complex in support of the local wine and tourist industry”.

Remediation works were undertaken on the site in March and August 2007 with a Validation Certificate issued in November 2007 by accredited auditors (Parsons Brinkerhoff) confirming the site had been successfully remediated and was suitable for residential use.

Given the demolition and remediation works undertaken on the site, the development is considered to have commenced and Council confirmed this in a letter to the applicant on 17 December, 2008.

**SITE DESCRIPTION**

The subject land is located on the western side of Wine Country Drive, Nulkaba and was formerly used as a car wrecking yard. The wrecking yard has since been demolished, the site remediated (DA 8/2004/1507/1) and the land is now vacant. The land is irregular in shape with a total area of 3.7 hectares.

**ENVIRONMENTAL PLANNING INSTRUMENTS**

- Cessnock Local Environmental Plan 1989
- Draft Cessnock Local Environmental Plan 2010
- Cessnock Development Control Plan 2006

**CONSULTATION**

- Internal Consultation
- Development Engineers
External Consultation

Notification - public notification was undertaken to surrounding neighbours and advertised in the local newspaper with no submissions being received.

RTA – Consultation was undertaken with the RTA regarding the proposed staging amendments where no objections were raised providing the intersection works on Wine Country Drive were undertaken in Stage 1 of the development. The applicant has agreed for this to occur.

PLANNING ASSESSMENT

The proposed modification request is permitted pursuant to Section 96 (1) (A) of the Environmental Planning and Assessment Act. The modification will result in the development being substantially the same development and will have minimal environmental impact.

All heads of consideration detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following relevant matters identified:

a. The Provisions of any Environmental Planning Instrument

Cessnock Local Environmental Plan, 1989

The subject land is zoned Rural 1(a) under the provisions of Cessnock LEP 1989. Council resolved at the Council Meeting held on 20 July, 2005 to issue consent for the development and the proposed Section 96 amendment results in the development being substantially the same as that originally approved by Council.

b. The Provisions of any Draft Environmental Planning Instrument

The subject land is proposed to be zoned RU2 (Rural Landscape) under Draft Cessnock Local Environmental Plan 2010.

While the approved development would not be permitted in the RU2 zone, bulky goods premises, business premises and office premises are all prohibited in the RU2 zone, consent was issued in 2005 for the development prior to the preparation of the Draft LEP and as such, there are no provisions within the Draft LEP restricting the modification as proposed.

c. The Provision of any Development Control Plan

The revised staging plan for the development does not change any Development Control Plan requirements.
d. The Likely Impacts of the Development

While the overall design of the development will not change, Stage 1 will be modified such that the restaurant/café will not comprise part of the store/office building. This will result in a change to the appearance of the building constructed in stage 1 until the restaurant/café is constructed in stage 2 of the development. To address the appearance of the building it is proposed to construct a temporary facade to maintain a pleasing aesthetic building appearance from Wine Country Drive. This change is illustrated in Attachment 2.

The only change to the building in stage 1 is to a small section of the building’s facade, comprising approximately 60 square metres or 16 percent of the overall facade surface area. This section, the facade of which will largely consist of aluminium framed shopfront glazing once the restaurant is constructed, will be temporarily clad with colorbond panels with decorative bracing located under the front awning to provide interest to this section of the building in the short term.

It is considered that the changes to the facade of the building in stage 1 of the development are minor and will not adversely impact on the street appeal of the building. Landscaping will still be required in accordance with the original approval which requires the majority of landscaping work at stage 1, including full landscaping of the frontage of the site and full perimeter landscaping in accordance with the approved landscape plan.

e. The Suitability of the Site for Development

Council determined at its meeting on 20 July 20, 2005 that the site was suitable for the development.

f. The Public Interest

While public objection was raised to the original application for the development, no submissions were received during the notification of the modification to the staging of the development.

STRATEGIC LINKS

Management Plan
The assessment of this application supports Council’s Second Goal – To protect, enhance and promote our natural, developed and cultural environment.

a. Other Plans

N/A
STATUTORY IMPLICATIONS

a. Policy and Procedural Implications
   NIL

b. Financial Implications
   N/A

c. Legislative Implications
   NIL

d. Risk Implications
   N/A

e. Other Implications
   N/A

OPTIONS

1. Approve the Section 96 application and consent to the construction of the restaurant/café in Stage 2 of the development.

2. Refuse the Section 96 application and require the restaurant to be constructed in Stage 1 of the development.

CONCLUSION

The request to modify the staging of the consent is considered reasonable. The development remains substantially the same and the change has minimal environmental impact. Furthermore, Council received no submissions in response to the notification of the application.

Therefore, the application to modify development consent 8/2010/580/1 is recommended for approval.

ENCLOSURES

1 Site Plan
2 Elevation Plans
STANDARD CONDITIONS

PROPOSED CONDITION AMENDMENTS

Existing Condition 1.

The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the Plans numbered SK A00 dated October 2004 and SK A01 – SK A05 dated September 2004, and L01A dated 15 November 2004, and any other information submitted in support of the application, except as modified by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council’s approval

Amended Condition 1.

The proposed development shall be carried out strictly in accordance with the details set out on the application form, and the plans prepared by GWH Construction Pty Ltd, Reference No. 044N, Drawing No’s. 01 - 020, Revision No. 01 dated 30.03.2010, as amended in red, and the Landscape Plan prepared by EJE Landscape Architecture (Drawing No. L01, Revisions A) dated 15 November 2004 and any other information submitted in support of the application, except as modified by the conditions of this consent.

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council’s consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council’s approval
Existing Condition 14.

All works are to be undertaken in the order specified on the staging plan numbered SK A00 dated October 2004 except as modified by the following:

Stage 1 works detailed below shall be completed in full and an Occupation Certificate shall be issued for all components of Stage 1 prior to the issue of a Construction Certificate for Stages 2, 3 or 4.

**Stage 1 works shall comprise:**

a) Demolition of all structures on site;
b) Removal of all car bodies and parts from site;
c) Remediation of the site;
d) Planting of all landscaping within Stage 1 of plan SK A00 dated October 2004, and of all perimeter landscaping on site including within Stages 2, 3 and 4.
e) Construction of Store 1, Office, Restaurant and Café;
f) Office and Restaurant Carpark and roadworks;
g) Vehicular access to Store 1;
h) Design and construction of Type CHR (Ausroads Type C) intersection at the entry/exit on Wine Country Drive to the satisfaction of Council and the Roads and Traffic Authority (RTA), at no cost to Council or the RTA.

**Stage 2 works shall comprise:**

i) Construction of Store 2;
j) Associated internal roadworks and landscaping.

An Occupation Certificate shall be issued for all components of Stage 2 prior to the issue of a Construction Certificate for Stages 3 or 4.

**Stage 3 works shall comprise:**

k) Construction of Store 3;
l) Associated internal roadworks and landscaping.

An Occupation Certificate shall be issued for all components of Stage 3 prior to the issue of a Construction Certificate for Stage 4.

**Stage 4 works shall comprise:**

m) Construction of Store 4;
n) Associated internal roadworks and landscaping.

**Reason**

To confirm and clarify the terms of Council’s approval and ensure all work is undertaken at appropriate intervals to ensure the safety of patrons and enhance the visual amenity of the site.
Amended Condition 14

All works are to be undertaken in the order specified on the staging plans prepared by GWH Construction Pty Ltd, Reference No. 044N, Drawing No’s. 01 - 020, Revision No. 01 dated 30.03.2010, as amended in red and except as modified by the following:-

Stage 1 works detailed below shall be completed in full and an Occupation Certificate shall be issued for all components of Stage 1 prior to the issue of a Construction Certificate for Stages 2, 3 or 4.

Stage 1 works shall comprise:

a) Demolition of all structures on site;
b) Removal of all car bodies and parts from site;
c) Remediation of the site;
d) Planting of all landscaping within Stage 1 of the development, and all perimeter landscaping on site including within Stages 2, 3 and 4 (in accordance with the approved Landscape Plan drawn by EJE Landscape Architecture, Project No. 5779.5, Drawing No. L01, Revision No. A, dated 15.11.04).
e) Construction of Store 1 and Office and associated façade works in accordance with Drawing No. 9 (Revision 01, Reference 044N) dated 30.03.2010;
f) The main Carpark and associated roadworks at the front of the site;
g) Vehicular access to Store 1;
h) Design and construction of Type CHR (Ausroads Type C) intersection at the entry/exit on Wine Country Drive to the satisfaction of Council and the Roads and Traffic Authority (RTA), at no cost to Council or the RTA.

Stage 2 works shall comprise:

i) Construction of the Restaurant and Café;
j) Construction of Store 2;
k) Associated internal roadworks and landscaping.

An Occupation Certificate shall be issued for all components of Stage 2 prior to the issue of a Construction Certificate for Stages 3 or 4.

Stage 3 works shall comprise:

k) Construction of Store 3;
l) Associated internal roadworks and landscaping.

An Occupation Certificate shall be issued for all components of Stage 3 prior to the issue of a Construction Certificate for Stage 4.

Stage 4 works shall comprise:

m) Construction of Store 4;
n) Associated internal roadworks and landscaping.
Reason
To confirm and clarify the terms of Council’s approval and ensure all work is undertaken at appropriate intervals to ensure the safety of patrons and enhance the visual amenity of the site.

Existing Schedule 2 – Integrated Approvals – Roads and Traffic Authority

The registered proprietor of the land shall arrange the design and construction of the following in accordance with the RTA’s ‘Road Design Guide’ and Council’s ‘Engineering Requirements for Development’. The applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA’s Works Authorisation Deed documentation.

1. Construct type CHR intersection in accordance with the RTA’s ‘Road Design Guide’.
2. Construct shoulder widening across the full frontage of the development
3. Provide street lighting on Wine Country Drive in Accordance with Australian Standards.

The intersection shall be located adjacent to the northern boundary of the site to provide improved sight distance along Wine Country Drive.

Turning templates and swept paths for service vehicles shall be provided to RTA and Council requirements.

The intersection shall be constructed During Stage One of the development at no cost to the RTA or Council and cannot commence until a consent is issued under the Roads Act, (1993) by the RTA.

Reason
To ensure the public road facilities are upgraded to an appropriate standard as a result of additional requirements of the development

A construction management plan based on the entire development shall be submitted to the RTA for approval.

All vehicular access to the site shall be in a forward direction only

The proposed development shall meet the NSW Environment Protection Authority’s ‘Criteria for Road Traffic Noise’ and Australian Standards AS2107, 2000 and AS 3671, 1989. The criteria is to be applied on the basis of the projected traffic volumes on Wine Country Drive ten (10) years after the completion of buildings on the land.

The development is subject to road traffic noise from Wine Country Drive. The RTA will not be responsible for providing retrofitted noise control measures should residents seek assistance at a later date.

The applicant is advised that the conditions of development consent set by Council do not guarantee the RTA’s final consent to the specific road work, traffic control facilities and other structures work on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work. In
this regard the applicant is required to submit detailed design plans, environmental assessment and all relevant additional information, as may be required in the RTA’s Works Authorisation Deed documentation, for each specific change to the state road network for the RTA’s assessment and final decision concerning the work.

**Amendment to Schedule 2 – Integrated Approvals – Roads and Traffic Authority**

The registered proprietor of the land shall arrange the design and construction of the following in accordance with the RTA’s ‘Road Design Guide’ and Council’s ‘Engineering Requirements for Development’. The applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA’s Works Authorisation Deed documentation.

1. Construct type CHR intersection in accordance with the RTA’s ‘Road Design Guide’.
2. Construct shoulder widening across the full frontage of the development
3. Provide street lighting on Wine Country Drive in Accordance with Australian Standards.

The intersection shall be located adjacent to the southern boundary of the site to provide improved sight distance along Wine Country Drive.

Turning templates and swept paths for service vehicles shall be provided to RTA and Council requirements.

The intersection shall be constructed During Stage One of the development at no cost to the RTA or Council and cannot commence until a consent is issued under the Roads Act, (1993) by the RTA.

**Reason**

*To ensure the public road facilities are upgraded to an appropriate standard as a result of additional requirements of the development*

A construction management plan based on the entire development shall be submitted to the RTA for approval.

All vehicular access to the site shall be in a forward direction only.

The proposed development shall meet the NSW Environment Protection Authority’s ‘Criteria for Road Traffic Noise’ and Australian Standards AS2107, 2000 and AS 3671, 1989. The criteria is to be applied on the basis of the projected traffic volumes on Wine Country Drive ten (10) years after the completion of buildings on the land.

The development is subject to road traffic noise from Wine Country Drive. The RTA will not be responsible for providing retrofitted noise control measures should residents seek assistance at a later date.

The applicant is advised that the conditions of development consent set by Council do not guarantee the RTA’s final consent to the specific road work, traffic control facilities and other structures work on the classified road network. The RTA must provide a final consent for each specific change to the state road network prior to the commencement of any work. In
this regard the applicant is required to submit detailed design plans, environmental assessment and all relevant additional information, as may be required in the RTA’s Works Authorisation Deed documentation, for each specific change to the state road network for the RTA’s assessment and final decision concerning the work.
SUBJECT: DEVELOPMENT APPLICATION NO 8/2010/630/1 - RE-SUBDIVISION OF THREE (3) LOTS INTO TWO (2) LOTS - 72 WINE COUNTRY DRIVE, NULKABA

AUTHOR: Senior Planning Assessment Officer - Kerry Porter

RECOMMENDATION

That the Development Application No. 8/2010/630/1 for the Re-Subdivision of Lots 7 & 8 DP 260641 and Lot 1 DP 1112428, at 72 Wine Country Drive, Nulkaba, from three (3) lots into two (2) lots be determined pursuant to S80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions at the end of the report.

REASON FOR REPORT

The application proposes to re-subdivide the existing three (3) rural zoned allotments into two (2) allotments having areas of 17.9 hectares and 2.59 hectares.

The matter is presented to Council on the basis that the re-subdivision will result in the creation of two (2) allotments with areas less than the 40 hectare development standard for the Rural 1(a) zone.

The Department of Planning have advised Council that their concurrence can be assumed given that no additional allotments and no new dwelling entitlements will be created.

APPLICANT

Hardie Holdings

OWNER

Nulkaba Produce Centre

APPLICATION LODGED

29 September 2010

PROPERTY ADDRESS

Lots 7 & 8 DP 260641 and Lot 1 DP 1112428
72 Wine Country Drive, Nulkaba

AREA

Lot 7 DP 260641 - 9.79 hectares
Lot 8 DP 260641 - 9.41 hectares
Lot 1 DP 1112428 - 1.3 hectares

Total 20.5 hectares

ZONING

Rural 1(a) and Unzoned Land
PROPOSAL

The application proposes to re-subdivide the existing three (3) allotments into two (2) allotments. The proposed allotments will have areas of 17.9 hectares and 2.9 hectares.

The existing dwelling will be located on the larger lot. The second smaller lot will be vacant.

BACKGROUND

Development Application No. No 8/2006/18/1 for a Tourist and Agricultural Facility was approved on the land by Council at its meeting held 19.3.2008. The approval comprised the following components:
Our Natural, Developed and Cultural Environment
Report No. EE10/2011
City Planning

- Demolition of the existing dwelling house and ancillary structures.
- Construction of a Tourist & Agricultural Facility comprising the following components:
  - wholesale nursery
  - bulk material supplies
  - retail nursery
  - coffee shop
  - honey market
  - organic produce markets
  - café
  - art & antique centre
  - produce storage
  - machinery shed
  - restaurant
  - service station including take-away food & mini mart
  - car parking, roadworks & advertising signage.

On July 16, 2009, the applicant lodged a Section 96 modification requesting changes to the proposed intersection design. The RTA withheld its concurrence to the proposed intersection design changes and the applicant lodged an appeal with the Land and Environment Court on September 18, 2009 on the basis of a deemed refusal. Council subsequently refused the Section 96 modification at its meeting on April 21, 2010 on traffic safety grounds and the fact that the RTA refused to give their concurrence to the application.

During the court proceedings, all parties agreed to a modified intersection design and the applicant lodged another Section 96 modification request on May 13, 2010, which was expedited by Council and approved on May 26, 2010.

**SITE DESCRIPTION**

The site consists of three (3) allotments, all rectangular in size, with frontage to Wine Country Drive. The land slopes away from Wine Country Drive to the creek and contains little vegetation other than grasses. Lot 1 DP 1112428 is a closed Crown Road, recently purchased by the applicant from the Crown.

The majority of the site is flood affected and is traversed by a watercourse with Black Creek bordering the eastern boundary of the site. Lot 7 DP 260641 contains a brick and tile dwelling, steel clad garage, three (3) ancillary derelict sheds and some dams.

**ENVIRONMENTAL PLANNING INSTRUMENTS**

State Environmental Planning Policy No. 1 - Development Standards
Cessnock Local Environmental Plan 1989
CONSULTATION

Internal

- Development Engineers - raised no objection to the proposal subject to standard conditions.

External

- NSW Rural Fire Service – no objections raised subject to conditions relating to access and road widening.
- Roads and Traffic Authority – no objections raised subject to standard conditions relating to access to Wine Country Drive and road widening proposals.

Public Notification

The application was notified to adjoining neighbours for comment with one (1) submission received raising no objections to the proposal subject to protection of water supply and any future road widening considered. These matters are addressed further in the report under “Likely Impacts of the Development”.

PLANNING ASSESSMENT

All heads of consideration detailed under Section 79C of the Environmental Planning and Assessment Act, 1979, as amended, have been taken into consideration in the assessment of this application with the following relevant matters identified:

a. The Provisions of any Environmental Planning Instrument

Cessnock Local Environmental Plan, 1989

Lots 7 & 8 DP 260641 are zoned 1(a) Rural under the Cessnock LEP 1989. Lot 1 DP 1112428, the closed crown road, is currently unzoned land.

The subdivision is permitted pursuant to Clauses 11 and 12 of the Cessnock LEP 1989.

Clause 12 requires a minimum allotment size of 40 hectares within the Rural 1(a) Zone. The proposed subdivision does not satisfy this minimum requirement and variations of 93% and 55% are proposed. However, it should be noted that the existing allotments are currently well below 40 hectares having areas of 9.8 hectares, 9.4 hectares and 1.3 hectares. The proposed re-subdivision also reduces the number of undersize allotments from three to two.
State Environmental Planning Policy (SEPP) No 1 – Development Standards

The applicant has lodged an objection to the development standard contained in Clause 12(1) of the Cessnock LEP 1989 under the provisions of SEPP No. 1. The applicant has argued that the development standard pertaining to the site is unreasonable and unnecessary for the following reasons:

- The existing allotments are already well below the 40 hectare minimum development standard;
- The proposed subdivision will not create any additional allotments than already exist;
- The proposed subdivision will not create any new dwelling entitlements;
- The proposed subdivision will not compromise any existing or potential agricultural use of the land; and
- There will be no adverse environmental impacts as a result of the subdivision.

Planning Comment

The applicant’s objection to the development standards is considered to have merit in this instance because the entire holding currently comprises a total area of only 20 hectares and the consolidation and re-subdivision of three (3) lots into two (2) lots will create a more functional rural holding in that the proposed larger allotment has an area of 17.9 hectares.

The rear of the subject land is affected by flooding and the subdivision consolidates the majority of the flood affected land into proposed Lot 2 with an area 17.9 hectares. The smaller of the proposed allotments (Lot 1) is located at the front of the site and is only marginally affected by flooding. The size, configuration and siting of both allotments provides functional areas capable of accommodating permissible land uses. The overall aims and objectives of the Rural 1(a) Zone will be maintained.

However, it should be noted that existing Lots 7 and 8 comprise the whole of an existing holding and given that a dwelling already exists on Lot 7, Lot 8 does not have a dwelling entitlement. As such, the re-subdivision of the land into two (2) allotments will result in proposed Lot 1 not having a dwelling entitlement. A condition of consent will be imposed requiring the creation of an 88B instrument on the title of the land to inform prospective purchasers that the ‘existing holding’ dwelling entitlement has been extinguished.
b. The Provisions of any Draft Environmental Planning Instrument

The subject land is proposed to be zoned RU2 (Rural Landscape) under draft Cessnock LEP 2010 with the minimum allotment size being 40 hectares.

While the proposed subdivision fails to satisfy the provisions of the draft plan with respect to the minimum lot size requirement, exceptions to development standards are permitted under clause 4.6 of draft LEP 2010. The objectives of clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

It is considered that the SEPP 1 objection lodged by the applicant satisfies the requirements of clause 4.6 of draft LEP 2010.

The Provision of any Development Control Plan

Development Control Plan 2006 - Chapter D.1 (Subdivision Guidelines) applies to the application in this instance. In particular, Section 1.4 applies to Rural and Rural/Residential Subdivision.

The application has been assessed against the performance and prescriptive measures contained within this section of the DCP with the following relevant criteria being satisfied:

Allotment configuration

the existing dwelling, associated outbuildings and effluent disposal area which are fully contained within the boundaries of the proposed larger allotment (Lot 2).

The smaller allotment, proposed Lot 1, does not have a dwelling entitlement, but its rectangular configuration would be capable of accommodating a range of development permissible within the zone and in accordance within the land use table in Council’s Local Environmental Plan (LEP).

Preservation of Natural Features

The site contains no significant vegetation and the most significant natural attribute is the flood affected nature of part of the land. The proposed subdivision does not impact upon flood behaviour.
Visual Amenity

The subject land is located within one of the main gateways into Cessnock and the Vineyards District. While the proposed subdivision will result in a reduction in the number of allotments, it will have the potential of creating a more functional developable lot at the front of the site (outside the flood affected area). Any future application for the development of this site will be subject to the requirements contained in Council’s Local Environmental Plan and Development Control Plan.

The proposed subdivision will not affect the existing visual amenity of the site.

c. The Likely Impacts of the Development

Traffic and Access

The application was referred to the Roads and Traffic Authority (RTA) for comment given the site’s location on a classified road. The RTA raised no objections to the proposal providing only one access was permitted to each of the allotments, with the access to proposed Lot 1 being located either adjacent to the northern or the southern boundary of the proposed allotment so as to maximise the separation distance from the Kerlew Street intersection. The RTA also advised that the site was subject to a proposed road widening plan affecting a 10 metre strip along the front of the site.

The RTA requested that these matters be conditioned in the approval. Appropriate conditions have therefore been imposed).

Water Supply

Reticulated water supply is available to the site and a condition of consent will be imposed requiring a Section 50 certificate to be issued by Hunter Water Corporation prior to the issue of the subdivision certificate by Council.

d. The Suitability of the Site for Development

The subject land is considered suitable for the subdivision as proposed.

e. The Public Interest

One (1) submission was received to the application during the notification period. No objections were raised to the subdivision provided the appropriate authorities were involved with regards to the protection of water supply and that any future road widening was considered. This has been discussed in the report and appropriate conditions of consent recommended.
**STRATEGIC LINKS**

Management Plan

The assessment of this application supports Council’s Second Goal – To protect, enhance and promote our natural, developed and cultural environment.

a. Other Plans

N/A

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**STATUTORY IMPLICATIONS**

a. Policy and Procedural Implications

NIL

b. Financial Implications

NIL

c. Legislative Implications

NIL

d. Risk Implications

NIL

e. Other Implications

N/A

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**OPTIONS**

1. Approve the subdivision as recommended.

2. Refuse the application on the grounds of non-compliance with Council’s LEP regarding minimum allotment size in the Rural 1(a) zone.

3. 

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**CONCLUSION**

The proposed subdivision is consistent with the aims and objectives of the Rural 1(a) zone and the non-compliance with Council’s 40 hectare minimum area requirement is considered justified by virtue of the current undersized nature and configuration of the allotments.

The proposed consolidation and re-subdivision of the lots will result in a reasonable allotment configuration and create allotments capable of accommodating development on land outside of the area of flood affectation.

Approval of the application is recommended.
ENCLOSURES

1 Subdivision Plan 1 Page
2 Submission
3 Submission - This matter is considered to be confidential under Council Policy
STANDARD CONDITIONS

TERMS OF CONSENT

General

1. The proposed development shall be carried out strictly in accordance with the details set out on the application form, the Statement of Environmental Effects, the submitted subdivision plan (detailed below) and any other information submitted in support of the application, except as modified by the conditions of this consent.

* Plan of Proposed Boundary Adjustment Subdivision – Wine Country Drive, Nulkaba, Lots 7 & 8 DP 260641 & Lot 1 DP 1112428, dated 7 September 2010;

Note: Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 96 of the Environmental Planning and Assessment Act 1979 for Council’s consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development Application will have to be submitted to Council.

Reason
To confirm and clarify the terms of Council’s approval.

Access, Car parking and Loading Arrangements

2. Only one (1) vehicular access each will be permitted to proposed Lots 1 and 2 from Wine Country Drive. The access shall be designed and constructed as driveways to Council requirements and in accordance with the RTA’s Guide to Traffic Generating Developments and Austroads Guide to Road Design. The access form the proposed new Lot 1 to Wine Country Drive shall be located either near the northern or southern boundaries of the lot, as determined by Council. The existing vehicular access near Kerlew Street shall be removed.

Reason
To ensure the access locations give good separation distances between the access to Lot 2 and the intersection of Wine Country Drive and Kerlew Street.

3. All access crossings and driveways shall be maintained in good order for the life of the development.

Reason
To ensure that a safe adequate all-weather access is available to the development.

4. As the property is affected by a road widening proposal (10 metre strip across the Wine Country Drive frontage), any improvements to the property are to exclude the area required for road widening purposes.
PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

General

5. Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots.

Reason
To ensure that all services are wholly contained within each new lot created.

6. Evidence shall be submitted to Council that the registered proprietors of the land on whose behalf the application was made have complied with the requirements of Section 50 of the Hunter Water Board (Corporatisation) Act 1991. Such evidence shall be submitted Council prior to the release of the final plan of survey for the subdivision and the Subdivision Certificate.

Reason
To ensure compliance with the Hunter Water Corporation requirements for the supply of water and sewerage to the new lots created.

7. Prior to issue of the Subdivision Certificate, the applicant shall surrender Development Consent No. 8/2006/18/1 for the establishment of a Tourist and Agricultural Facility on the land.

Reason
To clarify the terms of the consent.

Fees, Development Contributions, Monetary Bonds, Dedication of Land

8. A final plan of survey, prepared by a Registered Surveyor, and seven (7) copies for endorsement by Council are to be submitted with the application for a Subdivision Certificate.

Reason
To enable the linen plan to be legally made.

9. Payment of the subdivision endorsement fee is to be received prior to release of the final plan of survey. Currently, this endorsement fee is $120 per lot. This fee is adjusted annually and the fee to be paid will be the applicable fee at the time of lodgement of the final plan of survey for endorsement and Subdivision Certificate application.
Our Natural, Developed and Cultural Environment

Reason
To ensure that the developer meets all costs associated with the release of the final plan of subdivision.

10. The applicant shall prepare a suitable 88B instrument in relation to proposed Lot 1 which clearly indicates that the ‘existing holding’ dwelling entitlement has been extinguished.

The endorsed 88B instrument shall be submitted to Council prior to Council’s endorsement and release of the Surveyor’s transparency.

Reason
To ensure that adequate legal and physical access arrangements are made in respect to the development.

DURING CONSTRUCTION

General

11. The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason
To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer’s cost.

Site Works

12. The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council’s “Engineering Requirements for Development”, Department of Conservation and Land Management’s ‘Urban Erosion and Sediment Control’ requirements and the Department of Housing ‘Soil and Water Management for Urban Developments’. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

Reason
To ensure protection of the environment by minimising erosion and sediment.

13. The extent of the 100 year Average Recurrence Interval (ARI) flood, as determined by a suitably qualified and experienced engineer, shall be shown on the plan of subdivision and a suitable 88B instrument in accordance with the Conveyancing Act, 1919 shall be created over proposed all flood affected proposed lots providing as follows: -

(a) Prohibit all building works within the area of inundation of the 100 year Average Recurrence Interval (ARI) flood.
(b) The floor level of all habitable buildings shall be 500mm above the 100 year Average Recurrence Interval (ARI) flood level.

(c) Providing that the Cessnock City Council (the prescribed Authority) will be the person entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable to Council, are to be paid by the owner on whose behalf the applicant has lodged the application.

The signed 88B instrument shall be submitted to Council prior to release of the Subdivision Certificate.

Reason
To minimise the extent of property damage and the risk of injury in the event of flooding of the site.

14. The Section 88B Instrument will be submitted to Council with all relevant signatures and company seals (where applicable) prior to endorsement of the linen plan of subdivision and release of the subdivision certificate. Alternatively, Council will accept, at the discretion of the Development Services Manager, a copy of the Section 88B Instrument with an accompanying letter from the acting Solicitor or Surveyor giving an undertaking that the Section 88B Instrument will be signed and submitted as presented to Council, unaltered, to the Land Titles Officer for registration with the linen plan of subdivision.

Reason
To ensure the Section 88B Instrument is submitted to the Lands Titles Office in the same form as it is submitted to Council.

SCHEDULE 2

Integrated Approvals
NSW Rural Fire Service

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply;

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 2, to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of “Planning for Bush Fire Protection 2006” and the NSW Rural Fire Service’s document “Standards for asset protection zones’. 
Landscaping

2. Landscaping to the site is to comply with the principles of Appendix 5 of “Planning for Bush Fire Protection 2006” for the existing dwelling on proposed Lot 2.
SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL ENVIRONMENT COMMITTEE MEETING HELD 10 FEBRUARY 2011

AUTHOR: Sustainability Co-Ordinator - Wendy Yeomans

RECOMMENDATION

That the Minutes of the Environment Committee meeting of 10 February 2011 be adopted as a resolution of the Ordinary Council.

A meeting of the Cessnock City Council Environment Committee was held on 10 February 2011 and reports as follows:

PRESENT:

- Mayor, Councillor A Davey
- Councillor J Ryan
- Bernice Brown (Wollombi Tidy Towns)
- Steve Meadows (Landcare)
- Colin Fitzsimons (Mt Vincent Landcare)
- Margaret Roberts (Landholder)
- Pamela Fitzsimons (Mt Vincent Landcare)
- Max Elliott (Cessnock Region Native Plants)
- R. Malcolm Bromhead (Principal, St Philip’s Christian College)

IN ATTENDANCE:

- Tricia Donnelly (Sustainability Officer)
- Wendy Yeomans (Sustainability Coordinator)
- John Asquith (Community Environment Network)
- Tricia Hogbin (Department of Environment Climate Change and Water – Threatened Species Unit)
- Mick Rodrick (Department of Environment Climate Change and Water – Threatened Species Unit & Project Officer - Nature Conservation Trust)
- Su Morley (Project Officer - Catchment Management Association)
- Sally Fisher (Hunter Valley native Plants)
- Paul Taylor – CCC Senior GIS Officer

APOLOGIES:

- Councillor J Hawkins
- Councillor C Burcham
- Michael Alexander (Environment & Waste Services Manager)
- Robyn Gill (Lovedale Chamber of Commerce)
- John Goswell (Friends of Werakata National Park)

Meeting commenced at 10.20am

BUSINESS ARISING FROM PREVIOUS MINUTES

Discussion to consult Council Policy on meeting attendance rules. Difficulty meeting quorum requirements due to lack of Councillor attendance.
Presentation by Community Environment Network - Overview of Programs on Offer

Improving biodiversity values of the LGA was highlighted in 2020 Community Plan and Council is reviewing strategies to achieve this end.

Presentation from John Asquith from the Community Environment Network outlined the Land for Wildlife program. The program is a first step to introduce better land management practices to conserve biodiversity. Participating landholders receive a free land assessment which includes suggestions on how to reduce environmental impacts on surrounding land and improve biodiversity on their own land. This assessment can be used to support an application for the Catchment Management Authority funding to undertake restoration. Participants receive a free newsletter informing them of other project outcomes and upcoming grant opportunities. There is no obligation to keep participating in the program and no restrictions placed on land title i.e. there is no legally binding obligation to participate in the future.

Council would establish a partnership arrangement (with financial contribution to Community Environment Network) and be expected to promote the program to farmers and hobby farms alike through rates notices and other media outlets. The Community Environment Network would perform the land assessments (fee contained in Council contribution), disseminate newsletters and organise community days. This may be an advantage to Council in further developing connectivity/linkages within the Conservation Strategy currently being prepared by Department Environment, Climate Change and Water. A formal proposal will be outlined to Council in a letter from Community Environment Network.

**ACTION:** John Asquith from Community Environment Network to propose a structure for Council involvement in the Land for Wildlife Program.

Members generally supported the program. Colin Fitzsimons outlined experiences in his community with the Voluntary Conservation Agreement process which is a legally binding contract to undertake certain management practices. It was generally agreed that Land for Wildlife was a good entry level scheme for the community.

John Asquith outlined that a Land for Wildlife Forum and Workshop would be held in Sydney on 6 May 2011. Mayor, Councillor Alison Davey expressed interest in sending a Council representative.

**ACTION:** Council’s Sustainability Coordinator to discuss sending a Council representative to the forum with Senior Management.

Presentation by DECCW Threatened Species Unit

Tricia Hogbin from the Department of Environment Climate Change and Water – Threatened Species Unit gave an overview of the Cessnock Conservation Strategy. Previously the Department of Environment Climate Change and Water developed recovery plans to assist threatened species, because there are 64 threatened species in our Local Government Area, many of them are part of a threatened community, a new approach was undertaken. The “Cessnock Valley Floor” was analysed using a biodiversity model and a map produced outlining areas with very high conservation value. Note that the valley floor is the small central section of the Local Government Area which is very significant in terms of its biodiversity value. The model used several factors including the presence of threatened
species or ecological communities, the amount of threatened or endangered community remaining and the type of land ownership or title over the land. The Department of Environment Climate Change and Water are also undertaking trials on Council controlled land at Richmond Main recreating an endangered ecological community.

See actions under 3.4

**Investigate recycling of waste in the conditions of consent for approval of major events**

Council’s Sustainability Coordinator outlined the key phrases in the Cessnock Development Control Plan 2006, Site Waste Minimisation and Management Plans and the Temporary Events Guide regarding recycling. It was felt by members that the wording was not strong enough – i.e. that recycling would be done “when possible”. Recycling targets could be set for recycling of materials (where markets exist).

**ACTION:** Council’s Sustainability Coordinator to work with Council’s City Planning Department to strengthen recycling conditions for major events.

Discussion then turned to smaller events such as markets and school fetes which are not required to fill out a development application. Council could assist these smaller organisations with event recycling.

**ACTION:** Council’s Sustainability Officer to investigate ways of encouraging recycling at smaller events. (Note: Events policy currently under development via the Waste and Sustainability Improvement Program.

**Biodiversity Meeting**

John Goswell expressed his disappointment at not being able to attend the meeting and sent a document to express his views. Refer to Enclosure.

Councils Senior GIS Officer presented the mapping currently available to the community on the Council’s website. The system would be upgraded in the future and Council would be seeking comment from the community as to what information should be available and how it should be presented.

Sources of biodiversity information include the Atlas of NSW Wildlife, Department of Environment Climate Change and Water, Cessnock Conservation Biodiversity Program, Vegetation of the Cessnock – Kurri Kurri Region and Pre 1750 Vegetation Mapping. Attendees recognised that although the Department of Environment Climate Change and Water had done significant analysis of the valley floor, other mapping and or analysis may be required in the local government that was facing high development pressure. Wollombi was suggested for analysis.

**ACTION:** Council’s Sustainability Coordinator to discuss with Tricia Hogbin further biodiversity mapping required for the area, funding requirements etc.

The Department of Environment Climate Change and Water is now undertaking communication of the Cessnock Conservation Biodiversity Program to (Councils) Landuse
Planners and initiating conservation projects with partners such as local Councils, landholders, the Catchment Management Authority and Landcare organisations.

**ACTION:** Council’s Sustainability Coordinator to meet with Tricia Hogbin to discuss future projects within the Cessnock Local Government Area.

**RECOMMENDATION:** (Note: Quorum of Councillors was not achieved at this point in the meeting). The Environment Committee recommends that the Department of Environment Climate Change and Water’s Cessnock Conservation Strategy be considered and where possible integrated into Council Policy. The Committee is seeking the input of the General Manager and Senior Planning Staff as to the most appropriate steps to achieve this outcome.

**ACTION:** Invite General Manager and senior planning staff to the first available Committee meeting to view a brief presentation by Department Environment, Climate Change and Water on the Cessnock Conservation Strategy and discuss implications.

Community representatives outlined current conservation and restoration activities at Bow Wow Gorge, Wollombi, Mt View and Stanford Merthyr.

Su Morely – Catchment Management Authority’s Project Officer presented projects currently undertaken in the Local Government Area and outlined the Catchment Management Authority’s funding processes. Upcoming opportunities exist in April. Members can seek assistance from Su.

Mick Roderick Threatened Species Unit and Project Officer - Nature Conservation Trust outlined the current project being undertaken in the Local Government Area that focuses on protecting Regent Honeyeater habitat. Council is assisting with this program (supplying property information).

**Report on Sustainability Training**

Council’s Sustainability Officer outlined Sustainability Training undertaken on 14 December 2010. Council’s Sustainability Officer attended a one (1) day workshop on using the Local Government and Shires Association Sustainability Training Package.

**ACTION:** Council’s Sustainability Officer to investigate:

- Sustainability brainstorming session with champions and any interested staff,
- A brief audit of middle management sustainability practices;
- Sustainability induction process for all staff.

**LISTED MATTERS**

**Infoletter for Environment Committee**

Although the information in the newsletter was interesting, the subject areas were very broad. The audience needs to be clarified and the level of information tailored to meet audience’s needs. Council’s Sustainability Coordinator outlined the infoletter was intended to be a brief summary of all things environmental that may interest the community. Environment Committee Members could then cut and paste specific links to members in their
Providing Quality Services
Report No. QS9/2011

Infrastructure & Services

networks that could best use the information. The infoletter in its entirety was not intended to be forwarded on.

Overview of current environmental information: Council currently produces a School’s Environment Newsletter to keep that sector up to date with available programs and funding opportunities. It was noted that “Bush Matters” - a newsletter by the Department of Environment Climate Change and Water covered some biodiversity topics of interest to our region. Information is also available on Council’s website.

Future possibilities included:

- Forming an online group for the committee where articles of interest could be posted;
- production of a hardcopy environmental newsletter with a local focus;
- using Council’s page in the Advertiser to alert people to local issues eg expansion of recyclables able to be processed via the kerbside recycling bin;
- Using a link on the front page of the website to draw people’s attention to new environmental information or reminders.

**ACTION:** Council’s Sustainability Coordinator to review community communication strategy and present to the next committee meeting for discussion.

**CSIRO Energymark Program**

Council’s Sustainability Officer presented an overview of the program. The program brings people together in small groups to learn about energy and climate change issues, and discuss what they can do to make a difference. CSIRO is currently looking for volunteers to lead Energymark discussions in New South Wales and Queensland. Environment Committee Members could consider becoming conveners if they could find ten (10) interested community members (friends, family, neighbours, workmates etc) that could attend all of the eight (8) meetings required to fulfil the program requirements.

Steve Meadows suggested making Church Groups aware of the program.

**ACTION:** Steve Meadows to forward Church Groups contact details on to Council’s Sustainability Officer.

Council may also be able to provide the opportunity to join a Council lead group.

**ACTION:** Council’s Sustainability Officer to seek approval to initiate a Council lead Energymark Group.

Meeting Closed: 3.30pm

Next Meeting:

**Time:** 10am -12pm  
**Date:** Thursday, 17 March 2011  
**Location:** Council Administration Building (Ante Room)
ENCLOSURES

1. Biodiversity - John Goswell  9 Pages
SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL TENDER PANEL MEETING HELD ON 22 FEBRUARY 2011

AUTHOR: Logistics, Depot & Building Services Manager - Renae Leayr

RECOMMENDATION

That Council endorse the report recommendations of the Cessnock City Tender Panel meeting held on 22 February 2011.

A meeting of the Cessnock City Council Tender Panel was held on 22 February 2011 and reports as follows.

PRESENT: Renae Leayr (Logistics, Depot & Building Services Manager)
Lindsay Clarke (Purchasing & Stores Coordinator)
Robert Wilson (Senior Finance Officer)
Rebecca McDonald (Cemetery & Admin Coordinator) – Minute Taker

APOLOGY: Nil

TENDER EVALUATION REPORTS

SUBJECT: TENDER FOR SUPPLY AND DELIVERY OF INFORMATION TECHNOLOGY AND COMMUNICATION EQUIPMENT (REGPRO010910)

AUTHOR: Information Systems Manager - Steven Hepple

SUMMARY

Evaluation and selection of tender for Tender No. REGPRO010910 - Tender for Supply and Delivery of Information Technology and Communication Equipment.

RECOMMENDATIONS

That Council accept the following recommendations from the Regional Procurement tender evaluation panel for Tender (REGPRO010910):

1. That all tenderers be appointed to this panel tender as I.T suppliers to participating member councils for the period 1 October 2009 to 30 September 2011, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 September 2012.

BACKGROUND

Council has previously run its own tenders for the supply of Information Technology and Communications equipment. The introduction of the Regional Procurement ® tender allows Council to access competitive pricing without the overheads of running our own tender process. Council’s last major Information Technology purchase was underway before the
finalisation of the Regional Procurement tender. Replacement of storage infrastructure is due in May 2011. It is proposed to purchase this equipment from the Regional Procurement tender.

Regional Procurement® called a tender for the supply and delivery of Information Technology and Communication Equipment to participating Hunter member councils for a two year period from 1 October 2009 to 30 September 2011. Tenders closed 10.00 am, Tuesday, 28 July 2009.

REPORT

Introduction
This tender was advertised in the following media:

Sydney Morning Herald Tuesday 9 June and Tuesday 16 June 2009
TenderLink on Tuesday 9 June,

Participating Councils in the tender were:

- Armidale Dumaresq Council
- Kiama Municipal Council
- Bega Valley Shire Council
- Lake Macquarie City Council
- Bellingen Shire Council
- Liverpool Plains Shire Council
- Bogan Shire Council
- Maitland City Council
- Bourke Shire Council
- Manly Council
- Brewarrina Shire Council
- Mosman Municipal Council
- Byron Shire Council
- Muswellbrook Shire Council
- Cessnock City Council
- Nambucca Shire Council
- Coffs Harbour City Council
- Narromine Shire Council
- Dubbo City Council
- NEWA (New England Weeds Authority)
- Dungog Shire Council
- Pittwater Council
- Gilgandra Shire Council
- Rous Water
- Gloucester Shire Council
- Singleton City Council
- Gosford City Council
- Shoalhaven City Council
- Great Lakes Council
- Upper Hunter Shire Council
- Gunnedah Shire Council
- Uralla Shire Council
- Guyra Shire Council
- Walcha Council
- Hunter Councils Inc.
- Warren Shire Council
- Kempsey Shire Council
- Wingecarribee Shire Council
- Dubbo City Council
- Gloucester Shire Council
- Singleton City Council
- Hunter Councils Inc.
- Kempsey Shire Council
- Wingecarribee Shire Council

Tenders Received
Eight (8) tenders in total were received from:

<table>
<thead>
<tr>
<th>Tenderer Name</th>
<th>Brand/s Supplied</th>
<th>Categories Tendered</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSA Pty Ltd</td>
<td>Hewlett Packard</td>
<td>1, 2, 3, 4 &amp; 5</td>
</tr>
<tr>
<td>Ricoh Australia</td>
<td>Ricoh</td>
<td>5</td>
</tr>
<tr>
<td>APC Australia Pty Ltd**</td>
<td>see note**</td>
<td>see note**</td>
</tr>
<tr>
<td>Adnet Technologies Australia Pty Ltd</td>
<td>Hewlett Packard</td>
<td>1, 2, 3, 4 &amp; 5</td>
</tr>
<tr>
<td>Corporate Express Australia Limited</td>
<td>Hewlett Packard &amp; Toshiba</td>
<td>1, 2, 3, 4 &amp; 5</td>
</tr>
</tbody>
</table>
**APC Australia Pty Ltd submitted a tender for products not covered by this RFT. Please refer to the ‘Additional Items’ worksheet in the tender evaluation spreadsheet for specifics.**

**Tender Evaluation Team:**

The tender evaluation was conducted over two days on Wednesday 5 and Thursday 6 August 2009 at Hunter Councils administration building 59 Bonville Avenue Thornton 2322 by:

- Ms Juliana Collins (Hunter Councils Environment Division) independent panel member in attendance Thursday 6 August only
- Mr Timothy Ball (Regional Procurement)
- Mr Craig Wade (Regional Procurement) and
- Mr Peter Salafia (Regional Procurement) as facilitator

**Evaluation of Tenders**

As per the Invitation to Tenderers document issued to all tenderers evaluation was split between two areas:

1. 80% Qualitative (non price) and
2. 20% Quantitative (price)

**Assessment of Conformance**

All tenders were conforming.

**Weighted Evaluation**

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements), and are listed in the tables below.

<table>
<thead>
<tr>
<th>SUPPLIER</th>
<th>CSA</th>
<th>Ricoh</th>
<th>C.Exp</th>
<th>Adnet</th>
<th>IBM</th>
<th>Andor</th>
<th>Data3</th>
<th>APC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
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<td>Category 3</td>
<td>100</td>
<td>95.72</td>
<td>DNT</td>
<td>96.52</td>
<td>DNT</td>
<td>DNT</td>
<td>98.05</td>
<td>DNT</td>
</tr>
<tr>
<td>Category 4</td>
<td>100</td>
<td>92.53</td>
<td>DNT</td>
<td>91.50</td>
<td>91.37</td>
<td>91.51</td>
<td>DNT</td>
<td>96.59</td>
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<tr>
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<td>96.97</td>
<td>88.84</td>
<td>98.17</td>
<td>98.04</td>
<td>DNT</td>
<td>94.07</td>
<td>98.81</td>
</tr>
</tbody>
</table>

DNT indicates the tenderer did not tender for this category.

**APC Australia Pty Ltd submitted a tender for products not covered by this RFT. Please refer ‘Additional Items’ in the spreadsheet.**
Tenderer rankings by Category:

<table>
<thead>
<tr>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
<th>Category 4</th>
<th>Category 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: Adnet</td>
<td>1: Adnet</td>
<td>1: Data#3</td>
<td>1: Data#3</td>
<td>1: Data#3</td>
</tr>
<tr>
<td>2: Data#3</td>
<td>2: Data#3</td>
<td>2: Adnet</td>
<td>2: CSA</td>
<td>2: Corporate Exp</td>
</tr>
<tr>
<td>Corporate Exp</td>
<td>3: Corporate Exp</td>
<td>3: IBM</td>
<td>3: Adnet</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5: Adnet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5: Andor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6: Ricoh</td>
</tr>
</tbody>
</table>

Evaluation Panel Recommendation:

The evaluation panel recommendation was:

1. That all tenderers be appointed to this panel tender as I.T suppliers to participating member councils for the period 1 October 2009 to 30 September 2011, and
2. That provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 30 September 2012.

Council Resolution:

The function of Regional Procurement inviting these tenders is in accordance with Section 355 of the Local Government Act (1993), however in accordance with the Local Government (General) Regulation 2005 – Part 7 Tendering, where expenditure on a tender exceeds $150,000 over the term of the contract, a council must adopt by resolution a report accepting the tender recommendation.

Cessnock City Council’s expenditure on tender REGPRO010910 is expected to be in excess of $150,000 over the contract term, so a Council resolution to accept this tender recommendation is necessary.

**TIME FRAME**

This contract will run for two (2) years from 1 October 2009 to 30 September 2011. A one (1) year option may be taken up based on satisfactory performance by the successful tenderer.

**LOCAL CONTENT**

Some of the suppliers have local offices. CSA and Andor are based in the Hunter.

**CONSULTATION**

Nil

**STRATEGIC LINKS**

a. Management Plan

This report links to Council's first management plan goal, to promote and provide quality services and facilities which address the needs of the community.
b. Other Plans

N/A

STATUTORY IMPLICATIONS

c. Policy and Procedural Implications

Council’s participation in Regional Procurement tenders is in accordance with 3.2.1 of Council’s Procurement Procedure.

d. Financial Implications

Funds are available within Council Council’s Information Systems budget to purchase equipment under this contract.

e. Legislative Implications

This complies with Section 355 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.

f. Risk Implications

By requiring the provision of the following information in the tender submission Regional Procurement are able to assess and minimise Council’s exposure to business risks:

- Referees
- Quality Assurance
- Occupational Health Safety and Rehabilitation Systems
- Ecologically Sustainable Development

Regional Procurement also ensure that all contractors engaged under their contracts have relevant and current insurance policies, have effective OH&S procedures & SWMS.

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.

(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

That Council endorse the recommendation of the evaluation panel and participate in the Regional Procurement Tender for Supply and Delivery of Information Technology.
SUBJECT: REPORT OF THE BADDELEY PARK MANAGEMENT COMMITTEE MEETING HELD ON 21 FEBRUARY 2011

AUTHOR: Recreation Services Manager - Nicole Benson

RECOMMENDATION

That the Minutes of the Baddeley Park Management Committee of 21 February 2011 be adopted as a resolution of the Ordinary Council.

PRESENT: Mayor, Councillor Alison Davey (in the Chair), Councillor Dale Troy, Mr Darryl Wilkinson (Cessnock Rugby League Football Club) and Mr David Pavey (Director Infrastructure & Services – representing the General Manager).

IN ATTENDANCE: Mrs Nicole Benson (Recreation Services Manager)

APOLOGIES: RECOMMENDED that the apologies received from Ms Lea Rosser (General Manager), Councillor Bob Pynsent, Mr David Cleaves (Secretary, Cessnock Rugby League Football Club) and Mr Ray Nickerson (President, Cessnock Supporters Club) be accepted.

MINUTES: RECOMMENDED that the Minutes of the Baddeley Park Management Committee Meeting held on 26 August 2010 as circulated, be taken as read and confirmed as a correct record.

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

LISTED MATTERS

LM 4.1 Presentation by Global Action Sports Pty Ltd

A presentation was made by representatives from Global Action Sports Pty Ltd regarding a potential Super Cross event at Cessnock Sportsground. The proposal was discussed at length and it was noted that in order to hold a Super Cross event at the Sportsground an additional 1,500 seats, additional lighting and at least 5,000 tonnes of clay-based soil would be required for the construction of the track.

In this case the promoter would bring in the additional seats and lighting and Council would be expected to supply the soil, preferably stockpiled within 3 – 5 kilometres of the venue.

Council’s Recreation Services Manager was requested to pass on testimonials from other Super Cross hosts to the committee. The committee agreed that it was satisfied that the event could be held without affecting current commitments of the ground. The committee were also satisfied that the promoter had measures in place to minimise the effect that this
proposals would have on the ground and agreed that further discussions should be held between the General Manager, Economic Development Manager and Global Sports Action Pty Ltd.

**RECOMMENDED** that the committee endorse further discussions surrounding the event with the General Manager and Economic Development Manager.

**ACTION:**

1. That Council’s Recreation Services Manager pass on the testimonials from other venue hosts to the Cessnock Rugby League Football Club;
2. That the Director Infrastructure & Services coordinate further discussions and investigations between Council and Global Sports Action Pty Ltd with the General Manager.

**LM 4.2 Past and Future Events at Cessnock Sportsground**

Darryl Wilkinson tabled a monthly summary of events held at the Sportsground during 2010 and advised that upcoming events included Relay for Life and several rugby league trial matches with the Newcastle Rugby League competition matches commencing on 17 April 2011.

**RECOMMENDED** that the information be noted.

**ACTION** no action required.

**LM 4.3 Naming of Cessnock Sportsground**

Council received correspondence from Mr Phil Baird who has researched the history of Rugby League in Cessnock. His research identified that Mr Don Schofield was involved in Cessnock Rugby League from 1949 until his death in 1999 at the old Cessnock Sportsground. He has asked Council to consider naming the new Cessnock Sportsground “Schofield Stadium” in honour of his 50 years of service to rugby league in the Cessnock area.

The committee acknowledged Mr Schofield’s contribution to Cessnock Rugby League and discussed the Cessnock Rugby League Football Club’s previous tradition of naming features of the sportsground after people. For example, Mark Watson Hill and Brian Davey-Gordon Caddis Media Room. The committee agreed that this approach should continue and that the naming of the stadium itself be saved for a potential commercial sponsorship of the venue to be investigated further by Council. The committee endorsed the Cessnock Rugby League Football Club’s recommendation to name the main entry gates after Don Schofield.

**RECOMMENDED** that as a means to continue the tradition of naming features of the sportsground after people that have made a significant contribution to Rugby League, that the main entry gates to the Cessnock Sportsground be named the Don Schofield gates.
ACTION:

1. That Councils’ Recreation Services Section advises Mr Baird and the Schofield family of the decision and works with the Cessnock Rugby League Football Club to officially name the gates in the very near future;
2. That Council’s Director Infrastructure & Services investigate with the General Manager the future commercial sponsorship of the Cessnock Sportsground.

LM 4.4 Fees and Charges

In accordance with the Licence Agreement between Council and the Cessnock Rugby League Football Club, Council’s Recreation Services Manager tabled the proposed draft 2011/2012 fees and charges for the Cessnock Sportsground.

RECOMMENDED that the Committee approve the proposed draft fees and charges to be included in Council's 2011/2012 Draft Management Plan and associated Fees and Charges.

ACTION that Council’s Recreation Services Manager ensures the proposed draft fees and charges are included in Council’s 2011/2012 Draft Management Plan and associated Fees and Charges.

LM 4.5 Licence Agreement

The current Licence Agreement between Council and the Cessnock Rugby League Football Club is due to expire in August 2011. A new Licence Agreement has been drafted for consideration to enter into another five (5) year Licence Agreement for the Cessnock Sportsground. The committee discussed the responsibilities of each party including the payment for water and electricity consumption to be made by the Cessnock Rugby League Football Club. The Cessnock Rugby League Football Club acknowledged this and agreed that Council's Recreation Services Manager is to provide estimates for water and electricity for the past two (2) years and that in addition to this clarification be sought regarding the metering for the car park lights as they are not within the bounds of the licence agreement. Furthermore the results of the energy efficiency assessment in November 2010 be made available to the Football Club for consideration.

RECOMMENDED that a new licence agreement be negotiated between Council and the Cessnock Rugby League Football Club.

ACTION:

1. That Council’s Recreation Services Manager provide the Cessnock Rugby League Football Club with water and electricity consumption estimates for the past two (2) years as well as the results of the energy efficiency assessment;
2. That Council clarify metering for the car park lighting;
3. That Council meet the Cessnock Rugby League Football Club on site to identify existing maintenance issues under the current licence agreement and determine a way forward;
4. That Council’s Recreation Services Manager and Council’s Senior Property Officer negotiate the new licence agreement with the Cessnock Rugby League Football Club.
LM 4.6 City V Country Rugby League Fixture Proposal

Council's Recreation Services Manager advised the committee that a detailed joint submission by Council and Cessnock Rugby League Football Club was made in November to the NSW Country Rugby League to host a 2011 or 2012 City versus Country rugby league fixture at the Cessnock Sportsground. The Cessnock Rugby League Football Club was advised that the 2011 bid was unsuccessful due to the proximity of the Cessnock Sportsground to Blue Tongue Stadium (Gosford) as well as the lighting levels at the Sportsground to enable television broadcasts.

**RECOMMENDED** that Council continue to support the Cessnock Rugby League Football Club submitting proposals to host similar events at the Cessnock Sportsground.

**ACTION** that Council's Recreation Services Manager coordinates the testing of the lux levels with a view to work towards improving the lighting at the venue considering the cessation of analogue television broadcasts and the commencement of digital broadcasts.

**CORRESPONDENCE**

Nil

**GENERAL BUSINESS**

Nil

The Meeting Was Declared Closed at 11.20 am

**ENCLOSURES**

There are no enclosures for this report
SUBJECT: REPORT OF THE CESSNOCK CITY COUNCIL AIRPORT CONSULTATIVE COMMITTEE MEETING HELD 21 FEBRUARY 2011

AUTHOR: Infrastructure Strategy Manager - Philip Miles

RECOMMENDATION

That the Minutes of the Airport Consultative Committee Meeting of 21 February 2011 be adopted as a resolution of the Ordinary Council.

A meeting of the Cessnock City Council Airport Consultative Committee was held on 21 February 2011 and reports as follows.

PRESENT: Councillor Ian Olsen
Councillor Cordelia Burcham (Joined Meeting at 1620 hrs)
Mr Peter Roberts (Aviation and Leisure Corporation)
Mr Jamie Bodwell
Mr Greg West (Hunter Valley Wine Industry Association)
Mr Mark Rowell, (Airport User Group)
Mr Gary Wills (Lovedale resident)
Mr Anthony Bendeich (Nulkaba resident)
Mr Richard Becker (Nulkaba resident)
Mr Phil Miles (Infrastructure Strategy Manager)
Mrs Kavita Payall (Economic Development Manager)

IN ATTENDANCE: Mr Peter Jackson (by invitation as a non voting guest)

APOLOGIES: RECOMMENDED that the apologies received from Mr. David Trevelyan (Airport User Group) and Mr. Tim Windsor (Polkolbin Resident) be accepted by the committee.

MINUTES: RECOMMENDED that the Minutes of the Airport Consultative Committee Meeting of 13 December 2010 be accepted as tabled. Moved by Mr Greg West and seconded by Mr Richard Becker.

BUSINESS ARISING FROM PREVIOUS MINUTES

LM02/10

This item generated discussion on what constituted a suitable alternate nominee, specifically for resident members. It was recommended that a resident of the same suburb was the most appropriate alternate nominee for resident members. The finalised alternate nominations list will be considered at the next meeting.

Action: Council’s Infrastructure Strategy Manager to compile and circulate a committee member contact list including alternate nominees prior to the next meeting.
LM03/10

The Committee Charter was amended as follows:-

“The Airport Consultative Committee has been established as a forum through which all stakeholders, including local residents, airport users, and business / interest groups can contribute to, and be informed of, current and future development plans for the Cessnock Airport.

Through the Committee and its Mission Statement, Council undertakes to protect the community in relation to the Cessnock Airport by ensuring a healthy environment, community and economy through an informed sustainable development process”

The chair acknowledged the Charter as amended and called for a motion to accept as tabled.

Moved:  Mr Richard Becker  
Seconded: Mr Tony Bendeich

The Committee Mission Statement was amended as follows:-

“The Airport Consultative Committee is to be Council’s key reference group in the sustainable long term strategic development of Cessnock Airport.”

The chair acknowledged the Mission Statement as amended and called for a motion to accept as tabled.

Moved: Mr Gary Wills  
Seconded: Mrs Kavita Payall-Phelan

Action: Complete

DEFERRED BUSINESS

LM03/11 - Airport DCP

Due to time constraints, consideration of this matter was deferred to the next meeting.

LM04/11 - Australian Noise Exposure Forecast

A copy of the Australian Noise Exposure Forecast contours and associated report has been issued to all Committee members.

Due to time constraints, consideration of this matter was deferred to the next meeting.

LM05/11 - Airport Related Complaints Management

Due to time constraints, consideration of this matter was deferred to the next meeting.

LM06/11 - Airport Strategic Plan

Due to time constraints the SWOT analysis and proposed workshop to open discussion on the proposed direction of airport development strategy was deferred to the next meeting.
LISTED MATTERS

LM01/11 – Airport Structure

A short presentation was provided by Mr Peter Roberts outlining the organisational relationship between Council and Aviation and Leisure Corporation and the management structure that oversees the airport, its operation and maintenance. A printed brief of this presentation was distributed during the meeting and is attached at Enclosure 1 as further reference.

Action: Information Noted

LM02/11 - Aircraft Movements

A short presentation was provided by Mr Peter Roberts with input from Mr Mark Rowell on aircraft movements and the parameters which determine these movements. A printed brief of this presentation was distributed during the meeting and is attached at Enclosure 2 as further reference.

Action: Information Noted

CORRESPONDENCE

Nil

GENERAL BUSINESS

Nil

The Meeting Was Declared Closed at 5:25p.m.

CONFIRMED AND SIGNED at the Meeting held on

.................................................................................. CHAIRMAN

.................................................................................. GENERAL MANAGER

ENCLOSURES

1  ALC Presentation printed notes Item LM01/11  4 Pages
2  ALC Presentation printed notes Item LM02/11  6 Pages
SUBJECT: RESOLUTIONS TRACKING REPORT
AUTHOR: Corporate Administration Assistant - Robyn Larsen

SUMMARY

The enclosure contains two (2) reports, being:

1. Completed Actions
2. Pending Actions

RECOMMENDATION

That the report be received and the information noted.

ENCLOSURES

1. Completed Actions
2. Pending Actions
SUBJECT: REVIEW OF COUNCIL’S PLANNING PROCESSES
AUTHOR: General Manager - Lea Rosser

SUMMARY

Report providing an update on the staff consultation process associated with the Planning Review report.

RECOMMENDATION

That the report be received and noted.

BACKGROUND

In 2010 the previous General Manager undertook that an independent review of Council’s planning processes be conducted. The review was required to assess the planning function and operational framework in terms of its ability to deliver planning outcomes based on Council’s strategic land use policy documents.

The report from the review was presented to Council at its meeting held on 16 February 2011 where Council resolved –

1. The report be WITHDRAWN for a month in order to give staff the opportunity to respond and give the consultants the opportunity to make amendments.
2. The Consultative Committee be involved in the formal consultations.

REPORT

As part of the consultative process the consultants returned to Council on 1 March 2011 to conduct meetings with relevant staff and to address and follow up on the written comments made by staff.

The consultants met with the -

Records and Information Technology staff
Health and Building Manager
Development Services Manager
Development Services team – 6 staff attended
Competitive Building Services team – 7 staff attended
Consultative Committee – the majority of the Committee attended
Strategic Landuse Planning – 4 staff and a consultant planner attended

The Director City Planning was unable to attend the meeting due to illness.

The consultants provided all attendees the opportunity to comment and discuss their concerns regarding both factual material and for clarification of information contained in the original report.
The report was further discussed at the Consultative Committee held on 8 March 2011. The Consultative Committee advised that they would be available to meet to discuss any further matters relating to the report as required.

The consultants have now provided a written response to the staff comments as well as detailing where they have amended the report following the consultation process.

Both the response to the comments and the amended report has been circulated to the staff involved and the members of the Consultative Committee. I have asked that any further staff responses are submitted as soon as practicable to finalise the consultation process prior to reporting back to Council.

**CONSULTATION**

Records and Information Technology staff  
Health and Building Manager  
Development Services team – 6 staff attended  
Competitive Building Services team – 7 staff attended  
Consultative Committee – the majority of the Committee attended  
Strategic Landuse Planning – 4 staff and a consultant planner attended

**STRATEGIC LINKS**

a. Management Plan

This report is linked to goal number 4 “to be a professionally managed and customer focused organisation which provides leadership through partnerships with the Community”.

b. Other Plans

This report is linked to Council’s Strategic Plan Our People, Our Place, Our Future.

The report is specifically linked to Our Future – Professional Management, Professional Services.

**STATUTORY IMPLICATIONS**

a. Policy and Procedural Implications

N/A

b. Financial Implications

N/A

c. Legislative Implications

N/A
Providing Quality Services
Report No. QS14/2011
General Manager’s Unit

\[d. \text{ Risk Implications}\]

N/A

\[e. \text{ Other Implications}\]

N/A

\textit{OPTIONS}

Nil

\textit{CONCLUSION}

This report provides an update to Council on the current process being undertaken in regards to staff consultation. The Council Resolution of 2 February 2011 required a report to be returned to Council within a month.

\textit{ENCLOSURES}

There are no enclosures for this report
SUBJECT: INVESTMENT REPORT - FEBRUARY 2011
AUTHOR: Financial & Administrative Services Manager - Robert Maginnity

SUMMARY
Clause 212 of the Local Government (General) Regulation 2005 requires a monthly report to Council detailing all money invested under Section 625 of the Local Government Act 1993.

RECOMMENDATION
That the report be received and the information noted.

BACKGROUND
Councils’ Investment Policy, the Local Government (General) Regulation 2005 and the Local Government Act 1993 require a report to Council detailing investments held within the investment portfolio at the end of each month.

REPORT
Statement By The Responsible Accounting Officer (RAO)
As Responsible Accounting Officer, I, Robert Maginnity, hereby certify that this report is produced in accordance with Clause 212 of the Local Government (General) Regulation 2005 and that all investments have been made in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council’s Investment Policy.

General Investment Commentary
Following assessment of cash flow requirements surplus funds are available for investing in accordance with Council’s investment policy and where possible investments were rolled over during the month. Deposits continue to be made with various financial institutions (all authorised deposit taking institutions under Federal Government banking legislation) with an emphasis on “cash” type investments (at call and term deposits). These investments are in compliance with the current Ministerial Investment Order, with non compliant investments held being covered under a grandfather clause within the Order.

The Reserve Bank of Australia official cash rate as at 28 February 2011 was 4.75%. Scheduled board meetings are held on the first Tuesday of each month (excluding January) at which the official cash rate is one of the matters considered. At the March board meeting the cash rate was retained at 4.75%. Market expectations are for the rate to be retained at current levels until mid year, with further rises in the second half of 2011.

At the December quarterly budget review the expected level of investment revenues was increased by $20,000. Actual investment revenues are slightly behind budget expectations at the end of February by $6,385, however a continuation of Council’s investment strategy should result in budget expectations being meet for the remainder of the year, particularly with a coupon expected from the Kakadu CDO during March (approximately $5,000).
Concern still exists in relation to principal and interest on a number of long term investments. These investments are shown with a zero interest rate within the portfolio. A conservative approach has been taken in regards to these investments and any interest received is treated as a bonus and have not been factored into the original budgeted interest figure. As each individual maturity date gets nearer, the risk of either capital or interest failure generally decreases, however a degree of uncertainty still remains on these investments.

The investments carrying such risk in Council’s portfolio are:

- Investment 1069 (Generator – CDO held with RIMsec) – remains a high level risk on interest and a low to moderate level risk on capital return. Matures in October 2011.
- Investment 1132 (Kakadu – CDO held with JP Morgan) affected by numerous defaults, remains a high level risk on capital return and medium level risk on interest.
- Investment 1142 (Coolangatta – CDO held with Lehman Brothers) – affected by Lehman’s bankruptcy, remains a high level risk on both interest and capital return.
- Investment 1143 (Asprit II – Equity Linked Deposit held with ANZ Bank) – suffered a default under Trust Deed, capital to be returned at maturity. Remains a high level risk on interest and a low level risk on capital return.

**Investment Portfolio Information**

The investments held by Council as at 28 February 2011 are set out in the table below:

<table>
<thead>
<tr>
<th>Inv. No.</th>
<th>Form Held With</th>
<th>Type</th>
<th>Coupon Term (Days)</th>
<th>Next Coupon Date</th>
<th>Maturity Date</th>
<th>Current Coupon Rate</th>
<th>LTD Interest Rate</th>
<th>Par Value $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commonwealth Bank Cash</td>
<td></td>
<td>4.10%</td>
<td></td>
<td></td>
<td>1,022</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commonwealth Bank At Call</td>
<td></td>
<td>4.50%</td>
<td></td>
<td></td>
<td>2,594</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1203</td>
<td>AMP</td>
<td>At Call</td>
<td>5.75%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>830</td>
</tr>
<tr>
<td>1020aa</td>
<td>Credit Suisse First Boston CDO</td>
<td>CDO</td>
<td>87</td>
<td>05-May-11</td>
<td>05-May-11</td>
<td>6.90%</td>
<td>7.54%</td>
<td>1,000</td>
</tr>
<tr>
<td>1029aa</td>
<td>Credit Suisse First Boston CDO</td>
<td>CDO</td>
<td>87</td>
<td>05-May-11</td>
<td>05-May-11</td>
<td>6.90%</td>
<td>7.54%</td>
<td>1,500</td>
</tr>
<tr>
<td>1069y</td>
<td>RIMsec</td>
<td>CDO</td>
<td>90</td>
<td>08-Apr-11</td>
<td>08-Apr-11</td>
<td>0.00%</td>
<td>4.93%</td>
<td>2,000</td>
</tr>
<tr>
<td>1132q</td>
<td>JP Morgan Australia Ltd CDO</td>
<td>CDO</td>
<td>90</td>
<td>20-Mar-11</td>
<td>20-Mar-14</td>
<td>0.00%</td>
<td>6.62%</td>
<td>500</td>
</tr>
<tr>
<td>1142o</td>
<td>Lehman Brothers CDO</td>
<td>CDO</td>
<td>90</td>
<td>20-Mar-11</td>
<td>20-Sep-14</td>
<td>0.00%</td>
<td>2.76%</td>
<td>1,000</td>
</tr>
<tr>
<td>1143d</td>
<td>ANZ Banking Group ELD</td>
<td>ELD</td>
<td>365</td>
<td>30-Jun-11</td>
<td>30-Mar-13</td>
<td>0.00%</td>
<td>0.75%</td>
<td>500</td>
</tr>
<tr>
<td>1187j</td>
<td>Newcastle Permanent BS TD</td>
<td>TD</td>
<td>91</td>
<td>26-May-11</td>
<td>26-May-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>500</td>
</tr>
<tr>
<td>1192h</td>
<td>Illawarra Mutual BS TD</td>
<td>TD</td>
<td>119</td>
<td>17-Mar-11</td>
<td>17-Mar-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>500</td>
</tr>
<tr>
<td>1213d</td>
<td>Bankstown City CU TD</td>
<td>TD</td>
<td>127</td>
<td>21-Apr-11</td>
<td>21-Apr-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>500</td>
</tr>
<tr>
<td>1215d</td>
<td>Illawarra Mutual BS TD</td>
<td>TD</td>
<td>126</td>
<td>14-Apr-11</td>
<td>14-Apr-11</td>
<td>6.05%</td>
<td>6.05%</td>
<td>800</td>
</tr>
<tr>
<td>1224b</td>
<td>Companion CU</td>
<td>TD</td>
<td>91</td>
<td>14-Apr-11</td>
<td>14-Apr-11</td>
<td>5.70%</td>
<td>5.70%</td>
<td>800</td>
</tr>
<tr>
<td>1225b</td>
<td>Maitland Mutual BS TD</td>
<td>TD</td>
<td>119</td>
<td>09-Jun-11</td>
<td>09-Jun-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>800</td>
</tr>
<tr>
<td>1227a</td>
<td>Newcastle Permanent BS TD</td>
<td>TD</td>
<td>112</td>
<td>03-Mar-11</td>
<td>03-Mar-11</td>
<td>5.99%</td>
<td>5.99%</td>
<td>600</td>
</tr>
<tr>
<td>1228a</td>
<td>ANZ Banking Group TD</td>
<td>TD</td>
<td>126</td>
<td>07-Apr-11</td>
<td>07-Apr-11</td>
<td>6.20%</td>
<td>6.20%</td>
<td>600</td>
</tr>
<tr>
<td>1229b</td>
<td>Newcastle Permanent BS TD</td>
<td>TD</td>
<td>91</td>
<td>19-May-11</td>
<td>19-May-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>600</td>
</tr>
<tr>
<td>1230a</td>
<td>Illawarra Mutual BS TD</td>
<td>TD</td>
<td>112</td>
<td>28-Apr-11</td>
<td>28-Apr-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>600</td>
</tr>
<tr>
<td>1231</td>
<td>Newcastle Permanent BS TD</td>
<td>TD</td>
<td>113</td>
<td>10-Mar-11</td>
<td>10-Mar-11</td>
<td>5.96%</td>
<td>5.96%</td>
<td>700</td>
</tr>
<tr>
<td>1232</td>
<td>Illawarra Mutual BS TD</td>
<td>TD</td>
<td>113</td>
<td>24-Mar-11</td>
<td>24-Mar-11</td>
<td>6.02%</td>
<td>6.02%</td>
<td>800</td>
</tr>
<tr>
<td>1233</td>
<td>Suncorp Bank</td>
<td>TD</td>
<td>126</td>
<td>23-Jun-11</td>
<td>23-Jun-11</td>
<td>6.05%</td>
<td>6.05%</td>
<td>700</td>
</tr>
<tr>
<td>1234</td>
<td>Illawarra Mutual BS TD</td>
<td>TD</td>
<td>141</td>
<td>14-Jul-11</td>
<td>14-Jul-11</td>
<td>6.00%</td>
<td>6.00%</td>
<td>500</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19,946</td>
</tr>
</tbody>
</table>
The following table provides information on the level of funds held and the percentage invested with financial institutions in Council’s investment portfolio:

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Amount $’000</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Bank of Australia</td>
<td>3,616</td>
<td>18.14%</td>
</tr>
<tr>
<td>Illawarra Mutual Building Society</td>
<td>3,200</td>
<td>16.04%</td>
</tr>
<tr>
<td>Credit Suisse First Boston Int.</td>
<td>2,500</td>
<td>12.53%</td>
</tr>
<tr>
<td>Newcastle Permanent Building Society</td>
<td>2,400</td>
<td>12.03%</td>
</tr>
<tr>
<td>RIMsec</td>
<td>2,000</td>
<td>10.03%</td>
</tr>
<tr>
<td>ANZ Banking Group</td>
<td>1,100</td>
<td>5.51%</td>
</tr>
<tr>
<td>Lehman Brothers International</td>
<td>1,000</td>
<td>5.01%</td>
</tr>
<tr>
<td>AMP Bank</td>
<td>830</td>
<td>4.16%</td>
</tr>
<tr>
<td>Maitland Mutual Building Society</td>
<td>800</td>
<td>4.01%</td>
</tr>
<tr>
<td>Companion Credit Union</td>
<td>800</td>
<td>4.01%</td>
</tr>
<tr>
<td>Suncorp Bank</td>
<td>700</td>
<td>3.51%</td>
</tr>
<tr>
<td>Bankstown City Credit Union</td>
<td>500</td>
<td>2.51%</td>
</tr>
<tr>
<td>JP Morgan Chase Bank</td>
<td>500</td>
<td>2.51%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>19,946</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Investment Type</th>
<th>Risk Assessment</th>
<th>Amount $’000</th>
<th>% of Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>CSH</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Collateralised Debt Obligation</td>
<td>CDO</td>
<td>Medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Term Deposit</td>
<td>TD</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Equity Linked Deposit</td>
<td>ELD</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Performance Measures</th>
<th>This Year</th>
<th>Last Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portfolio Average Interest Rate (YTD)</td>
<td>4.66%</td>
<td>3.43%</td>
</tr>
<tr>
<td>BBSW Average Interest Rate (YTD) *</td>
<td>4.89%</td>
<td>3.75%</td>
</tr>
<tr>
<td>Actual Investment Interest Earned (YTD)</td>
<td>$569,539</td>
<td>$437,645</td>
</tr>
<tr>
<td>Revised Budgeted Investment Interest (YTD)</td>
<td>$575,924</td>
<td>$403,065</td>
</tr>
<tr>
<td>Original Budget Investment Interest (Annual)</td>
<td>$845,000</td>
<td>$550,000</td>
</tr>
<tr>
<td>Revised Budget Investment Interest (Annual)</td>
<td>$865,000</td>
<td>$580,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Investment Balances (Par Value)</th>
<th>This Year</th>
<th>Last Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Balance 1 July (each year)</td>
<td>$20,087,000</td>
<td>$22,127,000</td>
</tr>
<tr>
<td>Current Balance</td>
<td>$19,946,000</td>
<td>$20,437,000</td>
</tr>
</tbody>
</table>

* BBSW 90 day Bank Bill Reference Rate (performance measure as per Investment Policy)
The following graph compares actual interest earned YTD, revised budget YTD and prior year actual.

![Monthly Investment Interest Actual to Budget Graph]

The following graph compares percentage interest rates for YTD average to last year’s actual YTD and current 90 days BBSW and last year’s 90 days BBSW rate.

![Performance Measurement Average Interest Rate Compare to Benchmark Graph]

**CDO Investment Commentary**

Council’s structured credit advisor, Structured Credit Research & Advisory has submitted the February monthly report on the $6M of CDO investments held within the portfolio. Council has four (4) CDO investments with varying levels of principal invested. The risk rating advice for the current and the three (3) prior months for Council’s CDO investments is summarised in the table below. The table shows the incremental monthly change as either positive (risk has generally lessened) neutral (risk was generally unchanged or insignificant movement) or negative (risk generally increased).
The risk categories utilised by Structured Credit Research & Advisory are to highlight securities believed to be more likely than not to default and securities which are more likely than not to survive. The assumptions in relation to principal at risk are detailed below:

- **Uncertain** – covers situations where Lehman Brothers Special Financing is involved.
- **Low** – very secure and robust transaction where the likelihood of any disruption of cash flows or a default is minimal. Risk of loss of <2%.
- **Moderate** – some risk but the structure has a reasonable degree of robustness and is still resilient to some stresses. Risk of loss in the **2% to 5%** range.
- **Material** – clear risk of a small number of single entity events or a systemic event in one sector that would cause transaction distress. Risk of loss in the **5% to 10%** range.
- **Serious** – clear and present danger, either idiosyncratic or systemic that is likely to cause the transaction to experience a loss due to a lack of resilience to such an event. Risk of loss in the **10% to 25%** range.
- **High** - high degree of uncertainty but where the balance of probabilities suggests that repayment of principal is more likely than not. Risk of loss in **25% to 50%** range.
- **Very High** – very high probability of partial or total loss of principal. Risk of loss in the **50% and 90%** range.
- **Near Certain Loss** - little chance of receiving promised cash flows. Risk of loss >90%.

Structured Credit Research & Advisory have reported generally positive monthly incremental changes for February, with three positive, one neutral and no negative movement. All risk ratings have been retained at the same levels as the prior month.

It is highlighted that the risk ratings are based on “any amount of principal loss’ and not ‘complete loss of principal, so the risk rating of near certain loss would equate to certain loss of some principal (although the possibility of total loss of principal can also eventuate).

A summarised “public” version of the advice is provided as *(Enclosure 1)* to this report. In accordance with the commercial in confidence agreement the full report is not available for public distribution; however Councillors can obtain a copy by contacting the Financial & Administrative Services Manager.

**CONSULTATION**

Senior Finance Officer  
Structured Credit Research & Advisory Pty Ltd
STRATEGIC LINKS

a. Management Plan

This report is linked to the Council’s fourth goal, to be a professionally managed and customer-focused organisation which provides leadership through partnerships with the community.

b. Other Plans

This report is linked to Council’s Strategic Community Plan “Cessnock 2020”. Investment returns are an integral part of funding sources for future services and community expectations within the “Cessnock 2020” plan.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

Investments are made in accordance with Investment Policy Number F12.3.

b. Financial Implications

Investment returns are included in Council’s Management Plan and amendments effected through the Quarterly Budget Review process. Investment portfolio performance is detailed within the report with comparisons to prior year and budget. A portion of the portfolio and its associated investment income is restricted as it relates to funds held from developer contributions and Domestic Waste Management and is not available for operational projects.

c. Legislative Implications

This report meets Council’s statutory obligations under the Local Government (General) Regulation 2005 and the Local Government Act 1993.

d. Risk Implications

Investment risks are detailed within this report.

e. Other Implications

There are no environmental, community, consultative or other implications to this report

OPTIONS

N/A

CONCLUSION

The report details investments held at month end and meets statutory reporting obligations.

ENCLOSURES

1 Structured Credit Research Public Report February 2011 6 Pages
This report details the level of outstanding rates and charges following the due date for payment of the 3rd rate instalment for the 2010/11 rating year.

**RECOMMENDATION**

That the report be received and the information noted.

**BACKGROUND**

The main rates and charges levy is processed in July each year. Ratepayers have the option of paying rates and charges in full by 31 August or by four equal instalments due 31 August, 30 November, 28 February and 31 May. Supplementary levies are raised throughout the year in instances where a rating categorisation change has occurred, a new service has been added or where a new valuation has come into effect.

Interest is charged on arrears rates and charges, being those rates and charges unpaid after the due date for payment. The interest rate applicable for 2010/11 is 9% per annum.

Where ratepayers elect to pay rates by instalments, those amounts are not considered due for payment until the instalment due date has passed. Even if a ratepayer defaults on a previous instalment, future ones are not actionable for collection until the due date has past.

**REPORT**

One of the Key Performance Indicators for Council is the level of outstanding rates and charges at the end of the rating year. This indicator also forms part of the annual financial statements and is an indicator used by the Division of Local Government in its assessment of the performance of individual councils. Council has set its indicator for outstanding rates and charges at year end to be less than 5.5% of the total payable rates and charges.

This report is provided for Councillors information to highlight the progress in meeting this indicator and to provide a comparison to the prior years.

The table below provides a summary of rates and charges unpaid from the 2009/10 rating year as at 1 July 2010, the net levy for the 2010/11 rating year, the total pension rebate applied to ratepayer accounts, the total payable for the year, the balance outstanding at the date of the report and the percentage collected for the year:
Report To Ordinary Meeting of Council - 16 March 2011

Professional Management and Leadership
Report No. PM10/2011
Corporate & Community

This is Page 68 of the Agenda of the Ordinary Council Meeting of the Cessnock City Council to be held on 16 March 2011
Total Rates Outstanding as % of Total Payable

The graph shows current year collections to be slightly behind the 2 previous years but better than the 2 years prior to that. The result of 31.70% of the total levy for the current year outstanding, inclusive of the 4th instalment not yet due, is in line with monthly projected collection targets which are based on an average of the 4 prior year results.

It should be noted that the outstanding percentage has been adversely impacted by the default of a ratepayer with a significant rate amount payable and in arrears. If payment of these rates had been received as they became due then the comparative outstanding percentage for February would be 30.40%. Efforts are ongoing in regards to collection of this outstanding debt and though there has been a default on payment of rates and charges, this amount is not considered to be doubtful for collection as outstanding rates and charges are a charge on the land. Council is normally able to recover the debt even when a ratepayer defaults and disposes of the property, as the liability for the rates and charges move with the transfer. Even if the rates and charges are not settled on transfer Council can ultimately recover outstanding rates by exercising its rights under Section 713 of the Local Government Act 1993 (sale of land for unpaid rates).

The above percentages includes all rates and charges (excluding postponed rates), which differs slightly from the published figures in the Division of Local Government comparative publications and Council’s Annual Financial Statements as these reports exclude a number of items including legal costs and onsite sewage systems management charges.
Rate recovery is continuing in line with established collection procedures. The current level of outstanding debt is considered to be at an acceptable level and a continuation of current debt recovery processes should see the balance outstanding at 30 June 2011 remain at approximately 5% of the total rates payable.

Rating staff are mindful of the impact of recovery action on all sectors of the community and endeavour to have defaulting ratepayers enter into an appropriate payment arrangement rather than moving directly to recovery actions.

Should council desire to significantly reduce this level further then a major change to the existing debt recovery procedures and resources to enforce the provisions of the Local Government Act more stringently would be required.

CONSULTATION

Revenue Accountant.

STRATEGIC LINKS

a. Management Plan

This report is linked to Council’s fourth goal, to be a professionally managed and customer focused organisation which provides leadership through partnerships with the community.

b. Other Plans

This report is linked to Council’s Strategic Community Plan “Cessnock 2020”. The timely collection of rates and charges assists with Council’s financial management initiatives and provides funding for the needs of the community as contained within the plan.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

The report has no direct policy implications.

b. Financial Implications

Income from rates and charges levied is included in Council’s Management Plan and Budget. Interest income is earned on outstanding rates and charges with an interest rate of 9% per annum applicable and an estimated amount for interest is included in Council’s Management Plan and Budget. Any amendment to budgeted rates and charges and interest income is effected through the Quarterly Budget Review process.

c. Legislative Implications

Rates, charges and interest income are raised and collected in accordance with provisions of the Local Government Act 1993, the Division of Local Government’s “Council Rating and Revenue Raising Manual 2007” and the Local Government (General) Regulation 2005.
d. Risk Implications

If the level of outstanding rates and charges is not kept at an acceptable level with regular payments being received as instalments become due, Council runs the risk of a negative impact on cash flow and the resultant ability to meet operating obligations.

The level of outstanding rates and charges is a key Division of Local Government performance indicator and failure to adequately manage this level could lead to unwanted scrutiny and associated publicity.

The impact on individual ratepayers if a debt is allowed to grow can be significant with interest and legal charges placing an increasing burden on their ability to meet obligations. Any enforcement action in this situation could expose Council to unwanted adverse publicity.

e. Other Implications

There are no environmental, community or other implications to this report.

OPTIONS

N/A.

CONCLUSION

This report summarises the level of rates and charges collected following the due date for payment of the 3rd rate instalment and highlights the comparison to prior years.

Council’s indicator for outstanding rates and charges is to be less than 5.5% at the end of the rating year. Based on prior year comparisons it is anticipated that this will be achieved.

ENCLOSURES

There are no enclosures for this report.
SUBJECT: SPECIAL RATE VARIATION
AUTHOR: Governance & Corporate Planning Manager - John Waghorn

SUMMARY
This report proposes that Council apply for a further special rate variation of 6.05% under Section 508(2) of the Local Government Act to commence from the 2011/2012 year for a two year period. The focus of the special rate variation application would be to fund further improvement of Council’s public road network in particular the resurfacing and rehabilitation of existing roads. Feedback from the community during the community consultation process is generally in favour of a special rate variation for this purpose.

RECOMMENDATION
1. Council note the community feedback received during the public exhibition of the special rate variation options.
2. Council proceed with preparation of an application to IPART under Section 508(2) of the Local Government Act for a special rate variation of 6.05% (Option 2) for a fixed two year period focused on improving Council’s road network through increasing the level of road resealing and rehabilitation.

BACKGROUND
The existing Section 508(2) special rate variation of 6.05% granted in 2006/2007 for five years expires at the end of the current financial year. This will reduce annual rate revenue by $1.425 million from 2011/12 onwards if discontinued.

On 2 February 2011, Council considered a report outlining the statutory requirements for applying to IPART for a further special rate variation. At that meeting, it was resolved:

1 Council proceed with preparation of an application for a fixed two year special rate variation under Section 508(2) of the Local Government Act to be submitted to IPART by 25 March 2011.
2 Council adopt the following options for a special rate variation for the purpose of community consultation:
   Option 1 - No special rate with a reduction in existing rates by 3.25%, or $31 per year for the average ratepayer. This will result in additional expenditure on roads being discontinued or a reduction in service levels for a number of Council services
   Option 2 - Retain the existing special rate level of 6.05% and increase rates by the legislated rate cap limit of 2.8%, or $25 per year for the average ratepayer. This will result in existing service levels being maintained and an additional $1.425 million per year spending on roads
Option 3 - Increase in rates by an additional 5.03% (inclusive of the 2.8% rate cap), or $45 per year for the average ratepayer. This will result in an extra $2.0 million being spent on roads each year.

Option 4 - Increase in rates by an additional 6.93% (inclusive of the 2.8% rate cap), or $62 per year for the average ratepayer. This will result in an extra $2.5 million being spent on roads each year.

3. Council endorse the community consultation strategy outlined in this report.

4. Council receive a further report on 16 March 2011 on the results of the community consultation on the special rate variation options.

**REPORT**

The community consultation on the special rate variation options has now been completed. The community consultation strategy for the special rate variation comprised a number of elements.

Advertising about the special rate variation included:

- Media release to all media outlets
- Cessnock Advertiser advertisements on 9 and 16 February 2011
- Maitland Mercury advertisement on 12 February 2011
- Greta Branxton Vineyard News advertisement on 14 February 2011
- Wollombi Our Own News advertisement on 20 February 2011

In addition, five community presentations about the special rate variation were held. At these sessions, Council officers provided information about the special rate variation process, overviewed Council’s financial situation and the impact of the various special rate variation options and outlined the current condition of Council’s roads including details of how the works to be funded under each rate increase option would be spent.

The venues for these presentations were:

- Kurri Kurri Community Centre on 15 February 2011
- Ellalong Community Hall on 17 February 2011
- Cessnock Performing Arts Centre on 21 February 2011
- Pokolbin Community Hall on 22 February 2011
- Greta Arts and Sports Community Centre on 24 February 2011

The workshops were poorly attended with a total of 40 community members attending the five sessions. While the numbers were low, there were many questions asked and a high level of feedback provided by the participants that will be discussed later in this report.

The information provided at the community presentations was also placed on Council’s website. Documentation on the website comprised:

- A fact sheet about the range of services provided by Council and results from the 2009 community survey showing the level of community satisfaction with the provision of these services.
- A fact sheet about special rate variations explaining what has happened with previous variations and the justification for the special rate variation in 2011
- A fact sheet explaining the options for the special rate variation that are being considered by Council and the service impacts on the community of each option
- A fact sheet about the community’s perceptions about Council’s roads
- A fact sheet about the current condition of Council’s roads and bridges
- A fact sheet about the priorities and costs of maintaining the road network
- A fact sheet about the works programs to be funded under each of the special rate variation options
- Rates calculator so that ratepayers could work out their rate payment for 2011/2012 under each option
- Community Feedback Survey to gauge ratepayer opinions about the proposed rate increase

The Community Feedback Survey was quite short and provided the opportunity for members of the community to indicate their preferences about the special rate variation options. It was available in a number of forms and at various locations including:

- On-line on Council’s website
- Feedback form in the Cessnock Advertiser on 9 and 16 February 2011 and Maitland Mercury on 12 February 2011 which accompanied the advertising about the special rate variation options
- Direct mail or email to participants in the community consultation on the Cessnock 2020 Community Plan and 2009 Community Survey
- Distribution at community presentations

Results from the Community Feedback Survey are listed in the tables below:

Do you believe the roads in the Cessnock Local Government Area need substantial improvement?

<table>
<thead>
<tr>
<th>SURVEY</th>
<th>YES</th>
<th>NO</th>
<th>NO RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard Copy</td>
<td>105</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Online</td>
<td>91</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>196</td>
<td>24</td>
<td>3</td>
</tr>
</tbody>
</table>
Do you Support an increase in spending on the roads in the Cessnock Local Government Area?

<table>
<thead>
<tr>
<th>SURVEY</th>
<th>YES</th>
<th>NO</th>
<th>NO RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard Copy</td>
<td>93</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Online</td>
<td>80</td>
<td>26</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>173</td>
<td>46</td>
<td>5</td>
</tr>
</tbody>
</table>

Would you be prepared to pay increased rates to improve the roads?

<table>
<thead>
<tr>
<th>SURVEY</th>
<th>YES</th>
<th>NO</th>
<th>NO RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard Copy</td>
<td>51</td>
<td>58</td>
<td>9</td>
</tr>
<tr>
<td>Online</td>
<td>45</td>
<td>61</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>96</td>
<td>119</td>
<td>9</td>
</tr>
</tbody>
</table>
Which special rate variation option below would you support?

<table>
<thead>
<tr>
<th>SURVEY</th>
<th>OPTION 1</th>
<th>OPTION 2</th>
<th>OPTION 3</th>
<th>OPTION 4</th>
<th>NO RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard Copy</td>
<td>18</td>
<td>57</td>
<td>12</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Online</td>
<td>26</td>
<td>44</td>
<td>12</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>44</td>
<td>101</td>
<td>24</td>
<td>33</td>
<td>23</td>
</tr>
</tbody>
</table>

After excluding the no responses to each question, the survey results indicate that 89% of the community believe the roads in the Cessnock area need substantial improvement while 79% support an increase in spending on these roads.
The question on preparedness to pay increased rates brought a mixed response with 55% saying no and 45% saying yes. However, the result for this question needs to be considered in conjunction with the community’s opinions on the various special rate variation options.

Option 1 to cease any special rate variation and reduce rates accordingly received only 22% support. Option 2 to retain the existing level of special rate variation received 50% support. Option 3 to increase the level of special rate variation by an additional 2.23% received support from 12% of the respondents while Option 4 to increase the level of special rate variation by an additional 4.13% was supported by 16% of the respondents.

From these results, it is evident that the majority of community members (78%) are supportive of retaining or increasing the existing level of special rate variation. As the greatest number support Option 2, it is recommended that the existing level of special rate variation be retained particularly given that the increase is proposed to be applied for two years only.

This will give Council more time to fully consider the implications of the community’s aspirations in the Cessnock 2020 Community Plan and determine the priority works programs and projects that need to be undertaken to achieve those desired outcomes. At that stage, Council should consider making a Section 508A special rate variation application.

Monies raised from the special rate variation over the next two years would be spent solely on extending Council’s works program for resealing and rehabilitating priority roads across the Council area.

In addition to the survey results, the following issues were consistently raised in submissions and through comments at the community information sessions and handwritten on surveys:

- the road network needs substantial improvement
- regional roads should be better funded by the State Government
- major roads such as Broke Road and Wollombi Road need to be fixed as a priority
- existing Council road maintenance practices are considered ineffective
- any road works done in the future need to be performed properly

A full summary of the comments from the community is included at Enclosure 1.

Issues relating to the management of the road network are currently being addressed through the recent audits of Council’s road maintenance practices and the development of asset management plans for roads and bridges. The asset management plans will inform Council’s long term financial planning to assist in determining a sustainable financing strategy for Council for the future.

Documentation to support the special rate variation application must be submitted to IPART by 25 March 2011. The previous report to Council on 2 February 2011 regarding the special rate variation proposal outlined in detail the criteria for the application.

The proposed 6.05% special rate variation for two years only continues the level of the existing special rate variation. As a result, there will not be any dramatic financial impact on ratepayers from the proposal.
CONSULTATION

General Manager  
Director of Infrastructure Services  
Infrastructure Strategy Manager  
Financial and Administrative Services Manager  
Community and Media Relations Officer

STRATEGIC LINKS

a. Management Plan

This report meets goal 4 which is “To be a professionally managed and customer focused organisation which provides leadership through partnerships with the Community”.

b. Other Plans

This report is linked to Council’s Community Strategic Plan, specifically, the key direction of Our Leadership – Objective 5.2.2 to develop and implement strategies to encourage and empower the community to participate in consultation activities.

STATUTORY IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

If Council does not apply for or is unsuccessful with the special rate variation application, it will lose the additional rate income it has been receiving for the past five years ($1.425 million in the 2010/2011 year).

This will result in a reduction in spending on Council’s road network and recreational facilities. Alternatively, Council will need to consider decreasing service levels for other Council activities such as parks maintenance, aquatic facilities, library services, youth facilities and services, community and cultural services or public toilet and community buildings maintenance.

c. Legislative Implications

Councils that want to increase their rates above the statutory limit in order to fund service levels required by their communities have to make application for a special rate variation under Section 508A or 508(2) of the Local Government Act.

Under a Section 508A variation, a Council is able to phase in a potentially significant rate increase over a number of years, rather than have a substantial increase in rates in one year.

Section 508(2) applications enable a single percentage increase for a specific year that is greater than the rate cap for that year. The increase is only applied for a single year but can be retained on an ongoing basis or for a specified time period within the Council’s rate base.
d. Risk Implications

The special rate variation application could be rejected by IPART. The chances of this will be reduced because of the positive responses from the community consultation taken on the proposed increase and the thorough completion of the documentation required to support the special rate variation application.

e. Other Implications

N/A

OPTIONS

Council could choose not to apply for a special rate variation. This will result in the cessation of the expanded works programs currently funded by the existing Section 508(2) variation.

If Council decides to proceed with the special rate variation, Council could choose to vary the level of the percentage increase or the term for the increase recommended in this report.

CONCLUSION

Council needs to make application for a special rate variation of 6.05% under Section 508(2) for a two year fixed term to ensure it has the necessary funds to continue with much needed expansion of current road resealing and rehabilitation programs.

ENCLOSURES

1. Community Feedback Summary
SUBJECT: REPORT OF THE ACCESS ADVISORY COMMITTEE MEETING HELD ON 7 FEBRUARY 2011

AUTHOR: Community Planning Co-Ordinator - Natalie Drage

RECOMMENDATION

That the Minutes of the Access Advisory Committee meeting held on 7 February 2011 be adopted as a resolution of the Ordinary Council.

A meeting of the Cessnock City Council Access Advisory Committee was held on 7 February 2011 and reports as follows:

Attendees at the meeting included Cr James Hawkins, Cr Allan McCudden, Ms Natalie Drage (Community Planning Co-ordinator) in the chair, Ms Nicole Benson (Recreation Services Manager), Ms Dianne Scanlon (Endeavour Industries), Ms Julie Selkrid (Endeavour Industries) and Ms Tracy Sharp (Senior Planning Assessment and Policy Officer).

Apologies were tendered on behalf of Ms Maureen Donnelly, Mr Simon Eade (Community and Cultural Programs Manager) and Mr Grant Hamilton (Senior Building Assessment Officer).

The meeting commenced at 4:00pm.

The minutes from the meeting held 6 December 2010 were confirmed.

BUSINESS ARISING FROM PREVIOUS MINUTES

1. UPDATE – MOBILITY MAPS

Ms Drage advised the Committee that the Mobility Maps have been placed on the Council website.

RECOMMENDED that:

1. The information be noted.

2. SPECIFICATIONS FOR LIBERTY SWING, PEACE PARK, WESTON

Ms Benson advised the Committee that the designer of the Liberty Swing has been approached and has agreed to a site visit at Peace Park. Ms Selkrid commented that she now has a new client group to work with at Endeavour Industries. However, Ms Selkrid will make attempts to engage a client and demonstrate the access issues for people who require a larger sized seat.
RECOMMENDED that:

1. Ms Selkrig to make attempts to engage a client in a demonstration, and that the demonstration be attended by the designer of the Liberty Swing and the Recreation Services Manager.

2. If a client is unable to be involved in the demonstration, a site visit will occur with Ms Selkrig, the Recreation Services Manager and the designer of the Liberty Swing.

3. ACCESSIBLE CAR PARKING SPACE AT KURRI KURRI WORKERS CLUB

The Committee was advised that prior to today’s Access Advisory Committee Meeting, Ms Selkrig, Ms Scanlon and Ms Drage met to discuss the car park at the Kurri Kurri Workers Club. The aim of the meeting was to accurately identify a suitable parking space that could be designated as accessible parking for a small mini bus sized vehicle. This information would assist the club to determine if the project is feasible.

RECOMMENDED that:

1. Ms Drage on behalf of the Committee, write to the Kurri Kurri Workers Club and enquire if an accessible car parking space (which would accommodate a small sized mini bus vehicle) could be designated within their car park.

DISCLOSURE OF INTEREST

There were no disclosures of interest.

CORRESPONDENCE

Nil correspondence received.

GENERAL BUSINESS

1. INAPPROPRIATE USE OF ACCESSIBLE CAR PARKING SPACES

It was previously noted by members of the Committee that accessible car parking spaces are at times being used by people who do not require them, despite a sticker being displayed.

The Committee discussed the possibility of undertaking a media campaign in 2011 to raise the profile of this issue. Ideas that were put forward by the Committee suggested the campaign could include:
Active Participation and Community Consultation

Report No. AP1/2011

Corporate & Community

- Education of the fine amount for the misuse of permits.
- The issues and implications for others when someone parks in an accessible car parking space, yet does not actually require this.
- If people believe that they require accessible car parking, the referral process for a permit to be educated.

In generating further ideas, a reference paper titled, ‘Disabled Parking: Not as Blue and White as it Seems’ was tabled.

The role of Ranger Services was discussed in relation to this issue. It was suggested that a representative from Ranger Services be approached to attend the next Access Advisory Committee to discuss further the above project.

**RECOMMENDED** that:

1. The reference paper, ‘Disabled Parking: Not as Blue and White as it Seems’ be discussed at the next meeting.

2. A representative from Ranger Services to be approached to attend the next Access Advisory Committee Meeting for input into the regulatory issues for the misuse of accessible car parking.

2. **REQUEST FOR PROGRESS UPDATE ON IDENTIFIED ACCESS ISSUES WITHIN THE CESSNOCK CBD**

Ms Scanlon enquired about the progress of projects identified at previous Access Advisory Committee meetings. These two projects were:

- The car parking area from Woolworths to Cessnock Rugby Leagues Supporters Club.
- The pedestrian ramp near to the crossing at the Cessnock Ambulance Station.

In relation to the car parking area from Woolworths to the Cessnock Rugby Leagues Supporters Club, the feedback is that the issue has been raised at a previous Traffic Committee Meeting. The Committee enquired about the progress of works.

With the pedestrian ramp near to the Cessnock Ambulance Station, the advice is that considerable works would need to be undertaken and would be subject to a funding allocation. The Committee requested feedback on this item at the next Committee Meeting.

**RECOMMENDED** that:

1. The Recreation Services Manager consult with the Director of Infrastructure and Services and seek advice on the above matters and provide feedback at the next Access Advisory Committee Meeting.
2. The Recreation Services Manager consult with the Infrastructure Works Manager and enquire if the pedestrian ramp near to the Cessnock Ambulance Station has been included for consideration in the 2011/12 budget process.

3. **BUS SHELTERS WITHIN THE CESSNOCK LOCAL GOVERNMENT AREA**

At the previous meeting, Clr McCudden advised that Council, as part of its upgrades for bus shelters, will be building a shelter at Endeavour Industries. A timeframe was sought with regard to when the works may commence and the best placement of the shelter. It was advised that Mr Andrew Warren would be an appropriate person to contact at Endeavour Industries to discuss the most suitable placement of the bus shelter.

**RECOMMENDED** that:

1. The Recreation Services Manager consult with the Director of Infrastructure and Services and seek advice on the above matter and provide feedback at the next Access Advisory Committee meeting.

**OTHER BUSINESS**

The Committee was informed that Ms Jessica Forbes (Trainee Community Worker) has resigned from her position at Council. The Committee acknowledged Jessica’s efforts with the Access Advisory Committee.

**RECOMMENDED** that:

1. The information is noted.

The meeting closed at 4:50pm.

**ENCLOSURES**

There are no enclosures for this report.
NOTICES OF MOTION
No. BN4/2011

SUBJECT: NATIONAL GENERAL ASSEMBLY
COUNCILLOR: Graham Smith

MOTION

That Council forward the following resolution to the ALGA National General Assembly.

This Assembly calls upon the Council of Australian Governments to establish a sustainably-funded collaborative network which will enable local government to deliver quality programs which support social inclusion and community well-being.

It is my intention to move the above motion at the next Ordinary Meeting of Council on 16 March 2011.

RATIONALE

Local Government already has a substantial role to play in delivering programs of this nature, often on behalf of state or Commonwealth instrumentalities.

These programs may include:

- early literacy programs
- literacy programs, both print and information technology, for indigenous Australians
- community health programs such as immunisation
- access to welfare agencies through the provision of building space or the provision of technologies such as email or facsimile in rural communities which enable clients to access Centrelink and other agencies
- access to other e-business and e-government portals
- youth development programs
- legal information access
- drug and alcohol information access
- access to health services information
- support for Broadband for Seniors and U3A
- support for other lifelong learning programs
- support for jobseekers who lack the access to home technology to complete online job applications
- access for learner drivers to practice for online driver assessment tests

The great majority of these programs are delivered through the resources of Australia’s public library network.
Notices Of Motion
Report No. BN4/2011
General Manager’s Unit

The provision of these resources in the great majority of cases places a significant demand upon the resources of local government, unremunerated by the agencies on whose behalf the programs are delivered. The public library network in particular is recognised as being significantly underfunded for the variety of demands placed upon it, and is the most vulnerable to funding cuts in times of financial stress.

As local government is the tier with resources and facilities closest to the population, it follows that in many cases, local government is the best placed to deliver these programs. However, given current financial demands, particularly for the replacement of ageing or damaged infrastructure, such delivery cannot continue on an unfunded and unsustainable basis.

The development of a sustainable, collaborative system for delivery of these programs will benefit all levels of government through effective close-to-the-coalface operation, and will benefit the community through enhanced accessibility.

Sgd: Graham Smith
Date: 8 March 2011

ENCLOSURES
There are no enclosures for this report
Subject: Engagement of Consultants - October 2010 to February 2011

Author: Financial & Administrative Services Manager - Robert Maginnity

Q1/2011 – Engagement of Consultants

As asked by Councillor Ryan at the Ordinary Meeting of Council held on 2 March 2011.

“Councillor Ryan requested a report be prepared for the next meeting of Council detailing consultants that have been engaged by Cessnock City Council since the beginning of the General Manager’s employment, with the report providing information on the purpose of the engagement and the associated costs incurred”.

A listing of consultants engaged by the General Manager since the commencement of her employment in October 2010 is provided below for Councillors information. It is highlighted to Councillors that the listing includes invoices received and processed to 4 March 2011. The figures do not include works undertaken but not yet billed.

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Purpose</th>
<th>Amount (gst excl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Plan Strategy &amp; Development</td>
<td>Review Planning Processes &amp; Functions</td>
<td>57,327</td>
</tr>
<tr>
<td>Morrison Low Consultants Pty Ltd</td>
<td>Review Planning Processes &amp; Functions</td>
<td>56,035</td>
</tr>
<tr>
<td>Morrison Low Consultants Pty Ltd</td>
<td>Review Road &amp; Engineering Processes</td>
<td>20,644</td>
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<tr>
<td>Morrison Low Consultants Pty Ltd</td>
<td>Review Integrated Planning &amp; Reporting</td>
<td>7,500</td>
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<tr>
<td>Pulse Planning</td>
<td>Review Planning Processes</td>
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<tr>
<td>Strategy Hunter Consulting</td>
<td>Manage Strategic Planning Function - January</td>
<td>11,738</td>
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<td>Strategy Hunter Consulting</td>
<td>Review Strategic Planning</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>171,459</strong></td>
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Enclosures

There are no enclosures for this report